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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 10, 1998.

I hereby designate the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

As we pray for the needs of the world, O God, so too we pray for the concerns that are about us. Where there is anxiety, grant peace. Where there is illness, grant healing. Where there is alienation, grant reconciliation. Where we have missed the mark, grant forgiveness and grace. May all your blessings, O God, that touch us in our very hearts and souls, be with us this day and all our days. Amen.

NOTICE

If the 105th Congress adjourns sine die on or before October 12, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or ST–41 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through October 27. The final issue will be dated October 28, 1998, and will be delivered on Thursday, October 29.

If the 105th Congress does not adjourn until a later date in 1998, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

NOTICE

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MICHAEL F. DiMARIO, *Public Printer.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

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 New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 1021. An act to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4679. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such act, and for other purposes.

H.J. Res. 131. Joint resolution waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1752. An act to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona.

S. 2087. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 2131. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 2133. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

S. 2401. An act to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park.

S. 2402. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by act of Congress.

S. 2458. An act to amend the Act entitled ''An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the ''Warren Property''.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

S. 2513. An act to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

S. Con. Res. 83. Concurrent resolution remembering the life of George Washington and his contributions to the Nation.

S. Con. Res. 119. Concurrent resolution recognizing the 50th anniversary of the American Red Cross Blood Services.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the end of legislative business.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. DREIER. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered today:

S. 1677, Reauthorization of North American Wetlands Conservation Act and Partnerships for Wildlife Act; H.R. 3046; and H.R. 3055, To Deem Activities of the Miccosukee Tribe on the Tamiami Indian Reservation Consistent with Purposes of Everglades National Park.

WAIVING REQUIREMENT OF CLAUSE 4(B) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 589, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 589

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee for the remainder of the second session of the One Hundred Fifth Congress providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1999, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1999, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SEC. 2. It shall be in order at any time for the remainder of the second session of the One Hundred Fifth Congress for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least two hours before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the Minority Leader or his designee.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield half our time to my great friend, the gentleman from South Boston, Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this resolution is a standard management tool for the end of Congress, and similar tools have been employed under previous Republican control of the House as well as Democrat control of this institution. It will allow us to expedite our business and adjourn the second session of the 105th Congress so that Members can go home and at least have a couple of weeks to campaign.

This resolution waives clause 4(b) of Rule XI, which requires a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against certain resolutions reported from that Committee on Rules. I know that sounds confusing, but it is technical.

The resolution applies this waiver to special rules reported from the Committee on Rules for the remainder of the second session of the 105th Congress, which provide for consideration

or disposition of a bill or joint resolution, and, this is the key part of my statement here this morning, making general appropriations for the fiscal year ending September 30, 1999, any amendment thereto and conference report thereon, or any amendment reported in disagreement from a conference thereon.

What we are talking about, in layman's language, is perhaps the omnibus bill that will be coming before us as probably the last bill to pass this House and this Congress, or, for instance, a new agriculture appropriation bill that would replace the one recently vetoed by the President, or any conference report on any other appropriation bills that would come before the House.

This resolution would allow the House to expeditiously consider any appropriation bill or conference report from now until the end of the session on the same day that it is brought to the floor.

The resolution before us, Mr. Speaker, also applies the waiver to special rules reported from the remainder of the second session of the 105th Congress which provide for consideration or disposition of a bill or joint resolution making continuing appropriations—and to Members back in their offices that means a CR—for fiscal year 1999, any amendment thereto and conference report thereon. This will allow us to rapidly consider any measure making continuing appropriations which may be necessary for us to conclude our work.

Finally, Mr. Speaker, the resolution before the House today allows, during the remainder of the second session of this Congress, for the Speaker to entertain motions to suspend the rules, provided that the object of any motion is announced from the floor at least 2 hours before the motion is offered, and that in the scheduling of legislation the Speaker or his designee shall consult with the minority leader or his designee, just as the gentleman from California (Mr. DREIER) did a few minutes ago when he announced the consideration of special suspension bills, of which the minority has been given 2 hours' notice.

Mr. Speaker, this will allow us to consider important and meaningful bills under the suspension of the rules procedure for the remainder of this session. Mr. Speaker, it is the intention, and if Members are listening again, it is the intention of the majority leadership to conclude the business of the 105th Congress as quickly as possible. The provisions of this rule are consistent with several precedents from recent Congresses under leadership of both Democrats and Republicans. And I would just say one more time that it is the intent of the majority leadership to conclude this business as quickly as possible and, hopefully, by no later than Sunday or Monday night.

So, I think with cooperation from all of the Members, we can accomplish that goal.

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

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

Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), the retiring chairman of the Committee on Rules, who is retiring only because he is not going to be here any longer, not because he is retiring in effect, for yielding me the customary half-hour.

Mr. Speaker, this is the third martial law rule we have done in the last 10 days, and this one is totally open-ended. This will last until the end of the session, instead of a date certain, which is a very, very dangerous way to legislate.

Mr. Speaker, it is not as if my Republican colleagues have not had time to get things done. They have had months and months and months to pass any bills they wanted. But instead of working on legislation to help the American people, my Republican colleagues have spent time raiding the Social Security fund to pay for tax cuts.

This Republican Congress has worked fewer days and enacted fewer bills than any Congress in decades. And those are not my words, that is from the Congressional Quarterly. It says that as long as the records go back, this Congress has worked fewer days and accomplished less. That is not me talking, that is not our leader talking. That is the Congressional Quarterly.

So, as I said, the Congress has worked fewer days, enacted fewer bills than any Congress in decades, and the Congress has come up with no budget for the first time since the budget process was created. This Congress has passed no bills to improve public education. This Congress has passed no bills to reform managed care. This Congress has passed no bills to increase the minimum wage.

So here we are, Mr. Speaker, nearly at the end of the session with practically no substantive legislation to show for 2 years of Republican-controlled Congress.

Mr. Speaker, Americans want decent health care and they believe their insurance companies may put good profits before good health.

□ 1010

We have heard far too many stories of people who have suffered very serious health problems, in some cases even death, because their health insurance company would not authorize the procedures they needed.

The American people should be protected against not getting the care they need. They should be assured that their doctor is allowed to put every bit of medical training to use when they treat them. And they should be able to appeal decisions made by the health insurance company, and even sue their health plan, if the situation warrants. But my Republican colleagues just did not get around to it.

The American people also deserve to have their Social Security protected. The most recent Republican tax plan will rob future Social Security recipients of their benefits. Mr. Speaker, these people have worked as hard as anybody else for their Social Security and they deserve to know that it will be there when they need it. But this is just another issue my Republican colleagues did not get around to.

Finally, Mr. Speaker, the American schools need our attention. One out of every three schools in the United States needs extensive repair or replacement. If American children are going to compete in today's high-tech world, we need classrooms that are outfitted with the most modern technologies and conveniences, and we need class sizes that are not impossibly huge and hard to manage. But my Republican colleagues did not get around to it.

Mr. Speaker, if my Republican colleagues were so inclined, they could have passed some bills that would have made a great difference in the American people's lives. But, unfortunately, they did not. So we can give them that opportunity right now. I urge my colleagues to oppose the previous question and, if the previous question is defeated, we can bring up bills that the American people really care about; bills dealing with reforming managed care, reducing class size, and protecting Social Security.

Otherwise, we stand here, Mr. Speaker, on the day this Congress was scheduled to adjourn, passing another martial law resolution, passing number three martial law resolution, in order to allow other bills to come up to the floor without giving Democrats much of a chance to read what is in them. Since passing an endless martial law means that the Democrats will not have a real lot of time to look at these bills, and since we should be taking care of other issues, I urge my colleagues to oppose this bill and defeat the previous question.

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

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I was not going to seek time for myself and, instead, yield to others, but I am just inspired to get up here and respond to my good friend from Boston.

The gentleman talks about this Congress not having done anything. Well, let me tell my colleagues what it has not done. It has not increased spending. And, hopefully, when we get through negotiating with the President, we will not have increased spending at the end of this Congress. But from all that I am getting feedback on, this President is demanding that we increase spending, and that is why we have not adjourned yet.

Let me tell my colleagues what this Congress has done, though. We have passed and enacted into law the first major tax cut in 16 years. And that is what my constituents sent me here to do, to cut taxes and put money back into the pockets of American citizens

so that they could either spend it on what they want to spend it on, not what we want to spend it on, or they can save it. And either way that is what has stimulated this economy, and that is why things are as good around the country as they are.

Let me tell my colleagues what that tax cut did. To anybody listening, wherever they are, I want them to just think about what was done last year. The tax cut provided for $250 billion in net tax relief over the next 10 years. Over 72 percent of the tax relief went to middle income families earning incomes between $20,000 and $70,000. And if my colleagues think my constituents were happy about that, they sure were.

Forty-one million parents were given a $500 tax credit to help working families offset the cost of raising and caring for children. I just finished raising five children; now I have six grandchildren. And let me tell my colleagues, my kids appreciate that, because now they have a few dollars back in their pockets so they can spend it to educate their children, rather than big brother government telling them how to do it.

Families with educational expenses were helped by the provision of the HOPE scholarships. Remember that? And penalty free withdrawals from the IRAs for college and other educational expenses. If some of the younger Members have not been through it yet, let me tell them what it costs to educate five kids. We had five kids within 7 years, so they were all in college at the same time. I am just about broke, but we got them through. Let me tell my colleagues that that means something to those families.

Family farms and small businesses were provided with death tax relief. In other words, when a person dies, this Federal Government was taking 50, 60, 70 percent of the money, the money they had saved for their children. Farmers could not even sell their farms or let their kids inherit it, and now they can.

First-time home buyers were provided with the creation of America's Dream IRAs, from which they can now make tax-free withdrawals for buying a home and fulfilling every American's dream. We have new families now starting up where they can actually save a little money and not have to pay taxes on it if they are going to put it down on buying a house.

This Congress has provided, and this is so terribly important, this Congress has provided broad-based permanent capital gains tax relief to spur investment, create jobs, and increase the economic growth in this country. The top rate was reduced from 28 percent.

This really affects an individual who had saved a few dollars and invested it. I point to, let us say, a couple who had worked for Sears Roebuck and I have said this before on the floor, they do not pay the highest salaries in the world, but they give stock options to their employees to buy. And I know a couple that did that. They worked all their life at not great salaries, but when they retired the Federal Government took 28 percent when they had to sell that stock. That was outrageous. That was their income for retirement and the Federal Government took a third of it, almost.

We reduced that to 20 percent for those with middle incomes. But with lower incomes, real senior citizens, who had not been able to save that much, we reduced it down to 10 percent. And that means if they had held on to some stock that they purchased 30 years ago, and now they were going to sell that stock, they only had to pay 10 percent back to this government. It is a shame they had to pay any. We are the only industrialized Nation in the world that has any capital gains tax. So, anyway, we got it down to something that was within reason.

Now, Mr. Speaker, I could go on here with a litany of things of what this Congress has done, but I am going to save some of this so my colleague, the gentleman from California (Mr. DREIER), can tell of some of the other things we have done in this Congress.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to just comment that, as usual, my chairman has been great representing his party.

Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. Clay), the ranking member of the Committee on Education and the Workforce.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this martial law rule.

Mr. Speaker, yesterday, the House Republican leadership at a press conference boasted about the Republicans' imaginary legislative accomplishments in the field of education. What folly, what gall, what audacity. Their refusal to tackle critical educational problems and priorities is the shame of this Congress. It is the shame of their party.

The Republican policy toward education is based on the contemptuous premise that education is not the province of the Federal Government. So, Mr. Speaker, the Republicans will do as little as possible to improve our educational system, and then only when forced to do it. Their sorry, sordid record on education issues is one of complete failure.

They fail to invest in the expansion of after-school programs, they fail to reduce classroom sizes, they fail to bring new technology to our schools, they fail to replace dilapidated school houses and replace them with new buildings.

□ 1020

They failed to hire 100,000 new public school teachers.

Mr. Speaker, Republicans have failed our school children, failed their parents, failed our public school teachers and failed their responsibility to give leadership in the area of critical national concern. Their scheme to enact school vouchers would have diverted hundreds of millions of Federal dollars earmarked for public schools and school reform to private and parochial schools.

Mr. Speaker, the Republican majority tried to repeal affirmative action programs for disadvantaged youth and tried to destroy bilingual education. Mr. Speaker, perhaps the Republicans' most sinister, most cynical, perversion was the attempt to kill the Head Start program by loading it down with nongermane killer amendments like Head Start vouchers.

In the past few days, we have seen a flurry of activity on measures that have languished for the past 2 years, but the record of this do-nothing Congress in the field of education is clear.

Thus far, only three education bills have become law during this Congress: job training, higher education renewal and the IDEA program.

Mr. Speaker, we demand, the American public demands, that the Republican leadership take immediate action to enact legislation to modernize our decrepit, run-down public schools and to reduce our classrooms to manageable and teachable sizes.

Mr. Speaker, we should vote this rule down. This proposal is bad for this country and we should stay here until we finish the business of government, the business of the American people. I say vote ''no'' on this resolution.

Mr. SOLOMON. Mr. Speaker, how much time is remaining between the two sides here, just to see where we balance out?

The SPEAKER pro tempore (Mr. Bass). The gentleman from New York (Mr. SOLOMON) has 21½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 22 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield whatever time he might consume to the brilliant gentleman from California (Mr. DREIER), and I am not just referring to his tie, either.

Mr. DREIER. Mr. Speaker, I appreciate the magnanimity of my very kind friend from Glens Falls.

Mr. Speaker, this is an incredibly ironic debate that we have embarked upon. I sat there listening to the comments of my very good friend from South Boston, the gentleman from Missouri (Mr. CLAY) rising in opposition to this rule, and he went through all of his complaints as to why he considers this to be a do-nothing Congress.

Mr. Speaker, the rule that we are considering is designed so that we can do something. We are trying very much to move legislation through and consider appropriations so that we can keep the government going, so that we can bring about the spending cuts to which the gentleman from New York (Mr. SOLOMON) referred, and so that we can get out of here and go home.

Then they say that we have done nothing and all we want to do with this

rule is to make sure that we can do something.

Let us look at some of the things that we have, in fact, done. I will say that as I listened again to the litany of my friend, the gentleman from Massachusetts (Mr. MOAKLEY), I was struck with the fact that the United States Congress is not an automobile manufacturing plant. One is not graded based on the number of cars that they put out or the number of bills that they pass.

We are today at a point where I think based on, and I do not believe in all of these polls because, Lord knows, they are just a little picture at one point in time, but we all look at polls, and guess what? The 105th Congress has the highest approval rating of any Congress in recent history, and so it seems to me that we may be doing some things right.

What are some of the things that we have actually done? Well, we have passed the first balanced budget in 29 years, and I think that in itself is tremendous. The President of the United States on October 1, the first day of the fiscal year, was very proud to hold a ceremony in the Rose Garden and proclaim the fact that we had a $60 billion budget surplus.

That all came about not because of what was done there, not because of the largest increase that was passed under the Democratic Congress and Democratic President back in 1993, but because a Republican Congress that took over following the 1994 election got us on the road towards fiscal responsibility. We dragged him, kicking and screaming, but we are very pleased that ultimately President Clinton embraced our themes of balancing the budget and cutting taxes.

We also, as the gentleman from New York (Mr. SOLOMON) has mentioned, have had a tremendous tax cut for working families, and what has that brought us? It has brought us a lot of things. One of them has been an increase in the flow of revenues to the Federal Treasury.

As the gentleman from New York (Mr. SOLOMON) mentioned, that working couple at Sears & Roebuck that has been able to realize some capital gain from their pension and other investments that they might have had, what has happened? Well, we have seen an increase in the flow of revenues to the Federal Treasury. That is what has helped us balance the Federal budget.

So it has been the first time in 16 years that we have been able to bring about a tax cut for working families.

I am also very proud of the fact that we have been able to reform Medicare to keep the seniors' health care structure solvent. Something else that was a major concern that came to the forefront, passed in a bipartisan way, but I am very pleased that it is a Republican Congress that did it, I do not have too many constituents who call me and say, Mr. DREIER, we are very, very happy with the work of the Internal Revenue Service. What I do get is I get complaints from people who for years have talked about the fact that the Internal Revenue Service has more power than the CIA or the FBI. They have the ability to go in and close down a business and harass people.

What is it that this Congress has done? We are very proud that we have been able to reform the Internal Revenue Service so that we can make sure that rather than having to prove that you are not guilty, a taxpayer is innocent until proven guilty, which seems to me part of the American ideal.

I am very proud of the fact that we have been able to reform the Internal Revenue Service. We have much more to do, much further to go, but we have been able to do that.

My friend from St. Louis, the gentleman from Missouri (Mr. CLAY), for whom I have the highest regard, has gone through a great many concerns that he has raised in the area of education, but we are very proud of our education record here in the Congress.

The chairman, the gentleman from New York (Mr. SOLOMON) just reminded me that we, of course, want to empower local school districts and States to deal with these education issues rather than having so many of them centered right here in Washington, but as we move in that direction there are a number of very positive things that we have been able to do.

The A–Plus Education Savings Accounts Act, Merit Pay and Teacher Testing, Higher Education Act amendments, loan forgiveness for new teachers, Dollars to the Classroom Act, which we just recently passed, the Reading Excellence Act, the Charter Schools amendments, ban on new Federal school tests, low-income D.C. Scholarships, expanded prepaid college tuition plans, quality Head Start, creating safer schools, bilingual education reform, these are things that are designed to increase the level of competition so that we can have young people educated, so that they will be able to compete in this global economy.

Mr. Speaker, as we consider this rule that will allow us to continue to do more good things to help struggling American families, to help us keep some kind of restraint on the spiraling growth of the Federal Government, it seems to me that passage of this rule to allow us to consider those things helps us continue in our quest to do something.

Then when I hear this argument about doing nothing, I hate to stand here Saturday morning at 10:30 pointing the finger, but I am reminded that there have only been two Cabinet meetings that have been held this year, one in January and one just a few weeks ago, and that seems to be the record of the executive branch.

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

Mr. Speaker, my very dear friend from California (Mr. DREIER) mentioned that we were not a car manufacturing organization. He is exactly right, but if we were, we would probably be producing the Edsel.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule. I listened very carefully to what the previous Republican speaker said, and basically what I understood him to say was that the reason we need this rule is because we have to get out of here as quickly as possible.

□ 1020

Let me say that I disagree with that completely. We should not be getting out of here as quickly as possible. We should be staying and getting things done that need to be done for the American people. Then I heard the previous Speaker say, ''Well, it doesn't really matter if we haven't done much, maybe we haven't done much, but that's okay because the American people don't want us to do much.''

Again if you want to take credit and say it is great that you have a do-nothing Congress, that is fine, but I do not think that is a good thing. I think a do-nothing Congress is a bad thing, and I want to say very emphatically that we have to accomplish a lot of things here before we leave, because the American people demand it.

Then I listened to the gentleman from New York on the other side. He started talking about all these great things that he claimed came out of the Balanced Budget Act. I would remind him that the Balanced Budget Act was passed and signed into law over a year ago. So basically for the last year and more, nothing has been accomplished here.

I would also point out that those middle-class tax credits or the things that helped the middle class that were in that Balanced Budget Act only came about because the Democrats kept insisting on it, kept insisting that the middle class be the priority in terms of what that Balanced Budget Act accomplished. For many months we had to deal here with Republican proposals that would help only the wealthy and the well-to-do in this country, but we kept insisting over and over again that the concentration had to be on the middle class and the average American.

Mr. Speaker, we need to stay here. Let us defeat this rule, let us stay here and let us get accomplished the things that need to be accomplished. Let us come up with some funding to modernize our schools, to hire the additional 100,000 teachers so we can reduce class size. Let us address HMOs and the need for HMO reform.

We went over to the other body yesterday to try to bring it up, Mr. DASCHLE, the Democratic leader, tried to bring it up and the Republicans basically banged the gavel and said, ''No, we're not going to deal with it.'' We need to address these issues.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time, and I rise to oppose the martial-law rule.

Almost every week for almost 10 months this Congress has come to Washington, held a few committee hearings, done a little bit of work, cast a few votes and then recessed for a long weekend. Now, the Republican majority with its work still unfinished wants to leave town as quickly as possible to go campaign.

Mr. Speaker, we need to stay here and we need to do some work. This do-nothing Republican Congress has failed to strengthen Social Security. This do-nothing Republican Congress has failed to pass or even consider, hold hearings or even discuss the President's plan to modernize schools. This do-nothing Republican Congress has failed to reduce class size in America's schools. This do-nothing Republican Congress has failed to curb HMO or insurance company abuses.

Mr. Speaker, to be fair, this Republican Congress has done a few things. This Congress has renamed National Airport. Give them credit for that. This Congress has allowed tobacco companies to kill tobacco legislation. Give them credit for that. This Republican Congress has allowed the big insurance companies to kill serious HMO reform. Give them credit for that. But, Mr. Speaker, this Republican do-nothing Congress has failed in the issues that matter to America, to strengthen Social Security, to pass the patients' bill of rights, to work on education reforms by reducing class size and modernizing schools.

Mr. Speaker, we should stay here until we finish the people's business.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, the Republican majority is in a big hurry to go home and spend the piles of campaign cash that they have raked in from special interests as a reward for all the legislation they have killed in this Congress.

First they killed campaign finance reform, essential if they could rake in the money and spend it. They killed tobacco legislation. A lot of money coming there. And then they killed, outrageously, patients' rights, something that millions of Americans are demanding, are being oppressed by HMOs, they killed that. Guess what? A lot of money coming in from the insurance industry. Then a couple of environmental laws, the Clean Water Act, Endangered Species Act and others. Yes, they are in a big hurry to go home. It is a lot of work killing legislation that would benefit millions of Americans, at the behest of a few wealthy special interests, while pretending to serve the majority of people in this country. They are in such a hurry after 107 days of work. As of today the average American has worked 200 days. Congress has worked 107. They have not got their job done.

Now they want to pass legislation funding the majority of Federal programs and not allow Members of Congress time to read it. They say it is so essential we get done and we get home. Why? Why can we not have one or two extra days to read the thousands of pages of legislation they are about to try and jam down our throats?

I think it is going to be because of what is in there, all sorts of special pork. We know they are going to stuff it full of pork, and what is not in there? There is not going to be funding, if they have their way, for education. They are not going to fulfill the President's program on school construction, new teachers, smaller class sizes. There is not going to be patient protection. There is not going to be a summer youth program. There is not even going to be low-income heating assistance for senior citizens.

No, that is right. They do not want us to read it. They do not want us to debate it. They want to jam it down, go home and then start running all their ads with the huge amount of money they have raked in from the few special interests they represent.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me just point out something to the membership. The last three speakers we heard from, as a matter of fact all of the Democrat speakers today, appear on the National Taxpayer Union's big spender list, the biggest spenders in the Congress. We have heard them stand up here and want to spend more, spend more, spend more, spend more. That is the difference between the Republican and the Democratic Party.

Now, they say do-nothing. What do you think we did just in the last couple of weeks? Let me tell you what we did in the taxpayer bill. We passed a provision providing marriage tax relief for 48 million Americans.

How many Americans are there in this country? I think it is 250, 260 million. Forty-eight million of them are being penalized right now for being married. We correct that. But President Clinton will not sign it. Six million married taxpayers who are currently itemizing deductions on their returns will no longer need to do so. What do you think? President Clinton will not even sign that. We provided 68 million more Americans tax relief by excluding from taxation a portion of interest and dividend income. Can you imagine the President will not sign that?

All of you are always pontificating and using a lot of rhetoric about senior citizens, of which I am one, and I may be drawing Social Security next month. We included my bill which increased the Social Security earnings limit, thereby raising the amount of money senior citizens can earn without losing Social Security benefits, something that I have been trying to do in this body for years now.

There is a limitation of $14,500 and for income above that level senior citizens have to start paying a penalty. We raise that limit to $16,500 the first year, $18,500 the second year, and then the third year every senior citizen in America on Social Security can earn up to $26,000 without paying any penalty.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING) one of the outstanding members of this body. He is going to tell you what we have done for education.

Mr. GOODLING. I thank the gentleman for yielding time.

Mr. Speaker, for anybody to come down to this House and indicate that we have a do-nothing Congress when it comes to education has to have been sleeping for the last 2 years. We just had a love-in down at the White House a couple of days ago, what a love-in about education and all the things we have done.

We have passed 21 pieces of legislation that deal with education and job training. Let me tell you about some of the most important ones, a lot of them done in a bipartisan fashion. We passed Head Start. We did not just pass the usual same old Head Start. We said we are going to have quality Head Start. We are going to make sure that every child in this country has an equal opportunity to become reading ready before they get to first grade and before they get stuck into special education.

□ 1040

We passed a special education bill, we passed a job training bill; not Washington knows all and Washington can do everything. We said the local level knows what is important and what has to be done to train people for the 21st century.

We passed a vocational education bill, not again one that talks about the 19th century, but what it is we do if we are going to be competitive in the 21st century.

We passed a child nutrition bill.

We passed a higher education bill that gives the lowest interest rates in 17 years. It gives the highest Pell grants. It gives quality teaching. It does not matter whether there are two people in a classroom or one person in a classroom or 32 people in a classroom, if there is not a quality teacher in that classroom, it really does not matter.

What the President is arguing about now is one simple thing: We want to, from Washington, D.C., control elementary-secondary education. There is not a poll that has ever been taken that says anybody in the United States wants this Federal Government to do that, and as long as I am in charge of that committee, I will guarantee we are not going to have any legislation that allows the Federal Government to

take over elementary-secondary education. But that is what it is all about.

That is what that tobacco tax was all about. They wanted not a tax to try to do something to keep children from smoking. I have been involved with children for 22 years. One does not tell a teenager, do not smoke; teenagers tell teenagers do not smoke. It is the power, the pressure, of teenagers that causes them to smoke, and it is only that same pressure that will stop them from smoking. So do not give that facade that, somehow or other, if we can do this, we somehow or other will stop them smoking. That whole deal was, I want $20 billion so I can control elementary-secondary education in this country. That is not going to happen, Mr. President.

So he had better get used to that. It will not happen. The local government will determine what happens in elementary-secondary education, not the Federal Government.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education.

Mr. CLAY. Mr. Speaker, I would like to once again talk about the imaginary educational program of the Republican Party, this phantom program that I keep hearing from the chairman of our committee, who just stated once again that they have passed 21 bills dealing with education. And I repeat what I said in my opening remarks. There are only three educational bills that came out of that committee that are the law of the land; one is the IDEA, another is the higher education reauthorization, and the third is the Workforce Investment Act.

Now, they did pass some bills; they are not the law. But the skill of legislators is to get legislation into law. One bill, the Help Scholarship Private School Voucher bill, that passed this House, it died here in the House, he takes credit for that. The Dollars to the Classroom Block Grant bill passed this House, but it died in the Senate. The bill terminating bilingual education died in the Senate. The Juvenile Justice bill died in conference. He is listing these bills as accomplishments in the field of education.

His own bill, he will not bring to this floor. He has got a bill in education that he is blocking right now that he will not bring to this floor, the Reading Excellence Act. The gentleman from Pennsylvania (Mr. GOODLING) will not allow his own bill to be brought to the floor because there is a little provision in there about national testing, and he is so concerned about testing that he refuses to bring his own bill to this floor. That is an imaginary list of accomplishments that the Republicans keep referring to.

Three education bills have passed this Congress in this session, not 21, and I wish the gentleman from Pennsylvania would correct the record.

Mr. Speaker, I ask unanimous consent to insert in the RECORD an article titled ''Significant Education Accomplishments? Not This Congress.''

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

There was no objection.

SIGNIFICANT EDUCATION ACCOMPLISHMENTS?—NOT THIS CONGRESS

BILLS SIGNED INTO LAW

IDEA—signed into law in June 1997
Higher Education—signed into law in October 1998
Workforce Investment Act—signed into law in September 1998

PASSED BOTH CHAMBERS

Vocational Education—passed both chambers
Head Start Reauthorization—passed both chambers
Child Nutrition Reauthorization—passed both chambers
Charter School Bill—about to pass both chambers
Child Care Resolution—passed the House—a resolution not a solution

REPUBLICAN AGENDA BILLS WHICH DIED

HELP Scholarship Private School Voucher Bill—died in House
Dollars to the Classroom Block Grant bill—died in the Senate
Bill terminating Bilingual Education—died in the Senate
Juvenile Justice bill—died in conference

MYSTERY BILLS

Reading Excellence Act—Chairman Goodling won't allow his own bill to be brought up because he is blocking national testing.

Bipartisan bills which included Democratic priorities

3 major bills signed into law
4 bills being sent to the President

Partisan bills which are a part of the Republican agenda against public schools

3 bills died in the Senate
1 died in the House

Partisan politics being played with bipartisan bills

Chairman is refusing to bring his own reading bill to the floor, despite it being passed by the Senate with bipartisan support.

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

Mr. Speaker, in the two Congresses before we Republicans took control, I recall no education bill that became law. We have passed three.

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

Mr. GOODLING. Mr. Speaker, obviously the gentleman does not listen any more than he listens in committee. I did not say we passed 21 bills into law. I made it very clear that we passed 21 bills out of the committee.

I also mentioned that we passed Head Start, Higher Ed, Job Training, Special Ed, Voc Ed, Child Nutrition. If the President wants to sign them, they are there on his desk; let him sign them, they are there.

And let me also tell my colleagues about Reading Excellence. I re-wrote the Reading Excellence bill. The trash that came up from downtown was ridiculous. It had nothing to do with preparing teachers in order to be better teachers of reading. It had nothing to with helping parents become reading ready. I rewrote it, it is there, it is in the omnibus, it will be part of the law when the President decides to sign it.

Let me also mention that if my colleagues want to fix school buildings, if they want to reduce class size, they should put their money where their mouth is. For 30 years they have had a bill here, they had 100 percent mandate back to the district on special ed. They said, ''We'll send you 40 percent of the excess costs,'' the most expensive piece of legislation ever passed, the most extensive, and what did they do? When I became chairman, they were sending 6 percent or at least up to 11 or 12 percent at the present time. If they send that back, every person in this building, every Member, will have millions of dollars to spend on class size, millions of dollars to fix buildings.

Just talk about York City, a small city alone would get an extra million dollars a year if they put their money where their mouth was.

I was told, ''Hey, you're doing something about Pell grants now.'' But it did not keep up with inflation. I was not in charge. They had all those years to do something about inflation in relationship to Pell grants.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from Massachusetts for yielding this time to me.

I wanted my friends on the other side of the aisle to know that before I came to this Congress I was a State Superintendent of Schools for 8 years, prior to that I spent 19 years in business, and I want them to also understand that I received the Chamber of Commerce award this year, and fourthly, I want them to understand that I voted for the balanced budget last year. That will set the tone for what I am about to say about this do-nothing Congress for education, because let me say to my colleagues the day I am here to speak for special interests, I make no bones about it; the children of America are not being spoken for.

I ran for this Congress because I was appalled when I was a superintendent at the sorry education legislation that I saw coming through, cuts in doing away with child nutrition programs, cuts in every education program that made a difference for poor children in this country.

And my colleagues can argue about all the issues they want to argue about, but I am here to tell them if a child does not have a decent classroom to go to, they understand that education is not important. And they really do not care whether the money comes from the Federal Government, whether it comes from the State government, if it comes from the local government or from private sources; they just know that someone does not care. And there is a big slip between the cup and the lip.

Congress must not abandon our schools. Over the next 5 years in this

country, we will have the fastest growing population at the high school age in the history of this country, and my State will be the fifth fastest growing State. We have just passed a $1.8 billion bond issue.

I was on the telephone yesterday with a superintendent. He gets 3,500 students every year. We must help them, we can help them, and we should not go home until we do.

□ 1050

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, good morning. How are my colleagues this morning? I am glad everybody had their extra cup of coffee this morning.

Mr. Speaker, reality is that, over the last month and a half, my friends on this side of the aisle have tried to raid the Social Security Trust Fund, taking out billions of dollars. That cannot be denied.

We are on an education debate here this morning. The reality is that the leader of their party introduced legislation to eliminate the Department of Education. Just get rid of it. Just get rid of it. That kind of sets the tone for where they have been going on educational issues.

If you look at the budget this year on child literacy, the President requested $260 million so our children could learn to read. Republicans have zero dollars for that program. They cut $160 million out of a proven program that has worked year after year, decade after decade, the Head Start program.

Class size, trying to get those numbers down to a reasonable level so teachers can teach and children can learn and we can have more discipline in the classroom, we cannot get the bill up. We asked for one day to discuss education on this floor. They will not give it to us.

After-school program. Everyone knows that the juvenile crime problem in this country occurs between the hours of 3:00 and 6:00. That is when we have our teen pregnancies, we have our drinking, and we have our drug abuse and all those problems that plague our young people.

An after-school program, a safe haven for students and children, a mix of intergenerational people, older people, young people at our schools using our libraries and gyms and our labs and our crafts rooms, a $40 million cut from the Republicans.

School modernization, they will not bring it up.

On program after program, the deals with the education of our young people in this country, we have been shut out. All we ask before we go home is that this Congress give us one day, just one day to deal with the modernization program so that kids do not have to go to schools in trailers, so that kids do not have to go to school where plaster is coming down, so that we do not send them the wrong signal that they do not matter, one day so that we can pass legislation to reduce class size, so we can get a better product. But, no, they will not do it.

Somebody suggested the other day that we do it on Wednesday, and they said, no, it would ruin both weekends. I think that is a good note to end on.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Speaker, we are representatives in the Congress of the United States of America. I have traveled all across the metropolitan region. My district, as the Speaker knows, goes from Westchester through the Bronx to Queens County.

The schools are crumbling. They are crumbling all across America. Classrooms are literally overflowing. Students are learning in the hallways. But we are just sitting idly by. That is wrong.

Last year, 120 Members of Congress showed their commitment to America's children by cosponsoring a bill, the Partnership to Rebuild America Schools. This session, we have a similar proposal which I introduced with my good colleague the gentleman from New York (Mr. RANGEL).

I say to my friend, the gentleman from Pennsylvania (Mr. GOODLING), we are not talking about taking over the schools. We are talking about a partnership. If we can be partners in rebuilding our highways, if we can be partners in rebuilding our roads and bridges and building prisons, then it seems to me we can be partners in modernizing our schools.

We have visited schools where computers cannot be installed because they do not have the wiring necessary. One school in lower New York, there were wires hanging out of the windows, and the vandals were clipping them because the school infrastructure could not hold those computer systems, the wires. That is wrong. We are not a Third World nation.

Our program will make interest-free loans available to school districts, they are going to be in control, across the country through the tax code. Under the bill, school districts will be able to issue special bonds at no interest to fund the construction or renovation of school building.

Mr. Speaker, we simply cannot ignore the poor physical conditions of our schools any longer. Nationally there is a $112 billion problem. That is what is needed in school construction. Mr. Speaker, let us modernize our schools. We have that responsibility.

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

Mr. Speaker, my colleague, the gentlewoman from New York (Mrs. LOWEY), comes from one of the nicest areas in the world, Westchester County and New York City. But do my colleagues know the State of New York, under the great leadership of Governor George Pataki, pumps millions of millions of dollars into the school system?

But do my colleagues know what? They do not tell them how to spend it. The state does not have any category programs. They give it to localities in block grants. They say, you know how to educate your children; your school board knows how to develop the curriculum for those children. We want to give them the autonomy to do that.

The New York State's School Board Association wants to abolish the Federal Department of Education because they want all that bureaucratic waste to be put into the school districts themselves, so they can spend it the way they want to.

Mr. Speaker, I yield 2½ minutes to the outstanding gentleman from Pensacola, Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I wish to comment on a few statements that have been made on the floor today.

First of all, we hear again how Republicans wanted to raid the Social Security Trust Fund. I find this to be a bit humorous and ironic considering the President is now asking for $18 billion more than what we have budgeted. I suppose it is acceptable to raid the Social Security trust fund of $18 billion if we want to waste it on more Washington spending, but it is not acceptable if we want to give a little more money back to the American people, the money they earn.

We hear Democrats complain about education. And yet under the Democrats watch, from 1954 to 1994, the education system in America crumbled at an alarming, unprecedented rate. Now they come to us, and they tell us that we have a do-nothing Congress because we have failed to follow their failed approach to education.

I suspect each Democratic critic of our policies opposed the Dollars To The Classroom Act, where we guaranteed 95 percent of the money targeted for education would go into the classrooms and get out of Washington, D.C. bureaucracies. Of course this is a dangerous idea for statists because such an approach puts more trust in parents, in teachers, in principals that educate my children in public schools, than in bureaucrats and politicians in Washington, D.C.

Finally we hear calls of a do-nothing Congress. Such complaints come from a party that is led by a President who has held only two cabinet meetings this year. The purpose of the first cabinet meeting was to create a forum for the President to lie to his cabinet. The second cabinet meeting was for the President to apologize for lying at the first meeting. Now is this really a record that this democratic Congress is proud of? Do they really wish to cast the first stone?

On tobacco, we hear how Republicans want to get home and spend the tobacco money. Give me a break. In 1996,

we learned that the Democratic Party got tobacco money through the States. Then they funneled it back up to Federal candidates. All the while their candidates rallied against big tobacco.

Stop being self-righteous. This Democratic Party has done little more this session of Congress than obstruct and delay for the administration.

On the Committee on Government Reform and Oversight, when we tried to uncover the Chinese fundraising scandal on campaign finance schemes that funded their campaigns in 1996, they obstructed and delayed our investigation. In fact, the ranking member of the Senate investigation said obstruction of the investigation was the Republicans' problem.

Mr. Speaker, such obstruction and delay is not the Republicans' problem. It is America's problem. We will continue to fight for education reform, for dollars in the classrooms, and to insure that American democracy is not subverted by foreign interests.

□ 1100

Mr. MOAKLEY. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. BASS). The gentleman from Massachusetts (Mr. MOAKLEY) has 7 minutes remaining; the gentleman from New York (Mr. SOLOMON) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the chief deputy whip, the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. Speaker, my colleagues on the other side protest too much. The reason they want martial law, that they want to place martial law upon the House, is because they have not done their job. They have failed the country, and in doing so, they have failed our children.

Every time I hear about their education initiatives, everything is a block grant. But why do they want to do that? Because they want to take the entitlement, the legal right that our children have in this country to receive this assistance, move it and abolish that right, and then ultimately cut it, and that is their plan.

This Republican martial law allows the Congress to consider a bill naming a post office in an expedited manner, but it does not allow us to consider getting the classrooms in America in shape for the next century.

What kind of priorities do they have?

We Democrats have had a plan to hold HMOs accountable for their actions and to preserve the doctor-patient relationships. My Republican colleagues sided with the HMO industry and rejected real patient protection.

We have a plan to keep our children from smoking. My Republican colleagues sided with big tobacco and rejected it.

We have a plan to clean up the campaign finance system, and in the other House it was rejected, as well, by the majority. We have a plan to put 100,000 new teachers in our schools, and help reduce class size and let the local school district determine how they are going to use it, help them in getting that assistance, and for the taxpayers of those communities as well. Republicans side against our children and reject it.

So other than spending most of this Congress and millions of dollars on one investigation after another, what have they been doing all year that they have to declare martial law?

Frankly, it is hard to tell. My Republican colleagues cannot even pass a budget. With a balanced budget and a Federal surplus, they are 10 days into the budget year and they still cannot get a budget for America. American families cannot do that. They would not be able to get that way.

Vote against this martial law resolution, so we can have a martial law resolution that brings America's needs onto this floor, a real martial law for the right reasons.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise in opposition to this rule. I think this is a Congress of missed opportunities. I urge my colleagues to vote ''no.''

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I first thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, it is really quite simple. The Republicans want to go home. The Democrats want to go to work.

This has been a do-nothing Congress.

Mr. Speaker, the fact of the matter is, Americans want a couple of simple things. They want more teachers; Americans understand that we need more teachers in our early-year classrooms in order to reduce class size. Take it wherever you want, north, south, east or west, people will tell us they need smaller classes, more teachers, better trained teachers. The Democrats want to do that; the Republicans want to go home.

Talk to Americans and they will also tell us we need school modernization. We have overcrowded classrooms, we have classrooms that are not wired to have Internet access. We need modernization. We need technological upgrades. We would like to do that. We would like to invest in education; the Republicans want to go home.

Mr. Speaker, in the final analysis, actions speak louder than words. They want to talk about then, there, what not and what how. The fact of the matter is, they have failed. They have not delivered on education. We need to go to work; we do not need to go home.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the chief deputy whip, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to oppose this martial law rule.

We have had an entire session to pass legislation which would have improved the lives of the people in this country, and the majority party has ignored, ignored that opportunity. Instead of doing the people's work, they frittered away your time and our time.

What have we spent our time doing here? What have they accomplished this year?

Let us take a look at the RECORD. We have no budget. We have not finished appropriations. We have not protected Social Security. We have not reformed HMOs to ensure that healthy patients are more important than healthy profits of the insurance companies in this country, and we have not stopped the tobacco companies from targeting and killing our children. We have not reduced class size to provide individual attention for our kids in classrooms. We have not modernized a single school. We have not raised education standards for a single child, we have not provided training for a single teacher, we have not hooked up a single classroom to the Internet.

Let me just say this to my colleagues, that what the Republican majority would do with regard to education is reduce the dollars to States. What they would do is take money out of our school system and put education once more in the hands of the rich and of the few.

Let me just say, we have a few days before this Congress adjourns. Let us do what the American people want.

Mr. Speaker, I urge my colleagues, defeat the previous question. Let us debate education. Let us do something for American families and for American kids in this country. Stop frittering away the American public's time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, first of all, let me say, I cannot think of anybody other than this Speaker of the House that I would less like to yield martial law to. The way this House has been managed, if we give him martial law authority, God knows what might could happen.

Mr. Speaker, 3 days ago, the Republican National Committee decided it would start running $150,000 worth of ads in my congressional district to try to put me on the defensive for not raiding the Social Security Trust Fund to pay for $90 billion worth of taxes for rich people. They can find $90 billion in trust fund monies to give for tax cuts, but they cannot find any money to do a reduction in class sizes for our children in this country. They can find $90 billion in money in the Social Security Trust Fund to give tax cuts to the wealthy people, but they cannot modernize our schools.

We need to stay here until we get our schools modernized, our class sizes reduced. Reject this martial law. Vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the outstanding chairman of our Committee on Education and the Workforce which has done so much for the children of this Nation.

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

I will not come here and say I was a superintendent in the State for a couple of years after being a businessperson, I was an educator all of my life.

Mr. Speaker, it is amazing that we have people on the floor today crying out for education. Where were you for 20 years when you were in the majority and I am standing in that well saying, please, please.

You mandated Special Ed. Very, very expensive mandate. You said you would send them 40 percent of the excess cost, and you sent them peanuts. And I asked you year after year after year, because to every school district it meant millions of dollars, millions of dollars to reduce class size, millions of dollars to maintain their buildings, millions of dollars to build new buildings. I could not get a penny. I could not get a penny.

And you know what the President did this year? The President sent a Special Ed budget up here that cuts Special Ed.

□ 1110

He does not allow for inflation. He does not allow for additional students in special ed., and there are hundreds and thousands of them every year. He cut special education, the one curriculum mandate that comes from the Federal level.

Now, what have we done in order to get more teachers? First of all, the GAO says there is no shortage of teachers now. There is none in the foreseeable future. But what did we do on the higher ed. bill? We said, okay, all of the teachers that are out there that are not teaching, we will let them reduce the amount that it costs them in their loan if they will go to the local school district that needs them, the center city, rural America. That is where they need them. They are out there doing other jobs.

Mr. Speaker, we increased impact aid, 31-plus billion dollars for education in the budget this year. We took care of some of the problems after school in the nutrition bill, because we said we are going to give schools food to feed and keep those youngsters there after school so they do not get into trouble.

We upgraded technology. All of these things that I have heard about, we have done. But most of all, we increased special ed. by $500 million.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. MOAKLEY. Mr. Speaker, last night the host of ''Crossfire'' quoted Edward Crane, President of the Cato Institute; we know that the Cato Institute is not a liberal organization. Edward Crane was quoted as saying, ''The record of the 105th Congress, Republican-controlled in both Houses, is an abomination. Spending is up, and the Tax Code is more complex than ever.''

Even the Congressional Quarterly says that as long as the records go back, no Congress has worked fewer days or accomplished less.

Since the American people deserve more from their Congress, I urge my colleagues to defeat this previous question. If the previous question is defeated, Democrats will be able to bring initiatives to the floor before this Congress adjourns. An initiative to modernize schools that the gentleman from Pennsylvania (Mr. GOODLING) talked about; reduce class size by hiring 100,000 new teachers; an initiative to implement true HMO reform that protects patients and lets the doctors and nurses make the decisions, and not accountants and insurance companies; an initiative that saves 100 percent of the Social Security surplus and keeps it in the trust fund.

Mr. Speaker, I urge a ''no'' vote on the previous question to speed up consideration of school modernization, HMO reform, and legislation to save Social Security.

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

The amendment to be offered if the previous question is defeated.

Amendment offered by Mr. MOAKLEY of Massachusetts:

In the resolution, on page 2, line 12, after ''thereon.'' insert:

''(3) a bill or joint resolution pursuant to section 3 of this resolution, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.''

At the end of the resolution add the following:

''Sec. 3. Before the consideration of any motions to suspend the rules pursuant to section 2 of this resolution, it shall be in order to consider:

''(a) A bill or joint resolution that will reduce class size in kindergarten through 3rd grade to a nationwide average of 18 students per class and will help local school districts hire an additional 100,000 well-prepared teachers, any amendment thereto, any conference report, or any amendment reported in disagreement from a conference thereon.

''(b) A bill or joint resolution that will provide local school districts with interest-free financing to modernize existing classrooms and build new school buildings, any amendment therto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

''(c) A bill or joint resolution to remove 100% of the social security surplus from the spending control of Congress, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

''(d) A bill or joint resolution to provide for a patients' bill of rights, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

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

(Mr. SOLOMON asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, the previous speaker quoted Cato and their philosophy. The Cato Institute wants to slash the military budget of our country in half. They want to legalize marijuana. So much for the Cato Institute.

Mr. Speaker, I submit the following to emphasize Republican accomplishments on education, dealing with illegal drugs in our schools:

Illegal drug use is behind most of the violence in this country. Over 50% of all men arrested for homicide test positive for illicit drugs at the time of arrest and illegal drugs are a factor in half of all family violence, most of it directed against women and children.

Illegal drugs are also the single most serious problem facing America's educational system. It has always bewildered me how President Clinton can claim to be the education President when drug use by school age children has doubled since he was elected President.

There is an obvious connection between the increase in illegal drug use which has occurred since President Clinton first took office and the educational problems facing our nation.

Illegal drug use has doubled since this President took office and according to the most recent reports drug use is still on the rise among eighth graders.

A person who uses illegal drugs is five times more likely to drop out of school than a non-drug user. Scientific studies show that illegal drugs—including marijuana—rob students of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning.

A recent study of 11th graders in our major cities showed that over half of the heavy drug users dropped out—twice the rate of those who are drug-free.

During the Reagan/Bush years drug use dropped, from 24 million users in 1979 to 11 million users in 1992. These hard fought gains were wasted by President Clinton.

There is not a parent in America who sends their children off to school without worrying that they will become exposed to illegal drugs. And it is not just teenagers anymore. Parents now need to be very concerned about 7th and 8th grade children getting involved with illegal drugs.

Toady in America one third of all high school kids smoke marijuana.

Today, more than half of all high school seniors have admitted to using illegal drugs. Since President Clinton was first elected. The trends of casual drug use for high school students have increased for virtually every illegal drug, including heroin, crack, cocaine, LSD and marijuana. This rise in teenage drug use also correlates closely with rising violence in our schools.

A recent study has also shown that students with the lowest grades were four times more likely to have used marijuana in the past month than those with the highest grade point average.

Since 1992, marijuana use has jumped 150% among 12 and 13 year old students and 200% among high school students. Nearly 1.5 million more middle school and high schools students use illegal drugs than when President Clinton was first elected.

I repeat, you cannot claim to be a President who cares about the education of our youth and not care abut the illegal drug problem in this country. And President Clinton has demonstrated by his words—or lack of words—and by his deeds that he is not serious about winning the war on drugs. And our school systems have the casualties to prove it.

I urge support of this rule.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), vice chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. DREIER. Mr. Speaker, the American people, at least the massive numbers who tuned into C–SPAN this morning, have been lucky enough to see the vision of the real Democratic Party. Fifteen out-of-touch liberal extremists and one pretending to be a conservative.

The Democratic vision is of a do-everything, big government, micromanaging, high taxes, big spending, deficit-creating, liberal, bureaucratic, getting-into-every-aspect-of-family-life Congress.

The Republicans propose a limited Federal Government that cuts taxes, balances the budget, strengthens national defense, empowers local and State governments to solve local problems, and make sure government works.

Mr. Speaker, it is clear that the American people have rejected the liberal do-everything-badly vision of government. They support a Congress that is focused on doing some things well and helping families and communities solve local problems.

We are trying to get things done here by passing this rule. I urge my colleagues to support this rule so that we can get things done and do the work that this Congress wants to do.

Mr. Speaker, I submit the following statement from the Committee on Rules which explains the previous question vote:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII (''Previous Question'') provides in part that: ''There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.''

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MOAKLEY. 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, further proceedings on the motion offered by the gentleman from New York (Mr. SOLOMON) will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 588

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY), as we continue our fun Saturday morning together, pending which I yield myself such time as I may consume. All time yielded will be for debate purposes only.

Mr. Speaker, this rule provides for consideration in the House of H.R. 4761, the Uruguay Round Agreements Compliance Act of 1998, without amendment or any intervention of any point of order.

The rule provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on Ways and Means, and one motion to recommit.

Mr. Speaker, reducing trade barriers and expanding international commerce

have been the key to the dynamic growth of American jobs, wealth, and trade over the past 7 years. One of the pillars of that massive economic expansion has been the worldwide rules-based trading system.

The rules-based trading system is a very simple concept. It basically means that countries sit down and negotiate fair trading rules and then they live by them. Countries agree to follow the rules.

Now, to support free and fair trade is not to ignore human nature. Everyone knows that some people try to get an edge. In the international trading system, the same is true. Some countries always try to get an edge. They will not follow the rules. And what happens? People get hurt.

Mr. Speaker, the expansion of free trade has been one of the most important global developments of the past half century. However, it became increasingly clear in the 1980s, especially here in the United States, that we needed a better system to enforce international trade rules. Countries were cheating and Americans were being hurt. The result was the arduously negotiated Uruguay Round agreement.

The Uruguay Round was enacted by a strong bipartisan vote of the 103rd Congress when Democrats were in the majority. The agreement was negotiated by two Republican Presidents, signed by a Democratic President, and supported by 65 percent of congressional Democrats and 68 percent of congressional Republicans. One of the core features of that bipartisan agreement was that it would permit countries to enforce trade rules.

Today's bill is very important, but not because bananas or beef exports are critical to this country, although both industries provide good jobs to working families. The bill is important because we are approaching a critical crossroads of the World Trade Organization created by the Uruguay Round agreements.

Since the inception of the World Trade Organization in 1995, many cases have tested the rules-based trading system.

□ 1120

The United States has challenged unfair trade barriers in other countries, and we have had some of our own trade policies challenged. Not surprising, we have won some cases and we have lost some cases.

When a country loses a case because they are violating the rules, that country can choose how to respond. We here in this House of Representatives insisted that the WTO not have any sovereignty over our laws, so the WTO cannot force this country or any other country to do anything. Governments, not the WTO, decide what they will do. They can either eliminate the trade barrier that is ruled in violation of the trade agreement, or they can accept the fact that the countries that are aggrieved by the trade barrier can impose equivalent trade sanctions on the offending country.

Mr. Speaker, that is the rules-based system we signed up with. That is the rules-based system nearly all of our trading partners, including the European Union, signed up with. Those are the rules.

We are approaching a crossroads because in two major agricultural cases, one involving an unfair European banana cartel and another involving unfair restrictions on American beef exports, the European Union is threatening to undermine the rules-based trading system. They are threatening to trash the Uruguay Round and the WTO. They have lost two major cases fair and square, but they are refusing to eliminate their trade barriers and they are refusing to accept that we can retaliate in kind. This is a major problem. Mr. Speaker, if they ignore the rules, the system does not work.

It is purely chance that dictates the first of these major cases involving bananas. That case, which was brought to the WTO by the Clinton administration, was resolved in our favor, and the Europeans have until January 2 of 1999 to comply with the decision. If they do not, we are regrettably, and I do mean regrettably, heading down the road to a potential trade retaliation, a trade war. This bill simply says that the United States Congress, which approved the rules of the WTO, is committed to making sure that those rules are enforced.

I sincerely hope that the European Union recognizes the self-destructive folly of their unfair trading regimes. I sincerely hope that they recognize the clear and unquestionable benefits of the rules-based trading system. I sincerely hope that they comply with the WTO decisions on their banana cartel and their restrictions on beef imports. But if they will not, I am quite certain that the Congress is committed to supporting the trade rules.

Mr. Speaker, it takes little more than a quick scan of the daily newspapers to see that the international economy is an uncertain place. Danger is afoot and we as a people have much to lose if things go badly. While nobody has all the answers, I certainly believe that supporting and enforcing a good and fair rules-based trading system like the WTO is one of the answers to the questions we face today. We cannot afford to have the system fall apart.

Mr. Speaker, this is a fair rule. To open this type of bill to amendment would open the tariff code to all kinds of destructive propositions in the name of retaliation. That is the road to a Smoot-Hawley tariff bill, and that would be bad for American families and the world.

Instead, the bill simply establishes a completely WTO-consistent schedule for the administration, through the United States Trade Representative, to protect U.S. rights in these landmark cases. I urge my colleagues on both sides of the aisle to support a free and fair trading system. Support this rule and the bill itself.

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

Mr. MOAKLEY. Mr. Speaker, I thank my very dear friend from California for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, why on earth are we doing this bill today? Why on earth are we doing the World Trade Organization's business when we have not even finished our own business? This Congress has more than its share of unfinished business. For the first time in history, Congress has not produced a budget, but we are going to act as quickly as we can because the United States Trade Representative has not produced a letter as quickly as we wanted.

Mr. Speaker, I am not Chiquita banana, but I am here to say we should not be debating this bill today. I do not know why we are debating this bill dealing with the World Trade Organization's treatment of bananas which this country does not even grow. Where is the bill to reform managed care? Where is the bill to protect Social Security recipients? Where is the bill to reduce class sizes? This Congress has no business enforcing the World Trade Organization's decisions. They have their own enforcement process.

We certainly should not be getting involved in trade issues over commodities that we do not even produce here in the United States. This is ridiculous. With all the unfinished business that we have just talked about, and we are here on martial law to finish our business, now we are going to force the World Trade Organization's decisions.

I think when Congress gets into the business of micromanaging trade agreements, we head towards a very, very slippery slope, bananas or not.

I want to urge my Republican colleagues to forget about this bill and get down to much more pressing issues that are facing this country. Pass a bill to protect the Social Security surplus instead of raiding it for tax breaks. Pass a bill to reduce class sizes and repair schools. Pass a bill to make managed care plans lift their limits on health care services and allow their doctors to make decisions based on how much it will improve people's health and not how much it will cost.

Mr. Speaker, I urge my colleagues to oppose this rule and I urge my colleagues to oppose this bill.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend and say, basically, under the guidelines the United States Congress established as we embarked on entry into the World Trade Organization, we made it clear that only this Congress can enforce these laws. We are the ones who are here today protecting the rights of workers

in two very important industries in this country, and that is exactly what we should be doing. It is a priority, and it must be addressed now as Congress gets ready to complete its work in the coming days and weeks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Terrace Park, Ohio, (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the distinguished vice chairman of the committee for yielding me this time, and I want to support the fair rule that the Committee on Rules has come up with today.

Mr. Speaker, I would like to back up for a minute, if I could, and focus on why we are here today and why this is, I think, such a critical vote for the future of the international trading system and for our economy.

This is about whether the World Trade Organization, the WTO that was talked about previously, which is the international organization charged with resolving trade disputes between nations, will work as we have promised it would. If Members will recall, this is the highly touted WTO agreement that this Congress approved just 4 years ago, calling it, among other things, ''A vital tool for eliminating the remaining trade barriers facing U.S. farmers and ranchers,'' which is at stake here.

I voted for the WTO, and I sold it to my constituents on the basis it would resolve these disputes, as did most Members of this House on both sides of the aisle. A majority on both sides of the aisle stood up here and said we are finally going to get to the point, finally, where we are resolving these trade disputes and forcing our trading partners, almost all of whom are more protectionist than us, to comply with international dispute resolution panels.

Unfortunately, Mr. Speaker, our competitors in Europe have threatened to turn this highly touted WTO into a paper tiger, and in doing so they have threatened the world economy. After several years of litigation, the European Union has lost two important WTO disputes, one involving bananas, the other involving beef hormones.

When the U.S. has lost, incidentally, we have complied. When the Japanese have lost, they have complied. But the EU has consistently refused to abandon their protectionist regimes and come into compliance with these international rulings, and has engaged in a calculated and deliberate foot-dragging strategy for years.

In fact, it is even worse than that. They have proposed new regimes that all objective observers have agreed are even more inconsistent with international trading rules and, thus, the WTO. Indeed, our own able U.S. Trade Representative, Ambassador Charlene Barshefsky, has said that the EU's proposed solution is, ''Even more WTO-inconsistent than their original WTO-inconsistent regime.''

□ 1130

Remember, we are here because that more inconsistent regime with regard to the banana case goes into effect on January 1; with regard to beef hormones, it is in May.

With so much hazy economic news in the headlines these days, Mr. Speaker, the last thing the world economy needs is a provocative and destabilizing protectionist strategy by the European Union that threatens to undermine the WTO, the only things that stands between orderly international trade and the economic disaster of protectionism worldwide, the law of the jungle.

U.S. farmers, companies and workers, who depend on international trade, are counting on us to ensure that the world marketplace has a level playing field for U.S. products and for U.S. services.

As the gentleman from California noted earlier, the WTO system can only work if there is a threat of punishment for violations, because of the sovereignty clauses.

These two first cases will set the precedent. Unfortunately, they are the first two cases. We have no choice in that. They are going to set the precedent to determine whether the United States will have the tools and will have the willpower to be able to respond when other nations willfully exclude American products from their marketplaces. That is where we are.

The legislation is very simple. It is a clear, straightforward bill, carefully crafted to be consistent with section 301 of the U.S. trade laws, and designed to get the European Union to do the right thing and follow international law.

It simply requires the U.S. Trade Representative to take the very actions authorized by international agreement, if the EU does not come into full compliance with the WTO, by the authorized specified deadlines.

In fact, these are the very actions that the U.S. Trade Representative has indicated she wants to take anyway, but she can't guarantee to this Congress.

By voting for this measure, we can send a clear message to our international competitors. We will not stand idly by while they exclude our products and violate the international trading rules they have agreed to. We will not sit on our hands while they hurt U.S. jobs, U.S. businesses, U.S. farmers. We will not jeopardize the health of the world economy and the world trading system by their attempts to undermine the multilateral trading system under the WTO.

Mr. Speaker, whether we are free traders, whether we are fair traders, whether we are self-proclaimed protectionists, we must be for enforcing international trade agreements we have signed. We have to be.

Vote yes today for American workers, American farmers and American businesses.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in the strongest possible opposition to this politically motivated sneak attack on the small Caribbean banana farmers on behalf of the massive Chiquita Banana Corporation and its CEO Carl Lindner.

The Republican leadership, led by the gentleman from Georgia (Mr. GINGRICH), the gentleman from Illinois (Mr. CRANE) and the gentleman from Texas (Mr. ARCHER) in the House, are trying to move this punitive attack on the small banana farmers from the former island colonies in the Caribbean.

This bill would force punitive, harsh measures on thousands of small farmers and their families throughout the Windward Islands of the eastern Caribbean. The small island nations of the Caribbean, which depend on the banana trade for their economic survival, are at great risk if this bill passes.

Let me just tell you what the real deal is. First of all, we have to ask ourselves, why at the eleventh hour do we get this sneak attack, with all of these Members tied to Carl Lindner lined up on the floor talking about unfair trade practices? I will tell the Members why.

Chiquita Bananas and Mr. Lindner lost $356.9 million and now they have got their representatives running to this floor to help him make more money. He is worth $13 billion. That is not enough.

I tell my colleagues what he is trying to do. He is trying to get rid of the competition that comes from these small Caribbean islands.

Yes, there was a relationship between the European Union and the former colonies. It was a relationship that allowed them to sell their bananas on the European Union market, because they had been colonies depending on that relationship.

Now, with them having their independence, this is what they do to earn a living. These are small family farms. I have gone down through all of these countries, countries like Dominica depend on this banana. It is 70 percent of its economy.

We took them to the WTO. It was my friend, Mickey Kantor, who was working for Carl Lindner. Mickey Kantor was with this administration, and I do not back up from Democrats or Republicans on this one. Mr. Lindner has bought his way through this House and through this administration. Mickey Kantor took the message from Carl Lindner. We went to the WTO, even though we do not grow any bananas here. This is not about American workers.

Mr. Lindner's farms are all down through Central and South America, with slave labor, unfair practices. These people are at risk in these farms because they are at risk from the pesticides, with no help, limbs falling off. They make less than minimum wages, but Mr. Lindner wants to keep those farms going, wants to make more money, so he comes in here and gets all of you to act on his behalf, including Mickey Kantor, and the WTO made a decision.

The WTO ruled against these small farms, but they recognized it was wrong, so now the United States and the WTO and these small-farm islands are involved in negotiations and working so that they can help these little countries diversify their economies so they will not starve to death.

The drug dealers are just waiting to pounce on these little countries because they know, without the banana, they have nothing else.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. No, I will not yield to the gentleman from California.

Mr. Speaker, I will not yield because this is a shame, and I want the press to get this scandal about to happen. I want them to know what you are doing. As a matter of fact, this is the kind of legislating the American public hates, sneak attacks for billionaires who use their power to come to the floor of this Congress and get something like this at the last minute.

Get out of the WTO's business. Let them work this out in the way that they are doing. Stop being lackeys for Carl Lindner. It is outrageous that you would do this today.

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

Mr. Speaker, I was just asking my very good friend from Los Angeles to yield. The reason being that when we as a Congress in a bipartisan way tried to really throw a life raft to those struggling nations in the eastern Caribbean by passing the Caribbean-based initiative, it is my understanding that my friend from Los Angeles voted actually against that initiative.

Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Bakersfield, California (Mr. THOMAS), the distinguished chairman of the Committee on House Oversight.

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

Mr. THOMAS. Mr. Speaker, 20 years ago, I began meeting with European parliamentarians in a joint meeting between Members of Congress and the European parliament. It was over the discussion of the Europeans' failure to open their markets to agricultural products from the United States and, frankly, from other countries around the world.

They had what they called a common agricultural policy, but it was really a social policy. They wanted to make sure they subsidized their agriculture products to keep their people down on the farm.

□ 1140

Over those 20 years, the European Parliament and the European Union has grown and the United States has continued to grow, but there has been virtually no movement in opening European markets. The gentlewoman from California's desire to focus the debate on bananas frankly misses the mark completely. I would have wished it would have been the raisin issue that would have been the first issue in front of WTO. We could have used that. It could have been the pasta issue. It could have been the canned peaches issue. It is in fact the beef hormone issue, along with bananas. The argument that this is being done for some individual for some nefarious reason really misses the mark of world economics.

The entire world got behind the United States when we said the old trading order would not work. Agricultural products were not even part of the agreement in the old world structure. Under the WTO, the commitment was agriculture would be covered and when you won a case, you could get it resolved.

The Europeans have no intention of changing. The, I am sure, well-intentioned although totally naive assumption that this is over one individual or one product fails to understand the real issue. We have an international agreement. The Europeans are once again failing to live up to it and, will do everything they can not to live up to it. It is our responsibility to get them to do so, not just for us but for the rest of the trading world. If this administration will not go forward with appropriate steps in a timely fashion, it is incumbent upon the Congress to move. This is the vehicle.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, this trading system that we have developed recently, is it not wonderful? Is it not just, if you will excuse the expression, peaches? Is it not just the top banana? Is it not just a great system we have now?

All you have to do is pick the paper up every morning, turn on the news every evening, to understand that it is falling apart. It is a disaster. In case my friends have not noticed, in Asia people have no money to buy the products we are trying to sell them. They have no money in Russia to do the same thing. They have no money in Brazil, they have no money in Canada, and now we are going to pick on farmers, family farmers in the Caribbean who are trying to make a living for themselves and say, ''The WTO knows what's best for you.''

The WTO, that secret organization that meets in secret, we cannot find out when they meet. We just went through a week in this town where the leaders of the economic community in the world came here from the IMF and the World Bank in their limousines and their stretch limousines to try to get this mess in order.

But they will not get it in order because they miss the central point, and the central point is, when people do not have money or the wherewithal to buy the products, the system will break down and will fail. And that is what is happening in Asia, it is what is happening in Russia, it is what is happening in Latin America, and we are right behind them.

So the question is on this bill not just a few farmers in the Caribbean, and God knows we ought to be looking out for them, because when we look out for their interests we look out after the interests of our own workers here and our own farmers. It is really a broader debate here. It is about if we are going to continue with a system of unfettered markets.

I know there are people who worship at the altar of unfettered markets. But unfettered markets means that people like Mr. Lindner and the big corporate multinationals will dictate policy in every aspect of this world economy, to the detriment of working men and women and working men and women farmers. That is what this is about. That is what this bill is all about.

We say, well, why are you here on the floor talking about these poor farmers in the Caribbean? Because it is the farmers in Florida who have suffered under this same type of discrimination. We used to sell tomatoes in Florida. That whole crop is disappearing because of WTO, NAFTA-related ideas.

What do you mean by that? I will tell you what I mean by that. They send the tomatoes from Mexico into the United States. Those tomatoes are picked by kids who are 10 and 11 years of age, who do not go to school. They are sprayed by pesticides that are illegal here and are dangerous here. We have determined that.

Because of those standards on labor and environmental standards, they have put our farmers out of business in the tomato industry in Florida and on the Eastern Shore in Maryland. If you talk to the farmers in the Central Valley in California, they will tell you that because of these policies that we have, their products being shipped into Mexico are down between 50 and 85 percent, vegetables, fruit, olives, almonds.

This is a great system we have here. When are we going to wake up? When are we going to start protecting the people who need the money to buy the products? Because without any money, the system collapses, and we are watching it collapse today.

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

Apparently my good friend has missed the past 7 years of dynamic economic growth which has taken place because of exports and imports to this country which have dramatically improved our standard of living. They are going down this road towards very, very intense class warfare once again. But let us look at the class warfare that they have embarked upon.

They are trying to penalize the people of Central America, in countries like Honduras where the per capita buying power is $2,000, or Guatemala where the per capita buying power is $3,460; actually against those who are in very, very sad shape in Jamaica, their per capita buying power is $3,260, and in Belize it is $2,960. So the fact of

the matter is the people of Central America, who support us in this decision, believe that we are doing the right thing, are supportive of the WTO, they are being hurt and they are worse off than the ones we are supposedly helping.

All we are saying is that we need to have at least a modicum of fairness. I think that as we have heard now from the distinguished minority whip, it is important to look at the words of the minority leader, the gentleman from Missouri (Mr. GEPHARDT), who just this week in a letter said, ''We have no reason to believe that the EU will comply with the WTO rulings on the banana case before the December 31, 1998 deadline set by the WTO. Failure to do so by the EU would set a terrible precedent for the WTO's ability to open global markets, particularly in the agriculture sectors.''

We are talking about beef, we are talking about bananas in this case, but it could be anything. I look at my friend from South Boston. I remember when he had a big opening of a Gillette plant. Back before we enacted the gift ban, he even sent a razor around to a few of us. Tell me, what is going to happen when the goal of exporting razors, when they are impacted negatively?

These are two instances that are very, very key and important, and they are I think going to be addressed effectively by someone who is a rancher and understands the needs of ranchers, the gentleman who serves on the Committee on Ways and Means who is from Stillwater, OK (Mr. WATKINS).

Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATKINS).

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

Mr. WATKINS. Mr. Speaker, this is quite an interesting debate. I was seated on this side of the aisle for 14 years. I made a lot of friends on the Democratic side. I am now on the majority side, the Republican side.

I have been interested in this debate. It is part of the things that affect me as I try to serve my constituency, because I serve a great deal of cattle people, and this debate seems like it doesn't even appear on this side of the aisle to be concerned about the United States cattle people. They are going through the lowest prices they have seen in years, the droughts. It seems like there is no concern about that.

I think the men and women on our side of the aisle have a concern. We cannot ignore the fact that we are in a global, competitive economy. I do not think anyone out there will deny that fact. We are not going to go back to an isolated country. Let me say if we are going to be a leader in the world, in the world economy, and I want to, I want our country to use the initiatives, the free enterprise system, and be that leader out there in the economy, because we owe it to our children and we owe it to our grandchildren not to shirk our duty, but let us go out and lead.

I come to the floor to express my strong support for H.R. 4761 because today we have a blatant abuse and we have a sham, and yes, the sneak attacks we have heard, but it is being conducted by the European Union. Those are where we have got problems. Let me share with my colleagues why.

Since 1989, nearly 10 years ago, the European Union has imposed a ban on beef treated with growth-producing hormones. Since 98 percent of all of our beef produced in the United States uses growth hormones, even though all our scientists say we have got the greatest quality beef in the world, even the European Union says we have the greatest quality of beef, we cannot sell our beef to the European Union because they have blocked us with that little clause.

□ 1150

Now both the WTO, the dispute settlement panel and the payment bodies have ruled that the EU is in violation of its WTO obligations and have ordered the EU to drop its ban by May 1999 through the appeal process, but now they are changing courses. They are going to just change and say we are not going to buy it for that, we will do something different. If we do not put some teeth in the WTO, then we are just flaunting the situation and we are not carrying out and providing the needs of our American farmers and ranchers and working people. We have got to make sure they live up to it.

Many of my colleagues may ask why this matter should be of concern to them. In a parochial sense, yes, it is important to many of us because the toll demand has taken on our cattlemen and ranchers is causing them to go bankrupt.

In a larger sense though the beef case is important because it will test whether or not the WTO framework can endure.

The United States helped create the WTO because it offered the first real opportunity to force other Nations to drop their unfair restrictions and open their markets to U.S. products.

The key difference between the new WTO and the old GATT framework is that under the WTO parties in disputes agree that the WTO findings will be binding. If the EU refuses to abide by WTO's ruling and fails to change its misguided policies, it will forever undermine the legitimacy of WTO. It will fail. If the EU refuses to comply, why should any other Nation be forced, why should the United States be forced to alter its policies and abide by WTO rulings?

We are talking about a major significant policy that is going to affect the future of this country, our economic position in the world and the future for our children and our grandchildren. I ask for my colleagues' support for H.R. 4761.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, I am going to vote no on this rule out of protest, protest of America's trade policies.

It started in 1909 when we moved off on a sophisticated cerebral process of continuing to reduce and eliminate tariffs, and it sounded so progressive.

Let my colleagues label me what they want, Mr. Speaker. We replace tariffs in America with the income tax, my colleagues, the 16th amendment, and if we want to debate tariffs, let us debate the income tax which has, in my opinion, destroyed the potential of economic gain on a perpetual basis.

The top Republican in our history, Teddy Roosevelt, once said:

We must always equal, equal, the advantages of foreign industry versus American industry.

We have not done that.

Now we have a World Trade Organization. I voted against NAFTA, GATT and the WTO. The WTO is another international organization we have to go to to remedy our problems. Beam me up.

Check out Venezuelan oil disputes. They voted with Venezuela, just like the United Nations. How much more money do we give them? They vote against Uncle Sam almost every time.

We may be talking about bananas today and beef hormone; what about steel? They are dumping steel in America at record levels, and Congress cannot act. We have to wait for someone in the steel industry to spend their money to take a shot with the WTO. This is sad.

Why manufacture in America, my colleagues? With this trade policy?

Here is exactly the way it is, America:

If someone manufactures in America, they have got IRS and Social Security, Workman's Comp and Unemployment Comp, OSHA, EPA, banking regulations, security regulation, pension law, health insurance, local tax, State tax, local law, State law and a $20-an-hour average manufacturing cost. If someone moves to Mexico, there is no IRS, no Social Security, no OSHA, no EPA, no pensions, no health insurance, no minimum wage, and they hire people at 50 cents an hour.

Mr. Speaker, if my colleagues do not think it is happening, they now have a $16 billion surplus. When we passed NAFTA, we had a $2 billion surplus.

We are screwed up here.

Now I want to talk about steel because we are about to give $18 billion to an International Monetary Fund that will bail out Brazil, that is dumping steel in the United States of America, and the rational is: give Brazil money so they could buy our products.

How dumb are we?

We do not have to be protectionists, but, by God, we need a reciprocal trade

agreement. When a country is screwing us, we should not have to go to some international group and ask them to help us. That is our job here.

I am voting no on the rule out of stone-cold protest to an economic policy that is taking us down an inexorable path to another depression.

Now, no one has said this on the floor, and they could call me what they want, but I am going to make this prediction:

If we do not deal with illegal trade, if we do not deal with reciprocal trade agreements that are fair to give Uncle Sam a fighting chance in this global economy, my colleagues, we are down an inexorable path for failure and bankruptcy as a Nation. We are subsidizing the world, and the world is denying us.

Mr. Speaker, I do not demean the efforts of my friend from Ohio. He has done a great job here, and bananas and beef hormones, I am sure, need attention. But, my colleagues, we do not build skyscrapers, we do not build homes, we do not build industry with just bananas. Steel is a big part of it, too. Steel is a big part of it, too.

Later today there will be a move to try and help our steel industry. I am going to ask for my colleague's support. And with that I will vote no on the rule out of protest.

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

Just for an example, Mr. Speaker, as we are debating this very important bill, a copy of the bill is not present here at the desk. Again, we are dealing in never-never land.

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

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

Mr. DREIER. Mr. Speaker, I will give a copy of the bill to my friend. We had it in the Committee on Rules last night.

Mr. MOAKLEY. Mr. Speaker, I know I have seen it, but I said it is not at the desk for other people who want to know what the bill is all about.

Mr. DREIER. There it is right there.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California very much.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Frankly, Mr. Speaker, I do believe that this day should go down in congressional history as a congressional sneak attack day.

□ 1200

First, we have the marshal law, and that is a sneak attack against America. This is a law which will allow Speaker NEWT GINGRICH to make the laws for America, thereby denying a school modernization bill, denying the protection and reservation of Social Security, and denying the Patients' Bill of Rights.

We have a sneak attack against some of our very best neighbors, some of the individuals and nations that we are trying to do trade with, who buy our consumer goods, who create job opportunities in America, our Caribbean nations, and our Caribbean neighbors.

Mr. Speaker, I voted for the CBI. I voted for the African Growth and Opportunity Act. I did not vote for the fast track when it was politicized and it was determined that Americans would lose jobs. But I did vote for us to be friendly to our Caribbean neighbors because they represent an economic market for us.

We have a bill that was not even on the Floor, that Members have not even read, that frankly is a sneak attack against our Caribbean neighbors like Jamaica and countries where they are struggling to maintain an economy, where their economy is dependent upon bananas, on plantations, yes, with depressed salaries and compensation, but all that they have, where they are trying to bolster up their economy, where they have a trading relationship with the European nations. And now America in a sneak attack wants to break those relationships so, therefore, we will not have the kind of economic stability in our Caribbean nations.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE from Texas. Mr. Speaker, I do not have the time to yield. I appreciate the gentleman's interest in this matter.

Mr. Speaker, what a disgrace. It frankly is a disgrace that we come to the floor of the House and violate the sacred relationships with those who are on our border who are seeking, Mr. Speaker, to maintain their economic base.

This is a sneak attack against our trade representatives, because there are many of us who believe that they need to do a better job in working with the relationship that the Caribbean nations have with the European countries which give them their economic base. If we want to break that relationship, Mr. Speaker, then what is America doing to help bolster up the economy of the Caribbean nations?

We are already at a fragile international monetary crisis. The Asian nations are trembling. Do we now want to have those on our very border trembling and then collapse? Is this what we want to do with this sneak attack trade bill, break the very economic backs of these countries whose only sole income is the marketing and producing of bananas?

Are we so small, Mr. Speaker, this giant of a nation, that we cannot share the international economy so that small countries, barely surviving, can provide some kind of safety net for their own citizens?

This is a great day in America's history. The big and ominous America crushing down on small countries, breaking their economic system, throwing people who are making pennies out into the streets because we are jealous, if you will, of the relationship they have with the Europeans.

I would be willing to find some solution to this problem, Mr. Speaker, if we could sit around the trade table fairly with the Caribbean nations, with America, with our European friends, maybe with the banana folk that we are trying to build up over here. I do not think that our banana industry is on the collapse. They are doing quite well. I like bananas.

Frankly, Mr. Speaker, we need to get out of the business of a sneak attack and crashing down on our neighbors. I think we need to defeat this rule and defeat this agreement.

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

Mr. Speaker, I was asking my friend the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) to yield just to make a couple of quick points. First of all, I would say that the countries of Central America, where the per capita buying power is in fact lower than it is in the countries to which the gentlewoman is referring, are simply working for fairness.

The people of Honduras, with a $2,000 per capita buying power, versus those in Belize and Jamaica who have roughly $3,000 per capita buying power, are the ones we are talking about who are seeking fairness. They support us in this effort.

I think it is also very, very important to note this is not a sneak attack. We have been, for 7 years, trying to resolve this, and we have finally got to the point where action needs to be taken before the Congress adjourns.

Mr. Speaker, I am happy to yield 2 minutes to my very good friend, the gentleman from West Chester, Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I am somewhat surprised today that the Members are not really at all interested in moving forward on this bill. Whether we are from a protectionist background or whether we believe in free and fair and open trade, everyone ought to be for this bill because what this bill says, very simply, is we are going to force the other countries in the world to live by an agreement that we all signed.

The Congress of the United States signed onto the GATT agreement. We signed onto the World Trade Organization. What we are saying today is we want the rest of the world to live up to the agreements that they signed onto with us.

We can talk about bananas. This fight has been going on for a long time. It is an issue that will probably continue. But the World Trade Organization needs to make a decision and needs to follow through on it.

But I have found it rather interesting that Members that have come down here to support the interests of Caribbean farmers, small family farmers, let

us not forget the other issue in this bill. The other issue here is for cattle producers in America who over the last several years have dealt with the lowest prices they have had.

Why do they have low prices? Because we are unable to export our beef to some countries and some nations and areas of the world, including the European Union. The European Union has oversubsidized their farmers for years and flooded the markets and depressed prices for our farmers. We have heard earlier the gentleman from Oklahoma (Mr. WATKINS), and I am sure we will hear from several of our other colleagues about what the European Union is doing in terms of blocking our ability to export beef grown by U.S. farmers, U.S. family farmers, to the European Union.

What this bill does today is force the WTO to do what they should be doing, and that is to enforce GATT and to enforce an agreement that we all agreed to. This is about keeping your word. We want to keep our word in this deal, and we want to keep our word to U.S. farm producers and cattlemen who deserve this effort today.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding to me.

Mr. Speaker, I am really disappointed that we are bringing this bill to the floor at this particular time. I am going to oppose the rule. I am going to oppose the bill as well.

I want to bring a little light on this. First of all, this bill never went through the Subcommittee on Trade of the Committee on Ways and Means that had jurisdiction over this issue, and it had not come through the Committee on Ways and Means. This bill was introduced on the 9th of this month, and it was brought to the floor so quickly. We wonder why this was all happening, particularly in view of the fact the USTR, the U.S. Government cannot even act at this time.

It has not even been 15 months since the WTO had made its ruling. Under the WTO ruling, which the United States has agreed to, 15 months must transpire so the Europeans can become in compliance, and that date is January 7. If we were talking about this on the 3rd or 4th or 5th of January, I would say that is very timely. We should be making these statements and taking these actions. But the fact of the matter is we are bringing it up in the waning days of the session.

The administration has told Members informally they are going to take action, but they cannot take formal action yet because it is not January 2, 1999.

Why are we doing this? We have never taken 301 action, the House of Representatives, never in the history of this institution. Why is this Congress doing this? We did not do it on semiconductors in the early 1980s against the Japanese. We did not do it for the movie industry. We have not done it for pharmaceuticals. We have not done it for aircraft. We have not done it for steel. We have not done it for autos and auto parts. But we are going to do it for bananas. We are going to do it for bananas.

Do my colleagues know what? I have checked. The only place in the 50 States where they produce bananas is in Hawaii. In Hawaii. We are not even going to create jobs by taking this action. Hawaii only produces a very small number. They do not even export out of their State. So all of a sudden we are taking this monumental, unprecedented action for bananas. Not one job will be created by this.

I have to believe that, again, just as we took a vote 2 weeks ago on fast track, which we all knew was going to be defeated, this Congress has destroyed trade policy. I hope every lobbyist that watches this debate understands what is happening with the Republican rule of trade policy.

□ 1210

They have destroyed the bipartisan consensus we have had, because they want to take action to help people, lobbyists, because we know, we know because bananas are not produced in the United States, it is only to help multinational corporations.

I have to tell my colleagues that again, again, the United States is going to be isolated on a little island. We only represent a small part of the trading world, we only represent a small part of the consumers of the world; and this decision and decisions like it are going to be regretted by this body.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume very briefly to say that this action does not go into effect for 15 months, and I think it is very important to note, I would say to my friend, that this is the first, these are the first two items under the WTO structure. Bananas and beef are the first issues that have been addressed by the WTO. The other issues which my friend raised were long before the World Trade Organization even existed.

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

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, just responding to my good friend from California, I have to say, why not allow the administration to take its action. The administration will take action; the gentleman knows it, I know it. But what we want to do is do a little political game here. That is why we are doing that.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say to my friend that we asked the administration to do a letter and they flat out refused in response to our request.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I am very disappointed with the comments of my colleague and friend from California.

He knows as well as I do this legislation does not go into effect until after the 15-month period. He knows as well as I do that the applications under this particular WTO consistent regime go into effect November 15. He knows as well as I do we are going out of session this week. He knows as well as I do we have to do it before we go out. He knows as well as I do that we asked for a letter from the administration, a very straightforward letter saying that they will enforce the international trading rules. He knows as well as I do that under WTO, this case is pending under WTO. We have a right to do that.

He knows as well as I do that the legislation is consistent with WTO. He knows as well as I do that all of those other products he listed, if he get through the WTO process, if they got to the point where they make a decision, it may win an appeal.

Mr. Speaker, I just have to say that I have worked with the gentleman on this for the last week. We just need to stick to the facts. We need to stick to the facts. If we stick to the facts, we will determine that it is time for this Congress to have the United States follow its international obligations.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

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

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to this rule and in opposition to the underlying bill. Not so much because of the substance and some of the suggestions that are going to be made, but primarily because of the process.

We have a piece of legislation that was introduced just a couple of days ago that has critical and far-ranging impacts, and also has the potential to set a precedent that will come back to haunt us on future trade negotiations.

I also oppose this legislation because I think, quite frankly, that it undermines the integrity of the WTO. We, in the case of bananas and beef hormones, as a country, have won against the European Union in the WTO. What we are doing now, instead of allowing that process to continue, allowing USTR to take the actions which they think are in the best interests of the country, we are having Congress step in and prematurely set the terms of what those negotiations and what those efforts in retaliation should be, and that is not right. That is something that is going to set a precedent that will come back to haunt us on a lot of other different commodities and different trade issues that we might, we might find disagreements on.

I think clearly this is a case where we are micromanaging the efforts of the USTR, and that is wrong. I think by having us identify these retaliatory

actions prematurely we are, in fact, limiting the leverage of the administration and limiting the leverage of USTR, and that is clearly not in our interests.

Mr. Speaker, I think that this legislation is ill-advised, and that we need to have USTR be able to run their course, taking actions which are consistent with the Uruguay Round and the WTO; and if we do so, I think we are going to be much better served.

Mr. DREIER. Mr. Speaker, I would like to reserve the balance of my time so that we can hear another member of the minority talk about not protecting the rights of American workers.

Mr. MOAKLEY. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) controls 4½ minutes; the gentleman from California (Mr. DREIER) controls 4 minutes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

The last statement was extraordinary. It is the Republican perception when they talk about American workers, they are talking about the CEO of a multinational company. That, to them, is the embodiment of the average American worker. When they talk about protecting American workers, they are talking also about the CEO of a giant agribusiness pharmaceutical company which produces bovine growth hormones.

They think it is great that the American people have to eat meat laced with bovine growth hormone and they will not even allow labeling of that so an American can know whether it is in the milk or in the meat, because there is a very wealthy guy running that company and they give lots of money to the Republican Party.

So we cannot even have labeling in this country, and now, what are we going to do? We are going to force the Europeans who have wisely said, we are not quite sure whether this stuff is safe, and we are not quite sure that we want our babies and our children to be ingesting beef and milk from cattle which have been laced with this experimental drug.

Now, they have passed a law to say that. We are saying, no, you cannot have those kinds of laws. Where did we go to get their law overturned? The same place where they are going to get our consumer protection laws overturned, our laws to protect American workers: the WTO, a secret tribunal which meets in secret, gives decisions in secret, produces no case, no law, no documents. They just make rulings, no conflict of interest rules at all.

Now, is this the American way? When I asked the past American Trade Representative, how can we bind ourselves to that kind of process? He said, well, you have got to understand, these other countries in this organization, they do not believe in our system of jurisprudence, they do not believe in open courts, they do not believe in open arguments, any of that.

So, now we have set up a system where the multinationals are always going to win, and sometimes it will be U.S.-based multinational: Chiquita, Monsanto, any other times they will be European-based multinationals. But the losers will always be the consumers and the workers.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say to my friend, who thought it was sort of an extraordinary statement that I made, when I talked about protecting U.S. jobs and they do not have an interest in doing it, I was talking about jobs in marketing, in shipping, in accounting, and all of the other areas that are impacted by the banana industry; and as we talked about some of these other areas in ranching, look at all the people who work there.

Mr. Speaker, I yield 2½ minutes to my very good friend from Delmar, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, it is every individual's right whether to support trade or not to support trade. I personally feel that during GATT, during NAFTA, during fast track, I think each and every one of us had pluses and minuses in those agreements. Why? I think our worst fear is not for the trade itself, but because under either a Republican or Democrat White House, I think you have to eat pabulum to be a member of the State Department. Because when it comes to the protection of our rights as Americans and our workers as Americans, we back off every time.

Let me give my colleagues a classic example. In China over 200 years ago, when we first had ships going into the China ports, there was a sailing ship, they tossed a bucket with a line over and it actually hit a Chinese worker. It killed the young lady. Well, the Chinese stormed the ship, and the Americans repelled boarders, and they would not let the sailor, would not give him up.

Well, then they said that if we did not turn over this worker, then they would cut all trade off from the United States. Well, what happened? With that, the United States gave in. They took the sailor and they executed him.

So it seems, every time. An example with avocados in NAFTA: We begged the administration not to let Mexico import avocados, for the farmers.

□ 1220

But yet the White House insisted that they did, against all of the Members from the States that raised avocados. And right now, California's crops are at risk.

I do not berate my friends on the other side for being concerned. We need to focus on implementing these trade agreements in the White House under Republicans as well. But in this case, just like in the fast track, the words that I listened to from our farmers and our ranchers and many of my colleagues who represent agriculture districts is that this was the most important vote of the decade for our farmers and ranchers. For one reason or not, some chose not to vote or to vote for it.

But I think in agreements like this, we need to focus on what is good for our American workers, and then focus on the White House and the State Department to carry those through. That is my concern for any trade agreement, not that the Republicans are doing this and the Democrats are doing that.

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

Mr. Speaker, I would just like to read the last statement of the administration policy on this bill: ''H.R. 4761 will undermine our ability to achieve a meaningful solution for U.S. interests and weaken our hand in these trade disputes.''

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding to me.

Mr. Speaker, I would like to begin by recognizing the hard work and the persistence of our Trade Representative and the Department of Agriculture in pursuing the European compliance with WTO decisions on both beef hormones and bananas. Ambassadors Barshefsky and Scher, Secretary Glickman and his team, including Paul Drazek, who has just left the Department and will be sorely missed, have tirelessly raised the beef hormone and banana issues at every opportunity and every level of the European Parliament.

Unfortunately, there is no way to make Europe play by the rules. Even this effort today will not force the Europeans to do anything to remove the barriers to free and fair trade. But it will provide them with a strong incentive to adhere to agreed-upon rules.

Listening to the debate today, I think we can see the difficulties that we have. There are those among us who honestly differ regarding what we should and should not do. I speak today not about bananas. I would just say this on bananas; I agree that we should encourage the Europeans to meet their obligation to provide aid to their former colonies. That aid, however, should not come at the expense of U.S. and Latin American trade interests.

Mr. Speaker, I speak today on behalf of beef. When we say that no one has been hurt in this country, they have been hurt. Tens of millions, if not hundreds of millions of dollars have been lost in income to cattle producers all over this country; have been lost because of the refusal of the European Union to adhere to the rules that all of us who believe in free and fair trade should adhere to. That is the problem.

By expediting the established process for retaliation against unfair trade

practices, this bill will provide the European Union with an advance list of which of their products will lose favorable tariffs. This list will likely be of great interest to Europeans whose jobs depend on exports of the products listed, just as the WTO cases on beef hormones and bananas of are interest to American ranchers and the thousands of Americans whose jobs depend on fair trade in bananas and in beef.

I would like to express my thanks to the gentleman from Texas (Chairman ARCHER) for including consultation for the Committee on Agriculture in the formulation of the list, which I believe is very appropriate, given that both of these cases, and many of the cases coming down the pike, involved agriculture.

Mr. Speaker, I would like to conclude by saying this to those who speak on this floor and suggest that there is something unsafe about the American food supply. They do no good, no benefit to the producers. We have the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people. It does no good to suggest otherwise to the people of America.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

First, I would like to say that I believe that support of this rule is the right thing for us to do. Why? Because an overwhelming majority of Democrats and Republicans a few Congresses ago voted to establish a rules-based trading system. We did so in the pursuit of reduced tariff barriers so that we could improve opportunities for our manufacturers and producers to export, and also to improve the quality of life, equally important, here in the United States by allowing imports to come in.

Free trade is, in fact, the wave of the future and it is something that we need to recognize. Under this rules-based trading system, we have unfortunately run into a problem. Seven years ago, 7 years ago, this case was filed on bananas. We also have seen, following, the hormone case in beef. We are trying to resolve that. We have tried to get a letter, and I hope very much that we still will be able to get a strong letter from the administration raising concerns with the European Union about this.

But, Mr. Speaker, it is important to note that this is potentially just the beginning. There are many other industries in this country that could be detrimentally impacted by those kinds of negative actions by others of our trading partners who are not playing fairly.

Mr. Speaker, we have got to do the fair thing for American workers. I strongly urge my colleagues to support this rule.

Mr. KOLBE. Mr. Speaker, today marks a historic moment in U.S. economic history. Over fifty years ago, this nation embraced a multilateral, rule-based approach to our international trade policy with the creation of the GATT. Our acceptance of the role of multilateral institutions in international trade did not occur in a vacuum. It arose out of the ashes of the great depression and World War II. For two decades we witnessed the human damage which unilateral protectionism, nationalism and economic stagnation could bring, and we vowed never to let it happen again.

During the Bretton Woods conference in 1948 the United States helped establish the framework for the creation of GATT. The objectives of the GATT system were simple: to promote trade liberalization and to guarantee stable conditions for market access on a nondiscriminatory basis by creating a set of transparent rules and dispute-settlement procedures. World leaders of that time believed—as I do today—that increased economic integration through trade would strengthen world stability and provide a bulwark of democracy in the emerging Cold War.

And the system, although far from perfect, worked. Nations opened their markets and began to view other nations as trading partners, rather than antagonists. The results have been dramatic. For the past fifty years the world has experienced a degree of economic growth and stability which was unimaginable to our forefathers. In my view, this stability and prosperity are in no small part due to the growth of international commerce among nations.

Since the adoption of the GATT we have been working to perfect the multilateral trading system. A great steep forward was taken when this Congress adopted the Uruguay Round Agreements Act in 1995. With the adoption of this act, the GATT and its successor organization the World Trade Organization—moved from its inception as a forum for discussing tariff reductions for trade in goods to cover such diverse and important areas as intellectual property, services and agriculture. Most important, the GATT moved away from a slow and ineffective dispute resolution forum to one based on clear, objective criteria, enforced through a multilateral system of debate, consultation, negotiation, adjudication and consensus.

Clearly one of the most important benefits of the WTO is the enhanced dispute settlement process. Under the old system, U.S. exporters with legitimate grievances against foreign trade barriers had to wait years before cases were resolved. The system was excruciatingly slow and—in the end—largely ineffectual. In contrast, the new dispute settlement procedures provide U.S. exporters with a relatively quick and effective system for resolving trade grievances. And it has worked largely to our advantage. The United States won far more cases than any other nation and the WTO has become an effective tool in our trade arsenal to open foreign markets and level the playing field for U.S. exporters.

This brings us to where we are today. We have a rule based system that works to our advantage and a dispute settlement process that enables us to bring multilateral legitimacy to our international trade complaints. Today, when we win a case in the WTO, our position is clearly strengthened vis-a-vis our trading partners. But we must have compliance.

The United States won two significant cases against the European Union. The first ruling determined that the EU banana import licensing and quota scheme was designed to favor European importers over U.S. suppliers. The second determined that the EU ban against U.S. beef was not based upon sound science but served as a non-tariff trade barrier to U.S. beef imports. But, rather than comply with these rulings and open their markets to U.S. products the EU is seeking to take advantage of a loop-hole in the system, a loop-hole which, if allowed to be exploited, will result in endless meeting and meaningless negotiations. It will also establish a precedent for compliance with WTO decisions which would seriously damage the effectiveness of the dispute settlement mechanism. What we are saying here today is no. We will not accept endless negotiations over true market access. When the WTO makes a ruling, we expect compliance within a reasonable period. If not, we will take actions consistent with the WTO to enforce our rights.

That is what this historic legislation does. It sets out a clear framework for compliance, a framework which is completely consistent with our international commitments under the WTO. I am proud to be a cosponsor of this bill and I urge my colleagues to show their support for American exporters and to protect our rights under the multilateral system. I urge my colleagues to vote yes on the rule for H.R. 4761.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong opposition to H. Res. 588 the closed rule which blocks all amendments to H.R. 4761, a very punitive bill which would destroy small Caribbean family farmers and their banana industry.

Why are my colleagues on the Majority side of the aisle in such a hurry to seek the destruction—in the dead of the night—of vulnerable Caribbean banana farmers especially in light of the recent devastation wrought against these islands by the recent killer hurricane Georges? This last minute sneak attack against our Caribbean friends and in favor of the Chiquita Banana Corporation must not be allowed to stand.

We must not let our tiny neighbors in the Caribbean be the victims of our fight with the European Union and the WTO. I urge my colleagues to reject this last minute ''cover of darkness trick''. Say no to this unconscionable action and support our friends in the Caribbean. Vote against the rule and against H.R. 4761.

Mr. TOWNS. Mr. Speaker, I join my colleague, the gentlelady from California, in voicing my adamant opposition to this bill.

Last year, the World Trade Organization (WTO) issued an interim ruling against the European Union's (EU) banana program for the Caribbean. This ruling was in response to a U.S. claim of trade protections, on behalf of the Chiquita Banana Company, who wants to sell to European countries. The WTO ruling, if implemented, will destabilize the economic and social infrastructure of Caribbean countries. This ruling is particularly problematic given the fact that we have been unable to enact a Caribbean trade bill to assist this region with economic development.

This situation would be particularly harmful to eastern Caribbean countries, like Dominica, where banana exports account for 70 percent of the income and employment. We should not underestimate the impact this action will have on the enhancement of drug trafficking as an economic replacement for the banana industry. The WTO has demonstrated neither understanding of, nor concern for the problems of these small developing countries. I have repeatedly called on the Administration to ensure that the thousands of small Caribbean

banana farmers, and the economies of so many Caribbean nations, not be damaged in any way.

I urge my colleagues to oppose H.R. 4761. It is a bill that rewards one special interest at the expense of many of our Caribbean allies and more importantly it will consign Caribbean peoples to further economic devastation beyond that experienced by the recent hurricane. This bill deserves to be defeated.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

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

Mr. MOAKLEY. 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, further proceedings on this resolution will be postponed.

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 roll call votes, if postponed, will be taken later.

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 592) providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110.

The Clerk read as follows:

H. RES. 592

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4110, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with the following amendments:

(1) Amend the title so as to read: ''An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Programs Enhancement Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

Sec. 101. Agreement with National Academy of Sciences regarding evaluation of health consequences of service in Southwest Asia during the Persian Gulf War.
Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.
Sec. 103. National center on war-related illnesses and post-deployment health issues.
Sec. 104. Coordination of activities.
Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.
Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.
Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
Sec. 202. Election of advance payment of work-study allowance.
Sec. 203. Alternative to twelve semester hour equivalency requirement.
Sec. 204. Medical evidence for flight training requirements.
Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
Sec. 206. Expansion of education outreach services.
Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

Sec. 211. Enforcement of rights with respect to a State as an employer.
Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.
Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

Sec. 301. Medal of Honor special pension.
Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.
Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.
Sec. 304. National Service Life Insurance program.

TITLE IV—MEMORIAL AFFAIRS

Sec. 401. Commemoration of individuals whose remains are unavailable for interment.
Sec. 402. Merchant mariner burial and cemetery benefits.
Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.
Sec. 404. State cemetery grants program.

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

Sec. 501. Continuation in office of judges pending confirmation for second term.
Sec. 502. Exemption of retirement fund from sequestration orders.
Sec. 503. Adjustments for survivor annuities.
Sec. 504. Reports on retirement program modifications.

Subtitle B—Renaming of Court

Sec. 511. Renaming of the Court of Veterans Appeals.
Sec. 512. Conforming amendments.
Sec. 513. Effective date.

TITLE VI—HOUSING

Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.
Sec. 602. Veterans housing benefit program fund account consolidation.
Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.
Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

Sec. 701. Authorization of major medical facility projects.
Sec. 702. Authorization of major medical facility leases.
Sec. 703. Authorization of appropriations.
Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.
Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.
Sec. 706. Parking fees.
Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.
Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.
Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.
Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Sec. 801. Short title.
Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.
Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.
Sec. 804. Repeal of prohibition on payment of tuition loans.
Sec. 805. Conforming amendments.
Sec. 806. Coordination with appropriations provision.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

Sec. 901. Examinations and care associated with certain radiation treatment.

Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.
Sec. 903. Management of specialized treatment and rehabilitative programs.
Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
Sec. 905. Report on nurse locality pay.
Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.
Sec. 907. Interim appointment of Under Secretary for Health.

TITLE X—OTHER MATTERS

Sec. 1001. Requirement for naming of Department property.
Sec. 1002. Members of the Board of Veterans' Appeals.
Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.
Sec. 1004. Disabled veterans outreach program specialists.
Sec. 1005. Technical amendments.

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 1102. Publication of adjusted rates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING EVALUATION OF HEALTH CONSEQUENCES OF SERVICE IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not a part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between illness and service in the Persian Gulf War.

(b) AGREEMENT.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of the enactment of this Act.

(2)(A) If the Secretary is unable within the time period set forth in paragraph (1) to enter into an agreement with the Academy for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the Academy.

(B) If the Secretary enters into an agreement with another organization under this paragraph, any reference in this section to the National Academy of Sciences shall be treated as a reference to such other organization.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct a comprehensive review and evaluation of the available scientific and medical information regarding the health status of Gulf War veterans and the health consequences of exposures to risk factors during service in the Persian Gulf War. In conducting such review and evaluation, the Academy shall—

(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines (including the agents specified in subsection (d)(1)) to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service;

(B) identify the illnesses associated with the agents, hazards, or medicines or vaccines identified under subparagraph (A); and

(C) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) for which there is scientific evidence of a higher prevalence among populations of Gulf War veterans when compared with other appropriate populations of individuals.

(2) In identifying illnesses under subparagraphs (B) and (C) of paragraph (1), the Academy shall review and summarize the relevant scientific evidence regarding illnesses, including symptoms, adverse reproductive health outcomes, and mortality, among the members described in paragraph (1)(A) and among other appropriate populations of individuals.

(3) In conducting the review and evaluation under paragraph (1), the Academy shall, for each illness identified under subparagraph (B) or (C) of that paragraph, assess the latency period, if any, between service or exposure to any potential risk factor (including an agent, hazard, or medicine or vaccine identified under subparagraph (A) of that paragraph) and the manifestation of such illness.

(d) SPECIFIED AGENTS.—(1) In identifying under subsection (c)(1)(A) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed, the National Academy of Sciences shall consider the following:

(A) The following organophosphorous pesticides:
(i) Chlorpyrifos.
(ii) Diazinon.
(iii) Dichlorvos.
(iv) Malathion.

(B) The following carbamate pesticides:
(i) Proxpur.
(ii) Carbaryl.
(iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbons and other pesticides and repellents:
(i) Lindane.
(ii) Pyrethrins.
(iii) Permethrins.
(iv) Rodenticides (bait).
(v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:
(i) Sarin.
(ii) Tabun.

(F) The following synthetic chemical compounds:
(i) Mustard agents at levels below those which cause immediate blistering.
(ii) Volatile organic compounds.
(iii) Hydrazine.
(iv) Red fuming nitric acid.
(v) Solvents.

(G) The following sources of radiation:
(i) Depleted uranium.
(ii) Microwave radiation.
(iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:
(i) Hydrogen sulfide.
(ii) Oil fire byproducts.
(iii) Diesel heater fumes.
(iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):
(i) Leishmaniasis.
(ii) Sandfly fever.
(iii) Pathogenic escherichia coli.
(iv) Shigellosis.

(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (h).

(3) Not later than six months after entry into the agreement under subsection (b), the Academy shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) SCIENTIFIC DETERMINATIONS CONCERNING ILLNESSES.—(1) For each illness identified under subparagraph (B) or (C) of subsection (c)(1), the National Academy of Sciences shall determine (to the extent available scientific evidence permits) whether there is scientific evidence of an association of that illness with Gulf War service or exposure during Gulf War service to one or more agents, hazards, or medicines or vaccines. In making those determinations, the Academy shall consider—

(A) the strength of scientific evidence, the replicability of results, the statistical significance of results, and the appropriateness of the scientific methods used to detect the association;

(B) in any case where there is evidence of an apparent association, whether there is reasonable confidence that that apparent association is not due to chance, bias, or confounding;

(C) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine;

(D) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness;

(E) in any case where information about exposure levels is available, whether the evidence indicates that the levels of exposure of the studied populations were of the same magnitude as the estimated likely exposures of Gulf War veterans; and

(F) whether there is an increased risk of illness among Gulf War veterans in comparison with appropriate peer groups.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of service in the Persian Gulf War or exposure to toxic agents, environmental or wartime hazards,

or preventive medicines or vaccines associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, evidence, and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(h) REPORTS BY ACADEMY.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than two years after entry into the agreement under subsection (b). That report shall include—

(A) the determinations and discussion referred to in subsection (e); and

(B) any recommendations of the Academy under subsection (f).

(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the two-year period ending on the date of such report.

(i) REPORTS BY SECRETARY.—(1) The Secretary shall review each report from the Academy under subsection (h). As part of such review, the Secretary shall seek comments on, and evaluation of, the Academy's report from the heads of other affected departments and agencies of the United States.

(2) Based upon a review under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the available scientific and medical information regarding the health consequences of Persian Gulf War service and of exposures to risk factors during service in the Persian Gulf War. The Secretary shall include in the report the Secretary's recommendations as to whether there is sufficient evidence to warrant a presumption of service-connection for the occurrence of a specified condition in Gulf War veterans. In determining whether to make such a recommendation, the Secretary shall consider the matters specified in subparagraphs (A) through (F) of subsection (e)(1).

(3) The report under this subsection shall be submitted not later than 120 days after the date on which the Secretary receives the report from the Academy.

(j) SUNSET.—This section shall cease to be effective 11 years after the last day of the fiscal year in which the National Academy of Sciences enters into an agreement with the Secretary under subsection (b).

(k) DEFINITION.—In this section, the term ''toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service'' means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS.

(a) AUTHORITY.—Section 1710(e) is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

''(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.'';

(2) in paragraph (2)(B), by inserting ''or (1)(D)'' after ''paragraph (1)(C)'';

(3) in paragraph (3)—

(A) by striking out ''and'' at the end of subparagraph (A);

(B) by striking out ''December 31, 1998.'' in subparagraph (B) and inserting in lieu thereof ''December 31, 2001; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case of care for a veteran described in paragraph (1)(D), after a period of two years beginning on the date of the veteran's discharge or release from active military, naval, or air service.''; and

(4) by adding at the end the following new paragraph:

''(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.''.

(b) IMPLEMENTATION REPORT.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4).

SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES AND POST-DEPLOYMENT HEALTH ISSUES.

(a) ASSESSMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate independent organization, under which such entity shall assist in developing a plan for the establishment of a national center or national centers for the study of war-related illnesses and post-deployment health issues. The purposes of such a center may include—

(1) carrying out and promoting research regarding the etiologies, diagnosis, treatment, and prevention of war-related illnesses and post-deployment health issues; and

(2) promoting the development of appropriate health policies, including monitoring, medical recordkeeping, risk communication, and use of new technologies.

(b) RECOMMENDATIONS AND REPORT.—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

(1) make recommendations regarding (A) design of an organizational structure or structures, operational scope, staffing and resource needs, establishment of appropriate databases, the advantages of single or multiple sites, mechanisms for implementing recommendations on policy, and relationship to academic or scientific entities, (B) the role or roles that relevant Federal departments and agencies should have in the establishment and operation of any such center or centers, and (C) such other matters as it considers appropriate; and

(2) report to the Secretary, the Secretaries of Defense and Health and Human Services, and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than one year after the date of the enactment of this Act, on its recommendations.

(c) REPORT ON ESTABLISHMENT OF NATIONAL CENTER.—Not later than 60 days after receiving the report under subsection (b), the Secretaries specified in subsection (b)(2) shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Natoinal Security of the House of Representatives a joint report on the findings and recommendations contained in that report. Such report may set forth an operational plan for carrying out any recommendation in that report to establish a national center or centers for the study of war-related illnesses. No action to carry out such plan may be taken after the submission of such report until the end of a 90-day period following the date of the submission.

SEC. 104. COORDINATION OF ACTIVITIES.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended—

(1) in the heading, by striking out ''government activities on health-related research'' and inserting the following: ''health-related government activities'';

(2) in subsection (a), by striking out ''research''; and

(3) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) PUBLIC ADVISORY COMMITTEE.—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, including Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

''(c) REPORTS.—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

''(A) the status and results of all such research activities undertaken by the executive branch during the previous year; and

''(B) research priorities identified during that year.

''(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans—Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study and any other pertinent medical literature.

''(B) With respect to any findings of that study and any other pertinent medical literature which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

''(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

''(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that the appropriate departments consult and coordinate in carrying out an ongoing program to provide information to those who served in the Southwest Asia theater of operations during the Persian Gulf War relating to (1) the health risks, if any, resulting from any risk factors associated with such service, and (2) any services or benefits available with respect to such health risks.''.

SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.

(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than April 1, 1999, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences to review the available scientific data in order to—

(1) assess whether a methodology could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (including functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War; and

(2) identify, to the extent feasible, with respect to each undiagnosed illness prevalent among such veterans and for any other chronic illness that the Academy determines to warrant such review, empirically valid models of treatment for such illness which employ successful treatment modalities for populations with similar symptoms.

(b) ACTION ON REPORT.—(1) After receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall, if a reasonable and scientifically feasible methodology is identified by the Academy, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of paragraph (1).

(3) The Secretary shall carry out paragraphs (1) and (2) not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a).

SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by adding at the end the following new subsection:

''(d) RESEARCH REVIEW AND DEVELOPMENT OF MEDICAL EDUCATION CURRICULUM.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

''(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

''(B) on an ongoing basis, periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

''(2) Recommendations to be provided under paragraph (1)(B) include any recommendations that the Academy considers appropriate for additional scientific studies (including studies related to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service. In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

''(3) Not later than nine months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1)(A), the Secretaries shall provide for the conduct of continuing education programs using that curriculum. Those programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.''.

SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking out ''December 31, 1998'' and inserting in lieu thereof ''December 31, 1999''.

(b) TERMINATION OF CERTAIN TESTING AND EVALUATION REQUIREMENTS.—Subsection (a) of such section is amended—

(1) by striking out ''the'' after ''Secretary of'';

(2) by striking out ''study'' both places it appears and inserting in lieu thereof ''program''; and

(3) by striking out the sentence following paragraph (3).

(c) ENHANCED FLEXIBILITY IN EXAMINATIONS.—Subsection (d) of such section is amended—

(1) by striking out ''shall'' and inserting in lieu thereof ''may''; and

(2) by inserting '', including fee arrangements described in section 1703 of title 38, United States Code'' after ''arrangements''.

(d) OUTREACH.—Subsection (g) of such section is amended—

(1) by striking out ''to ensure'' and all that follows through the period at the end of paragraph (2) and inserting in lieu thereof ''for the purposes of the program.''; and

(2) by adding at the end the following new sentence: ''In conducting such outreach activities, the Secretary shall advise that medical treatment is not available under the program.''.

(e) REPORT TO CONGRESS.—Subsection (i) of such section is amended to read as follows:

''(i) REPORT TO CONGRESS.—Not later than July 31, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on activities with respect to the program, including the provision of services under subsection (d).''.

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.

(a) IN GENERAL.—The second sentence of section 3684(c) is amended by striking out ''on October 31'' and all that follows through the period and inserting in lieu thereof ''during the calender year.''.

(b) FUNDING.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: ''The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—The third sentence of section 3485(a)(1) is amended by striking out ''An individual shall be paid in advance'' and inserting in lieu thereof ''An individual may elect, in a manner prescribed by the Secretary, to be paid in advance''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.

(a) IN GENERAL.—The following sections of chapter 30 are each amended by striking out ''successfully completed'' each place it appears and inserting in lieu thereof ''successfully completed (or otherwise received academic credit for)'': sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.

(a) TITLE 38, UNITED STATES CODE.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out ''pilot's license'' each place it appears and inserting in lieu thereof ''pilot certificate''; and

(2) by inserting '', on the day the individual begins a course of flight training,'' after ''meets''.

(b) TITLE 10, UNITED STATES CODE.—Section 16136(c)(2) of title 10, United States Code, is amended—

(1) by striking out ''pilot's license'' each place it appears and inserting in lieu thereof ''pilot certificate''; and

(2) by inserting '', on the day the individual begins a course of flight training,'' after ''meets''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.

(a) IN GENERAL.—Section 3677(b) is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A), as so redesignated, by striking out ''(A)'' and ''(B)'' and inserting in lieu thereof ''(i)'' and ''(ii)'', respectively; and

(4) by adding at the end the following new paragraph:

''(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

''(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member. The Secretary shall furnish such information as soon as practicable after the basic pay of the member has been reduced by $1,200 in accordance with section 3011(b) or 3012(c) of this title and at such additional times as the Secretary determines appropriate.

''(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

''(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

''(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

''(i) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.''.

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

''(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).''.

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out ''and (B)'' and inserting in lieu thereof ''(B)''; and

(2) by inserting before the semicolon the following: '', and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts''.

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 is amended to read as follows:

''§ 4323. Enforcement of rights with respect to a State or private employer

''(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

''(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

''(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

''(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

''(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

''(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

''(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

''(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

''(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

''(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

''(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

''(A) The court may require the employer to comply with the provisions of this chapter.

''(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

''(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

''(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

''(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

''(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

''(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

''(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

''(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

''(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

''(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

''(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

''(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State.''.

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) is amended by adding at the end the following new sentence: ''Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.''.

(b) FOREIGN COUNTRIES.—(1) Subchapter II of chapter 43 is amended by inserting after section 4318 the following new section:

''§ 4319. Employment and reemployment rights in foreign countries

''(a) LIABILITY OF CONTROLLING UNITED STATES EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

''(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

''(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

''(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, shall be exempt from compliance with any of sections 4311 through 4318 of this title with respect to an employee in a workplace in a foreign country, if compliance with that section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.''.

(2) The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4318 the following new item:

''4319. Employment and reemployment rights in foreign countries.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to causes of action arising after the date of the enactment of this Act.

SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) is amended by inserting before the period at the end the following: '', without regard as to whether the complaint accrued before, on, or after October 13, 1994''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

SEC. 301. MEDAL OF HONOR SPECIAL PENSION.

(a) INCREASE.—Section 1562(a) is amended by striking out ''$400'' and inserting in lieu thereof ''$600''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 302. ACCELERATED DEATH BENEFIT FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE PARTICIPANTS.

(a) IN GENERAL.—(1) Subchapter III of chapter 19 is amended by adding at the end the following new section:

''§ 1980. Option to receive accelerated death benefit

''(a) For the purpose of this section, a person shall be considered to be terminally ill if the person has a medical prognosis such that the life expectancy of the person is less than a period prescribed by the Secretary. The maximum length of such period may not exceed 12 months.

''(b)(1) A terminally ill person insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance may elect to receive in a lump-sum payment a portion of the face value of the insurance as an accelerated death benefit reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.

''(2) The Secretary shall prescribe the maximum amount of the accelerated death benefit available under this section that the Secretary finds to be administratively practicable and actuarially sound, but in no event may the amount of the benefit exceed the amount equal to 50 percent of the face value of the person's insurance in force on the date the election of the person to receive the benefit is approved.

''(3) A person making an election under this section may elect to receive an amount that is less than the maximum amount prescribed under paragraph (2). The Secretary shall prescribe the increments in which a reduced amount under this paragraph may be elected.

''(c) The portion of the face value of insurance which is not paid in a lump sum as an accelerated death benefit under this section shall remain payable in accordance with the provisions of this chapter.

''(d) Deductions under section 1969 of this title and premiums under section 1977(c) of this title shall be reduced, in a manner consistent with the percentage reduction in the face value of the insurance as a result of payment of an accelerated death benefit under this section, effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

''(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions regarding—

''(1) the form and manner in which an application for an election under this section shall be made; and

''(2) the procedures under which any such application shall be considered.

''(f)(1) An election to receive a benefit under this section shall be irrevocable.

''(2) A person may not make more than one election under this section, even if the election of the person is to receive less than the maximum amount of the benefit available to the person under this section.

''(g) If a person insured under Servicemembers' Group Life Insurance elects to receive a benefit under this section and the person's Servicemembers' Group Life Insurance is thereafter converted to Veterans' Group Life Insurance as provided in section 1968(b) of this title, the amount of the benefit paid under this section shall reduce the amount of Veterans' Group Life Insurance available to the person under section 1977(a) of this title.

''(h) Notwithstanding any other provision of law, the amount of the accelerated death benefit received by a person under this section shall not be considered income or resources for purposes of determining eligibility for or the amount of benefits under any Federal or federally-assisted program or for any other purpose.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1979 the following new item:

''1980. Option to receive accelerated death benefit.''.

(b) CONFORMING AMENDMENTS.—Section 1970(g) is amended in the first sentence—

(1) by striking out ''Payments of benefits'' and inserting in lieu thereof ''Any payments''; and

(2) by inserting ''an insured or'' after ''or on account of,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE AND SURVIVOR BENEFITS PROGRAMS FOR SURVIVORS OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REPORT ON ASSESSMENT.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing an assessment of the adequacy of the insurance and survivor benefits programs of the Department of Veterans Affairs (including the payment of dependency and indemnity compensation under chapter 13 of title 38, United States Code) in meeting the needs of survivors of veterans with service-connected disabilities, including survivors of catastrophically disabled veterans who cared for those veterans.

(b) REPORT ELEMENTS.—The report on the assessment under subsection (a) shall include the following:

(1) An identification of the characteristics that make a disabled veteran catastrophically disabled.

(2) A statement of the number of veterans with service-connected disabilities who participate in insurance programs administered by the Department.

(3) A statement of the number of survivors of veterans with service-connected disabilities who receive dependency and indemnity

compensation under chapter 13 of title 38, United States Code.

(4) Data on veterans with service-connected disabilities that are relevant to the insurance programs administered by the Department, and an assessment how such data might be used to better determine the cost above standard premium rates of insuring veterans with service-connected disabilities under such programs.

(5) An analysis of various methods of accounting and providing for the additional cost of insuring the lives of veterans with service-connected disabilities under the insurance programs administered by the Department.

(6) An assessment of the adequacy and effectiveness of the current insurance programs and dependency and indemnity compensation programs of the Department in meeting the needs of survivors of severely-disabled or catastrophically-disabled veterans.

(7) An analysis of various methods of meeting the transitional financial needs of survivors of veterans with service-connected disabilities immediately after the deaths of such veterans.

(8) Such recommendations as the Secretary considers appropriate regarding means of improving the benefits available to survivors of veterans with service-connected disabilities under programs administered by the Department.

SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) ELIGIBILITY OF CERTAIN VETERANS FOR DIVIDENDS UNDER NSLI PROGRAM.—Section 1919(b) is amended—

(1) by striking ''sections 602(c)(2) and'' and inserting ''section''; and

(2) by striking ''sections'' after ''under such'' and inserting ''section''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

TITLE IV—MEMORIAL AFFAIRS

SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE REMAINS ARE UNAVAILABLE FOR INTERMENT.

(a) MEMORIAL HEADSTONES OR MARKERS FOR CERTAIN MEMBERS OF THE ARMED FORCES AND SPOUSES.—Subsection (b) of section 2306 is amended to read as follows:

''(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans' cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

''(2) For purposes of paragraph (1), an eligible individual is any of the following:

''(A) A veteran.

''(B) The spouse or surviving spouse of a veteran.

''(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual's remains—

''(A) have not been recovered or identified;

''(B) were buried at sea, whether by the individual's own choice or otherwise;

''(C) were donated to science; or

''(D) were cremated and the ashes scattered without interment of any portion of the ashes.

''(4) For purposes of this subsection:

''(A) The term 'veteran' includes an individual who dies in the active military, naval, or air service.

''(B) The term 'surviving spouse' includes an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.''.

(b) ALTERNATIVE COMMEMORATION FOR CERTAIN SPOUSES.—Such section is further amended by adding at the end the following new subsection:

''(e)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse of such individual.

''(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse of such individual.''.

(c) MEMORIAL AREAS.—Section 2403(b) is amended to read as follows:

''(b) Under regulations prescribed by the Secretary, group memorials may be placed to honor the memory of groups of individuals referred to in subsection (a), and appropriate memorial headstones and markers may be placed to honor the memory of individuals referred to in subsection (a) and section 2306(b) of this title.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to deaths occurring after the date of the enactment of this Act.

SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY BENEFITS.

(a) BENEFITS.—Part G of subtitle II of title 46, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

''Sec.

''11201. Eligibility for veterans' burial and cemetery benefits.

''11202. Qualified service.

''11203. Documentation of qualified service.

''11204. Processing fees.

"§ 11201. Eligibility for veterans' burial and cemetery benefits

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—The qualified service of a person referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

''(A) Chapter 23 (relating to burial benefits).

''(B) Chapter 24 (relating to interment in national cemeteries).

''(2) COVERED INDIVIDUALS.—Paragraph (1) applies to a person who—

''(A) receives an honorable service certificate under section 11203 of this title; and

''(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

''(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for a person by reason of eligibility under this section.

''(c) APPLICABILITY.—

''(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

''(2) BURIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

"§ 11202. Qualified service

''For purposes of this chapter, a person shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

''(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

''(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(C) under contract or charter to, or property of, the Government of the United States; and

''(D) serving the Armed Forces; and

''(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11203. Documentation of qualified service

''(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

''(1) issue a certificate of honorable service to a person who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

''(2) correct, or request the appropriate official of the Government to correct, the service records of that person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

''(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than one year after the date of that receipt.

''(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

''(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of a person shall make such correction.

"§ 11204. Processing fees

''(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11203(a) of this title.

''(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be

available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following new item:

''112. Merchant Mariner Benefits ..... 11201''.

SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYSTEM AND ESTABLISHMENT OF UNDER SECRETARY FOR MEMORIAL AFFAIRS.

(a) REDESIGNATION AS NATIONAL CEMETERY ADMINISTRATION.—(1) The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the National Cemetery System is hereby redesignated as Under Secretary of Veterans Affairs for Memorial Affairs.

(2) Section 301(c)(4) is amended by striking out ''National Cemetery System'' and inserting in lieu thereof ''National Cemetery Administration''.

(3) Section 307 is amended—

(A) in the first sentence, by striking out ''a Director of the National Cemetery System'' and inserting in lieu thereof ''an Under Secretary for Memorial Affairs''; and

(B) in the second sentence, by striking out ''The Director'' and all that follows through ''National Cemetery System'' and inserting in lieu thereof ''The Under Secretary is the head of the National Cemetery Administration''.

(b) PAY RATE FOR UNDER SECRETARY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by inserting after the item relating to the Under Secretary for Benefits of the Department of Veterans Affairs the following new item:

''Under Secretary for Memorial Affairs, Department of Veterans Affairs.''; and

(2) in section 5315, by striking out ''Director of the National Cemetery System.''.

(c) CONFORMING AMENDMENTS.—

(1)(A) The heading of section 307 is amended to read as follows:

''§ 307. Under Secretary for Memorial Affairs''.

(B) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

''307. Under Secretary for Memorial Affairs.''.

(2) Section 2306(d) is amended by striking out ''within the National Cemetery System'' each place such term appears and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(3) Section 2400 is amended—

(A) in subsection (a)—

(i) by striking out ''National Cemetery System'' and inserting in lieu thereof ''National Cemetery Administration responsible''; and

(ii) in the second sentence, by striking out ''Such system'' and all that follows through ''National Cemetery System'' and inserting in lieu thereof ''The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs'';

(B) in subsection (b), by striking out ''National Cemetery System'' and inserting in lieu thereof ''national cemeteries and other facilities under the control of the National Cemetery Administration''; and

(C) by amending the heading to read as follows:

''§ 2400. Establishment of National Cemetery Administration; composition of Administration''.

(4) The item relating to section 2400 in the table of sections at the beginning of chapter 24 is amended to read as follows:

''2400. Establishment of National Cemetery Administration; composition of Administration.''.

(5) Section 2402 is amended in the matter preceding paragraph (1) by striking out ''in the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(6) Section 2403(c) is amended by striking out ''in the National Cemetery System created by this chapter'' and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(7) Section 2405(c) is amended—

(A) by striking out ''within the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration''; and

(B) by striking out ''within such System'' and inserting in lieu thereof ''under the control of such Administration''.

(8) Section 2408(c)(1) is amended by striking out ''in the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(d) REFERENCES.—

(1) Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Cemetery System shall be deemed to be a reference to the National Cemetery Administration.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Under Secretary of Veterans Affairs for Memorial Affairs.

SEC. 404. STATE CEMETERY GRANTS PROGRAM.

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

''(1) The amount of a grant under this section may not exceed—

''(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

''(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

''(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant.''.

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out ''shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated'' and inserting in lieu thereof ''shall remain available until expended''.

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

''(2) There is authorized to be appropriated such sums as may be necessary for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).''.

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.

Section 7253(c) is amended by adding at the end the following new sentence: ''A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.''.

SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.

Section 7298 is amended by adding at the end the following new subsection:

''(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.''.

SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.

Subsection (o) of section 7297 is amended to read as follows:

''(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.''.

SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.

(a) REPORT ON JUDGES' RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

Subtitle B—Renaming of Court

SEC. 511. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking ''United States Court of Veterans Appeals'' and inserting ''United States Court of Appeals for Veterans Claims''.

SEC. 512. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—

(1) The following sections are amended by striking ''Court of Veterans Appeals'' each place it appears and inserting ''Court of Appeals for Veterans Claims'': sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

''§ 7286. Judicial Conference of the Court''.

(B) The heading of section 7291 is amended to read as follows:

"§ 7291. Date when Court decision becomes final".

(C) The heading of section 7298 is amended to read as follows:

"§ 7298. Retirement Fund".

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

''7286. Judicial Conference of the Court.''.

(B) The item relating to section 7291 is amended to read as follows:

''7291. Date when Court decision becomes final.''.

(C) The item relating to section 7298 is amended to read as follows:

''7298. Retirement Fund.''.

(4)(A) The heading of chapter 72 is amended to read as follows:

"CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS".

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38, United States Code, and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

''72. United States Court of Appeals for Veterans Claims ..... 7251''.

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking ''Court of Veterans Appeals'' each place it appears and inserting ''Court of Appeals for Veterans Claims'':

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

''8440d. Judges of the United States Court of Appeals for Veterans Claims.''.

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SEC. 513. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

TITLE VI—HOUSING

SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 37 is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

"§ 3771. Definitions

''For purposes of this subchapter:

''(1) The term 'veteran' has the meaning given such term by paragraph (2) of section 101.

''(2) The term 'homeless veteran' means a veteran who is a homeless individual.

''(3) The term 'homeless individual' has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

"§ 3772. General authority

''(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

''(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans may be guaranteed during the three-year period beginning on the date of the enactment of this subchapter.

''(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

''(3) Not more than an aggregate amount of $100,000,000 in loans may be guaranteed under subsection (a).

''(c) A loan may not be guaranteed under this subchapter unless, before closing such loan, the Secretary has approved the loan.

''(d)(1) The Secretary shall enter into contracts with a qualified nonprofit organization, or other qualified organization, that has experience in underwriting transitional housing projects to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 3773 of this title.

''(2) For purposes of paragraph (1), a nonprofit organization is an organization that is described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and is exempt from tax under subsection (a) of such section.

''(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

''(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

"§ 3773. Requirements

''(a) A loan referred to in section 3772 of this title meets the requirements of this subchapter if each of the following requirements is met:

''(1) The loan—

''(A) is for—

''(i) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes; or

''(ii) refinancing of an existing loan for such a project; and

''(B) may also include additional reasonable amounts for—

''(i) financing acquisition of furniture, equipment, supplies, or materials for the project; or

''(ii) in the case of a loan made for purposes of subparagraph (A)(i), supplying the organization carrying out the project with working capital relative to the project.

''(2) The loan is made in connection with funding or the provision of substantial property or services for such project by either a State or local government or a nongovernmental entity, or both.

''(3) The maximum loan amount does not exceed the lesser of—

''(A) that amount generally approved (utilizing prudent underwriting principles) in the consideration and approval of projects of similar nature and risk so as to assure repayment of the loan obligation; and

''(B) 90 percent of the total cost of the project.

''(4) The loan is of sound value, taking into account the creditworthiness of the entity (and the individual members of the entity) applying for such loan.

''(5) The loan is secured.

''(6) The loan is subject to such terms and conditions as the Secretary determines are reasonable, taking into account other housing projects with similarities in size, location, population, and services provided.

''(b) For purposes of this subchapter, a multifamily transitional housing project referred to in subsection (a)(1) is a project that—

''(1) provides transitional housing to homeless veterans, which housing may be single room occupancy (as defined in section 8(n) of the United States Housing Act of 1937 (42 U.S.C. 1437f(n)));

''(2) provides supportive services and counselling services (including job counselling) at the project site with the goal of making such veterans self-sufficient;

''(3) requires that each such veteran seek to obtain and maintain employment;

''(4) charges a reasonable fee for occupying a unit in such housing; and

''(5) maintains strict guidelines regarding sobriety as a condition of occupying such unit.

''(c) Such a project—

''(1) may include space for neighborhood retail services or job training programs; and

''(2) may provide transitional housing to veterans who are not homeless and to homeless individuals who are not veterans if—

''(A) at the time of taking occupancy by any such veteran or homeless individual, the transitional housing needs of homeless veterans in the project area have been met;

''(B) the housing needs of any such veteran or homeless individual can be met in a manner that is compatible with the manner in which the needs of homeless veterans are met under paragraph (1); and

''(C) the provisions of paragraphs (4) and (5) of subsection (b) are met.

''(d) In determining whether to guarantee a loan under this subchapter, the Secretary shall consider—

''(1) the availability of Department of Veterans Affairs medical services to residents of the multifamily transitional housing project; and

''(2) the extent to which needs of homeless veterans are met in a community, as assessed under section 107 of Public Law 102–405.

"§ 3774. Default

''(a) The Secretary shall take such steps as may be necessary to obtain repayment on any loan that is in default and that is guaranteed under this subchapter.

''(b) Upon default of a loan guaranteed under this subchapter and terminated pursuant to State law, a lender may file a claim under the guarantee for an amount not to exceed the lesser of—

''(1) the maximum guarantee; or

''(2) the difference between—

''(A) the total outstanding obligation on the loan, including principal, interest, and expenses authorized by the loan documents, through the date of the public sale (as authorized under such documents and State law); and

''(B) the amount realized at such sale.

"§ 3775. Audit

''During each of the first three years of operation of a multifamily transitional housing project with respect to which a loan is guaranteed under this subchapter, there shall be an annual, independent audit of such operation. Such audit shall include a detailed statement of the operations, activities, and accomplishments of such project during the year covered by such audit. The party responsible for obtaining such audit

(and paying the costs therefor) shall be determined before the Secretary issues a guarantee under this subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 is amended by adding at the end the following new items:

''SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

''3771. Definitions.
''3772. General authority.
''3773. Requirements.
''3774. Default.
''3775. Audit.''.

SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND ACCOUNT CONSOLIDATION.

(a) CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS.—Subchapter III of chapter 37 is amended—

(1) by striking out sections 3723, 3724, and 3725; and

(2) by inserting after section 3721 the following new section:

''§ 3722. Veterans Housing Benefit Program Fund

''(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Benefit Program Fund (hereafter in this section referred to as the 'Fund').

''(b) The Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, other than administrative expenses, consistent with the Federal Credit Reform Act of 1990.

''(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Any amount appropriated to the Fund.

''(2) Amounts paid into the Fund under section 3729 of this title or any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan programs under this chapter.

''(3) All other amounts received by the Secretary on or after October 1, 1998, incident to housing loan operations under this chapter, including—

''(A) collections of principal and interest on housing loans made by the Secretary under this chapter;

''(B) proceeds from the sale, rental, use, or other disposition of property acquired under this chapter;

''(C) proceeds from the sale of loans pursuant to sections 3720(h) and 3733(a)(3) of this title; and

''(D) penalties collected pursuant to section 3710(g)(4)(B) of this title.

''(d) Amounts deposited into the Fund under paragraphs (2) and (3) of subsection (c) shall be deposited in the appropriate financing or liquidating account of the Fund.

''(e) For purposes of this section, the term 'housing loan' shall not include a loan made pursuant to subchapter V of this chapter.''.

(b) TRANSFERS OF AMOUNTS INTO VETERANS HOUSING BENEFIT PROGRAM FUND.—All amounts in the following funds are hereby transferred to the Veterans Housing Benefit Program Fund:

(1) The Direct Loan Revolving Fund, as such fund was continued under section 3723 of title 38, United States Code (as such section was in effect on the day before the effective date of this title).

(2) The Department of Veterans Affairs Loan Guaranty Revolving Fund, as established by section 3724 of such title (as such section was in effect on the day before the effective date of this title).

(3) The Guaranty and Indemnity Fund, as established by section 3725 of such title (as such section was in effect on the day before the effective date of this title).

(c) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES AND OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—

(1) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES.—Section 3720 is amended by striking out subsection (e).

(2) REPEAL OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—Section 3733 is amended by striking out subsection (e).

(d) SUBMISSION OF SUMMARY FINANCIAL STATEMENT ON HOUSING PROGRAMS.—Section 3734 is amended by adding at the end the following new subsection:

''(c) The information submitted under subsection (a) shall include a statement that summarizes the financial activity of each of the housing programs operated under this chapter. The statement shall be presented in a form that is simple, concise, and readily understandable, and shall not include references to financing accounts, liquidating accounts, or program accounts.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO CHAPTER 37.—Chapter 37 is amended as follows:

(A) Section 3703(e)(1) is amended by striking out ''3729(c)(1)'' and inserting in lieu thereof ''3729(c)''.

(B) Section 3711(k) is amended by striking out ''and section 3723 of this title'' both places it appears.

(C) Section 3727(c) is amended by striking out ''funds established pursuant to sections 3723 and 3724 of this title, as applicable'' and inserting in lieu thereof ''fund established pursuant to section 3722 of this title''.

(D) Section 3729 is amended—

(i) in subsection (c)—

(I) by striking out ''(c)(1)'' and inserting in lieu thereof ''(c)''; and

(II) by striking out paragraphs (2) and (3); and

(ii) in subsection (a)(1), by striking out ''(c)(1)'' and inserting in lieu thereof ''(c)''.

(E) Section 3733(a)(6) is amended by striking out ''Department of Veterans Affairs Loan Guaranty Revolving Fund established by section 3724(a)'' and inserting in lieu thereof ''Veterans Housing Benefit Program Fund established by section 3722(a)''.

(F) Section 3734, as amended by subsection (d), is further amended—

(i) in subsection (a)—

(I) by striking out ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund'' in paragraph (1) and inserting in lieu thereof ''Veterans Housing Benefit Program Fund''; and

(II) by striking out ''funds,'' in paragraph (2) and inserting in lieu thereof ''fund,'';

(ii) in subsection (b), by striking out ''each fund'' in the matter preceding paragraph (1) and inserting in lieu thereof ''the fund''; and

(iii) in subsection (b)(2)—

(I) by striking out subparagraph (B);

(II) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (B), as so redesignated, by striking out ''subsections (a)(3) and (c)(2) of section 3729'' and inserting in lieu thereof ''section 3729(a)(3)''.

(G) Section 3735(a)(3)(A)(i) is amended by striking out ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund'' and inserting in lieu thereof ''Veterans Housing Benefit Program Fund''.

(2) OTHER CONFORMING AMENDMENT.—Section 2106(e) is amended by striking out '', as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively'' and inserting in lieu thereof ''deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title''.

(3) TECHNICAL AND CLERICAL AMENDMENTS.—(A) The heading for section 3734 is amended to read as follows:

''§ 3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs''.

(B) The heading for section 3763 is amended to read as follows:

''§ 3763. Native American Veteran Housing Loan Program Account''.

(C) The table of sections at the beginning of chapter 37 is amended—

(i) by inserting after the item relating to section 3721 the following new item:

''3722. Veterans Housing Benefit Program Fund.'';

(ii) by striking out the items relating to sections 3723, 3724, and 3725;

(iii) by striking out the item relating to section 3734 and inserting in lieu thereof the following:

''3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs.'';

and

(iv) by striking out the item relating to section 3763 and inserting in lieu thereof the following:

''3763. Native American Veteran Housing Loan Program Account.''.

(f) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on October 1, 1998.

SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.

(a) EXTENSION.—Section 3702(a)(2)(E) is amended by striking out ''October 27, 1999,'' and inserting in lieu thereof ''September 30, 2003,''.

(b) ONE-YEAR EXTENSION OF FEE PROVISION.—Section 3729(a)(4) is amended—

(1) by striking out ''With respect to a loan closed after September 30, 1993, and before October 1, 2002,'' and inserting in lieu thereof ''(A) With respect to a loan closed during the period specified in subparagraph (B)''; and

(2) by adding at the end the following:

''(B) The specified period for purposes of subparagraph (A) is the period beginning on October 1, 1993, and ending on September 30, 2002, except that in the case of a loan described in subparagraph (D) of paragraph (2), such period ends on September 30, 2003.''.

SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3720(b) is amended by striking ''; however'' and all that follows and inserting the following: '', except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Alterations and demolition at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $23,200,000.

(2) Construction and seismic work at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $50,000,000.

(3) Outpatient clinic expansion at the Department of Veterans Affairs Medical Center, Washington, D.C., in an amount not to exceed $29,700,000.

(4) Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed $22,400,000.

(5) Construction of an ambulatory care addition and renovations for ambulatory care at the Department of Veterans Affairs Medical Center, Cleveland (Wade Park), Ohio, in an amount not to exceed $28,300,000, of which $7,500,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(6) Construction of an ambulatory care addition at the Department of Veterans Affairs Medical Center, Tucson, Arizona, in an amount not to exceed $35,000,000.

(7) Construction of an addition for psychiatric care at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed $24,200,000.

(8) Outpatient clinic projects at Auburn and Merced, California, as part of the Northern California Healthcare Systems Project, in an amount not to exceed $3,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation.

(9) Renovations to a nursing home care unit at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $9,500,000.

(10) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $46,300,000, of which $20,000,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(b) CONSTRUCTION OF PARKING FACILITY.—The Secretary may construct a parking structure at the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $13,000,000, of which $11,900,000 shall be derived from funds in the Parking Revolving Fund.

SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for satellite outpatient clinics as follows:

(1) Baton Rouge, Louisiana, in an amount not to exceed $1,800,000.

(2) Daytona Beach, Florida, in an amount not to exceed $2,600,000.

(3) Oakland Park, Florida, in an amount not to exceed $4,100,000.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 and for fiscal year 2000—

(1) for the Construction, Major Projects, account $241,100,000 for the projects authorized in section 701(a); and

(2) for the Medical Care account, $8,500,000 for the leases authorized in section 702.

(b) LIMITATION.—(1) The projects authorized in section 701(a) may only be carried out using—

(A) funds appropriated for fiscal year 1999 or fiscal year 2000 pursuant to the authorization of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 1999 for a category of activity not specific to a project.

(2) The project authorized in section 701(b) may only be carried out using funds appropriated for a fiscal year before fiscal year 1999—

(A) for the Parking Revolving Fund; or

(B) for Construction, Major Projects, for a category of activity not specific to a project.

SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES FOR PURPOSES OF CONGRESSIONAL AUTHORIZATION.

Section 8104(a)(3)(B) is amended by striking out ''$300,000'' and inserting in lieu thereof ''$600,000''.

SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FACILITY PROJECT AS A MAJOR MEDICAL FACILITY PROJECT.

Section 8109(i)(2) is amended by striking out ''$3,000,000'' and inserting in lieu thereof ''$4,000,000''.

SEC. 706. PARKING FEES.

(a) LIMITATION.—The Secretary of Veterans Affairs may not establish or collect any parking fee at any parking facility associated with the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center in Honolulu, Hawaii.

(b) REPORT.—Not later than September 15, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the Department's experience in exercising and administering the authority of the Secretary to charge parking fees under subsections (d) and (e) of section 8109 of title 38, United States Code. The report shall include—

(1) the results of a survey which shall describe the parking facilities and number of parking spaces available to employees of the Department at each medical facility of the Department with more than 50 employees;

(2) an analysis of the means by which the Secretary could implement in a cost-effective manner the authority of the Secretary under subsection (e) of section 8109 of title 38, United States Code; and

(3) recommendations for amending section 8109 of such title—

(A) to address the applicability of parking fees to employees of the Secretary who are employed at a regional office which is co-located with a medical facility;

(B) to address the applicability of parking fees to persons using parking facilities at Department of Veterans Affairs medical centers co-located with facilities of the Department of Defense;

(C) to link any schedule of applicable fees to applicable commercial rates; and

(D) to achieve any other purpose.

SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of such proposals.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of such proposals.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) over the next 25 years and over the next 50 years.

SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the ''H. John Heinz III Department of Veterans Affairs Medical Center''. Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz III Department of Veterans Affairs Medical Center.

SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the ''Malcom Randall Department of Veterans Affairs Medical Center''. Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Malcom Randall Department of Veterans Affairs Medical Center.

SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, COLUMBUS, OHIO.

The Department of Veterans Affairs outpatient clinic in Columbus, Ohio, shall after the date of the enactment of this Act be known and designated as the ''Chalmers P. Wylie Veterans Outpatient Clinic''. Any reference to that outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Chalmers P. Wylie Veterans Outpatient Clinic.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the ''Department of Veterans Affairs Health Care Personnel Incentive Act of 1998''.

SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.

(a) PROGRAM AUTHORITY.—Chapter 76 is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

''§ 7671. Authority for program

''As part of the Educational Assistance Program, the Secretary may carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to assist, through the establishment of an incentive program for individuals employed in the Veterans Health Administration, in meeting the staffing needs of the Veterans Health Administration for health professional occupations for which recruitment or retention of qualified personnel is difficult.

''§ 7672. Eligibility; agreement

''(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-

time or part-time student in a field of education or training described in subsection (c).

''(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

''(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

''(d) AWARD OF SCHOLARSHIPS.—Notwithstanding section 7603(d) of this title, the Secretary, in selecting participants in the Program, may award a scholarship only to applicants who have a record of employment with the Veterans Health Administration which, in the judgment of the Secretary, demonstrates a high likelihood that the applicant will be successful in completing such education or training and in employment in such field.

''(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

''(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

''(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') determined in accordance with regulations prescribed by the Secretary of up to three calendar years for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than three years.

''(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

''(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

''(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

''§ 7673. Scholarship

''(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

''(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

''(1) in the case of a participant in the Program who is a full-time student, may not exceed $10,000 for any one year; and

''(2) in the case of a participant in the Program who is a part-time student, shall be the amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

''(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

''(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

''(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

''§ 7674. Obligated service

''(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

''(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

''(2) As soon as possible after a participant's service commencement date, the Secretary shall—

''(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

''(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

''(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

''(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

''(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date the participant meets any applicable licensure or certification requirements.

''(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

''(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

''(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

''(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

''(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

''(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

''§ 7675. Breach of agreement: liability

''(a) LIQUIDATED DAMAGES.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of $1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

''(b) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

''(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

''(B) The participant is dismissed from such educational institution for disciplinary reasons.

''(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

''(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

''(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

''(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

''(c) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A=3\Phi\left(\frac{t-s}{t}\right)$$

''(2) In such formula:

''(A) 'A' is the amount the United States is entitled to recover.

''(B) 'Φ' is the sum of—

''(i) the amounts paid under this subchapter to or on behalf of the participant; and

''(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

''(C) 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

''(D) 's' is the number of months of such period served by the participant in accordance with section 7673 of this title.

''(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a staffing adjustment.

''(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

''§ 7676. Expiration of program

''The Secretary may not furnish scholarships to individuals who have not commenced participation in the Program before December 31, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

''7671. Authority for program.
''7672. Eligibility; agreement.
''7673. Scholarship.
''7674. Obligated service.
''7675. Breach of agreement: liability.
''7676. Expiration of program.''.

SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) PROGRAM AUTHORITY.—Chapter 76 (as amended by section 802(a)), is further amended by adding after subchapter VI the following new subchapter:

''SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

''§ 7681. Authority for program

''(a) IN GENERAL.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereinafter in this subchapter referred to as the 'Education Debt Reduction Program').

''(2) The purpose of the Education Debt Reduction Program is to assist in the recruitment of qualified health care professionals for positions in the Veterans Health Administration for which recruitment or retention of an adequate supply of qualified personnel is difficult.

''(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE PROGRAM.—Education debt reduction payments under the Education Debt Reduction Program may be in addition to other assistance available to individuals under the Educational Assistance Program.

''§ 7682. Eligibility

''(a) ELIGIBILITY.—An individual is eligible to participate in the Education Debt Reduction Program if the individual—

''(1) is a recently appointed employee in the Veterans Health Administration serving under an appointment under section 7402(b) of this title in a position for which recruitment or retention of a qualified health-care personnel (as determined by the Secretary) is difficult; and

''(2) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for the position referred to in paragraph (1).

''(b) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

''(1) tuition expenses;

''(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

''(3) reasonable living expenses.

''(c) RECENTLY APPOINTED INDIVIDUALS.—For purposes of subsection (a), an individual shall be considered to be recently appointed to a position if the individual has held that position for less than six months.

''§ 7683. Education debt reduction

''(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

''(b) FREQUENCY OF PAYMENT.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, as determined by the Secretary.

''(2) The Secretary shall make such payments at the end of the period determined by the Secretary under paragraph (1).

''(c) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

''(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program may not exceed—

''(A) $6,000 for the first year of the participant's participation in the Program;

''(B) $8,000 for the second year of the participant's participation in the Program; and

''(C) $10,000 for the third year of the participant's participation in the Program.

''(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principal and interest on loans referred to in subsection (a) that is paid by the individual during such year.

''§ 7684. Expiration of program

''The Secretary may not make education debt reduction payments to individuals who have not commenced participation in the Education Debt Reduction Program before December 31, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 802(b)) is further amended by adding at the end the following new items:

''SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

''7681. Authority for program.
''7682. Eligibility.
''7683. Education debt reduction.
''7684. Expiration of program.''.

SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

SEC. 805. CONFORMING AMENDMENTS.

Chapter 76 is amended as follows:

(1) Section 7601(a) is amended—

(A) by striking out ''and'' at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and''; and

''(5) the education debt reduction program provided for in subchapter VII of this chapter.''.

(2) Section 7602 is amended—

(A) in subsection (a)(1)—

(i) by striking out ''subchapter I or II'' and inserting in lieu thereof ''subchapter II, III, or VI'';

(ii) by striking out ''or for which'' and inserting in lieu thereof '', for which''; and

(iii) by inserting before the period at the end the following: '', or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be''; and

(B) in subsection (b), by striking out ''subchapter I or II'' and inserting in lieu thereof ''subchapter II, III, or VI''.

(3) Section 7603 is amended—

(A) in subsection (a)—

(i) by striking out ''To apply to participate in the Educational Assistance Program,'' and inserting in lieu thereof ''(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter,''; and

(ii) by adding at the end the following:

''(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation.''; and

(B) in subsection (b)(1), by inserting ''(if required)'' before the period at the end.

(4) Section 7604 is amended by striking out ''subchapter II, III, or V'' in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof ''subchapter II, III, V, or VI''.

(5) Section 7632 is amended—

(A) in paragraph (1)—

(i) by striking out ''and the Tuition Reimbursement Program'' and inserting in lieu thereof '', the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program''; and

(ii) by inserting ''(if any)'' after ''number of students'';

(B) in paragraph (2), by inserting ''(if any)'' after ''education institutions''; and

(C) in paragraph (4)—

(i) by striking ''and per participant'' and inserting in lieu thereof '', per participant''; and

(ii) by inserting ‘‘, per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program’’ before the period at the end.

(6) Section 7636 is amended by striking ‘‘or a stipend’’ and inserting ‘‘a stipend, or education debt reduction’’.

SEC. 806. COORDINATION WITH APPROPRIATIONS PROVISION.

This title shall be considered to be the authorizing legislation referred to in the third proviso under the heading ‘‘VETERANS HEALTH ADMINISTRATION—MEDICAL CARE’’ in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, and the reference in that proviso to the ‘‘Primary Care Providers Incentive Act’’ shall be treated as referring to this title.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH CERTAIN RADIATION TREATMENT.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1720D the following new section:

‘‘§ 1720E. Nasopharyngeal radium irradiation

‘‘(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran’s receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

‘‘(b) The Secretary shall provide care and services to a veteran under subsection (a) only on the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

‘‘(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

‘‘(2) underwent submarine training in active naval service before January 1, 1965.’’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

‘‘1720E. Nasopharyngeal radium irradiation.’’.

SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.

Section 1720D(a) is amended by striking out ‘‘December 31, 1998’’ in paragraphs (1) and (3) and inserting in lieu thereof ‘‘December 31, 2001’’.

SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.

(a) STANDARDS OF JOB PERFORMANCE.—Section 1706(b) is amended—

(1) in paragraph (2), by striking out ‘‘April 1, 1997, April 1, 1998, and April 1, 1999’’ and inserting in lieu thereof ‘‘April 1, 1999, April 1, 2000, and April 1, 2001’’; and

(2) by adding at the end the following new paragraph:

‘‘(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

‘‘(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

‘‘(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.’’.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.

(a) IN GENERAL.—Section 5503(a)(1)(B) is amended by striking ‘‘Effective through September 30, 1997, any’’ in the second sentence and inserting ‘‘Any’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

SEC. 905. REPORT ON NURSE LOCALITY PAY.

(a) REPORT REQUIRED.—(1) Not later than February 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report assessing the system of locality-based pay for nurses established under the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366) and now set forth in section 7451 of title 38, United States Code.

(2) The Secretary shall submit with the report under paragraph (1) a copy of the report on the locality pay system prepared by the contractor pursuant to a contract with Systems Flow, Inc., that was entered into on May 22, 1998.

(b) MATTERS TO BE INCLUDED—The report of the Secretary under subsection (a)(1) shall include the following:

(1) An assessment of the effects of the locality-based pay system, including information, shown by facility and grade level, regarding the frequency and percentage increases, if any, in the rate of basic pay under that system of nurses employed in the Veterans Health Administration.

(2) An assessment of the manner in which that system is being applied.

(3) Plans and recommendations of the Secretary for administrative and legislative improvements or revisions to the locality pay system.

(4) An explanation of the reasons for any decision not to adopt any recommendation in the report referred to in subsection (a)(2).

(c) UPDATED REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report updating the report submitted under subsection (a)(1).

SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDITURES OF DEPARTMENT OF VETERANS AFFAIRS FOR DOMESTIC RESPONSE TO WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

‘‘§ 530. Annual report on program and expenditures for domestic response to weapons of mass destruction

‘‘(a) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual report, to be submitted each year at the time that the President submits the budget for the next fiscal year under section 1105 of title 31, on the activities of the Department relating to preparation for, and participation in, a domestic medical response to an attack involving weapons of mass destruction.

‘‘(b) Each report under subsection (a) shall include the following:

‘‘(1) A statement of the amounts of funds and the level of personnel resources (stated in terms of full-time equivalent employees) expected to be used by the Department during the next fiscal year in preparation for a domestic medical response to an attack involving weapons of mass destruction, including the anticipated source of those funds and any anticipated shortfalls in funds or personnel resources to achieve the tasks assigned the Department by the President in connection with preparation for such a response.

‘‘(2) A detailed statement of the funds expended and personnel resources (stated in terms of full-time equivalent employees) used during the fiscal year preceding the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of those funds and a description of how those funds were expended.

‘‘(3) A detailed statement of the funds expended and expected to be expended, and the personnel resources (stated in terms of full-time equivalent employees) used and expected to be used, during the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of funds expended and a description of how those funds were expended.

‘‘(c) This section shall expire on January 1, 2009.’’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

‘‘530. Annual report on program and expenditures for domestic response to weapons of mass destruction.’’.

SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY FOR HEALTH.

The President may appoint to the position of Under Secretary for Health of the Department of Veterans Affairs, for service through June 30, 1999, the individual whose appointment to that position under section 305 of title 38, United States Code, expired on September 28, 1998.

TITLE X—OTHER MATTERS

SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT PROPERTY.

(a) IN GENERAL.—(1) Subchapter II of chapter 5, as amended by section 906(a), is further amended by adding at the end the following new section:

‘‘§ 531. Requirement relating to naming of Department property

‘‘Except as expressly provided by law, a facility, structure, or real property of the Department, and a major portion (such as a wing or floor) of any such facility, structure, or real property, may be named only for the geographic area in which the facility, structure, or real property is located.’’.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 530, as added by section 906(b), the following new item:

‘‘531. Requirement relating to naming of Department property.’’.

(b) EFFECTIVE DATE.—Section 531 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to the

assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act.

SEC. 1002. MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) REQUIREMENT FOR BOARD MEMBERS TO BE ATTORNEYS.—Section 7101A(a) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) Each member of the Board shall be a member in good standing of the bar of a State.''.

(b) EMPLOYMENT REVERSION RIGHTS.—Paragraph (2) of section 7101A(d) is amended to read as follows:

''(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

''(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position.''.

SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF APPEALS BY BOARD OF VETERANS' APPEALS.

(a) FLEXIBILITY IN ORDER OF CONSIDERATION AND DETERMINATION.—Subsection (a) of section 7107 is amended—

(1) in paragraph (1), by inserting ''in paragraphs (2) and (3) and'' after ''Except as provided'';

(2) in paragraph (2), by striking out the second sentence and inserting in lieu thereof the following: ''Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

''(A) if the case involves interpretation of law of general application affecting other claims;

''(B) if the appellant is seriously ill or is under severe financial hardship; or

''(C) for other sufficient cause shown.''; and

(3) by adding at the end the following new paragraph:

''(3) A case referred to in paragraph (1) may be postponed for later consideration and determination if such postponement is necessary to afford the appellant a hearing.''.

(b) SCHEDULING OF FIELD HEARINGS.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking out ''in the order'' and all that follows through the end and inserting in lieu thereof ''in accordance with the place of the case on the docket under subsection (a) relative to other cases on the docket for which hearings are scheduled to be held within that area.''; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

''(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

''(A) if the case involves interpretation of law of general application affecting other claims;

''(B) if the appellant is seriously ill or is under severe financial hardship; or

''(C) for other sufficient cause shown.''.

SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.

(a) IN GENERAL.—Section 4103A(a)(1) is amended—

(1) in the first sentence, by striking out ''for each 6,900 veterans residing in such State'' through the period and inserting in lieu thereof ''for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.'';

(2) in the third sentence, by striking out ''of the Vietnam era''; and

(3) by striking out the fourth sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 1005. TECHNICAL AMENDMENTS.

(a) SECTION REDESIGNATION.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105–33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) OTHER AMENDMENTS TO TITLE 38, U.S.C.—

(1) Section 712(a) is amended by striking out ''the date of the enactment of this section'' and inserting in lieu thereof ''November 2, 1994,''.

(2) Section 1706(b)(1) is amended by striking out ''the date of the enactment of this section'' at the end of the first sentence and inserting in lieu thereof ''October 9, 1996''.

(3) Section 1710(e)(2)(A)(ii) is amended by striking out ''section 2'' and inserting in lieu thereof ''section 3''.

(4) Section 1803(c)(2) is amended by striking out ''who furnishes health care that the Secretary determines authorized'' and inserting in lieu thereof ''furnishing health care services that the Secretary determines are authorized''.

(5) Section 2408(d)(1) is amended—

(A) by striking out ''the date of the enactment of this subsection'' and inserting in lieu thereof ''November 21, 1997,''; and

(B) by striking out ''on the condition described in'' and inserting in lieu thereof ''subject to the condition specified in''.

(6) Section 3018B(a)(2)(E) is amended by striking out ''before the one-year period beginning on the date of enactment of this section,'' and inserting in lieu thereof ''before October 23, 1993,''.

(7) Section 3231(a)(2) is amended by striking out ''subsection (f)'' and inserting in lieu thereof ''subsection (e)''.

(8) Section 3674A(b)(1) is amended by striking out ''after the 18-month period beginning on the date of the enactment of this section''.

(9) Section 3680A(d)(2)(C) is amended by striking out ''section''.

(10) Section 3714(f)(1)(B) is amended by striking out ''more than 45 days after the date of the enactment of the Veterans' Benefits and Programs Improvement Act of 1988'' and inserting in lieu thereof ''after January 1, 1989''.

(11) Section 3727(a) is amended by striking out ''the date of enactment of this section'' and inserting in lieu thereof ''May 7, 1968''.

(12) Section 3730(a) is amended by striking out ''Within'' and all that follows through ''steps to'' and inserting in lieu thereof ''The Secretary shall''.

(13) Section 4102A(e)(1) is amended by striking out the second sentence and inserting in lieu thereof the following: ''A person may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran.''.

(14) Section 4110A is amended—

(A) by striking out subsection (b); and

(B) by redesignating paragraph (3) of subsection (a) as subsection (b) and striking out ''paragraph (1)'' therein and inserting in lieu thereof ''subsection (a)''.

(15) Section 5303A(d) is amended—

(A) in paragraph (2)(B), by striking out ''on or after the date of the enactment of this subsection'' and inserting in lieu thereof ''after October 13, 1982,''; and

(B) in paragraph (3)(B)(i), by striking out ''on or after the date of the enactment of this subsection,'' and inserting in lieu thereof ''after October 13, 1982,''.

(16) Section 5313(d)(1) is amended by striking out ''the date of the enactment of this section,'' and inserting in lieu thereof ''October 7, 1980,''.

(17) Section 5315(b)(1) is amended by striking out ''the date of the enactment of this section,'' and inserting in lieu thereof ''October 17, 1980,''.

(18) Section 8107(b)(3)(E) is amended by striking out ''section 7305'' and inserting in lieu thereof ''section 7306(f)(1)(A)''.

(c) PUBLIC LAW 104–275.—The Veterans' Benefits Improvements Act of 1996 (Public Law 104–275) is amended as follows:

(1) Section 303(b) (110 Stat. 3332; 38 U.S.C. 4104 note) is amended by striking out ''sections 4104(b)(1) and (c)'' and inserting in lieu thereof ''subsections (b)(1) and (c) of section 4104''.

(2) Section 705(e) (110 Stat. 3350; 38 U.S.C. 545 note) is amended by striking out ''section 5316'' and inserting in lieu thereof ''section 5315''.

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which

benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 1102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 1101, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

GENERAL LEAVE

Mr. STUMP. 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.Res. 592.

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

There was no objection.

Mr. STUMP. Mr. Speaker, I ask unanimous consent that each side be limited to 5 minutes.

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

There was no objection.

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

Mr. Speaker, the House and Senate Veterans' Affairs Committees have reached an agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion. I believe this bill is an excellent package of program reform for veterans. It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in the defense of freedom.

Mr. Speaker, I urge my colleagues to vote for this bill.

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

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

Mr. Speaker, the measure now before the House, as amended, the Veterans' Benefits Enhancement Act of 1998, deserves the strong support of every Member of the House of Representatives.

This measure improves the benefits provided by a grateful Nation to the men and women who, through their honorable service in uniform, have earned the benefits provided by Congress on behalf of this grateful Nation. The legislation is the result of diligent work, and I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee, for his work and efforts in making this come to passage today.

One of the most important provisions creates a new permanent framework for establishing a presumption of service connection for Persian Gulf war veterans. I urge every Member to support the passage of this legislation.

Mr. Speaker, I rise in support of the Veterans' Programs Enhancement Act of 1998. This omnibus measure improves many of the benefits which a grateful Nation has provided to the men and women who served in uniform and deserves the strong support of every Member of this body.

The legislation now before us is the result of the diligent work and cooperative efforts of many Members. In particular, I want to recognize and thank the Chairman of the Committee, the gentleman from Arizona, for his continued leadership on behalf of the Nation's veterans. I also want to commend the Chairman and Ranking Democratic Member of our Health Subcommittee, CLIFF STEARNS and LUIS GUTIERREZ; the Chairman and Ranking Democratic Member of our Benefits Subcommittee, JACK QUINN and BOB FILNER; the Chairman and Ranking Democratic Member of our Oversight and Investigations Subcommittee, TERRY EVERETT and JIM CLYBURN, and the other Members of the Committee who have contributed to this legislation. I also want to recognize the Democratic and Republican staffs for their outstanding efforts and their critical contributions to the legislative process and the measure before us.

COST-OF-LIVING ADJUSTMENT

The Veterans' Benefits Enhancement Act of 1998 includes numerous important provisions. This measure provides a cost-of-living adjustment (COLA) in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. The bill assures our veterans and their families that the value of these benefits will not be diluted by increases in the cost-of-living. While the amount of the increase to veterans and their families will not be great because of minimal inflation, it will protect the purchasing power of these beneficiaries. By enacting this bill, we are keeping our promises to those veterans who have sacrificed their health and, in some cases, their lives for our nation. The adjustment to be provided to veterans in receipt of compensation for a service-connected disability are to be the same rate of increase being provided to beneficiaries of Social Security benefits. Our Nation owes much to those who have honorably served in our Armed Forces.

PERSIAN GULF VETERANS

This bill provides for an independent scientific inquiry and research to ascertain the nature of the illnesses which are experienced by our Gulf War veterans and to determine the most effective means of treatment for these illnesses. This will fulfill for many Persian Gulf veterans, as well as the American public, the need to bring a credible ''third-party'' perspective to the table.

Earlier this year I introduced H.R. 3279, the Persian Gulf Veterans Act of 1998, which provided for epidemiological studies to identify medical conditions which are more prevalent among Gulf War theatre veterans than comparable groups. This scientific approach provides an important means of identifying those medical conditions for which VA should consider compensating Gulf War veterans. I am pleased the compromise legislation we are considering today incorporates the intent of H.R. 3279.

Approximately 697,000 American men and women served our country during Operations Desert Shield and Desert Storm. These members of the Armed Forces were subject to the rigors of combat in a desert environment and to a variety of potentially toxic substances which alone, or in combination, may have adversely affected their health.

It may take years to determine why Gulf veterans are sick, but one thing is indisputable. Our veterans are suffering, and many share similar symptoms that are not attributable to any particular known cause. These symptoms, rather than unknown and yet-to-be-determined causes, are an appropriate basis for granting compensation. This approach will require scientists to determine which conditions are most likely the result of Gulf War service. This approach will also not require veterans to prove that a certain specific exposure caused an adverse health outcome; proof of which would require science and data that do not now, and may never, exist.

Determining the ''prevalence'' of the illnesses Gulf War theatre veterans experience more often than comparable populations is a scientifically valid epidemiological approach endorsed by scientists from the President's Gulf War advisory panel. On February 5, 1998, Dr. Arthur Caplan, a member of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, stated that his Committee felt a prevalence model gave the veterans the greatest benefit of the doubt. According to Dr. Caplan, ''Gulf War Illness is a very real phenomena. No one on this committee should doubt that for a moment. . . . What should be forthcoming . . . is an unwavering commitment from this Congress and this administration to provide the health and disability benefits to all those who became sick when they came back from the Gulf.''

I am very pleased the measure before us today includes, in principle, many of the provisions contained in the Persian Gulf Veterans Act of 1998 and believe it will provide answers to the many health-related questions and concerns of our Gulf War veterans.

The measure before us also authorizes a study to determine scientifically-rigorous measures of health treatment provided to Gulf War veterans. Many veterans have told me heartbreaking stories about the deterioration of their health since their return from the Gulf. Some have been suffering for many years and are desperate for effective health care treatment. Finding meaningful ways of assessing outcomes can help scientists determine the best health care treatments so more veterans can benefit from them. Assessing effective treatment was an important part of my bill, H.R. 3279, and I thank my colleagues for including this provision in the compromise agreement.

This legislation also extends expiring authority for the health care assessment of spouses and dependents of Gulf War veterans. I have strongly supported this program but have been concerned that inadequate implementation by VA has hampered its usefulness. For the many dependents who seem to be suffering from ailments similar to those experienced by their spouses who served in the Gulf, providing them with a thorough physical examination is entirely appropriate and will, hopefully, ensure their peace of mind. This measure will provide the opportunity for more dependents to take advantage of this important program.

ELIGIBILITY FOR VA HEALTH CARE FOR PGW VETERANS

Another of the important component of this bill is the extension of eligibility for VA health care for PGW veterans with undiagnosed illnesses until the year 2002. Earlier this year, I introduced H.R. 3571 which extended this authority and am pleased this provision was incorporated in the measure before us today.

NATIONAL CENTER FOR WAR-RELATED ILLNESSES

In addition, this legislation requires VA to enter into a study to determine the agencies and resources best suited to examine war-related illnesses. A plan will be developed to assign an appropriate agency to advise VA and DOD regarding preparation for post-deployment medical responses and assess the extent to which activities such as medical record keeping and risk communication can be improved to enhance veterans' post-combat health status.

AUTHORITY TO TREAT COMBAT VETERANS

This bill gives VA the tools to apply these lessons learned by allowing VA to treat veterans from a theater of combat for two years post—discharge and to establish a plan for examining the health status and health utilization of veterans of future combat periods. This measure applies ''lessons learned'' from past experience with the aftermath of war and its effect on veterans. We have learned that some veterans may experience illnesses following their combat service unrelated to recognizable combat wounds. We have learned that the sooner we address these health consequences, the more likely veterans are to improve over shorter periods of time. We have learned that having systems in place to identify unusual health care utilization patterns among combat veterans can help us to quickly recognize trends that may indicate unique exposures or problems.

SEXUAL TRAUMA COUNSELING

Among the most important provisions contained in the measure before us is the extension of VA's authority to provide sexual trauma counseling to victims of sexual assault during their military service. My good friend, LUIS GUTIERREZ, the Ranking Democratic Member of the Health Subcommittee, has worked tirelessly to reauthorize VA's provision of sexual trauma counseling to veterans, and he is due much of the credit for the inclusion of this provision in the omnibus bill.

Some surveys indicate that up to 52% of women in the military state that they have been sexually harassed. Since the number of women entering the military continues to grow, the need for sexual trauma counseling will obviously continue. While I am pleased that we are extending the authorization of this valuable program today, I want to continue to work on improvements and enhancements to sexual trauma counseling eligibility in the future.

TRANSITIONAL HOUSING FOR HOMELESS VETERANS

Mr. Speaker, I am very glad that the provisions of H.R. 3039, the Veterans Transitional Housing Opportunities Act of 1998, approved by the House on May 19, 1998, are contained in H.R. 4110. These provisions will expand the supply of transitional housing for homeless veterans by authorizing VA to guarantee loans for self-sustaining housing projects specifically targeted at homeless veterans. Patterned after many successful programs across the country, residents of the housing projects established under this section would be required to seek and maintain employment, maintain sobriety, and pay a reasonable fee for their residence.

According to Department of Veterans Affairs statistics, one-third of the homeless men in this country are military veterans, and approximately 60% of those individuals are veterans of the Vietnam era. On any given night, more than 271,000 veterans sleep on America's streets or in homeless shelters. Although transitional housing has been identified as a major need for homeless veterans, there is an acute shortage of this type of shelter, largely because of the difficulty in obtaining financing. In fact, to accommodate the hundreds of thousands of homeless veterans, VA has fewer than 5,000 transitional-type beds either under contract or as part of its domiciliary program. I believe that the loan guaranty program established under H.R. 3039 will generate opportunities for localities to provide transitional housing for homeless veterans.

SELECTED RESERVE HOME LOAN ELIGIBILITY

The compromise measure also includes a provision which would extend for five years the eligibility of members of the Selected Reserve for veterans housing loans. A similar provision was included in H.R. 4110, the Veterans' Benefits Improvement Act of 1998, when it was approved by the House in August. The VA's current authority to guarantee home loans for members of the National Guard and Reserve components will expire on September 30, 1999. More than 43,000 Selected Reserve members have bought their homes using a VA home loan, and 67 percent of these individuals were first-time buyers. This program has been very successful, and I am pleased that this extension is included in the compromise agreement.

VETERAN STATUS FOR MERCHANT MARINERS

Another provision in the compromise measure extends veteran status, for the purpose of burial benefits, to Merchant Mariners who served our nation between the dates of August 15, 1945 and December 31, 1946—the official end of World War II. Until now, this special group has not received the recognition of veteran status to which I believe they have long been entitled. The service of Merchant Mariners to our nation includes the heroic efforts put forth during World War II by the thousands of young men who volunteered for service in the United States Merchant Marines. Many of these mariners were recruited specifically to staff ships under the control and direction of the United States Government to assist the World War II effort. These seamen were subject to government control; their vessels were controlled by the government under the authority of the War Shipping Administration and, like other branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marines because minor physical problems, such as poor eyesight, made them ineligible for service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marines because the recruiter recognized that the special skills offered by the volunteer could best be put to use for our country by service in the Merchant Marines. Most importantly, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

In order to staff our growing merchant fleet during World War II, the U.S. Maritime Commission established training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, seamen became active members of the U.S. Merchant Marines. These seamen, often at great personal risk, helped deliver troops and war supplies needed for every Allied invasion site from Guadalcanal to Omaha Beach.

More than 6,500 Merchant Marines who served our country during World War II gave the ultimate sacrifice of their lives, including 37 who died as prisoners of war, and almost 5,000 World War II Merchant Mariners remain missing and are presumed dead. In addition, 733 U.S. Merchant ships were destroyed. Even after the surrender of Japan, members of our Merchant Marine fleet were in mortal danger as they continued to support the war effort by entering mined harbors to transport our troops safely home. After the war ended, they carried food and medicine to millions of the world's starving people. It is important to remember that during the time period addressed by this bill, August 15, 1945 through December 31, 1946, 12 U.S. Flag Merchant Vessels were lost or damaged as a result of striking mines, and some of the Merchant Mariners serving on these vessels were killed or injured. Fully understanding the tremendous risks they faced, mariners nonetheless willingly went into mined harbors so that they could bring our American troops home to their families and friends. I believe these courageous Merchant Mariners, who were subject to the risks and dangers of war between V–J Day and the official end of the war, have been wrongfully denied veteran status. They faced the very real hazards of war-time hostile actions and should not be denied the status of veteran for purposes of laws administered by the Department of Veterans Affairs because their sea-going contribution began after August 15, 1945.

With the enactment of this legislation, Congress officially recognizes the veteran status of these brave mariners for the purpose of burial benefits. As the author of the Merchant Mariner Fairness Act, H.R. 1126, which was cosponsored by more than 300 Members of the House, I would have welcomed the enactment of that legislation which provided additional veterans' benefits to these brave mariners. Nevertheless, I am pleased this legislation will at long last provide overdue recognition and grant veteran status for burial benefits.

STATE VETERAN CEMETERY GRANT PROGRAM

The compromise agreement also modifies the current State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries. Under current law, VA may pay up to 50 percent of the cost of land and construction. This provision was contained in H.R. 4110, the Veterans Benefits Improvement Act of 1998, as approved by the House in August.

When the Department first proposed that the state cemetery program be altered, VA officials indicated that they intended the modified program to replace construction of new national cemeteries. Although we on the Committee were interested in the VA's proposed change to the state cemetery grants, we strongly disagreed with the VA's assertion that an improved state grant program would eliminate the need for future national cemetery construction. The Committee made it clear to the VA that continuing construction of new national cemeteries, must be a high priority and that the state grants program, although important, is merely a supplement to an expanding national cemetery system. The VA subsequently expressed complete support for the Committee's views regarding future national cemetery construction, and the Committee included the state grant program enhancements in H.R. 4110, as approved by the House in August.

EDUCATION

Mr. Speaker, I am very pleased that the compromise measure includes all of the education-related provisions contained in H.R. 4110, as introduced, the Veterans' Benefits Improvement Act of 1998, which was unanimously approved by the House on August 3, 1998. Although all of these provisions will enhance veterans' education programs, I particularly want to stress the importance of the sections of the bill which require the VA and the military services to provide additional information regarding Montgomery GI Bill benefits to active duty servicemembers.

We have been told by college and VA officials that too many active duty servicemembers and veteran students are not well informed regarding their Montgomery GI Bill (MGIB) benefits. They do not understand the payment procedures under the MGIB and, too often, do not know the amount of the benefit to which they are entitled. Additionally, we have been informed that some young veterans who have taken early-outs from their military service, specifically in order to enter college, discovered when they applied for their VA education benefits that, because they took an early-out, they had not fulfilled the minimum active duty requirements and, consequently, had lost their eligibility for Montgomery GI Bill benefits. It is our expectation that the VA and service branches will work closely together to ensure full and effective compliance with the requirements of the compromise measure and that servicemembers will have the GI Bill information they need—when they need it.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

I am very pleased that the bill we are considering today includes the provisions of H.R. 3213, the USERRA Amendments Act of 1998, which was approved by the House on March 24, 1998. These provisions are, in part, derived from those of H.R. 166, the Veterans' Job Protection Act, a bill introduced by Congressman BOB FILNER, the Ranking Democrat on the Veterans Affairs Subcommittee on Benefits.

For more than 50 years, Federal law has provided protection for members of the uniformed services (including active duty and Reserve/National Guard duty) who choose to return to their civilian employment following military service. This protection has long covered state and private employment and is codified at chapter 43, title 38, United States Code. In particular, protections for those who believed their veterans' reemployment rights had not been honored included the right to bring an action against a state or private employer in federal court.

In 1996, the Supreme Court reached a decision in Seminole Tribe of Florida v. Florida that had the unintended effect of making unconstitutional, the right of state employees to sue their employers in federal court if the employees believe their veterans' reemployment rights had been violated. Since that decision, at least two court decisions have ruled against the veteran involved. This bill restores the protections and remedies for state employees that existed prior to the Seminole Tribe decision, and I appreciate the Senate's support for the House-passed legislation.

NASOPHARYNGEAL IRRADIATION THERAPY

The compromise measure addresses the long-standing need for treatment of disorders associated with nasopharyngeal irradiation therapy. This therapy exposed veterans to higher doses of radiation than many of the atomic veterans who are eligible to receive care in VA today. Veterans who served on aircraft or submarines were routinely and, often, involuntarily exposed to this therapy for prevention of sinus and ear infections that were common hazards of this service. Providing care for conditions thought to be related to such treatment is long overdue. Credit is due to the Administration which recommended enactment of similar legislation to Congress.

SPECIALIZED SERVICES FOR DISABLED VETERANS

The bill before us today includes a provision to require VA to add effective measures of capacity and quality, developed with VA's Advisory Committees on the Seriously Chronically Mentally Ill and the Committee on Special Disabilities to managers' performance contracts. I thank the Committees' majority who agreed to hold the compelling hearing in July and to develop the provision before us today. Decentralizing VA management and taking away authority VA service chiefs once had for ensuring the integrity of these programs may be largely to blame for these programs' disintegration. Once these programs offered ''state-of-the-art'' in managing care for some types of disabilities, particularly for combat injuries. With no effective VA oversight of these programs, they now seem to be falling into disarray. Performance measurements are now king and VA managers with power over resource distribution are not now evaluated ensuring the integrity of specialized services.

I am particularly pleased this measure offers another means to address the provision of specialized services for disabled veterans. The Subcommittee on Health of the House Committee on Veterans' Affairs conducted a hearing earlier this year which examined the need to further protect these special programs. Notwithstanding special legislative protection Congress enacted to ensure that capacity in these programs is maintained, testimony from both veterans and other witnesses indicated VA has, in large part, not provided this protection.

MEDAL OF HONOR PENSION

The Committee has been advised that veterans who have been honored with the Medal of Honor are often called upon to attend many civic events and ceremonies all over the country because of their receipt of the Medal of Honor. In order to assure that the cost of any such participation does not adversely impact the finances of these recipients of he Medal of Honor, the bill increases the amount of the special pension which they receive from $400 per month to $600.

LIFE INSURANCE ACCELERATED DEATH BENEFIT

Terminally ill veterans often suffer from severe financial hardship. In order to relieve this hardship, the bill allows terminally ill veterans with a life expectancy of less than 12 months to obtain up to 50% of the value of their veterans' life insurance policy as an accelerated death benefit. In order to assure that the funds received will be available to the terminally ill veteran; accelerated death benefits will be exempt from income and resources for purposes of all Federal and federally assisted programs and for all other purposes.

Thank you Mr. Speaker, I urge my colleagues to support H.R. 4110, as amended. For the benefit of all Members, I have attached a summary of the provisions of H.R. 4110, as amended.

SUMMARY OF H.R. 4110, AS AMENDED

H.R. 4110, as amended, would:

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

1. Provide for the National Academy of Sciences (NAS) to review and evaluate the available scientific evidence and determine whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans and service in—or one or more agents, hazards, or medicines in—the Persian Gulf War. NAS would report its findings and recommendations to the Secretary of Veterans Affairs, who would be required to evaluate the report and provide recommendations to Congress as to whether such scientific evidence would warrant a presumption of service connection. NAS would provide periodic reports as well as recommendations for additional scientific studies.

2. Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Persian Gulf War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization

patterns of veterans who receive care under this priority.

3. Extend VA's special authority to provide care to Persian Gulf veterans through December 31, 2001.

4. Require VA to enter into an agreement with the National Academy of Sciences or another appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

5. Require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans.

6. Require Departments of Veterans Affairs, Health and Human Services, and Defense to report to Congress by March 1 of each year the status and results of such research activities, along with the list of research priorities for the upcoming year.

7. Require public availability through the World Wide Web and elsewhere of the findings of all Persian Gulf research conducted by or for the Government.

8. Require VA to enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided to Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service. VA is to develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatments and health outcomes.

9. Require VA and DoD to enter into an agreement with the National Academy of Sciences to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and DoD physicians.

10. Extend VA's authority to evaluate the health status of spouses and children of Persian Gulf War veterans through December 31, 1999, and to provide such examinations through VA facilities, or under its fee-basis or other contract arrangements.

TITLE II—EDUCATION AND EMPLOYMENT

Education matters

1. Change the way VA calculates the reporting fee paid to educational institutions that enroll veterans. Once a year, VA pays educational institutions a ''reporting fee'' to cover, in part, costs associated with the reports the institutions must submit on enrolled veterans. This provision would base the reporting fee on the number of veterans who enroll in a school during the entire year rather than the current method of reporting the number of veterans enrolled on October 31 of the year.

2. Make optional, rather than mandatory, an advance payment of 40 percent of the amount which a veteran-student under VA's work-study program is eligible to receive for their veteran-related work in VA regional offices, educational institutions, or at DOD or National Guard facilities. Current law requires the advanced payment.

3. Allow servicemembers to use college-granted credit hours for life experiences as a means of meeting eligibility requirements for their Montgomery GI Bill benefits.

4. Allow a veteran-student in flight training to continue to receive VA educational assistance if the veteran has inadvertently failed to maintain the required flight certificate.

5. Waive the wage increase and minimum salary requirements for on the job training programs provided by State and local governments.

6. Require the VA and military service branches to expand outreach services concerning VA education program requirements to members of the armed services.

7. Require the VA and military service branches to ensure separating servicemembers are well informed of the eligibility requirements for their education benefits.

Employment matters

1. Clarify the enforcement of veterans' employment and reemployment rights with respect to a State (as an employer), under the Uniformed Service Employment and Reemployment Rights Act.

2. Extend veterans' employment and reemployment rights to former members of the uniformed services employed overseas by United States companies.

3. Clarify Federal employee enforcement of employment and reemployment rights.

TITLE III—COMPENSATION, PENSION AND INSURANCE

1. Increase the special pension provided to persons entered and recorded on the Army, Navy, Air force, and Coast Guard Medal of Honor Roll from $400 to $600 per month.

2. Provide for the payment of accelerated death benefits to terminally ill persons under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance policies.

3. Direct VA to provide to Congress an assessment of the effectiveness and adequacy of insurance and benefits programs for the survivors of veterans with service-connected disabilities.

4. Authorize the VA to issue dividends to the holders of World War II-era National Service Life Insurance (NSLI) series ''H'' policies. All other NSLI policies issue dividends.

TITLE IV—MEMORIAL AFFAIRS

1. Authorize VA to furnish a memorial marker for certain members of the armed forces and spouses whose remains are unavailable for interment.

2. Extend eligibility for burial in National Cemeteries and funeral benefits to veterans of the merchant Marine who served from August 16, 1945 to December 31, 1946.

3. Redesignate the National Cemetery System (NCS) as the National Cemetery Administration, elevating NCS to the same organizational status within VA as the Veterans Health Administration and the Veterans Benefits Administration. In addition, this provision would redesignate the Director of the National Cemetery System as the Under Secretary for Memorial Affairs.

4. Modify the existing State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries.

TITLE V—COURT OF VETERANS APPEALS

1. Allow a sitting judge at the Court of Veterans Appeals nominated for a second term to remain on the bench for up to one year while awaiting Senate confirmation.

2. Exempt the Court's retirement fund from sequestration orders.

3. Provide the same adjustments for annuities to the survivors of deceased Court of Veterans Appeals judges as those received by Judiciary Survivors' Annuities Fund annuitants.

4. Direct the Court to submit a report on the feasibility of merging the retirement and survivor annuity plans with other federal court retirement and survivor annuity programs.

5. Rename the Court of Veterans Appeals the United States Court of Appeals for Veterans Claims.

TITLE VI—HOUSING

1. Authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans.

2. Require the Secretary to provide in the budget a simple, concise, and readily understandable statement that summarizes the financial activity of each of the housing programs operated under the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.

3. Extend the VA's authority to guarantee home loans for members of the National Guard and Reserve components to September 30, 2003. The current program expires in 1999.

4. Require the Department of Veterans Affairs to comply with the requirements of the Competition in Contracting Act and the Federal Acquisition Regulations for any contract for services or supplies for properties acquired under the VA housing program.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

1. Authorize appropriations for fiscal year 1999 and 2000 in the amount of $241.1 million for the Construction, Major Projects account and $8.5 million for the Medical Care account for major medical leases.

2. Authorize the following major medical facility projects:

Alterations and demolition at the Long Beach VA Medical Center ($23.2 million);

Construction and seismic work at the San Juan VA Medical Center ($50 million);

Outpatient clinic expansion at the Washington, DC VA Medical Center ($28.7 million);

Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Palo Alto VA Medical Center ($22.4 million);

Construction of an ambulatory care addition and renovations for ambulatory care at the Cleveland (Wade Park) VA Medical Center ($28.3 million, of which $7.5 million would come from previously appropriated funds);

Construction of an ambulatory care addition at the Tucson VA Medical Center ($35 million);

Construction of a psychiatric care addition at the Dulles VA Medical Center ($24.2 million);

Outpatient clinic projects at Auburn and Merced, California ($3 million from previously appropriated funds);

Renovations to a nursing home care unit at the Lebanon VA Medical Center ($9.5 million);

Construction of a spinal cord injury center at the Tampa VA Medical Center ($46.3 million, of which $20 million would come from previously appropriated funds);

Construction of a parking structure at the Denver VA Medical Center ($13 million, of which $11.9 million would come from previously appropriated funds in the Parking Revolving Fund).

3. Authorize the following major medical facility leases:

Satellite outpatient clinic in Baton Rouge, Louisiana ($1.8 million)

Satellite outpatient clinic in Daytona Beach, Florida ($2.6 million)

Satellite outpatient clinic in Oakland Park, Florida ($4.1 million)

4. Increase the threshold for treatment of a medical facility lease as a major medical facility lease (which requires congressional authorization) from $300,000 to $600,000.

5. Increase the threshold for treatment of a parking facility project as a major medical facility project (which requires congressional authorization) from $3 million to $4 million.

6. Prohibit VA from establishing or collecting parking fees at any parking facility associated with the Spark M. Matsunaga VA

Medical Center and Regional Office in Honolulu, Hawaii.

7. Require VA to submit a report to Congress by September 15, 1999 on the Department's use of its authority to charge parking fees at VA medical facilities, to include the results of a survey on the availability of VA-provided employee-parking, an analysis of ways to provide cost-effective parking programs, and recommendations on whether and how to amend current law pertaining to parking fees.

8. Require VA to submit a report to Congress on a master plan relating to Department lands at the West Los Angeles VA Medical Center.

9. Designate the Aspinwall, PA VA Medical Center as the ''H. John Heinz III Department of Veterans Affairs Medical Center''.

10. Designate the Gainesville, FL VA Medical Center as the ''Malcolm Randall Department of Veterans Affairs Medical Center''.

11. Designate the Columbus, OH VA Outpatient Clinic as the ''Chalmers P. Wylie Veterans Outpatient Clinic''.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Scholarship program

1. Authorize VA to carry out an employee-incentive scholarship program through December 31, 2001, to assist in meeting the staffing needs for health professional positions for which it is difficult to recruit or retain qualified personnel.

2. Specify that to be eligible, individuals must have been a full-time or part-time Department employee for at least two years and have an exceptional employment record.

3. Require that scholarships awarded under the program would cover payment of tuition and other educational expenses of up to $10,000 per year for a full-time student participant.

4. Specify that participants who do not finish the agreed upon course of study are liable for damages.

Education debt reduction program

1. Authorize the VA to carry out an education debt reduction program through December 31, 2001, to assist in the recruitment of health care professionals for positions that are difficult to recruit and retain.

2. Specify that to be eligible, an individual must be a recently-hired VHA employee (less than six months) serving in a position for which recruitment or retention is difficult and still indebted for education or training in that position.

3. Limit assistance to $6,000 for the first year of participation in the program; $8,000 for the second year; and $10,000 for the third.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

1. Authorize VA to provide priority health care for the treatment of cancer of the head or neck to veterans who can document nasopharyngeal radium irradiation treatment in service. It also would authorize such treatment to any veteran who served as an aviator in the service before the end of the Korean conflict or underwent submarine training in active naval service before January 1, 1965.

2. Extend VA's authority to counsel and treat veterans for sexual trauma through December 31, 2001.

3. Require VHA to develop and apply job-performance standards to VA network directors and any other officials responsible for the allocation and management of resources relating to the requirement to maintain special disability programs.

4. Provide ongoing authority to use pension funds above the $90 monthly limit for certain veterans receiving nursing home care for operating expenses of VA medical facilities.

5. Require the VA to submit a report to Congress by February 1, 1999 and February 1, 2000 assessing the current system of locality-based pay for nurses.

6. Require the VA to provide an annual report to Congress on the Department's activities relating to its preparation for and participation in a domestic medical response to an attack involving weapons of mass destruction.

7. Permit the interim appointment of the Under Secretary for Health for service until July 1, 1999.

TITLE X—OTHER MATTERS

1. Require that, except as specified in law, a facility, structure, or property (or major part of any facility, structure or property) of the Department be named for the geographic area where it is located.

2. Provide reversion rights to attorney positions at the Board of Veterans' Appeals for civil service attorneys who are members of the Board of Veterans' Appeals and whose appointments to the Board are terminated.

3. Afford the Board of Veterans' Appeals flexibility in scheduling hearings, and in considering and deciding appeals, so that unintended delays may be avoided. BVA would be authorized to postpone consideration and disposition of a pending appeal in order to afford the appellant a hearing. BVA would also be authorized to schedule travel board hearings on the basis of the pending appeals' relative places on the BVA docket rather than on the basis of the order in which requests for a hearing were received.

4. Change the formula used by the Veterans Employment and Training Service to determine the number of Disabled Veterans Outreach Program Specialists (DVOPS) to reflect the working-age veteran population in each state.

TITLE XI—COST-OF-LIVING ADJUSTMENT

Increase, effective as of December 1, 1998, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

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

□ 1230

Mr. STUMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health of the Committee on Veterans' Affairs.

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

Mr. STEARNS. Mr. Speaker, I rise in strong support of H.R. 4110, and I am also proud to be one of its key sponsors. As chairman of the Subcommittee on Health, we have had many hearings on this, and I think it goes without saying there is many people on this House floor, on both sides of the aisle, that have done much to make this bill possible, particularly, of course, the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Illinois (Mr. LANE EVANS).

I particularly want to thank our dedicated Chairman *Bob Stump* for his leadership and work on behalf of veterans. I want to thank and acknowledge LANE EVANS, the Ranking Member of the full committee; LUIS GUTIERREZ, the Ranking on the Health Subcommittee; and JOE KENNEDY for their hard work on this measure. I also want to thank CHRIS SHAYS for all his work on the Persian Gulf issue, which contributed to the bill we bring to the floor today.

This legislation advances the extensive work this committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled.

The legislation is also forward-looking. It aims to apply the lessons of the Persian Gulf experience so as to avoid the problem of future combat for veterans. It has become clear, for example, that early treatment is important in overcoming health problems that may be linked to war-time service. This bill will authorize the VA, in advance, to treat veterans of future combat situations for any illnesses that develop within 2 years after service. Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of war-time service generally.

Significantly, Mr. Speaker, this bill provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and to foster education and improved clinical care. The bill will also extend to VA special authority to treat Persian Gulf War veterans, and it contains important provisions to improve VA's service delivery to those Veterans and to improve the research efforts regarding these illnesses.

Mr. Speaker, millions of veterans depend upon the VA health care system. Accordingly, this bill would also address ongoing needs of this system, ranging from assuring adequate health care staffing to improving its infrastructure. As its title indicates, this legislation is truly aimed at improving veterans' programs.

Mr. Speaker, I urge the Members to support it. The House has passed this bill twice, Mr. Speaker. If it goes to the Senate, it includes a COLA bill. It is absolutely mandatory the Senate move this to the President.

Mr. Speaker, I rise in support of H.R. 4110, as amended. Many of the key provisions of this truly important legislation originated in the Veterans Affairs Subcommittee on Health, which I chair. So I particularly welcome the House action today and urge members to support this measure.

This legislation advances the extensive work this Committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled. At the same time this legislation is *forward-looking* in aiming to apply lessons of the Persian Gulf experience so as to avoid problems for veterans of future combat.

In studying the lessons of the Persian Gulf experience, it became clear to us that *early* treatment is important in overcoming health problems that may be linked to wartime service. Several years after the end of hostilities, Congress created special treatment authorities for Vietnam veterans and for Persian Gulf veterans (tied to presumed exposures to toxic substances). In hindsight, it would have been

helpful for veterans of those conflicts if such legislation had been in place much earlier, before some of their acute health problems became chronic. This bill would build on this experience and authorize VA, in advance, to treat veterans of *future* combat situations for illnesses which first manifest themselves within two years after service. Under this legislation, such veterans would be eligible for VA care, regardless of whether their illnesses have been adjudicated as service-connected. While the other body was unwilling to agree to the duration of treatment authority provided for in the House-passed bill, this is a most important provision.

Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of wartime service. Significantly, this bill should help advance our understanding. To that end, it provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and foster research, education, and improved clinical care of such illnesses, as proposed in House-passed H.R. 3980. The bill also contains important provisions I authorized to extend VA's special authority to treat Persian Gulf War veterans, and to improve VA service-delivery to those veterans.

The bill asks much of the Department of Veterans Affairs, but it also provides for VA to tap independent scientific expertise in carrying out its new responsibilities on behalf of Persian Gulf veterans. Congress has long looked to the Institute of Medicine of the National Academy of Sciences to carry out that role. For years, the Institute has done important work on veterans issues, from exhaustive reviews into the health effects of herbicides used in Vietnam, to ongoing analysis of the health consequences of service during the Persian Gulf War. The complexity and controversy associated with Persian Gulf War illnesses highlights the importance of bringing independent expertise and judgment to our questions. Under this legislation, the Institute would provide advice and recommendations to guide virtually every aspect of major decision-making associated with resolving the remaining problems and questions relating to the health consequences of veterans' service in this war, from compensation questions to identifying methods of improving the care provided these veterans.

As its title indicates, this legislation is truly aimed at improving veterans programs. This will be quite evident in the area of VA health programs—the focus of my subcommittee. For example, the measure we bring to the floor would:

Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Vietnam War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization patterns of veterans who receive care under this priority and would report to Congress on the first eighteen months' use of that authority and on any recommendations to extend it; Extend VA's special authority to provide care to Persian Gulf veterans through December 31, 2001.

Require VA to enter into an agreement with the National Academy of Sciences or other appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

Several other provisions of the bill also call for contracting with the National Academy to assist in carrying out Government responsibilities relating to the health consequences of service in the Persian Gulf War. While the bill reflects the esteem in which the Academy is held, it is not our intention to require duplication of effort or to impose undue financial burdens on the Department. The bill is not intended, for example, to require VA to renegotiate contracts which have already been executed and which would otherwise carry out the requirements of the bill. Nor does the existence of multiple specific requirements (for VA, or VA and Department of Defense, to contract with NAS) in title I necessarily constitute a requirement that separate contracts involving separate NAS scientific panels must be executed to carry out each provision. Where, for example, the scientific expertise required to address a particular requirement set forth in one section of the bill would in whole or in part serve to address a requirement set forth in a different section, it would be altogether appropriate to execute a single contract under which NAS could use a single scientific panel to carry out these requirements.

More specifically, the bill includes requirements that:

VA (a) enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service and (b) develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatment and health outcomes; and that VA and Department of Defense enter an agreement with the National Academy to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and Department of Defense physicians, and (b) periodically review and provide recommendations regarding the Departments' research plans relating to Persian Gulf illnesses.

In further addressing concerns surrounding the health consequences of Persian Gulf service, the bill would: require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans; require the pertinent Executive branch departments to expand their annual reporting on the status and results of Persian Gulf research activities, to include their research priorities for the upcoming year, and to better coordinate their outreach activities; require publication of all Government-conducted or -funded Persian Gulf research findings through the World Wide Web and elsewhere; extend VA's authority to evaluate the health status of spouses and children of Persian Gulf War veterans through December 31, 1999, and to provide for such examinations through VA facilities, as appropriate and under contract, including through its fee basis program.

The measure reflects a recognition that although the VA health care system is changing, Congress must address itself to ongoing needs, ranging from infrastructure to system-management to health-care staffing. Accordingly, among its provisions, the bill provides for continuity in leadership of the Veterans Health Administration by authorizing the interim appointment to the position of Under Secretary for Health of the former incumbent, the very able Dr. Kenneth Kizer.

The measure also provides mechanisms to help attract and retain health-care professionals in positions where VA has experienced difficulties in recruiting or retaining qualified staff. Particularly noteworthy is a new education-debt reduction authority. The bill would also add to title 38 provisions modeled on VA's so-called ''grow-your-own'' employee-scholarship program, to provide an incentive to outstanding current employees to pursue advanced education or training for positions for which VA or a particular VA medical facility has recruitment and retention needs. The legislation also requires the establishment and use of specific accountability measures applicable to VA network directors in the exercise of responsibilities associated with network management and resource allocation as they relate to VA programs dedicated to the specialized treatment and rehabilitative needs of disabled veterans.

This legislation would also authorize major medical construction projects for funding in this or the following fiscal year. Finally, the bill addresses a unique problem relating to employee pay-parking at a facility in Hawaii, but in no way retreats from or alters the otherwise applicable requirements of section 8109 of title 38, United States Code.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

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

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in strong support of H.R. 4110, the Veterans' Program Enhancement Act of 1998. I think this is a measure which is the result of bipartisan and bicameral cooperative efforts on behalf of our Nation's veterans.

Of particular importance to our Gulf War veterans are provisions from the bills introduced in the House by the gentleman from Florida (Mr. STEARNS) and by our ranking member, the gentleman from Illinois (Mr. LANE EVANS), and in the Senate by Senator ROCKEFELLER.

While we have to go further in the next Congress, these provisions will provide an independent third-party review by the National Academy of Sciences concerning the exposure to toxic substances present in the gulf theater and the prevalence of illnesses experienced by our gulf veterans; it will extend eligibility for health care for Persian Gulf Veterans until December 31, 2001; and it makes a number of changes to improve the health care offered to Gulf War veterans. All of these

measures should be of assistance to those who have served during the Gulf War.

There are other very helpful provisions for all our veterans in terms of education, employment, insurance, housing and burial programs. This is an excellent bill, and I urge my colleagues to support it.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a member of the committee.

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

Mr. LAHOOD. Mr. Speaker, I rise to address the issue of naming VA facilities. This has been a very frustrating problem for me and my constituents, particularly in Springfield, Illinois.

On April 8 of this year, VA's Secretary Togo West issued a press release naming the cemetery-in-progress near Joliet, Illinois the ''Abraham Lincoln National Cemetery.'' In my opinion, Mr. West's office moved unilaterally without any congressional or Committee on Veterans' Affairs input whatsoever, disregarding VA's own policy on naming facilities. Many of my colleagues from down-State Illinois were completely unaware of this.

Congress has well-established procedures for naming facilities of all kinds in honor of individuals. The VA chose to step outside its legal authority, ignoring procedures and precedent. VA's own policy clearly states that the naming of VA facilities in honor of individuals can be done only by congressional mandate.

This situation has me very concerned about the VA's apparent lack of regard for procedures. I am pleased that this legislation we are considering today provides a solution. The VA will no longer be able to sidestep proper procedures in naming facilities. Congress' authority to naming facilities in honor of individuals will be codified and, hopefully, no more confusion will exist.

Springfield, Illinois, is the home of Abraham Lincoln. He represented that city in Congress and was buried after his assassination in Springfield. Naming a cemetery in northern Illinois will lead to much confusion. In an effort to smooth over this mistake, the VA promised, and Togo West personally promised me, that they would try to avoid the confusion by printing statements in their brochures that Abraham Lincoln is not buried at the cemetery in Joliet, and by placing signs along the interstate highways specifically saying that Abraham Lincoln is not buried at that cemetery. I hope the VA will maintain the commitment that they have made to all the citizens of Illinois.

Mr. Speaker, I thank the chairman so much and the ranking member for their support in my effort.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. FARR of California. Mr. Speaker, I thank both the chairman and the ranking member for all their hard work that brought this to the floor today. I appreciate particularly being able to work on section 404 of the bill, which expands the State Cemetery Grants Program.

The need for additional cemeteries to serve our Nation's veterans is of critical importance to veterans of the California central coast. Not many people know that only two of California's six national veterans cemeteries are open for burials and cremations. Only two in the most populace state in the union.

In my district we have over 40,000 veterans. We have a base closure, we have excess land, and we want to create a State-operated national veterans cemetery on the 156-acre portion of Fort Ord's army facility. When the President signs this bill into law, the State cemetery Grants Program will pay for 100 percent of the cost of the cemetery construction.

While the State legislature will have to designate a cemetery at Fort Ord, passage of this bill brings the central coast's veterans and all veterans of California one step closer to realizing their dream for a new cemetery at Fort Ord.

Mr. Speaker, I submit for the RECORD a newspaper article regarding my comments on this subject.

VETERANS CARRY ON CAMPAIGN FOR FORT ORD CEMETERY

(By Larry Parsons)

Central Coast veterans won't let a veto by Gov. Pete Wilson stop their drive for a veterans' cemetery at Fort Ord.

''We are going to figure out something,'' said retired Army Sgt. 1st Class Mark Giblin of Seaside. ''I'm not giving up on it.''

For the past three years, Giblin has helped lead a push by Central Coast veterans' groups to persuade the state to develop a veterans' cemetery on 156 acres on Artillery Hill at Fort Ord.

But the campaign was dealt a setback last week when Gov. Pete Wilson vetoed a bill by state Sen. Bruce McPherson, R-Santa Cruz, that would have required the state to take a $20,000 look at the feasibility of a Fort Ord cemetery.

''(McPherson) was surprised and disappointed'' by the governor's veto, said the senator's spokeswoman, Tricia Meade. ''He worked on it so hard. The vets want it, and the land is available.''

Giblin said he wasn't surprised by the governor's opposition. An amendment tacked onto the measure in a Senate committee that expanded its scope from just the Fort Ord proposal to a $100,000 statewide study on veterans' cemeteries probably sealed its fate, he said.

''I feel our only next step is to wait until after the (November) elections and resubmit it,'' he said.

In his veto message, Wilson said the legislation would have inappropriately given counties the power to force the California Department of Veteran Affairs to perform costly cemetery feasibility studies.

''These studies would require the department to redirect budgeted resources from other activities critical to the successful administration of veterans affairs programs,'' Wilson wrote.

The governor also said the bill was unnecessary because California already has looked into state-run veterans' cemeteries. Traditionally, the federal government has paid for veterans' cemeteries.

Area veterans say a local veterans' cemetery is sorely needed because an estimated 40,000 veterans live in Monterey County alone, and a total of 330,000 vets live in a six-county region within 75 miles of Fort Ord.

The nearest veterans' cemetery to the Central Coast is a federal one located near Los Banos in Merced County. That's too far away for many survivors to travel, and it's not convenient to public transportation, Giblin said.

A bill pending in Congress could improve prospects for getting the state to support the idea of a Fort Ord veterans' cemetery, Giblin said. The bill would provide 100 percent funding for start-up costs of state veterans' cemeteries, he said. Now, the federal government only pays up to 50 percent of the initial costs.

''If we can get the 100-percent bill through . . . the problem is how to fund the cemetery's ongoing operations,'' Giblin said. ''That's going to be a major question.''

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the ranking member, the gentleman from Illinois (Mr. EVANS). This is a tribute to a bipartisan, bicameral effort to help our veterans.

Mr. Speaker, I represent the Veterans Hospital in my community and, therefore, I see a lot of veterans. I see a lot of hospitalized veterans. I had the pleasure of going to the Veterans Hospital and not giving the Purple Heart to one who was hospitalized, but one who was a past recipient of a terrible, terrible oppression as a veteran of World War II, someone who was part of the Japanese death march, Mr. Arville Steele. So I know how important this is to those who have served in our military.

This is a good bill. This responds to the claims and the accusations that the Veterans Department was not responsive to those who were impacted by the Persian Gulf War. This is a good bill that allows for treatment of these individuals for at least a 2-year period and studies the impact of anything that might have happened to them as a result of the Persian Gulf War. This is a recognition of their service.

I am so grateful to all of the committee members and I believe this is a good bill that should pass.

Mr. Speaker, I rise in support of H.R. 4110, the Veterans Benefits Improvements Act of 1998. I am pleased that in the final days of this Congress, this body has decided to address the deserving Veterans of this Nation.

The bill contains two key provisions. First, it addresses the unrecognized and suffering Persian Gulf veterans. This bill provides for the National Academy of Sciences to review and evaluate the available scientific evidence. It also determines whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans.

We need to let America's troops know that, we will do everything in our power to protect their health and that of their families. This bill

gives the VA the authority to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during the Persian Gulf War.

Second, this bill provides a Cost of Living Adjustment. Mr. Speaker, our veterans made significant sacrifices to this Nation during times of trouble. We owe it to our Veterans to ensure their continued economic stability. This bill will increase the rate of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

From World War I to the Gulf War veterans were the best and the brightest that our Nation had to offer from each generation, therefore, we should in turn offer the best to our Nation's veterans.

Mr. Speaker, this bill expresses our gratitude to our Nation's veterans. They served this Nation without hesitation or reservation and it is now time for us to ensure their future security without hesitation or reservation.

On behalf of the Veterans who reside in the 18th Congressional District, of Houston, and the 1,646,700 veterans in the State of Texas, I would like to encourage my colleagues support for this important bill.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

□ 1240

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for yielding.

Mr. Speaker, I rise in opposition to one part of this bill, and that is that we are not addressing Gulf War illnesses.

Mr. Speaker, I ask unanimous consent that we could have more time to debate this bill. I ask unanimous consent that we have 10 minutes more on each side.

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

Mr. STUMP. Mr. Speaker, reserving the right to object, I would say, in all due respect to the gentleman from Connecticut (Mr. SHAYS) that we made an agreement with the floor leader and the majority to expedite the passage of this bill so that we were assured of getting a vote to get it back in the Senate so they may take some action.

We have worked for days and days trying to strike a compromise with the Senate, and I will tell the gentleman that this was the very best we could come up with. I agree with him on some parts of the Persian Gulf war and I disagree with some, but we got every inch we could get.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SHAYS. Mr. Speaker, we need to properly diagnose, properly compensate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHAYS. Mr. Speaker, when I make a unanimous consent, is that counted as part of my 30 seconds?

The SPEAKER pro tempore. No.

Mr. SHAYS. Mr. Speaker, I respectfully request that I be told how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Connecticut has 10 seconds remaining.

Mr. SHAYS. Mr. Speaker, we are willing to give $315 million to chickens for the majority leader of the Senate, and we are not willing to provide help to our Gulf War veterans who need the presumption of illness.

Mr. SANDERS. Mr. Speaker, the war has been over for 7 years. The gentleman from Connecticut (Mr. SHAYS) and I and other people have attended numerous hearings. We have reached conclusions. Tens of thousands of veterans are ill from Gulf War illness, and they are ill as a result of exposure to a wide variety of toxins. They need to be treated.

We should presume that if illness strikes them, the reason is that they suffered from exposure in the Gulf War and they should be compensated accordingly. This bill goes a little way and only a little way to addressing those problems.

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

Mr. STUMP. Mr. Speaker, how much time do I have time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 1 minute remaining.

Mr. STUMP. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Speaker, I do not disagree with my friend, the gentleman from Vermont (Mr. SANDERS) on Gulf War syndrome. Also FEHBP, we need to work on that for our veterans, as well, next year.

I would say that this has been crafted in a very narrow way. It is a good bill and I rise in support of it.

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

Mr. Speaker, I want to express my appreciation to the Committee on Veterans' Affairs of the other body, especially Chairman SPECTER and Senator ROCKEFELLER, for reaching agreements on these provisions.

I might say that Senator ROCKEFELLER introduced a bill that the gentleman from Connecticut (Mr. SHAYS) has referred to, and he sat in and agreed to the provision that we agreed to put in this bill.

I would also like to thank all the members of the Committee on Veterans' Affairs for all their hard work. I want to tell the ranking Democratic member of the committee, the gentleman from Illinois (Mr. EVANS), that his work and cooperation on these issues, as well as the day-to-day operations of the committee, have been truly appreciated. The gentleman from Illinois (Mr. EVANS) has steadfastly adhered to the tradition of bipartisanship in this committee and he should be commended by all veterans for doing so.

I would like to thank every member of the majority and minority staff for all the work they have done.

Mr. WELLER. Mr. Speaker, today the House is considering H. Res. 592, the Veterans Programs Enhancement Act. This legislation changes the procedure for the naming of national cemeteries. Earlier this year, I was dismayed to learn that one of my colleagues from Illinois had inserted a provision into another bill, H.R. 3603, which would have created new naming procedure and make it retroactive to January 1, 1998. Had this provision been signed into law, it would have essentially erased the decision of Secretary Togo West to name the new cemetery near Joliet the ''Abraham Lincoln National Cemetery.'' This bill today contains a similar provision—fortunately it is not retroactive and will not affect the name of the Abraham Lincoln Cemetery.

I believe it is only appropriate that the founder of our national veterans cemetery system, Abraham Lincoln, is honored in the Land of Lincoln, by naming this cemetery for him. This name has been endorsed by the Illinois American Legion, the Illinois Veterans of Foreign Wars, the Illinois American Ex-Prisoners of War, the Illinois Disabled American Veterans and the Illinois Amvets. I am pleased at all of the support for naming this cemetery after one of our greatest Presidents.

For the RECORD, I am attaching copies of their endorsement letters, along with an editorial by the Chicago Tribune, and other pertinent information.

I will continue to work for the Abraham Lincoln National Cemetery and the veterans who sacrificed for our nation.

DEPARTMENT OF ILLINOIS,
DISABLED AMERICAN VETERANS,
Oak Park, IL, October 28, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Disabled American Veterans, strongly supports the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery.''

Mr. Lincoln, as we all know, was instrumental in establishing the first National Cemetery and it is only befitting that he receives the honor of having a National Cemetery named after him.

We certainly appreciate your introducing this most important legislation in the House of Representatives because now the veterans and their families in this Midwest region will have a place to rest which they truly deserve and are entitled to.

Sincerely,

GEORGE M. ISDALE, JR.,
Department Adjutant.
TED BUCK,
Department Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES, DEPARTMENT OF
ILLINOIS,
Spingfield, IL, May 21, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Veterans of Foreign Wars, takes great pride in supporting the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery''.

In naming the 982 acre site after President Abraham Lincoln, we not only acknowledge the role he played in creating the National Cemetery System, but also honor the memory of the courageous men and women who answered our nation's call to defend democracy and freedom.

The Department of Illinois, Veterans of Foreign Wars certainly commend the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Woods site for use as the new National Cemetery to serve the veterans and families of this midwest region.

We certainly appreciate your introducing this most important legislation in the House of Representatives and look forward to the passage of same.

With warmest personal regards and best wishes, I remain

Sincerely,

DONALD HARTENBERGER,
Department Commander.

DEPARTMENT OF ILLINOIS,
AMERICAN EX-PRISONERS OF WAR
October 21, 1997.

Hon. CONGRESSMAN JERRY WELLER
130 Cannon Building, Washington, DC.

DEAR HONORABLE WELLER: We the American ex-prisoners of war of the State of Illinois all agree to the naming of the Veterans Cemetery in Joliet, IL to be called Abraham Lincoln Veterans Cemetery.

Thank you for the American ex-P.O.W.'s for their opinion on this matter.

Sincerely,

DONALD MCCORMICK,
Commander, State of Illinois.

THE AMERICAN LEGION,
DEPARTMENT OF ILLINOIS,
Bloomington, IL, April 10, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC

DEAR REPRESENTATIVE WELLER: The American Legion, Department of Illinois, takes great pride in supporting the introduction of legislation naming the new veterans cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery.''

On Saturday, April 5, 1997 at Normal, Illinois, our state Executive Committee approved a resolution commending the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Wood site, for use as the new National Cemetery to serve the veterans and families of the midwest region.

A copy of the approved resolution is attached and we respectfully urge the Secretary of Veterans Affairs and the United States Congress to confirm the designation of the former Joliet Arsenal as the ''Abraham Lincoln National Cemetery'' to honor all veterans and President Abraham Lincoln, who first established the National Cemetery system.

Sincerely,

VINCENT A. SANZOTTA,
Department Adjutant.

AMVETS,
ILLINOIS STATE HEADQUARTERS,
Springfield, IL, September 26, 1997.

Hon. JERRY WELLER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN WELLER: Our last State Executive Committee Meeting, held at the Hilton Hotel, Springfield, Illinois, on September 12–14, 1997. At this meeting it was voted unanimously to endorse your legislation to name the Joliet National Cemetery as the Abraham Lincoln National Cemetery.

Since Mr. Lincoln was instrumental in establishing the first National Cemetery, it is only befitting that he finally receives the honor of having a National Cemetery named after him.

Sincerely,

JERRY F. FOSTER,
Department Commander.

[From the Chicago Tribune, Dec. 29, 1996]

HONOR ABE AT THE NATIONAL CEMETERY

Among his many accomplishments, Abraham Lincoln created the National Cemetery System in 1862 to provide proper, registered resting places for the nation's Civil War dead. Today the system includes more than 100 cemeteries, and to be buried in one is a singular honor for the people who have served their country in the armed forces.

Now there is an opportunity to memorialize this gracious act by America's 16th and—by most assessments—greatest president. As reported recently by the Tribune's William Presecky, a move is afoot to name the country's newest and second-largest national cemetery after Lincoln, as part of the peacetime conversion of the former Joliet Arsenal.

There could not be a more appropriate choice in a more appropriate setting.

Though born in Kentucky and raised in Indiana, Lincoln is forever identified with Illinois—the land he chose to pursue his career in law and politics, where he honed his rustic genius and magnanimous spirit. From here he left to stage his momentous, tragic presidency; to here he returned for eternity.

The cemetery—to open in 1999 on 982 acres of the arsenal site—will be bordered one day by more than 19,000 acres of restored tallgrass prairie, the symbol of the promising pioneer Illinois that lured Lincoln.

The process of naming a national cemetery is a lengthy one, requiring congressional and presidential approval, with the recommendation coming from the Department of Veterans Affairs. Many names are expected to be submitted, including those of other early settlers, and there will be many disappointments. The wise course is to unite in consensus now for Lincoln, in the spirit of the great conciliator.

The Abraham Lincoln National Cemetery.

It sounds right; it is right.

[From the Herald News, Joliet, Il,]

HEY, LAHOOD: LINCOLN'S NAME BELONGS ON NATIONAL VETERANS' CEMETERY

The arrogance of U.S. Rep. Ray LaHood just plain upsets me. I'm angry at the Peoria congressman's selfish attitude. The swagger of his opinion must be challenged.

LaHood has attacked the use of Abraham Lincoln's name with the new national veterans cemetery to be built here on arsenal land. He thinks the Lincoln name belongs to Springfield. To Sangamon County. To central Illinois. And only to them.

Shame on you, congressman. Lincoln belongs to all of us in this state. Ol' Abe and what he represents even belongs to the nation like a treasure.

LaHood, as quoted in a Chicago newspaper last week, said he was lobbying the Department of Veterans Affairs and the House Veteran Affairs Committee to not use Lincoln's name on the veterans cemetery here.

''It seems appropriate that we really maintain the Lincoln memory in the Springfield area,'' he said. ''Springfield and that part of central Illinois has sort of been designated as the Lincoln geography of Illinois. Some of us believe we ought to leave it that way. They ought to come up with another name.''

LaHood confirmed to me that he was accurately quoted in that news story. But my reply to those comments is:

''Hogwash, congressman.''

You apparently lack knowledge about the Lincoln history outside of Springfield. Here's a couple of outside-of-Sangamon County Lincoln facts to smoke in your pipe:

The first of Abe's famous debates with Stephen A. Douglas—those debates that gave him national attention—was in Ottawa.

The multicounty circuit that he rode as a lawyer took him as far north as the courthouse in Pontiac.

He was nominated for president at the 1860 Republican convention in Chicago.

He campaigned for John C. Fremont for president in Joliet.

One of his close friends was a circuit judge right here in Joliet.

We have several communities east of Joliet that are known as the ''Lincolnway'' area. They're located along U.S. 30, which is sometimes called Lincoln Highway.

If LaHood needs some more Lincoln history in Northern Illinois, I'll be glad to dig it up for him.

I'm proud that Abraham Lincoln's name was selected as the name for the new national veterans cemetery here. The final resting place of all these heroes will be an honorable addition to the Will County community, which always has generously furnished more than its share of soldiers when freedom was in danger from an enemy.

When Lincoln called for help to save the Union in the Civil War, this county responded with 5,000 of its sons, brothers and husbands, of which more than 500 didn't come home ever again. If nothing else, that fact alone qualifies use of Abraham Lincoln's name at the national veterans cemetery here.

U.S. Rep. Jerry Weller, our congressman who has worked to bring the veterans cemetery here, said the Abraham Lincoln name has been endorsed by the American Legion, Veterans of Foreign Wars, Disabled American Veterans and American Ex-Prisoners of War.

''Clearly, it is proper to name the second-largest veterans cemetery in the nation after the man who established the national veterans cemetery system especially since no national veterans cemetery, even in Springfield, has ever honored Abraham Lincoln,'' Weller said.

''We will continue to build momentum of this name selection and pass this legislation into law. We feel this is a great honor for Abraham Lincoln, veterans and the entire state of Illinois.''

Amen to that comment.

By the way, LaHood told me his opposition to use of the Lincoln name here—and he vowed to continue that opposition—is based upon conversations with public officials in Springfield and all over central Illinois.

I checked with our sister newspaper in Springfield, The State Journal Register, and they haven't reported one story about folks down there objecting to the use of the Lincoln name. Not even one letter to the editor, I was told.

Oh well, this isn't the first time I've wondered where a politician got the information he used in shooting off his mouth.

I would urge local veterans, veteran organizations and other readers to drop the congressman a line about his greedy attitude on the use of Abe Lincoln's name. Tell him no one can hog a state and national treasure.

Write to U.S. Rep. Ray LaHood, 329 Cannon HBO, Washington, D.C. 20515, or call him at (202) 225–6201.

[From the Star News, Feb., 1998]

LETTERS TO THE EDITOR—AMAZED AT 'ARROGANCE'

I am amazed at the arrogance of U.S. Rep. Ray LaHood to publicly deny the respectful

use of President Abraham Lincoln's name to be affiliated with the new National Veterans Cemetery, which will be located at the old Army ammunition plant just south of Elwood.

Anyone who says he represents the majority view of those people in his district community, and state as Rep. LaHood proclaims to, should hand his head in shame. I feel he is unfit to represent anyone on any issue.

We all owe many thanks to U.S. Rep. Jerry Weller for his concern and devoted efforts to bring the project to a respectable and honorable conclusion. I hope that Rep. LaHood remembers that as long as our Stars and Stripes fly over this great nation that it is the majority who rule in the end, thanks to the unselfish devotion of some four million of our friends, neighbors, sons and daughters for around 222 years now, who gave up everything to guarantee our sovereignty to that very end.

LEONARD SELTZER,
Manhattan.

[From the Herald News, Feb. 20, 1998]

ABRAHAM LINCOLN BEST NAME FOR NATIONAL CEMETERY HERE

There is one surprising facet to the national cemetery system that may not have come to your attention. None is named after the president who started the cemeteries. Free burial in the cemeteries is offered to veterans (and their spouses) who have served this nation.

The national cemeteries are shrines to our fallen heroes. Veterans do not have to be buried in national cemeteries. That is their option. Many select this free service and their families are honored to have burials in hallowed ground.

There are more than 100 national cemeteries in various parts of the country, including the most famous being Arlington National Cemetery, the home to the Tomb of the Unknown Soldier and burial ground of famous leaders such as President John F. Kennedy.

The national cemetery system dates to the Civil War. The federal government began providing this service after it was signed into law by President Abraham Lincoln, commonly called the founder of the national cemetery system.

The surprising part about the cemeteries is that none is named after President Lincoln. That can be corrected if the new national cemetery on the former Joliet arsenal is named after Lincoln.

That name has received bipartisan support in Congress from Illinois Sen. Carol Moseley-Braun, a Democrat, and Rep. Jerry Weller, a Republican from Morris.

Local veterans have shown considerable support for the Lincoln name. Many names have been suggested, including numerous ideas from Herald News readers.

Abraham Lincoln is by far the best choice for this cemetery in our back yard. The name is both fitting and distinguished. Illinois is called the Land of Lincoln and his ties extend across the state.

The Lincoln name has not yet been officially approved in Washington D.C. We understand there is also some opposition from one member of the Illinois congressional delegation.

The opposition is based on other areas of the state claiming exclusive use of the Lincoln name.

We beg to differ. Lincoln belongs to all of Illinois. This area is fortunate that we are being honored with a national cemetery and that Lincoln's name has not been used before.

The Abraham Lincoln National Cemetery is welcome here and so his name. Lincoln should have his name on a national cemetery and his home state is the best choice for this honor. We hope federal officials see the wisdom of naming this cemetery after Abraham Lincoln.

[From the Herald News, Mar. 14, 1998]

LAHOOD WON'T QUIT ON CEMETERY NAME

(By Toby Eckert)

WASHINGTON.—Refusing to surrender in a mini-civil war among Illinois' congressional delegation, Rep. Ray LaHood, R–Peoria, on Monday questioned whether Acting Veterans Affairs Secretary Togo West had the authority to bestow Abraham Lincoln's name on a new veterans' cemetery in Joliet.

A Veterans Affairs Department spokesman said West clearly had the authority under federal regulations, though he acknowledged it was rarely exercised. The surprise action last Wednesday effectively short-circuited LaHood's effort to block Lincoln's name from being used at the cemetery, which is under construction at the former Joliet Arsenal. LaHood believes the naming could harm tourism in Springfield, where Lincoln is buried, since people may believe the 16th president is interred at the Joliet cemetery.

However, two other members of the state's congressional delegation—Rep. Jerry Weller, R–Morris, and democratic Sen. Carol Moseley-Braun—backed the Joliet proposal, saying Lincoln is identified with the entire state, not just his hometown. Moseley-Braun is popular with President Clinton, who appointed West, but a spokesman for her said he was uncertain whether she personally lobbied for the naming.

LaHood, a member of the House Veterans' Affairs Committee, had been blocking legislation sponsored by Weller to put Lincoln's name on the Joliet cemetery. He angrily denounced West's action as an unprecedented end-run around the committee, which had jurisdiction over Weller's bill.

At a recent hearing on budget matters, West ''assured our committee (that it) would have some say in this,'' LaHood said. ''They knew of my objections.''

On Monday, LaHood fired off a letter to West in which he questioned West's authority to unilaterally approve the cemetery name and asked him to reconsider.

''Your desire for cordial relations with Congress . . . certainly falls short in this case,'' LaHood wrote. ''In the past, the naming of a Department of Veterans Affairs facility has required a congressional mandate or executive order.''

Depatment spokesman Terry Jemison cited federal regulations that say the department secretary ''is responsible for naming national cemeteries.''

However, he added that, ''Generally, (the authority) has not been exercised.'' He said he was uncertain why.

In a memo to the director of the National Cemetery System, West called his move ''an exception to Department of Veterans Affairs policy.'' It was warranted by Lincoln's ties to Illinois, the fact that Lincoln initiated the National Cemetery System and support for the name among veterans' groups, West wrote.

Mr. QUINN. Mr. Speaker, there has been considerable interest this Congress in the health status of Persian Gulf war veterans and the government's response to the concern that illness may have resulted from service during that war. I know that Mr. SHAYS and Mr. EVANS have introduced legislation addressing this issue. Indeed the Veterans' Committee in the other body ordered reported a bill, S. 2358, which was similar in some respects to the proposals made by Mr. EVANS and Mr. SHAYS.

We have taken great strides in addressing the concerns which led to the introduction of those proposals, and I believe Congress can point to the legislation now before the House and say that we have responded as best we could to the continuing concerns of Persian Gulf war veterans.

Mr. Speaker, several of the bills introduced this Congress proposed that we give the Secretary of Veterans Affairs the authority to establish presumptions that certain illnesses are related to service in the gulf, and to pay compensation for such illnesses. These bills would rigidly define the circumstances in which the Secretary could act, and presume that a great deal of evidence may accumulate in the next several years liking Persian Gulf service to disease. However, under these proposals. Congress would have no role in responding to the scientific evidence as it is produced, nor would it have any responsibility to respond to the analysis and conclusions of the National Academy of Science on the scientific evidence to support establishing a presumption.

It is my belief that Congress has always had the preeminent role in establishing which diseases veterans should be compensated for on a presumptive basis. With this legislation, we reassert that role. In doing so, we retain the flexibility to respond to new information with an unbiased yet sympathetic point of view. We avoid setting in motion a procedure that may not produce fair and equitable results for veterans suffering from disease. At the same time, we avoid speculation about what the costs of a fair and equitable compensation policy might be.

To veterans who have lobbied for slightly different versions of the legislation that we propose today, I say—''Give this bill and future Congresses a chance to do its job.'' The bill establishes an objective method for looking at illnesses among Persian Gulf war veterans. It then requires the Secretary to recommend to Congress whether the law should be changed. By its actions today, Congress demonstrates its unwavering commitment to meeting the needs of veterans, both as we understand them today and as we learn more about them in the future.

Let me mention a few other matters which may be of interest that are contained in this measure. Earlier this year, the House passed a bill (H.R. 3039) reported by my Subcommittee on Benefits which proposes a new way of housing homeless veterans. In my home town of Buffalo, banks are willing to help develop housing to meet the needs of persons who are transitioning back to productive lives. This bill will encourage banks and homeless service providers to get together and develop clean and affordable transitional housing for veterans. By offering a government loan guarantee, we give an incentive to banks to use their capital to create these new housing opportunities. I've seen it work and I hope that thousands of new transitional housing units for veterans will be created under this authority.

We've also included almost all of the provisions we passed earlier this year as part of H.R. 4110, as well as the veterans' reemployment rights amendments which we recommended in H.R. 3213, a measure that passed the House in March of this year. These bills contained enhancements to veterans' education, employment, housing, cemetery and insurance programs. Taken together, these provisions will benefit thousands of veterans and their family members. I urge my colleagues to support this measure.

Mr. Speaker, section 301 of the bill increases the pension paid to those who have been awarded the Medal of Honor from its current $400 to $600. When this special benefit was first created in 1916, the amount was a modest $10. This amount was modest for two reasons; first because Congress did not want to begin making substantial payments to honor distinguished service, and second, because Congress did not want a payment to diminish the honor of the Medal. Those purposes inform our action today.

In truth, it is difficult to say that a payment of money, no matter its amount, is adequate to honor the valor of those who have been awarded the Medal of Honor. It would be easy to say that they deserve a much higher monthly pension. The amount which we authorize today is still quite modest, but is perhaps more generous when adjusted for inflation than the amount originally authorized in 1916. One reason to be more generous is that the living veterans who have been awarded the highest military award for valor are often asked to make public appearances on behalf of patriotic causes. They are frequently asked to travel and incur expenses in connection with civic work and patriotic activities. These storied Americans should be encouraged to continue their inspirational and motivational activities on behalf of all Americans. That is why we approved the increase which is contained in this measure today.

I want to thank the ranking Democrat on the subcommittee, BOB FILNER, for working throughout the 105th Congress with me and other members of the subcommittee. Mike Brinck, our former subcommittee staff director, if you're listening, thanks for all the hard work. To my Chairman BOB STUMP, and Ranking Member LANE EVANS, my thanks for all your help and leadership. I look forward to seeing you in the 106th Congress.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4110, the Veterans' Benefits Improvement Act.

H.R. 4110 authorizes a full cost-of-living adjustment for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, for fiscal year 1999. It also simplifies VA education programs, makes Reservists and National Guard members permanently eligible for the VA Home Loan Program, and makes internal improvements to the operation of the U.S. Court of Veterans Appeals.

The disability compensation program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The survivors benefit program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also addresses a potential future problem for the Court of Veterans Appeals. Beginning in 2004, five of the six original appointees on this court will be eligible for retirement.

Moreover, the last 2 years have seen a substantial increase in the workload and backlog of cases pending before the court.

This legislation permits the Court of Veterans Appeals to operate in a manner similar to other Federal courts, whereby retired judges are permitted to volunteer their services in a limited capacity, typically 25 percent of a normal workload. These judges receive retired pay equal to that of an active judge in exchange for their services.

This goal of the provision is to provide an effective measure to help reduce overall workload and shorten the time that veterans must wait for decisions on their appeals.

Finally, H.R. 4110 makes permanent the authority of the VA to guarantee home loans for National Guard and Reserve members. This authority was previously set to expire on September 30, 1999.

Mr. Speaker, I believe this is worthy legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Accordingly, I urge all of my colleagues to support this measure.

Mr. RODRIQUEZ. Mr. Speaker, I rise to remind us of the covenant we have with our Nation's veterans to ensure they receive the benefits and medical attention they deserve.

This legislation ensures that benefits and priority health care will be upgraded to keep up with changing times.

This bill provides a cost of living index, while improving and expanding education, burial and disability benefits.

This bill helps Persian Gulf veterans. They have been sitting on the sidelines suffering from undiagnosed illnesses while scientists try to figure out whether or not this is ''service-connected.'' When it comes to the health of veterans and their families, they need coverage up front.

In the meantime, this bill will increase public input and public knowledge of on-going research into undiagnosed illnesses among veterans.

I commend my colleagues on the VA committee for the bipartisan nature in which we are able to conduct our business.

Mr. TOWNS. Mr. Speaker, I deeply regret that H.R. 4110 did not contain a presumption of exposure for Persian Gulf War veterans. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight chaired by the gentleman from Connecticut, Mr. SHAYS, held over a dozen hearings for the last 32 months. As the Ranking Minority on this Subcommittee, I am proud to say that these hearings were conducted on a totally bipartisan fashion which later resulted in two important bills, introduced by Mr. SHAYS and myself with over 200 co-sponsors. These bills tracked two major recommendations of our oversight report, H.R. 4036 and H.R. 4035. Our oversight report recommended two important changes in the manner in which the VA processes future claims—a presumption of exposure and a prohibition against a waiver of informed consent requirements by the FDA for the use of experimental or investigational drugs, unless the President approves. Tragically, neither provision was included in a rush to push this bill forward. I believe that there are important provisions in H.R. 4110 but no one should be under the allusion that this bill will really meet the needs of Persian Gulf War veterans or any veterans who may face similar battle conditions in the future.

Ms. PRYCE of Ohio. Mr. Speaker, today, I rise in support of H.R. 4110, the Veterans Programs Enhancement Act of 1998, which will help to continue our commitment to our nation's veterans. I am particularly pleased that this legislation includes a bill, which I introduced H.R. 4602, naming the Veterans Outpatient Clinic in Columbus, Ohio after Chalmers P. Wylie.

I would like to express a note of personal thanks to Chairman Stump and Ranking-Members LANE EVANS of the House Veterans' Affairs Committee, as well as Chairman SPECTER and Ranking-Member ROCKEFELLER of the Senate Veterans' Affairs Committee for their support and assistance on this legislation. I would also like to express my appreciation for the support of all 18 members of the Ohio congressional delegation, who were original co-sponsors of this legislation. Finally, I would like to thank Senator MIKE DEWINE and Senator GLENN for their efforts and support in the Senate.

Sadly, on August 14, 1998, former Representative Chalmers Wylie passed away at the age of 77. First elected to the House of Representatives in 1966, Chalmers Wylie served thirteen terms, rising to ranking member of the House Banking, Finance, and Urban Affairs Committee. Mr. Wylie dedicated his life to serving Ohio and, in particular, the people of the 15th District. He earned the respect and admiration of everyone with whom he came in contact and, still today, constituents speak of him fondly wherever I go.

While many knew of Chalmers Wylie's wonderful service in the House of Representatives, few people knew of his distinguished service during World War II. Chalmers Wylie was an Army combat veteran who was awarded the Purple Heart for wounds sustained while rescuing fallen comrades in Germany. Mr. Wylie also was awarded the Silver Star, the Bronze Star, the Presidential Unit Citation with two oak-leaf clusters, and the French Croix de Guerre and Belgian Fouragier.

During his service in Congress, Chalmers Wylie also served as a distinguished member of the Veterans' Affairs Committee. In this position, he fought for the veterans of our nation and was instrumental in improving veteran access to medical care in Columbus, Ohio through the establishment of the Vetrans Affairs Outpatient Clinic. It is a fitting end to our legislative session to have Members of Congress honoring one of our own. Chalmers Wylie was a distinguished Member of Congress, a dedicated veteran, and a devoted Ohioan, and he is deserving of this proper tribute.

Mr. SHAYS. Mr. Speaker, I rise today with deep concern about our country's failure to properly diagnose, effectively treat and fairly compensate veterans who are ill because of their service in the Gulf War. Today, the House considered and passed H.R. 4110, the Veternas Benefits Improvement Act. While I supported the bill, I am profoundly disappointed H.R. 4110 does not address the issue of presumption of service connected disability for our Gulf War Veterans.

In March 1996 responding to requests by veterans, the Subcommittee on Human Resources, which I chair, initiated a far-reaching oversight investigation into the status of efforts to understand the clusters of symptoms and debilitating maladies known collectively as ''Gulf War Syndrome.''

After 13 hearings, Representatives TOWNS, SNOWBARGER, SANDERS and I introduced H.R. 4036, the Persian Gulf War Veterans Health Act of 1998 with strong bipartisan support and that of the Gulf War veterans' community and the veterans' community at large.

H.R. 4036 would establish in law the presumption of service-connection for illnesses associated with exposure to toxins present in the war theater. The Secretary of Veterans Affairs (VA) would be required to accept the findings of an independent scientifc body as to the illnesses linked with actual and presumed toxic exposures. The bill would also require the VA to commission an independent scientific panel to conduct ongoing health surveillance among Gulf War veterans.

The key provisions of H.R. 4036, not contained in H.R. 4110, is a ''presumption of exposure'' of sick veterans to one or more toxins known to be present during the war. This provision is critical because many of the sick Gulf War veterans, who now number more than 100,000, have a difficult time establishing service-connected disability due to missing or inadequate medical records. No other proposed House bill contains such a presumption.

By establishing a rebuttable presumption of exposure, and the presumption of service-connection for exposure effects, the bill places the burden of proof where it belong—on the VA, not the sick veteran.

The bill embodies a principal finding and legislative recommendation of an oversight report adopted without dissent by the Government Reform and Oversight Committee last November. We owe it to the brave men and women who have come forward to assist our ongoing VA oversight, and to all Gulf War veterans, to follow through with this proposal and properly diagnose, effectively treat and fairly compensate our Gulf War veterans.

It is essential we address the problems faced by Gulf War veterans and pass a bill establishing a rebuttable presumption of exposure, and presumption of service-connection for exposure effects. We should place the burden of proof on the Veterans Affairs Department, not on the sick veterans.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the resolution, H. Res. 592.

The question was taken.

Mr. STUMP. 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.

PRIVILEGES OF THE HOUSE—FAILURE OF U.S. GOVERNMENT TO ENFORCE ANTIDUMPING LAWS REGARDING STEEL

Mr. VISCLOSKY. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of title VII) have not been expeditiously enforced;

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries; Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

Mr. VISCLOSKY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the record.

The SPEAKER pro tempore. By practice, the resolution is read in full.

The Clerk completed reading the resolution.

The SPEAKER pro tempore. Does any Member desire to be heard on whether the resolution presents a question of the privileges of the House?

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I offer this question of privilege to bring attention to a catastrophic situation facing this Nation. The trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal trade practices. Congressional intent, as represented by the Trade and Tariff Act of 1930, is being ignored at the present time.

□ 1250

The U.S. steel industry and its workers are suffering because the Asian and Russian financial crises have led those countries to dump their steel on our market. The U.S. has been reluctant to stop this illegal practice. Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices in the United States have fallen 20 percent in the last 3 months alone.

The European Union has protected itself and its steel industry against dumping by erecting temporary barriers to steel imports during the crisis. Their steel industry is weathering the storm. In America, the demand for domestic steel has decreased dramatically in mills in Alabama, West Virginia, Utah, Ohio, Iowa, Indiana, and workers have been laid off because of the decreased demand for American steel. American workers should not have to pay the price of the administration's refusal to enforce trade laws which the Congress has enacted and supports. This impinges on the integrity of this House.

American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. We need to protect our American steel workers by stemming the tide of illegally dumped steel, and the administration's failure to act again directly impinges on the integrity of this House.

The SPEAKER pro tempore (Mr. CALVERT). The Chair is prepared to hear argument on this question of privilege from other Members, including those

who have noticed virtually identical resolutions on this topic, in lieu of entertaining those other resolutions separately today.

This comports with the principle that recognition on a question of order is within the discretion of the Chair. Members must address the question of order.

Mr. BERRY. Mr. Speaker, I rise today to talk about the steel crisis that is escalating out of control and is having a devastating effect on the people of the First Congressional District of Arkansas as well as people around the country. I am a free trader so long as the rules of free trade are rigorously enforced. Fair trade is imperative to support free trade.

What is not fair is the export of the Asian and Russian crisis to our shores. Currently Japanese and Russian and other foreign steel companies are unable to sell their excess capacity at home. These foreign steel producers are dumping their products on the U.S. market by selling at prices less than their cost and below those in their home markets.

As a result, this growing steel import crisis is causing injury to our domestic steel companies and the industry. It is threatening the jobs of people in the First Congressional District of Arkansas and across America. As a result, the steel imports in May 1998 increased 28.5 percent from their level of the previous year. Through June 1998 the imports from Japan were up 113.7 percent, while imports from Korea rose 89.5 percent.

Mr. Speaker, we need to protect American workers and American industry by stopping the illegal dumping of steel from other countries. Now is the time to act. We have the responsibility and the opportunity to correct this problem, and I assure my colleagues that I will do everything I can to help. We can win, but we must fight.

Mr. TRAFICANT. Mr. Speaker, I am not addressing and will not address the deplorable plight and condition of the steel industry at this time. But I believe there are some precedents in legal arguments concerning the privileges of the House and its Members to advance privileged resolutions. I would like to make those arguments, and I want to make it clear through the legislative intent and history of today's request for a vote that we are challenging past precedents on the rulings and questions of privilege, and today's efforts are another step forward to bring back to the powers of the House those which the Constitution deems are within the jurisdictional authority of the House.

Having said that, specifically article I, section 8 clearly states that Congress shall regulate commerce with foreign nations. Congress. Not the White House, not the Trade Rep, not the World Trade Organization. Although they can assist the Congress, they do not have the mandated authority to undertake the actions necessary for remedy in this condition. And I hope Congress is listening. I know they want to get out of here. But let us not talk about steel. Let us talk about the Constitution.

Having said that, I believe that this matter of privilege today is within the scope of the United States House of Representatives for the following reasons. While I admit past precedents did not destroy the powers of Congress, the decisions of past Congresses, as upheld by the Chair, have diminished the Congress, specifically the House of the people. In that regard, the legal question is, if congressional powers are being diminished and there is a condition that does not lend itself to remedy by the House who has the mandated power to remedy, then the resolution must be heard on cause.

So the Traficant appeal is saying, by the nature of past decisions, Parliamentarians and the Chair have upheld denying the resolutions of privilege, while I maintain that decision has created a diminishing power and authority that is duly granted to the Constitution, duly granted to the Members of the House of Representatives, and strips us of those powers specifically. That is what my question of a ruling is on.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, having said that, I would like a parliamentary inquiry with the Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. TRAFICANT. Is article I, section 8 of the Constitution clearly in force?

The SPEAKER pro tempore. The Chair cannot interpret the Constitution in response to parliamentary inquiry.

Mr. TRAFICANT. Does article I, section 8 of the Constitution grant specific powers to the Congress?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. TRAFICANT. In closing, ladies and gentlemen, this is more than some trickery here. I want to say this to every Member in the House. We have delegated our authority. What we have not delegated has been usurped, and both sides of the aisle has allowed that to happen, and by not challenging this today and reversing past precedents, we in fact have diminished and destroyed what powers we are granted under the Constitution.

Mr. OBERSTAR. Mr. Speaker, I rise to be heard on the question of privilege.

Mr. Speaker, the resolution under consideration, I believe, does constitute a question of privileges of the House, because the trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products, including steel. Congressional intent as represented by the Trade and Tariff Act of 1930, is being specifically ignored.

This is not a partisan matter. It is a matter that concerns Members on both sides of the aisle. It is not a matter limited to the present administration in Washington, the Clinton administration. It is an issue that has spread over several administrations, going back to the 1970s, the Carter administration, later the Reagan administration, the Bush administration. This Congress, through our congressional steel caucus, on a bipartisan basis has advocated vigorous action against unfairly traded steel.

I am happy to yield at this point to the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding and I rise for two purposes.

The SPEAKER pro tempore. The gentleman cannot yield on a question of order but the Chair will recognize each Member separately.

Mr. SHUSTER. I was going to ask to be able to speak out of order for a unanimous-consent request.

The SPEAKER pro tempore. The Chair will hear each Member on his own time, but on a question of order a Member cannot yield time.

Mr. OBERSTAR. I thank the Chair for the ruling.

□ 1300

Shortly after the end of World War II a famous American historian and journalist, John Gunther, wrote:

> What makes America a great nation is the fact that it can roll over 90 million tons of steel ingots a year, more than Great Britain, prewar Germany, Japan, France and the Soviet Union combined.

Gunther wrote: ''This is a steel age.''

We still live in that steel age. Steel is still the most versatile building material in an industrial society. We are the world's most efficient producer of steel. American steel industry has lost 350,000 jobs over the last decade, has closed over 450 plants, modernized its facilities to the tune of $50 billion of investment. We have gone from 10 man hours to produce a ton of steel in 1981 to 1½ to 3 hours depending on the type of steel today to produce a ton of steel compared with 4½ to 5 hours in Japan, 6½ hours in the European Union and 10 hours in Russia. And yet steel from those countries is being sold in the United States at below cost of production in the country of origin, and this administration, like previous administrations, until prodded by Congress, has not acted decisively to protect our domestic industry, our basic building block security industry.

We need to act. This resolution that we propose as a point of privilege calls on the administration to act, we ought to bring that resolution to the House floor before this session of Congress adjourns, and I urge the Chair to rule in the interests of working men and women of America in the steel valley, the Mon Valley of Pennsylvania-Ohio, and the taconite industry of northern Minnesota and northern Michigan and in the interest of America's standing in

the world community as a powerful economic force.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I stand today to support this Visclosky privileged resolution which expresses the sense of the House that the integrity of our anti-dumping provisions of the Trade and Tariff Act of 1930 have not been enforced.

My colleague from Ohio (Mr. TRAFICANT) I think has eloquently and adequately expressed the ability of this Congress to consider this privileged resolution.

Trade laws that were enacted 60 years ago, Mr. Speaker, were designed to protect American workers. That is what this government did. It designed laws to protect American workers so they are not hurt by unfair trade practices.

The U.S. steel workers and the steel industry are suffering in one of the worst ways in recent modern times because the Asia and Russia financial crisis has led those countries to illegally dump their steel on the market. It could not be any clearer.

Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices have fallen 20 percent in the last 3 months alone. The Europeans have protected itself and the steel industry against dumping by erecting temporary barriers on steel imports. So Europe has stood up for its workers; that is what Europe has done, Mr. Speaker. The European steel industry will weather the storm while the American steel industry and its workers are announcing new layoffs daily.

We need to push for this resolution. We need to push the White House to do everything they can to stop illegal dumping practices that are damaging our steel industry.

In closing, Mr. Speaker, I ask where is the Congress? Where is the White House? Where is the United States Government? Today we have a chance to answer those questions. We are here, by supporting the Visclosky resolution, to finally stand up for steel workers, to stand up for working Americans, to stand up for families in this country and to stand up for the United States. This is mandatory, it is a must, it is the right thing to do.

Mr. Speaker, I support the Visclosky privileged resolution.

The SPEAKER pro tempore. As the Chair hears further argument, the Chair will reiterate the ruling of February 7, 1995.

When a Member offers a resolution as a question of privilege pursuant to rule IX, the Speaker may in his discretion hear argument on whether the resolution constitutes a question of the privileges of the House, but that argument should not range to the merits of the underlying matter.

The gentleman from New York.

Mr. HINCHEY. Mr. Speaker, I would like to say a word on this resolution because I think the issue that is raised is critically important to the Members of this House and to the people of this country, and it is one that we ought to have a full and complete debate on. The reason I say that is in recognition of the statements that have been made just a few moments ago with regard to the impact that the dumping of steel is having on congressional districts and the people in those congressional districts, the workers in those congressional districts and their families across the country. This is an aggravated symptom of a much larger problem however.

Mr. Speaker, we are in the midst of a global economic crisis, and one of the features of that global economic crisis is the propensity of some nations in the world suffering the effects of deflation to attempt to dump their products, both manufactured products and commodities, on to the markets of other countries. We are in a most vulnerable position indeed to this particular activity, and we have not done nearly enough to protect our economy from the effects of this kind of dumping.

One of the things that we ought to do immediately is to petition the Federal Reserve to reduce interest rates substantially so that we may buttress our economy from the effects of this kind of dumping and the larger effects of the global economic crisis.

In addition to that, we have a major issue that is currently before the Congress with regard to the International Monetary Fund which this Congress has not yet addressed. We need to increase the funding for the IMF, and if we were to do so, that increase in funding would make it less likely that resolutions of this nature would have to be brought to the floor.

We are in an important issue right now. We need to decide this issue, bring that question of IMF funding before on the floor so that we can have a full and complete debate on it.

The SPEAKER pro tempore. The Chair would remind the Members that the issue before the Members is neither the advisability of the United States trade policy nor the actions of the administration on trade, but rather the procedural question of whether the resolution offered by the gentleman from Indiana constitutes a question of the privileges of the House under rule IX. The Chair would ask Members to confine their arguments to that issue.

The gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in favor of a privileged motion for H. Con. Resolution 328 which provides Congress with an opportunity to protect the American steel worker and the American steel industry. I am in concurrence with previous speakers who cited the Constitution of the United States with respect to Congress' ability to protect commerce in this country and to protect the jobs of the people whom we serve.

Mr. Speaker, I think that we are here as a Congress to say that Congress needs to take action on the crisis posed by cheap subsidized steel imports from developing countries that are trying to earn foreign exchange to repay their own onerous debts. American steel is under siege, and we need to stand up for American steel and for American jobs.

The SPEAKER pro tempore. The gentleman will keep his remarks to the issue of the parliamentary question of order.

Mr. KUCINICH. So, therefore, I rise in favor of the privileged motion for H. Con. Resolution 328. I ask the Chair to grant the privileged motion. Otherwise I ask Members to vote for a motion to appeal a ruling of the Chair and vote for H. Con. Resolution 328. It is important that we stand up for America and stand up for American steel.

The SPEAKER pro tempore. The Chair will hear from one more Member, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise to be heard on the question of privilege offered by the gentleman from Indiana. The resolution under consideration constitutes a question of privilege of the House because trade laws enacted by the House over 60 years ago are being ignored. These laws were specifically designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products including steel.

I am sorry to say that the congressional intent, as represented by the Trade and Tariff Act of 1930, is specifically ignored. This is an external crisis caused by steel dumping in the U.S. by foreign producers for whom any price for steel is higher than the price they would get at home.

□ 1310

Because of a result of the Asian and Russian financial crisis, there is no market for steel in their home countries. This is a crisis addressable by laws currently in effect which are not being enforced.

U.S. steel remains very competitive. But steel was being dumped in the U.S. at below the cost of production, which is illegal and a violation of the laws that the Legislative Branch has enacted. U.S. trade laws are supposed to be enforced by the Executive Branch. The administration has failed to stop these illegal activities, and the dignity of this House is being impugned. I urge the support of the resolution.

Mr. WELLER. Mr. Speaker, I rise today to bring attention to a matter of the utmost importance to the future of the American steel industry and to thousands of steelworkers around the country, many of which I represent in the 11th Congressional District in Chicago's south suburbs.

Mr. Speaker, the American steel market is in the midst of a crisis due to a unprecedented flow of below market value foreign steel. The economic problems in Russia, Asia and Latin

America have led to large scale dumping of foreign steel on the U.S. market with most of this steel being sold at below the price of production in their home markets. As you know Mr. Speaker, this is an unfair and illegal trade practice under both international and U.S. trade policies, and the dumping of foreign steel threatens many good paying American jobs.

This past spring, I along with 64 other members of this House signed a letter to the President asking him to enforce existing U.S. laws against these unfairly traded steel imports. Unfortunately Mr. Speaker, the Administration has failed to act on behalf of the steel industry and American workers. In fact, the problem has only grown worse since this spring. Steel imports for this past July were up almost 45% over July 1997. Imports from Japan and South Korea are up over 113% and 89% respectively.

The impact of this dumped steel has already resulted in layoffs and reduced orders in factories around the country. U.S. Steel has laid off over 100 workers in Pittsburgh and is planning to lay off more workers as orders continue to slow. Geneva Steel has had to let go of over 500 employees, and Northwestern Steel and Wire Company in my state of Illinois has said that it might have to let go as many as 450 workers because of the these unfair trade practices. Even Acme Steel Company in Chicago has been forced to file for bankruptcy protection putting even more jobs in question.

I have over 20 firms in my district that produce steel or steel products. Some of these firms are large cooperations like Birmingham Steel whose mill in Joliet, Illinois employs almost 400 people, while others are small family owned businesses like Bellson Scrap and Steel in Bourbonnais. Without immediate action to stem the tide of this unfairly dumped steel, I fear that these steel producers and their workers will face severe harm.

Mr. Speaker, both the steel industry and the steelworkers union have filed suit to stop these unfair practices, but, without swift action by the Administration to stop this unchecked flow of dumped steel, it may be too late for many of our steel companies and steel workers to wait for the courts resolution.

The steel industry has rebounded from the financial difficulties of the 1980's that cost our country over 325,000 jobs. The American steel industry once in decline, now produces the lowest cost and highest quality steel on the planet. If we fail to ensure that American steel plays on a level playing field with the rest of the world, than we place American steel companies and American workers including the 400 at Birmingham Steel in great harm.

[From the Chicago Tribune, Oct. 1, 1998]

STEEL FIRMS FILE TRADE COMPLAINT—TARGETS: BRAZIL, JAPAN, RUSSIA

(By Michael Arndt)

Battered by imported steel arriving by the shipload, a coalition of domestic steel companies Wednesday asked the government to slap hefty duties on steel sheet—one of the industry's most widely used products—from Brazil, Japan and Russia.

The coalition also warned it would file unfair trade complaints against other steel goods from the same three teetering nations and others, including possibly South Korea, in what is shaping up to be the biggest counteroffensive against imports of any kind in at least a decade.

Before it's over, the Clinton administration may intervene and negotiate trade pacts that would give these nations a limited slice of the U.S. market, avoiding a cutoff that could hurt foreign governments important to U.S. interests.

The complaint, filed with the U.S. International Trade Commission and the Commerce Department, followed a record surge in low-priced imports that have smashed through mill towns this summer and fall like a Category 5 hurricane.

Already, Acme Metals Inc. of south suburban Riverdale has sought bankruptcy protection while J&L Specialty Steel Inc. has shelved plans for a new mill because prices and orders are skidding. Others have idled production lines, trimmed work-weeks and furloughed or fired hundreds of employees.

And layoffs, limited thus far by terms of the United Steelworkers of America's master labor contract, could balloon to the thousands by year's end if the flow of imports is not quickly dammed.

''We are in an absolute crisis,'' Paul Wilhelm, chief executive of USX Corp.'s U.S. Steel Group, said in a teleconference. ''In my 35 years in the business, I have never seen the unprecedented levels of imports or the cutthroat prices coming into this country.''

To people who have peripherally followed the steel industry, Wilhelm and the other CEOs in the Stand Up for Steel coalition sound like men crying wolf. Since 1980, when the nation's current trade laws went into effect, steelmakers have filed more complaints than every other industry combined.

But the increase in imports and tandem decline in spot-market prices triggered by Asia's economic collapse have been extraordinarily steep, suggesting that the steel industry—still a bedrock even in an Information Age economy—is truly in as much trouble as these men claim.

Indeed, only hours after the coalition announced its trade complaint in a Washington news conference, analyst Michelle Applebaum of Salomon Smith Barney urged investors to sell steel stocks, figuring that it may take until late 1999 for the trade complaint to lift overall prices.

The industry's latest bugbear is imported hot-rolled steel sheet, a commodity used in a variety of manufactured products, including vehicle parts, appliances and office furniture.

In their unfair trade complaint, the coalition notes that imports of this steel from Brazil, Japan and Russia jumped 81 percent in the first seven months of 1998 from the year-earlier period, giving them 27 percent of this market segment, up from 10.9 percent in 1997.

Looking over a longer timeframe, the coalition says that hot-rolled steel imports from the three nations are currently running at six times their 1995 annual total.

The price of these products is also unfairly low, according to the coalition. Under U.S. trade law, it is illegal to sell imported steel here for lower prices than in the foreign producer's home market or for less than the cost of production—practices known colloquially and legally as dumping.

To make these goods fairly priced, the coalition is demanding duties that would boost import prices from Brazil by 31 percent to 91 percent; from Japan by 28 percent to 85 percent; and from Russia by 91 percent to 167 percent.

The 12-company coalition—led by U.S. Steel, Bethlehem Steel Corp. and LTV Corp.—also accuses the Brazilian government of subsidizing its steel exports, another violation of U.S. trade law.

The trade complaint goes first to the International Trade Commission, which is scheduled to rule preliminary by mid-November whether the imports have injured the domestic industry. If so, the Commerce Department could set tentative duties by late April.

Well before then, however, coalition members said they plan to file unfair trade complaints against so-called emerging-market nations in Asia, Latin America and the former Soviet bloc on other widely traded products, such as high quality cold-rolled sheet, heavy-duty plate and multipurpose coils.

In the next few months, ''we will be meeting with you many more times'' as more complaints are brought, Curtis Barnette, chairman and chief executive of Bethlehem Steel, promised reporters. The coalition, he added, will go after ''all products and all countries that are trading unfairly. No one is excluded.''

There is almost a sense of tragedy in the steel industry's current troubles. Since 1980, the industry has spent an estimated $50 billion on more-productive equipment and mills to bring itself up to world standards. Some 325,000 jobs were eliminated in the process.

But just as the industry seemed finally to have put its house in order, Asia's economies came apart. With few consumers in their home markets, manufacturers in these nations turned toward exports to keep their factories busy and avoid layoffs that could be politically disruptive.

Steel executives and workers said they feel cheated.

Over the last 12 years, for instance, investors spent $420 million on Geneva Steel Inc., which enabled the Provo, Utah-based company to survive while every other traditional steel mill west of the Mississippi River went under.

Now, Geneva Steel has fired 270 employees and put another 335 on temporary layoff because of falling orders.

''Years and years of work will go down the drain very quickly if something does not happen,'' said Robert Grow, its president.

Other steelmakers are cutting back as well. Nucor Corp. has slowed production at three mills, including one in Crawfordsville, Ind. U.S. Steel has shut a blast furnace at its Gary Works that accounts for 7.5 percent of its total iron output, and has laid off about 100 workers in Pennsylvania.

And Northwestern Steel and Wire Co. of Sterling, Ill., recently said it would fire 450 workers as it exits nearly half its wire-products lines, in part because of heightened competition from low-priced imports.

''This is a not a regional problem,'' said George Becker, president of the United Steelworkers union, which joined in the trade complaint. ''This is happening all over the United States, from Provo to Alabama, in Pennsylvania and south of Chicago.''

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this privileged resolution.

For far too long, this Administration has turned its back on American workers. The Administration's failed trade policies has failed American workers. Free trade at any cost? I don't think so especially when American workers are the ones who suffer.

The current international economic crises has hit our steel industry hard. Asian nations such as Taiwan, China, Indonesia, Thailand, Malaysia, Korea and Japan have been illegally dumping their steel in our market. In the five months of 1998, U.S. steel imports from those Asian nations have increased by 79 percent from the same period from 1997. Compare that with the European Union which, despite being a major economy, only imported one-tenth as

much finished steel products from Asia as the U.S. did.

And what is the difference between the European Union and the U.S.? The difference is the European Union enforces their trade laws—the U.S. doesn't.

Mr. Speaker, this body passed tough trade laws that level the playing field as we compete in the global economy, but these trade laws only work if they are enforced. And right now, under this Administration, they aren't.

I strongly urge the Administration to fully utilize U.S. trade laws to protect our domestic steel industry. When foreign nations dump steel at below-market prices in the U.S., it is unfair. When the Administration, charged with enforcing out trade laws and the responsibility of protecting American jobs and American industry from inequitable, foreign competition fails to do so, it is unfair. This worsens the U.S. trade deficit, exports American jobs, and causes a contractionary effect on U.S. economic growth. It is wrong for American workers to bear the burden of this nation's failed trade policies.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to express my views on the ruling of the Chair on the question of whether this is in fact a ''Privileged Resolution'' under the rules of this House.

I support the ruling of the Chair. I do not believe that this is in fact a privileged resolution under the rules of the House. I do believe that this issue should be brought up under regular order. I fully support the underlying resolution, H. Con. Res. 328, of which I am an original cosponsor. I urge the House of Representatives to call up and pass this important legislation under its regular order of business.

I call on the President and the Administration to act expeditiously to eliminate the damage being caused by illegal dumping of foreign steel products in America. Russia, Brazil, Korea, China, and Japan should not be allowed to export their economic mismanagement to the United States. Dumping is an unfair, intolerable and illegal trade practice that is hurting American steel companies and puts American jobs at risk.

Due to economic crises, Korean, Japanese, Russian, and other foreign steel companies cannot sell their products domestically. In order to liquidate their inventory, foreign steel producers are ''dumping'' their products in the U.S. by selling at prices below production cost in their home and U.S. markets. Steel imports in May 1998 increased a staggering 28.5 percent from last year.

Over the last decade, U.S. steel has revitalized to become one of the most competitive industries in the world. This enormous accomplishment is now in jeopardy due to illegal traded steel imports.

H. Con. Res. 328 is valuable legislation that calls on the Administration to act and respond to the surge of unfairly traded steel imports resulting from the financial crises in Asia, Russia and other parts of the world. It is an important step in addressing the growing steel import crisis and should be brought up and passed by the House.

An economic crisis in Russia and Asia does not give these countries the right to violate trade laws. Congress and the Administration need to act now to enforce trade laws and stop an economic crisis in the U.S. steel industry. We need a level playing field for everyone who participates in the global marketplace.

I support the underlying resolution, but Mr. Speaker I am compelled on procedural grounds to oppose the motion of the Gentleman from Indiana. By invoking this procedure, the Gentleman has unnecessarily politicized what should be a consensus issue in this House.

The SPEAKER pro tempore (Mr. CALVERT). The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) presents a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from Indiana calls upon the President to address a trade imbalance in the area of steel imports. Specifically, the resolution calls upon the President to pursue enhanced enforcement of trade laws, to establish a task force on monitoring imports, and to submit a report to Congress by the date certain on that matter.

A resolution expressing the legislative sentiment that the President should take specified action to achieve desired public policy end does not present the question affecting the rights of the House, collectively, its safety, dignity, or integrity of its proceedings as required under rule IX.

In the opinion of the Chair, the resolution offered by the gentleman from Indiana is purely a legislative proposition, properly initiated through the introduction in the hopper under clause 4 of rule 22.

The Chair will note a recent relevant precedent on this point. On February 7, 1995, Speaker GINGRICH ruled, consistent with the landmark ruling of May 6, 1921 by Speaker Gillett, that a resolution invoking the legislative powers enumerated in the Constitution and requiring a multifaceted evaluation and report by the Comptroller General on the proposed support of the Mexican pesos did not constitute the question of the privileges of the House.

In his ruling, Speaker GINGRICH stated: ''Were the Chair to rule otherwise, then any alleged infringement by the Executive Branch, even, for example, through the regulatory process conferred on Congress by the Constitution would give rise to a question of the privileges of the House.''

Although constitutional prerogatives have not been invoked in the text of the resolution before us today, the principle put forth in the 1995 ruling is nevertheless pertinent, as evidenced by the debate on this question. To permit a question of the privileges of the House addressing presidential trade policy through the mere invocation of the Constitution would permit any Member to advance virtually any legislative proposal as a question of the privileges of the House.

Accordingly, the resolution offered by the gentleman from Indiana does not request constitute a question of the privileges of the House under rule IX and may not be considered at this time.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Speaker, I do not mean to belabor the House.

My question is, the ruling of the Chair is only enforced by an affirmative vote to sustain the Chair's ruling. If the House votes to overturn the tabling of this, does it not set precedent to give back to the House that which exists within its mandated constitutional authority? If we vote in deference to the Chair's ruling, does it not allow us to thus change precedence, change the rules of the House, and allow debate on such issues?

The SPEAKER pro tempore. The ruling of the Chair is subject to appeal and could be overturned.

Mr. TRAFICANT. Mr. Speaker, question. If it is overturned, the ruling of the Chair then would allow these issues of privilege to exist for constitutional powers granted to the Congress.

The SPEAKER pro tempore. The Chair cannot anticipate the precedential effect of a future action. If the appeal were taken and the Chair was overruled, the resolution would be pending.

Mr. TRAFICANT. I thank the Chair.

Mr. VISCLOSKY. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) to lay on the table the appeal of the ruling of the Chair.

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

Mr. VISCLOSKY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. This 15-minute vote on tabling the appeal will be followed by votes on the four questions postponed earlier today.

Without objection, each postponed vote will be conducted as a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 219, nays 204, not voting 11, as follows:

[Roll No. 512]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Berman
Boucher
Collins
Hefner
Kennelly
Lazio
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1345

Ms. RIVERS and Mr. GILMAN changed their vote from ''yea'' to ''nay.''

Messrs. LEWIS of California, LARGENT, KIM, WELDON, PITTS, LATOURETTE, ADERHOLT, BILIRAKIS, GILMAN, BUYER and Mrs. LINDA SMITH of Washington changed their vote from ''nay'' to ''yea.''

□ 1350

So the motion to table the appeal of the ruling of the Chair 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. CALVERT). Pursuant to clause 5 of rule I, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Ordering the previous question on House Resolution 589 by the yeas and nays; the adoption of House Resolution 589; the adoption of House Resolution 588 by the yeas and nays; and suspend the rules and agree to House Resolution 592.

Also in the current series will be the following five questions: H.R. 4567, by the yeas and nays; House Resolution 334, de novo; House Concurrent Resolution 320, by the yeas and nays; H.R. 2616, by the yeas and nays; and 852, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series, and remind the Members to stay on the floor.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 589, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 12, as follows:

[Roll No. 513]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe

LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Boucher
Collins
Hefner
Kennelly
Lazio
Metcalf
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1355

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT of 1998

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, H. Res. 588, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 179, not voting 12, as follows:

[Roll No. 514]

YEAS—243

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Myrick
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—179

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Boucher
Collins
Harman
Hefner
Kennelly
Lazio
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1402

Mr. MINGE changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONNAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall No. 514, I inadvertently voted ''no.'' I meant to vote ''yes.''

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 592.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the resolution, House Resolution 592, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 515]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
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
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
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)
Kildee
Kilpatrick
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)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Berman
Boucher
Collins
Hefner
Kennelly
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel
Taylor (NC)

□ 1410

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.

The title of the bill was amended so as to read: ''An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.''

A motion to reconsider was laid on the table.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4567, 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 California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4567, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 412, nays 2, not voting 20, as follows:

[Roll No. 516]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
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
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
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
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)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
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)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Paul
Sabo

NOT VOTING—20

Berman
Bilbray
Boucher
Collins
English
Hefner
Hoyer
Hunter
Kennelly
Largent
Nethercutt
Parker
Peterson (PA)
Pickering
Portman
Poshard
Pryce (OH)
Rangel
Taylor (NC)
Torres

□ 1417

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.

The title of the bill was amended so as to read:

A bill to amend titles XI and XVIII of the Social Security Act to revise the per beneficiary and per visit home health payment limits under the medicare program, to improve access to health care services for certain medicare-eligible veterans, to authorize additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries, and to expand the membership of the Medicare Payment Advisory Commission.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 516, I was inadvertently detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall No. 516, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, on rollcall No. 516, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on rollcall No. 516, I was inadvertently detained. Had I been present, I would have voted ''yea.''

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 334.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 334.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 16, as follows:

[Roll No. 517]

AYES—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
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
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
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
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)
Kildee
Kilpatrick
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)

Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Berman
Boucher
Collins
Ensign
Hefner
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Smith (TX)
Taylor (NC)
Walsh

□ 1426

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE BALTIC PEOPLE OF ESTONIA, LATVIA, AND LITHUANIA, AND CONDEMNING THE NAZI-SOVIET PACT OF NON-AGRESSION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 320, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, 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 417, nays 0, not voting 17, as follows:

[Roll No. 518]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
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
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
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
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)
Kildee
Kilpatrick
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)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—17

Berman
Boucher
Collins
Ensign
Hefner
Hobson
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Smith (TX)
Taylor (NC)
Walsh

□ 1433

So (two-thirds having voted in favor thereof), the rules were suspended and the current resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNITY-DESIGNED CHARTER SCHOOLS ACT

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and and concurring in the Senate amendment to the bill, H.R. 2616.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RIGGS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2616, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 50, not voting 15, as follows:

[Roll No. 519]

YEAS—369

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
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
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—50

Abercrombie
Bonior
Boswell
Brown (FL)
Cannon
Chenoweth
Clay
Clayton
Clyburn
Coburn
Conyers
Crapo
Davis (IL)
DeFazio
Dingell
Evans
Filner
Furse
Goode
Hastings (FL)
Hilliard
Hinojosa
Jones
Kilpatrick
Kucinich
Lee
Lewis (GA)
Manzullo
McDermott
McKinney
Meek (FL)
Mink
Paul
Payne
Pickett
Rivers
Rush
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Stabenow
Stark
Stokes
Stupak
Taylor (MS)
Thompson
Visclosky
Waters
Yates

NOT VOTING—15

Berman
Boucher
Collins
Ensign
Hefner
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Taylor (NC)
Walsh

□ 1440

Mr. TAYLOR of Mississippi and Mr. CONYERS changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 852, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 852, 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 271, nays 133, not voting 28, as follows:

[Roll No. 520]

YEAS—271

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDade
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—133

Abercrombie
Ackerman
Allen
Barcia
Barrett (WI)
Becerra
Bishop
Blagojevich
Blumenauer

Bonior	Hilliard	Murtha
Borski	Hinchey	Nadler
Boswell	Hoyer	Neal
Boyd	Jackson (IL)	Oberstar
Brady (PA)	Jackson-Lee (TX)	Obey
Brown (CA)	Jefferson	Olver
Brown (FL)	Johnson, E. B.	Owens
Brown (OH)	Kanjorski	Pallone
Capps	Kaptur	Payne
Cardin	Kennedy (RI)	Pelosi
Carson	Kind (WI)	Rivers
Clay	Klink	Roemer
Clayton	Kucinich	Rothman
Clyburn	LaFalce	Roybal-Allard
Condit	Lantos	Rush
Conyers	Lee	Sabo
Costello	Levin	Sanchez
Coyne	Lewis (GA)	Sanders
Davis (IL)	Lipinski	Sanford
DeFazio	Lofgren	Sawyer
DeGette	Lowey	Schumer
Delahunt	Luther	Scott
DeLauro	Maloney (NY)	Serrano
Dicks	Manton	Skaggs
Dingell	Markey	Slaughter
Dixon	Martinez	Stark
Engel	Matsui	Stokes
Eshoo	McCarthy (MO)	Stupak
Evans	McDermott	Thompson
Farr	McGovern	Thurman
Fattah	McHale	Tierney
Fazio	McKinney	Torres
Filner	McNulty	Towns
Ford	Meek (FL)	Velazquez
Frank (MA)	Meeks (NY)	Vento
Furse	Menendez	Visclosky
Gejdenson	Millender-McDonald	Waters
Gonzalez	Miller (CA)	Watt (NC)
Gutierrez	Mink	Waxman
Hall (OH)	Moakley	Wexler
Hamilton	Murtha	Woolsey
Hastings (FL)	Nadler	Yates

ANSWERED ''PRESENT''—2

Deal Tauscher

NOT VOTING—28

Berman	Kennelly	Pryce (OH)
Blunt	McCollum	Quinn
Boucher	McInnis	Rangel
Chambliss	McIntosh	Royce
Collins	Meehan	Solomon
Ensign	Nethercutt	Stearns
Forbes	Norwood	Taylor (NC)
Hefner	Parker	Walsh
Inglis	Paul	
Kennedy (MA)	Poshard	

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcall No. 520, I was unavoidably detained. Had I been present, I would have voted "yes."

□ 1450

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3014

Ms. WATERS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3014.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 859

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 859.

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

There was no objection.

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1408

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 ''Lower East Side Tenement National Historic Site Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term ''historic site'' means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 4.

(2) MUSEUM.—The term ''Museum'' means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this Act and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 5. MANAGEMENT OF THE SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 4(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic

site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this Act authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term ''historic site'' means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term ''Museum'' means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled ''An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes'' (16 U.S.C. 460s–5), is amended as follows:

(1) In subsection (b)(1) by striking ''including a scenic shoreline drive'' and inserting

''including appropriate improvements to Alger County Road H–58''.

(2) By adding at the end the following new subsection:

''(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.''.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 1408, the Lower East Side Tenement Museum Historic Site.

First, I would like to thank my colleague, the gentleman from Utah, chairman HANSON, for affording the Congress the opportunity to consider this important measure. In addition, I would like to thank all of those Members who have worked hard on this initiative, my friend and colleague from New York PETER KING, as well as our two distinguished senators from New York.

S. 1408 would establish the Lower East Side Tenement Museum in New York as a national historic site, and create an affiliation between it and the National Park Service.

The tenement museum, a private, nonprofit organization founded in 1988 by president Ruth Abram, is devoted to preserving the history of America's urban working-class immigrants. After considerable research and labor, apartments have been restored and reconstructed to reflect the lives of actual tenants.

The Lower East Side Tenement Museum serves as a window to America's immigrant past. Visitors are introduced to the daily lives and community building efforts of immigrant families from over 20 nations who owned, resided, or kept shops in the tenement buildings at that time.

Affiliated status would allow the National Park Service to join with the museum to develop joint programs, with the Statue of Liberty and Ellis Island for example, which could only enhance the visitors' experience. This building is the first tenement in the Nation to be preserved as a historic site, and represents a unique opportunity for the public to interpret his rich cultural heritage, which has contributed to the very fabric in the formation of America.

Finally, I would like to commend the president of the museum, Ruth Abrams, and her staff for all of her tireless efforts in preserving an important part of our Nation's history.

I urge all of my colleagues to support this important bill.

Ms. VELAZQUEZ. Mr. Speaker, the popularity of historical sites like Ellis Island and the Statue of Liberty attests to the value of this nation's rich immigrant history and the importance Americans place on understanding their heritage. But the story of the immigrant experience does not end at Ellis Island. The Lower East Side Tenement Museum offers us a rare window into how our ancestors adapted to their new lives in this country.

In order to help the Tenement Museum to serve the public better, I introduced H.R. 2201, in July 1997. Senators D'AMATO and MOYNIHAN followed by introducing the Senate equivalent in November of that year. Our legislation would designate the Lower East Side Tenement Museum as an affiliate of the National Park Service. The Tenement Museum is located at 97 Orchard Street in Manhattan's Lower East Side, the heart of America's immigrant tradition. The building was erected in 1863 and, over the course of 69 years, served as the first American home for thousands of immigrants from around the world.

Much of America's immigrant history begins in New York. The museum on Ellis Island explains how families from around the world journeyed to and arrived in the United States. While many newcomers set out to settle our nation's rural frontiers, many more became urban pioneers—men, women and children who settled in the city. For this reason the next chapter of the immigrant tale, their lives in America, deserves closer exploration and recognition. Thus, in seeking a home for this story, the Museum sought the quintessential expression of urban, immigrant life—the tenement.

The Lower East Side Tenement Museum bill recognizes the Museum's efforts to preserve, maintain and interpret the themes of early tenement life, the housing reform movement, and tenement architecture in the United States. Affiliate status would allow this private non-profit museum to fully participate in the programs and activities of the National Park Service while complimenting the Park Services trinity of Ellis Island, Clinton Castle and the Statue of Liberty at no cost to American taxpayers.

By making the museum an affiliate of the National Park Service, the immigrant story is personalized—linking Ellis Island, the Statue of Liberty and a Lower East Side Tenement. As visitors understand this story more fully, they will gain greater insight into who they are and where they came from. I urge all of you to support this national treasure.

The amendment in the nature of a substitute 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.

WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts from the acquisition of real and personal property, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1718

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

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

''(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

''(1) ACQUISITION.—

''(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

''(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

''(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

''(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

''(A) developing the parking, visitor, and administrative facilities for the historic site; and

''(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.''.

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking ''$1,500,000'' and inserting ''$4,000,000''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Hansen:

Strike out all after the enacting clause and insert the following:

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

''(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

''(1) ACQUISITION.—

''(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

''(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

''(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

''(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

''(A) developing the parking, visitor, and administrative facilities for the historic site; and

''(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.''.

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking ''$1,500,000'' and inserting ''$4,000,000''.

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than $5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(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 the Interior 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 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled ''El Portal Administrative Site Land Exchange'', dated June 1998.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, 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) EQUALIZATION OF VALUES.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

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

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to urge passage of S. 1718, companion legislation to H.R. 3383, of which I am the author. I would like to thank Mr. HANSEN and Mr. FALEOMAVAEGA, as well as Mr. MILLER and Mr. YOUNG, for their efforts on behalf of this important legislation. I would also like to commend Rick Healy and Allen Freemeyer of the House Resources Committee staff for their hard work.

Weir Farm is a cultural treasure that commemorates and preserves the homestead of American Impressionist painter J. Alden Weir. Weir is widely recognized as one of the leaders of the American Impressionist movement. The Weir Farm National Historic Site is Connecticut's only national park. The grounds of Weir Farm were the primary subject of Weir's work, and the preservation of this environment is vital not only to Connecticut's tourist economy, but also to preserving the unique artistic heritage of America. Under this bill, the National Park Service is authorized to acquire 13 additional acres of land adjacent to the existing Weir Farm site. In addition, it authorizes the construction of a visitors center and a gallery for the display of American Art.

In 1990, under the leadership of Sens. LIEBERMAN and DODD, Congress made Weir Farm part of the National Park System and the first site to honor an American painter. This legislation (P.L. 101–485) authorized the Park Service to acquire 62 acres of the original Weir property along with several of the buildings that Weir lived and worked in, as well as many of the original furnishings. Those visitors who make their way to Weir Farm each year can tour the studio where Weir and his successors toiled, and the classic New England barn that caught the eye of many visiting artists that was rehabilitated with a generous appropriation from Congress. Unfortunately, these visitors cannot view the wonderful collection of Impressionist works are in the process of being acquired through private donations. The historic buildings are ill-equipped to accommodate even a limited visitor center, let alone a museum-quality gallery. The legislation before us today will also help the park fulfill another critical part of its mission, which is to reunite Weir Farm's historic landscape with the rich array of art it inspired.

One of the most important provisions in this legislation is an agreement that has already been approved by town officials of Ridgefield, Connecticut and the National Park Service that limits what the Park Service may or may not do in developing the site. Credit should be given to town officials in Ridgefield and to the National Park Service, especially Park Superintendent Sarah Olson, for their tireless commitment to making this Weir Farm expansion a reality. The agreement will limit the number of parking spaces, prohibit the sale of food and beverages on the site, and control traffic in the area. It also requires the Park Service to proceed through the usual Planning and Zoning Commission process for review of the proposed improvements.

This legislation is a tremendous step toward enhancing visitors' enjoyment of Connecticut's only National Park, and I am very appreciative of the work that Senators DODD and LIEBERMAN have done on it in the Senate. This bill represents a balanced approach to the

proposed expansion that is acceptable to not only the Park Service, but more important, to the residents in the Ridgefield-Wilton, Connecticut area.

I am proud to have worked for the passage of this important legislation, and I would urge support for S. 1718.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of this bill introduced by my colleagues from Connecticut Senator JOE LIEBERMAN, Senator CHRISTOPHER DODD, and Congressman JIM MALONEY.

The Weir Farm National Historic Site was added to the National Park System by Congress in 1990. This beautiful area in Connecticut was the home of painter J. Alden Weir, a leader of the Impressionist movement in American art during the last century. Like Monet's Giverney, this picturesque and genuinely American landscape served as the inspiration behind Weir's paintings and a generation of other American artists who journeyed to visit the farm during this time.

Today, thousands of visitors still come to Weir Farm to tour the studio and landscape that fueled the Impressionist movement in the New World. The site and studio has been wonderfully preserved over the year's by Weir's family and fellow artists. Congress made this site the first in the country to honor an American painter, and the State of Connecticut contributed by purchasing the initial 60 acres of open space surrounding the homestead.

The legislation we are currently debating will allow one more addition to this Historic Site. It would allow the Park Service to purchase 15 additional acres of land adjacent to Weir Farm to construct a Visitors Center to hold park information and display many of the wonderful paintings inspired by the area. The Park Service and local communities have asked for this permission because their facilities, mostly preserved from the 19th Century, are not adequate to meet this goal. Also, construction of such a facility on existing land would tragically impact this open area. The chance to provide our children and future generations access to these great works of American art in the setting they were created is an opportunity we cannot let pass by.

I urge my colleagues to support and pass this important legislation.

Mr. MILLER of California. Mr. Speaker, I'm pleased that we are here today to consider and pass H.R. 4483, the Rosie the Riveter National Park Service Affiliated Site Study Act of 1998.

The role of women in the U.S. workforce was forever changed during World War II when women throughout the country took over jobs previously held by men who went off to war. Millions of women who had never expected to find themselves working outside the home did just that in order to support their families and keep the nation's economy running through the war years. The now infamous slogan of ''We can do it'' and nicknames such as ''Rosie the Riveter'' and ''Wendy the Welder'' came to represent these women and the work they did.

This legislation directs the National Park Service to study the feasibility of giving federal designation to the site of the old Kaiser shipyards in Richmond, California. Thousands of ''Rosies'' and ''Wendys'' built some 747 Liberty and Victory ships which were immediately commissioned into the U.S. Navy and sent to fight in the war from shipyards located in my district.

I have had the honor of meeting and talking with many of the former shipbuilders and hearing their stories. Their connection with the men fighting on the ships and their support for the war effort led the workers to strive for perfection in each task, and gained them the respect of their employers and all Americans. Realizing the value of the women workers, many shipyards conducted around the clock day care centers and schools on site so the mothers could know their children were well cared for nearby.

The stories of these women is an important part of the history of the nation, and their sacrifice and effort deserved to be recognized by our country and preserved for generations to come. The city of Richmond, California, has established the Rosie the Riveter Park on the site of the Kaiser shipyards during World War II where so many of the Liberty ships were constructed. By passing this legislation, Congress honors these women who did so much to help us win World War II. I urge my colleagues to join me in passing this important bill.

Mr. DINGELL. Mr. Speaker, I would like to thank Representative HANSEN for bringing this legislation before the House for consideration. I am deeply grateful for his support and the work he has done on H.R. 3910.

The industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant; they have made this a greater country. In cities across Michigan, such as Detroit, Dearborn, Flint, Kalamazoo, Lansing, and Saginaw, the automobile was designed and manufactured and in turn helped establish and expand the United States as an industrial power. The industrial strength of automobile manufacturing was vital to defending freedom and democracy in two world wars and fueled our economic growth in the modern era.

Automobile heritage is more than the assembly lines and engineering rooms where cars were created and built. Turning a vision into a reality, the story of the automobile is a tale of hard work and growth. It is the shared history of millions of Americans who fought, during the labor movement, for good wages and benefits. This industry shaped 20th Century America like no other; it is the quintessential American story. It is a story worth celebrating and sharing.

The end product of all this hard work and cooperation, the Automobile National Heritage Area, creates something special and lasting both for Michigan and America. Again, I think my colleague from Utah, Representative HANSEN, along with Chairman DON YOUNG. The gentleman from Utah has done a superb job, and I salute him. I say to my colleagues from both sides of the aisle, and from all regions of America, that the Automobile National Heritage Area will enormously benefit the people of the 16th District in the State of Michigan and those who work in and are dependent upon the auto industry. This area is very, very important to us in Michigan in terms of remembering our history, who we are, and what we have done to build America.

But all these efforts in Washington would not have come about if not for the years of planning by educators, local officials, and business leaders to bring together—in one package—a way to preserve this story. These local, grassroots efforts have been supported by many organizations in Michigan, including our major automobile manufacturers, labor organizations, businesses, towns and cities, chambers of commerce, and elected official from both parties. There are too many individuals to thank today. But I would like to extend my gratitude to Ed Bagale of the University of Michigan-Dearborn, Steve Hamp of the Henry Ford Museum, Sandra Clark of the State of Michigan, Maud Lyon of the Detroit Historical Museum, Bill Chapin, and Barbara Nelson-Jameson of the National Parks Service.

I urge my colleagues to support the rich history and tradition of the automobile. Support this unique American story. Support H.R. 3910.

Mr. RILEY. Mr. Speaker, I rise today to support H.R. 3910.

This bipartisan bill is supported by the leadership on both sides of the isle, the Resources Committee, the Administration, and the National Park Service. H.R. 3910 creates two new historic sites that will help further our nation's celebration of the ''American Experience.''

Of particular interest to me is a provision in the bill to authorize the establishment of the Tuskegee Airmen National Historic Site at Moton Field, Alabama. I have been working for over a year to secure this important tribute to the famed Tuskegee Airmen of World War II.

Mr. Speaker, by any standard, the Tuskegee Airmen were and are American heroes.

Despite a widespread belief that they, as African-Americans, did not possess the abilities to be effective war fighters, the famed Tuskegee Airmen of World War II proved that they were among the best pilots in the North African, Sicilian, and European Campaigns.

Affectionately known as the ''Red Tails'' (for the red paint on the tails of their aircraft) by the bomber crews they protected, the pilots of Tuskegee did not lose a single bomber in their care to enemy fighters. Because of their heroic service, the Tuskegee Airmen were one of America's most highly decorated fighter groups of World War II. Upon returning home, the Tuskegee Airmen had won 150 Distinguished Flying Crosses, one Legion of Merit, one Silver Star, 14 Bronze Stars, and 744 Air Medals. But the price was high. Of the 450 pilots that saw combat during World War II, 66 were killed in action and another 32 were taken prisoners of war.

However, Mr. Speaker, the contributions of the Tuskegee Airmen did not end with the war. Because of their demonstrated ability as an effective fighting force and their individual heroism, the Tuskegee Airmen gave President Harry S. Truman all the proof he needed to justify his decision in 1948 to desegregate the United States military.

And in the following decades, the Airmen's accomplishments during the war served as an inspiration for the civil rights movement as a whole.

Last August, I asked the National Park Service to conduct a feasibility study for developing Moton Field at Tuskegee University, Alabama, as a National Historic Site. Mr. Speaker, I want to commend the Park Service for their fine work on this undertaking. It is because of this study that I decided to introduce H.R. 4211, which is included in the bill we are considering this today.

This legislation will allow the National Park Service to tell the American people the most accurate and comprehensive story of Tuskegee Airmen—a story about individuals who overcame racism and intolerance in their own country, so that they could fight oppression and intolerance by the Axis powers in Europe.

The Tuskegee Airmen National Historic Site will focus on life at Moton Field and the accomplishments of the Airmen themselves. Specifically, the park will highlight:

1. The impact of the Tuskegee Airmen during World War II;

2. The training process for the Tuskegee Airmen and the strategic role that Tuskegee Institute (now Tuskegee University) played in that training;

3. The African-American struggle for greater participation in the U.S. military and more significant roles in defending their country;

4. The significance of successes of the Tuskegee Airmen in leading to desegregation of the U.S. military shortly after World War II; and

5. The impact of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950s and 1960s.

Mr. Speaker, we should neither discount nor forget the influence of the Tuskegee Airmen on the ''American Experience.'' The Tuskegee Airmen, in my view, should be immortalized, honored and thanked for their courageous and selfless efforts to preserve and protect the freedom that every American enjoys today. I believe that the Tuskegee Airmen National Historic Site will be a fitting and worth tribute to these American heroes.

Unfortunately, time has begun to take its toll on the Tuskegee Airmen. Many are no longer with us. That is why I would like to move forward with this legislation as quickly as possible so that the remaining Airmen will have the opportunity to see their legacy enshrined in the Tuskegee Airmen National Historic Site.

Passing H.R. 3910 is the first step to making this project a reality. Again, the story of the Tuskegee Airmen is one that I believe must be told and I believe—and I hope my colleagues will agree—that they deserve nothing less.

Mr. Speaker, H.R. 3910 is a good bill that has wide bipartisan support. Therefore, I urge my colleagues to pass this important legislation.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

Amend the title so as to read: ''To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTOMOBILE NATIONAL HERITAGE AREA ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3910) to authorize the Automobile National Heritage Area, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3910

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 ''Automobile National Heritage Area Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, ''A Shared Vision for Metropolitan Detroit'' and ''The Machine That Changed the World'', and a National Park Service study, ''Labor History Theme Study: Phase III; Suitability-Feasibility'', demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this Act is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Automobile National Heritage Area established by section 4.

(3) PARTNERSHIP.—The term ''Partnership'' means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 6.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) CONSENT OF LOCAL GOVERNMENTS.—(A) The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(B) Property may not be included in the Heritage Area if—

(i) the Partnership fails to give notice of the inclusion in accordance with subparagraph (A);

(ii) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to clause (iii); or

(iii) fails to provide a period of at least 60 days for objection under clause (ii).

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this Act.

(d) ADDITIONS AND DELETIONS OF LANDS.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 5. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this Act.

(2) DISQUALIFICATION.—If a management plan for the Area is not submitted to the Secretary as required under section 6 within

the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this Act until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Area, use Federal funds made available under this Act—

(1) to make grants and loans to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to Federal agencies, the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this Act to acquire real property or any interest in real property.

SEC. 6. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this Act, develop and submit for review to the Secretary a management plan for the Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 60 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 60 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this Act or in which a loan made by the Partnership with Federal funds under section 5(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this Act or in which a loan made by the Partnership with Federal funds under section 5(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 4(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the Heritage Area effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this Act. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 8. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this Act shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2014.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed 50

percent of the total cost of any activity carried out with any financial assistance or grant provided under this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

TITLE I—AUTOMOBILE NATIONAL HERITAGE AREA OF MICHIGAN

SEC. 101. SHORT TITLE.

This title may be cited as the ''Automobile National Heritage Area Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, ''A Shared Vision for Metropolitan Detroit'' and ''The Machine That Changed the World'', and a National Park Service study, ''Labor History Theme Study: Phase III; Suitability-Feasibility'', demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this title is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Automobile National Heritage Area established by section 104.

(3) PARTNERSHIP.—The term ''Partnership'' means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 104. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 106.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) NOTICE TO LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 105. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 106 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 106. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 180 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the

plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the natural and cultural resources in the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 104(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 108. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 109. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2014.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this title.

TITLE II—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

SEC. 201. BOUNDARY ADJUSTMENTS AND CONVEYANCES, GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, UTAH.

(a) EXCLUSION OF CERTAIN LANDS.—The boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the following lands:

(1) The parcel known as Henrieville Town, Utah, as generally depicted on the map entitled ''Henrieville Town Exclusion, Garfield County, Utah'', dated March 25, 1998.

(2) The parcel known as Cannonville Town, Utah, as generally depicted on the map entitled ''Cannonville Town Exclusion, Garfield County, Utah'', dated March 25, 1998.

(3) The parcel known as Tropic Town, Utah, as generally depicted on the map entitled ''Tropic Town Parcel'', dated July 21, 1998.

(4) The parcel known as Boulder Town, Utah, as generally depicted on the map entitled ''Boulder Town Exclusion, Garfield County, Utah'', dated March 25, 1998.

(b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—The boundaries of the Grand Staircase-Escalante National Monument are hereby modified to include the parcel known as East Clark Bench, as generally depicted on the map entitled ''East Clark Bench Inclusion, Kane County, Utah'', dated March 25, 1998.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for public inspection in the office of the Grand Staircase-Escalante National Monument in the State of Utah and in the office of the Director of the Bureau of Land Management.

(d) LAND CONVEYANCE, TROPIC TOWN, UTAH.—The Secretary of the Interior shall convey to Garfield County School District, Utah, all right, title, and interest of the United States in and to the lands shown on the map entitled ''Tropic Town Parcel'' and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for use as the location for a school and for other education purposes.

(e) LAND CONVEYANCE, KODACHROME BASIN STATE PARK, UTAH.—The Secretary shall transfer to the State of Utah all right, title, and interest of the United States in and to the lands shown on the map entitled ''Kodachrome Basin Conveyance No. 1 and No. 2'' and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for inclusion of the lands in Kodachrome Basin State Park.

SEC. 202. UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89, KANE COUNTY, UTAH.

There is hereby designated a utility corridor with regard to U.S. Route 89, in Kane County, Utah. The utility corridor shall run from the boundary of Glen Canyon Recreation Area westerly to Mount Carmel Jct. and shall consist of the following:

(1) Bureau of Land Management lands located on the north side of U.S. Route 89 within 240 feet of the center line of the highway.

(2) Bureau of Land Management lands located on the south side of U.S. Route 89 within 500 feet of the center line of the highway.

TITLE III— TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, ALABAMA

SEC. 301. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term ''historic site'' means the Tuskegee Airmen National Historic Site as established by section 303.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TUSKEGEE AIRMEN.—The term ''Tuskegee Airmen'' means the thousands of men and women who were trained at Tuskegee University's Moton Field to serve in America's African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) TUSKEGEE UNIVERSITY.—The term ''Tuskegee University'' means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940's these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school's existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute's strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school's civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school's second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America's first African-American military pilots. In addition, more than 10,000 military and civilian African-American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman's Executive Order 9981 in 1948. The Tuskegee Airmen's success also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950's and 1960's.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer's club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

(b) PURPOSES.—The purposes of this title are the following:

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950's and 1960's.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

SEC. 303. ESTABLISHMENT OF TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(b) DESCRIPTION OF HISTORIC SITE.—

(1) INITIAL PARCEL.—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled ''Tuskegee Airmen National Historic Site Boundary Map'', numbered NHS–TA–80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) SUBSEQUENT EXPANSION.—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection 304, the Secretary is authorized to acquire approximately 46 additional acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(c) PROPERTY ACQUISITION.—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (b), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this title. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

(d) ADMINISTRATION OF HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) ROLE OF TUSKEGEE UNIVERSITY.—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University's staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) ROLE OF TUSKEGEE AIRMEN.—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) DEVELOPMENT.—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled ''Moton Field/Tuskegee Airmen Special Resource Study'', dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in section 304.

(e) COOPERATIVE AGREEMENTS GENERALLY.—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of this title. The Secretary shall consult with Tuskegee University in the formulation of

any major cooperative agreements with other universities or federal agencies that may affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

SEC. 304. TUSKEGEE AIRMEN NATIONAL CENTER.

(a) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

(b) PURPOSE OF CENTER.—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

(c) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) TIME FOR AGREEMENT.—Sixty days after the report required by subsection (c) is submitted to Congress, the Secretary may enter into the cooperative agreement under this section with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

SEC. 305. GENERAL MANAGEMENT PLAN.

Within 2 complete fiscal years after funds are first made available to carry out this title, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, $29,114,000.

TITLE IV—DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR OF PENNSYLVANIA

SEC. 401. CHANGE IN NAME OF HERITAGE CORRIDOR.

The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100–692; 102 Stat. 4552; 16 U.S.C. 461 note) is amended by striking ''Delaware and Lehigh Navigation Canal National Heritage Corridor'' each place it appears (except section 4(a)) and inserting ''Delaware and Lehigh National Heritage Corridor''.

SEC. 402. PURPOSE.

Section 3(b) of such Act (102 Stat. 4552) is amended as follows:

(1) By inserting after ''subdivisions'' the following: ''in enhancing economic development within the context of preservation and''.

(2) By striking ''and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth'' and inserting ''the Corridor''.

SEC. 403. CORRIDOR COMMISSION.

(a) MEMBERSHIP.—Section 5(b) of such Act (102 Stat. 4553) is amended as follows:

(1) In the matter preceding paragraph (1), by striking ''appointed not later than 6 months after the date of enactment of this Act''.

(2) By striking paragraph (2) and inserting the following:

''(2) 3 individuals appointed by the Secretary upon consideration of individuals recommended by the governor, of whom—

''(A) 1 shall represent the Pennsylvania Department of Conservation and Natural Resources;

''(B) 1 shall represent the Pennsylvania Department of Community and Economic Development; and

''(C) 1 shall represent the Pennsylvania Historical and Museum Commission.''.

(3) In paragraph (3), by striking ''the Secretary, after receiving recommendations from the Governor, of whom'' and all that follows through ''Delaware Canal region'' and inserting the following: ''the Secretary upon consideration of individuals recommended by the governor, of whom—

''(A) 1 shall represent a city, 1 shall represent a borough, and 1 shall represent a township; and

''(B) 1 shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania''.

(4) In paragraph (4)—

(A) By striking ''8 individuals'' and inserting ''9 individuals''.

(B) By striking ''the Secretary, after receiving recommendations from the Governor, who shall have'' and all that follows through ''Canal region. A vacancy'' and inserting the following: ''the Secretary upon consideration of individuals recommended by the governor, of whom—

''(A) 3 shall represent the northern region of the Corridor;

''(B) 3 shall represent the middle region of the Corridor; and

''(C) 3 shall represent the southern region of the Corridor.

A vacancy''.

(b) TERMS.—Section 5 of such Act (102 Stat. 4553) is amended by striking subsection (c) and inserting the following:

''(c) TERMS.—The following provisions shall apply to a member of the Commission appointed under paragraph (3) or (4) of subsection (b):

''(1) LENGTH OF TERM.—The member shall be appointed for a term of 3 years.

''(2) CARRYOVER.—The member shall serve until a successor is appointed by the Secretary.

''(3) REPLACEMENT.—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the appointment from the Governor, a new member to serve for the remainder of the term.

''(4) TERM LIMITS.—A member may serve for not more than 6 years.''

SEC. 404. POWERS OF CORRIDOR COMMISSION.

(a) CONVEYANCE OF REAL ESTATE.—Section 7(g)(3) of such Act (102 Stat. 4555) is amended in the first sentence by inserting ''or nonprofit organization'' after ''appropriate public agency''.

(b) COOPERATIVE AGREEMENTS.—Section 7(h) of such Act (102 Stat. 4555) is amended as follows:

(1) In the first sentence, by inserting ''any non-profit organization,'' after ''subdivision of the Commonwealth,''.

(2) In the second sentence, by inserting ''such nonprofit organization,'' after ''such political subdivision,''.

SEC. 405. DUTIES OF CORRIDOR COMMISSION.

Section 8(b) of such Act (102 Stat. 4556) is amended in the matter preceding paragraph (1) by inserting '', cultural, natural, recreational, and scenic'' after ''interpret the historic''.

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking ''5 years after the date of enactment of this Act'' and inserting ''5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998''.

SEC. 407. DUTIES OF OTHER FEDERAL ENTITIES.

Section 11 of such Act (102 Stat. 4557) is amended in the matter preceding paragraph (1) by striking ''the flow of the Canal or the natural'' and inserting ''directly affecting the purposes of the Corridor''.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking ''$350,000'' and inserting ''$1,000,000''.

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

''(c) MANAGEMENT ACTION PLAN.—

''(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated $1,000,000 for each of fiscal years 2000 through 2007.

''(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.''.

SEC. 409. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

(1) by redesignating section 13 (102 Stat. 4558) as section 14; and

(2) by inserting after section 12 the following:

''SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

''The Commission shall not interfere with—

''(1) the private property rights of any person; or

''(2) any local zoning ordinance or land use plan of the Commonwealth of Pennsylvania or any political subdivision of Pennsylvania.''.

SEC. 410. DUTIES OF THE SECRETARY.

Section 10 of such Act (102 Stat. 4557) is amended by striking subsection (d) and inserting the following:

''(d) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary, upon request of the Commission, is authorized to provide grants and technical assistance to the Commission or units of government, nonprofit organizations, and other persons, for development and implementation of the Plan.''.

TITLE V—OTHER MATTERS

SEC. 501. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR, MASSACHUSETTS AND RHODE ISLAND.

Section 10(b) of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by striking ''For fiscal year 1996, 1997, and 1998,'' and inserting ''For fiscal years 1998, 1999, and 2000,''.

SEC. 502. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR, ILLINOIS.

(a) EXTENSION OF COMMISSION.—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking ''ten'' and inserting ''20''.

(b) REPEAL OF EXTENSION AUTHORITY.—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

(1) by striking ''(a) TERMINATION.—''; and

(2) by striking subsection (b).

SEC. 503. WASATCH-CACHE NATIONAL FOREST AND MOUNT NAOMI WILDERNESS, UTAH.

(a) BOUNDARY ADJUSTMENT.—To correct a faulty land survey, the boundaries of the Wasatch–Cache National Forest in the State of Utah and the boundaries of the Mount Naomi Wilderness, which is located within the Wasatch–Cache National Forest and was established as a component of the National Wilderness Preservation System in section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657), are hereby modified to exclude the parcel of land known as the D. Hyde property, which encompasses an area of cultivation and private use, as generally depicted on the map entitled ''D. Hyde Property Section 7 Township 12 North Range 2 East SLB & M'', dated July 23, 1998.

(b) LAND CONVEYANCE.—The Secretary of Agriculture shall convey to Darrell Edward Hyde of Cache County, Utah, all right, title, and interest of the United States in and to the parcel of land identified in subsection (a). As part of the conveyance, the Secretary shall release, on behalf of the United States, any claims of the United States against Darrell Edward Hyde for trespass or unauthorized use of the parcel before its conveyance.

(c) WILDERNESS ADDITION.—To prevent any net loss of wilderness within the State of Utah, the boundaries of the Mount Naomi Wilderness are hereby modified to include a parcel of land comprising approximately 7.25 acres, identified as the ''Mount Naomi Wilderness Boundary Realignment Consideration'' on the map entitled ''Mount Naomi Wilderness Addition'', dated September 25, 1998.

SEC. 504. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.

(a) REMOVAL OF RESTRICTIONS.—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) LAND AFFECTED.—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) AUTHORIZED USES.—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this section shall increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 505. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE.

(a) FINDINGS.—The Congress finds the following:

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as ''Rosie the Riveter'' and ''Wendy the Welder'', built hundreds of liberty and victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women's labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the ''Rosies'' and ''Wendys'' who worked in the shipyards.

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the work force for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former works at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate.

SEC. 506. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled ''An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas'', approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking ''not to exceed four hundred and sixty acres'' and inserting ''not to exceed 476 acres''.

SEC. 507. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 101–573 (16 U.S.C. 460*o* note) is amended by striking ''10'' and inserting ''20''.

SEC. 508. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled ''An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes'', approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

''SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

''(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.''.

SEC. 509. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington's Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled ''George Washington Birthplace National Monument Boundary Map'', numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources

of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in subsection (a). The study shall—

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington's tenure at the property and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property beyond those that may be provided for in the acquisition authorized unedr subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.

SEC. 510. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY.

(a) IN GENERAL.—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled ''Knob Creek Farm Unit, Abraham Lincoln National Historic Site'', numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) STUDY AND REPORT.—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to:

(1) Identify significant resources associated with the Knob Creek Farm and the early boyhood of Abraham Lincoln.

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm's cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

(A) determine infrastructure requirements and property improvements needed at Knob Creek Farm to meet National Park Service standards;

(B) identify current and potential uses of Knob Creek Farm for recreational, interpretive, and educational opportunities; and

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

SEC. 511. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS IN HAWAII.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake feasibility studies regarding the establishment of National Park System units in the following areas in the State of Hawaii:

(1) Island of Maui: The shoreline area known as ''North Beach'', immediately north of the present resort hotels at Kaanapali Beach, in the Lahaina district in the area extending from the beach inland to the main highway.

(2) Island of Lanai: The mountaintop area known as ''Hale'' in the central part of the island.

(3) Island of Kauai: The shoreline area from ''Anini Beach'' to ''Makua Tunnels'' on the north coast of this island.

(4) Island of Molokai: The ''Halawa Valley'' on the eastern end of the island, including its shoreline, cove and lookout/access roadway.

(b) KALAUPAPA SETTLEMENT BOUNDARIES.—The studies conducted under this section shall include a study of the feasibility of extending the present National Historic Park boundaries at Kalaupapa Settlement eastward to Halawa Valley along the island's north shore.

(c) REPORT.—A report containing the results of the studies under this section shall be submitted to the Congress promptly upon completion.

SEC. 512. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT OF COLUMBIA.

(a) MEMORIAL AUTHORIZED.—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

SEC. 513. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION AREA.

Section 1029(c) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the following new paragraph:

''(3) LAND ACQUISITION.—Notwithstanding subsection (h), the Secretary is authorized to acquire, in partnership with other entities, a less than fee interest in lands at Thompson Island within the recreation area. The Secretary may acquire the lands only by donation, purchase with donated or appropriated funds, or by exchange.''.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read:

''A bill to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.''.

A motion to reconsider was laid on the table.

PROHIBITING THE CONVEYANCE OF WOODLAND LAKE PARK TRACT IN APACHE-SITGREAVES NATIONAL FOREST IN ARIZONA UNLESS CONVEYANCE IS MADE TO TOWN OF PINETOP-LAKESIDE OR AUTHORIZED BY AN ACT OF CONGRESS

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2413) prohibiting the conveyance of Woodland Lake Park Tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by an Act of Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2413

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

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a) PROHIBITION OF CONVEYANCE.—The Secretary of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the terms ''Woodland Lake Park tract'' and ''tract'' mean the parcel of land in Apache–Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

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.

ARCHES NATIONAL PARK EXPANSION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 2106) to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2106

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 ''Arches National Park Expansion Act of 1998''.

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) BOUNDARY EXPANSION.—The first section of Public Law 92–155 (16 U.S.C. 272) is amended—

(1) by striking ''That (a) subject to'' and inserting the following:

''SECTION 1. ESTABLISHMENT OF PARK.

''(a) IN GENERAL.—

''(1) INITIAL BOUNDARIES.—Subject to''; and

(2) by striking ''Such map'' and inserting the following:

''(2) EXPANDED BOUNDARIES.—Effective on the date of enactment of this paragraph, the boundary of the park shall include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000–B, and dated April 1997.

''(3) MAPS.—The maps described in paragraphs (1) and (2)''.

(b) INCLUSION OF LAND IN PARK.—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended—

(1) by striking ''SEC. 2. The Secretary'' and inserting the following:

''SEC. 2. ACQUISITION OF PROPERTY.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) LOST SPRING CANYON ADDITION.—As soon as practicable after the date of enactment of this subsection, the Secretary shall transfer jurisdiction over the Federal land contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service.''.

(c) LIVESTOCK GRAZING.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended—

(1) by striking ''SEC. 3. Where'' and inserting the following:

''SEC. 3. LIVESTOCK GRAZING.

''(a) IN GENERAL.—In a case in which''; and

(2) by adding at the end the following:

''(b) LOST SPRING CANYON ADDITION.—

''(1) CONTINUATION OF GRAZING LEASES, PERMITS, AND LICENSES.—In the case of any grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition that was issued before the date of enactment of this subsection, the Secretary shall, subject to periodic renewal, continue the grazing lease, permit, or license for a period equal to the lifetime of the holder of the grazing lease, permit, or license as of that date plus the lifetime of any direct descendants of the holder born before that date.

''(2) RETIREMENT.—A grazing lease, permit, or license described in paragraph (1) shall be permanently retired at the end of the period described in paragraph (1).

''(3) PERIODIC RENEWAL.—Until the expiration of the period described in paragraph (1), the holder (or descendant of the holder) of a grazing lease, permit, or license shall be entitled to renew the lease, permit, or license periodically, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

''(4) SALE.—A grazing lease, permit, or license described in paragraph (1) may be sold during the period described in paragraph (1) only on the condition that the purchaser shall, immediately upon acquisition, permanently retire the lease, permit, or license.

''(5) TAYLOR GRAZING ACT.—Nothing in this subsection affects other provisions concerning leases, permits, or licenses under the Act of June 28, 1934 (commonly known as the 'Taylor Grazing Act') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

''(6) ADMINISTRATION.—Any portion of a grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition shall be administered by the National Park Service.''.

(d) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—Section 5 of Public Law 92–155 (16 U.S.C. 272d) is amended—

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

''(a) IN GENERAL.—The Secretary shall administer, protect and develop the park in accordance with the provisions of the law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535)''; and

(2) by striking subsection (b) and inserting the following:

''(b) LOST SPRING CANYON ADDITION.—

''(1) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Lost Spring Canyon Addition is appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws (including the mineral leasing laws).

''(2) EFFECT.—The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of enactment of this paragraph.''.

(e) EFFECT ON SCHOOL TRUST LAND.—

(1) FINDINGS.—Congress finds that—

(A) a parcel of State school trust land, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a);

(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

(C) it is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal land of equivalent value outside the Lost Spring Canyon Addition to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) LAND EXCHANGE.—Public Law 92–155 (16 U.S.C. 272 et seq.) is amended by adding at the end the following:

''SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.

''(a) EXCHANGE REQUIREMENT.—

''(1) IN GENERAL.—If, not later than 1 year after the date of enactment of this section, and in accordance with this section, the State of Utah offers to transfer all right, title, and interest of the State in and to the school trust land described in subsection (b)(1) to the United States, the Secretary—

''(A) shall accept the offer on behalf of the United States; and

''(B) not later than 180 days after the date of acceptance, shall convey to the State of Utah all right, title, and interest of the United States in and to the land described in subsection (b)(2).

''(2) SIMULTANEOUS CONVEYANCES.—Title to the school trust land shall be conveyed at the same time as conveyance of title to the Federal lands by the Secretary.

''(3) VALID EXISTING RIGHTS.—The land exchange under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged land.

''(b) DESCRIPTION OF PARCELS.—

''(1) STATE CONVEYANCE.—The school trust land to be conveyed by the State of Utah under subsection (a) is section 16, Township 23 South, Range 22 East of the Salt Lake base and meridian.

''(2) FEDERAL CONVEYANCE.—The Federal land to be conveyed by the Secretary consists of approximately 639 acres, described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.

''(3) EQUIVALENT VALUE.—The Federal land described in paragraph (2) shall be considered to be of equivalent value to that of the school trust land described in paragraph (1).

''(c) MANAGEMENT BY STATE.—

''(1) IN GENERAL.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on land acquired by the State of Utah under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal land and resources and conduct, in a manner consistent with Federal law, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands.

''(2) PRESERVATION OF EXISTING USES.—To the extent that it is consistent with applicable law governing the use and disposition of State school trust land, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands in existence on the date of enactment of this section.

''(3) ACTIVITIES AUTHORIZED BY MANAGEMENT PLAN.—Nothing in this subsection precludes the State of Utah from authorizing or undertaking a surface or mineral activity that is authorized by a land management plan for the acquired land.

''(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after the date of enactment of this section.''.

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.

NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1997

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 231) to establish the National Cave and Karst Research Institute in the State

of New Mexico, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 231

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cave and Karst Research Institute Act of 1997''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the ''Institute'').

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled ''An Act to conduct certain studies in the State of New Mexico'', approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

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.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 469) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 469

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 ''Sudbury, Assabet, and Concord Wild and Scenic Rivers Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Title VII of Public Law 101–628—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord River Study Committee to advise the Secretary of the Interior in conducting the study and the consideration of management alternatives should the river be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River Designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled ''Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan'', dated March 16, 1995, which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the River Conservation Plan.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''( ) SUDBURY, ASSABET AND CONCORD RIVERS, MASSACHUSETTS.—The 29 miles of river segments in Massachusetts, as follows—

''(A) the 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river;

''(B) the 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river;

''(C) the 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river; and

''(D) the 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

The segments shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica). The segments shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan' dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under section 3(d).''.

SEC. 4. MANAGEMENT.

(a) FEDERAL ROLE.—(1) The Director of the National Park Service or his or her designee shall represent the Secretary in the implementation of the Plan and the provisions of this Act and the Wild and Scenic Rivers Act with respect to each of the segments designated by section 3, including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the Plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by section 3 of this Act.

(3) The Director may provide technical assistance, staff support, and funding to assist

in the implementation of the Plan, except that the total cost to the Federal Government of activities to implement the Plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment not already within the National Park System shall not under this Act—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(b) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated under section 3 were included in the National Wild and Scenic Rivers System, the Secretary shall specifically consider the extent to which the project is consistent with the Plan.

(2) The Plan, including the detailed Water Resources Study incorporated by reference therein and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(c) LAND MANAGEMENT.—(1) The zoning bylaws of the towns in Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be ''villages'' and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated under section 3 or their tributaries for the purposes of designation of the segments under section 3. Nothing in this Act shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

SEC. 5. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(2) PLAN.—The term ''Plan'' means the plan prepared by the Study Committee and the National Park Service entitled ''Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan'' and dated March 16, 1995.

(3) STUDY COMMITTEE.—The term ''Study Committee'' means the Sudbury, Assabet, and Concord River Study Committee established by the Secretary of the Interior under title VII of Public Law 101–628.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this Act not to exceed $100,000 for each fiscal year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN: Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.

(a) FINDINGS.—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101–628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the ''Study Committee'') to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled ''Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan'' and dated March 16, 1995 (in this section referred to as the ''plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the four undesignated paragraphs after paragraph (156) as paragraphs (157), (158), (159), and (160), respectively; and

(2) by adding at the end the following new paragraph:

''(161) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—(A) The 29 miles of river segments in Massachusetts, as follows:

''(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

''(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

''(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

''(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

''(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

''(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan', dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.''.

(c) FEDERAL ROLE IN MANAGEMENT.—(1) The Director of the National Park Service or the Director's designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b)(2), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b)(2).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b)(2) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(d) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b)(2) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference

in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(e) LAND MANAGEMENT.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be ''villages'' and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b)(2) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $100,000 for each fiscal year.

SEC. 2. CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA.

(a) FINDINGS.—The Congress finds that:

(1) The Chattahoochee River National Recreation Area is a nationally significant resource and the national recreation area has been adversely affected by land use changes occurring within and outside its boundaries.

(2) The population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreation, natural, and historic values of the 2,000-foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the area of national concern.

(3) The State of Georgia has enacted the Metropolitan River Protection Act in order to ensure the protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the 100-year flood plain, whichever is greater, and such corridor includes the area of national concern.

(4) Visitor use of the Chattahoochee River National Recreation Area has shifted dramatically since the establishment of the national recreation area from waterborne to water-related and land-based activities.

(5) The State of Georgia and its political subdivisions along the Chattahoochee River have indicated their willingness to join in cooperative efforts with the United States of America to link existing units of the national recreation area with a series of linear corridors to be established within the area of national concern and elsewhere on the river and provided Congress appropriates certain funds in support of such effort, funding from the State, its political subdivisions, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half of the estimated cost of such cooperative effort.

(b) PURPOSES.—The purposes of this section are to—

(1) increase the level of protection of the remaining open spaces within the area of national concern along the Chattahoochee River and to enhance visitor enjoyment of such areas by adding land-based links between existing units of the national recreation area;

(2) assure that the national recreation area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

(3) authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the Chattahoochee River National Recreation Area in order to establish a series of linear corridors linking existing units of the national recreation area and to protect other undeveloped portions of the Chattahoochee River corridor.

(c) AMENDMENTS TO CHATTAHOOCHEE NRA ACT.—The Act of August 15, 1978, entitled ''An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes'' (Public Law 95–344; 16 U.S.C. 460ii et seq.) is amended as follows:

(1) Section 101 (16 U.S.C. 460ii) is amended as follows:

(A) By inserting after ''numbered Chat–20,003, and dated September 1984'' the following: ''and on the maps entitled 'Chattahoochee River National Recreation Area Interim Boundary Maps 1, 2, and 3' and dated August 6, 1998''.

(B) By amending the fourth sentence to read as follows: ''After July 1, 1999, the Secretary of the Interior (in this Act referred to as the 'Secretary') may modify the boundaries of the recreation area to include other lands within the river corridor of the Chattahoochee River by submitting a revised map or other boundary description to the Congress. Such revised boundaries shall take effect on the date 6 months after the date of such submission unless, within such 6-month period, the Congress adopts a Joint Resolution disapproving such revised boundaries. Such revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners and with the State of Georgia and affected political subdivisions.''.

(C) By striking out ''may not exceed approximately 6,800 acres.'' and inserting ''may not exceed 10,000 acres.''.

(2) Section 102(f) (16 U.S.C. 460ii–1(f)) is repealed.

(3) Section 103(b) (16 U.S.C. 460ii–2(b)) is amended to read as follows:

''(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State, its political subdivisions, and other entities to assure standardized acquisition, planning, design, construction, and operation of the national recreation area.''.

(4) Section 105(a) (16 U.S.C. 460ii–4(a)) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS; ACCEPTANCE OF DONATIONS.—In addition to funding and the donation of lands and interests in lands provided by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals, and funding that may be available pursuant to the settlement of litigation, there is hereby authorized to be appropriated for land acquisition not more than $25,000,000 for fiscal years after fiscal year 1998. The Secretary is authorized to accept the donation of funds and lands or interests in lands to carry out this Act.''.

(5) Section 105(c) (16 U.S.C. 460ii–4(c)) is amended by adding the following at the end thereof: ''The Secretary shall submit a new plan within 3 years after the enactment of this sentence to provide for the protection, enhancement, enjoyment, development, and use of areas added to the national recreation area. During the preparation of the revised plan the Secretary shall seek and encourage the participation of the State of Georgia and its affected political subdivisions, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and others.''.

(6) Section 102(a) (16 U.S.C. 460ii–1(a)) is amended by inserting the following before the period at the end of the first sentence: '', except that lands and interests in lands within the Addition Area depicted on the map referred to in section 101 may not be acquired without the consent of the owner thereof''.

The SPEAKER pro tempore (during the reading). Without objection, the amendment in the nature of a substitute is considered as having been read and printed in the RECORD.

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

''To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, and for other purposes.''.

A motion to reconsider was laid on the table.

GUSTAVUS, ALASKA LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3903) to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, strike out ''paragraph (4)'' and insert: ''paragraph (2)''

Page 2, line 9, strike out ''paragraph (3)'' and insert: ''paragraph (4)''

Page 4, line 1, strike out ''838.66'' and insert: ''1191.75''

Page 11, line 19, strike out ''units'' and insert: ''units resulting from this Act''

Page 11, line 20, strike out ''consideration in applying'' and insert: ''charged against''

Page 12, line 1, strike out ''units'' and insert: ''units resulting from this Act''

Page 12, lines 1 and 2, strike out ''be considered in applying'' and insert: ''be charged against''

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING ASSISTANCE TO NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER IN CASPER, WYOMING

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2186) to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 6, line 6, strike out all after ''retain,'' down to and including ''appropriations,'' in line 7 and insert: ''and''

Page 6, line 16, strike out ''subject to appropriations,''

Page 6, strike out all after line 18, over to and including line 6 on page 7

Page 7, line 7, strike out ''(f)'' and insert: ''(e)''

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Utah.

There was no objection.

A motion to reconsider was laid on the table.

CONVEYANCE OF ADMINISTRATIVE SITE FOR ROGUE RIVER NATIONAL FOREST

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3796) to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, line 15, strike out ''provide'' and insert: ''accept''

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

There was no objection.

A motion to reconsider was laid on the table.

GRANITE WATERSHED ENHANCEMENT AND PROTECTION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, line 23, strike out ''prescribed burns'' and insert : ''prescribed burns in the Granite watershed''

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

There was no objection.

A motion to reconsider was laid on the table.

AMENDING LAND AND WATER CONSERVATION FUND ACT REGARDING FEES AND CHARGES

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1333) to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1333

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

SECTION 1. USE OF CERTAIN RECREATIONAL FEES.

Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)) is amended by adding at the end the following:

''(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

''(i) WITHHOLDING OF AMOUNTS.—Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Recessions and Appropriations Act of 1996 (16 U.S.C. 460l–6a note; Public Law 104–134), or section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 460l–6a note; Public Law 105–83), the Secretary of the Interior shall withhold from the special account under subparagraph (A) 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

''(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.''.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

FREDERICK LAW OLMSTED NATIONAL HISTORIC SITE BOUNDARY MODIFICATION

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2246) to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Act of October 12, 1979 (93 Stat. 664), is amended by adding at the end thereof a new subsection to read as follows:

''(d) In order to preserve and maintain the historic setting of the Site, the Secretary is authorized to acquire, through donation only, lands with associated easements situated adjacent to the Site owned by the Brookline Conservation Land Trust. These lands are to be used for educational and interpretive purposes and shall be maintained and managed as part of the Frederick Law Olmsted National Historic Site.''.

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.

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ADAMS NATIONAL HISTORICAL PARK ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2240) to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2240

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 ''Adams National Historical Park Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1946, Secretary of the Interior J.A. Krug, by means of the authority granted the Secretary of the Interior under section 2 of the Historic Sites Act of August 21, 1935, established the Adams Mansion National Historic Site, located in Quincy, Massachusetts;

(2) in 1952, Acting Secretary of the Interior Vernon D. Northrup enlarged the site and renamed it the Adams National Historic Site, using the Secretary's authority as provided in the Historic Sites Act;

(3) in 1972, Congress, through Public Law 92–272, authorized the Secretary of the Interior to add approximately 3.68 acres at Adams National Historic Site;

(4) in 1978, Congress, through Public Law 95–625, authorized the Secretary of the Interior to accept by conveyance the birthplaces of John Adams and John Quincy Adams, both in Quincy, Massachusetts, to be managed as part of the Adams National Historic Site;

(5) in 1980, Congress, through Public Law 96–435, authorized the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Massachusetts, the burial place of John Adams, Abigail Adams, and John Quincy Adams and his wife, to be administered as part of the Adams National Historic Site;

(6) the actions taken by past Secretaries of the Interior and past Congresses to preserve for the benefit, education and inspiration of present and future generations of Americans the home, property, birthplaces and burial site of John Adams, John Quincy Adams, and Abigail Adams, have resulted in a multi-site unit of the National Park System with no overarching enabling or authorizing legislation; and

(7) that the sites and resources associated with John Adams, second President of the United States, his wife Abigail Adams, and John Quincy Adams, sixth President of the United States, require recognition as a national historical park in the National Park System.

(b) PURPOSE.—The purpose of this Act is to establish the Adams National Historical Park in the City of Quincy, in the Commonwealth of Massachusetts, to preserve, maintain and interpret the home, property, birthplaces, and burial site of John Adams and his wife Abigail, John Quincy Adams, and subsequent generations of the Adams family associated with the Adams property in Quincy, Massachusetts, for the benefit, education and inspiration of present and future generations of Americans.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORICAL PARK.—The term ''historical park'' means the Adams National Historical Park established in section 4.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ADAMS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain properties in Quincy, Massachusetts, associated with John Adams, second President of the United States, his wife, Abigail Adams, John Quincy Adams, sixth President of the United States, and his wife, Louisa Adams, there is established the Adams National Historical Park as a unit of the National Park System.

(b) BOUNDARIES.—The historical park shall be comprised of the following:

(1) All property administered by the National Park Service in the Adams National Historic Site as of the date of enactment of this Act, as well as all property previously authorized to be acquired by the Secretary for inclusion in the Adams National Historic Site, as generally depicted on the map entitled ''Adams National Historical Park'', numbered NERO 386/80,000, and dated April 1998.

(2) All property authorized to be acquired for inclusion in the historical park by this Act or other law enacted after the date of the enactment of this Act.

(c) VISITOR AND ADMINISTRATIVE SITES.—To preserve the historical character and landscape of the main features of the historical park, the Secretary may acquire up to 10 acres for the development of visitor, administrative, museum, curatorial, and maintenance facilities adjacent to or in the general proximity of the property depicted on the map identified in subsection (b)(1)(A).

(d) MAP.—The map of the historical park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), as amended.

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary is authorized to acquire real property with appropriated or donated funds, by donation, or by exchange, within the boundaries of the park.

(d) REPEAL OF SUPERCEDED ADMINISTRATIVE AUTHORITIES.—

(1) Section 312 of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking ''(a)'' after ''SEC. 312''; and strike subsection (b) in its entirety.

(2) The first section of Public Law 96–435 (94 Stat. 1861) is amended by striking ''(a)'' after ''That''; and strike subsection (b) in its entirety.

(e) REFERENCES TO THE HISTORIC SITE.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to the Adams National Historic Site shall be considered to be a reference to the historical park.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The message also announced that in accordance with sections 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly during the Second Session of the One Hundred Fifth Congress, to be held in Edinburg, United Kingdom, November 9–14, 1998—the Senator from Utah (Mr. HATCH); the Senator from Virginia (Mr. WARNER); the Senator from Iowa (Mr. GRASSLEY); the Senator from Pennsylvania (Mr. SPECTER); the Senator from Arkansas (Mr. HUTCHINSON); the Senator from Alabama (Mr. SESSIONS); the Senator from Oregon (Mr. SMITH); the Senator from Tennessee (Mr. THOMPSON); the Senator from Arkansas (Mr. BUMPERS); the Senator from Maryland (Ms. MIKULSKI); and the Senator from Hawaii (Mr. AKAKA).

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

WOMEN'S PROGRESS COMMEMORATION ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2285) to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2285

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 ''Women's Progress Commemoration Act''.

SEC. 2. DECLARATION.

Congress declares that—

(1) the original Seneca Falls Convention, held in upstate New York in July 1848, convened to consider the social conditions and civil rights of women at that time;

(2) the convention marked the beginning of an admirable and courageous struggle for equal rights for women;

(3) the 150th Anniversary of the convention provides an excellent opportunity to examine the history of the women's movement; and

(4) a Federal Commission should be established for the important task of ensuring the historic preservation of sites that have been instrumental in American women's history,

creating a living legacy for generations to come.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Women's Progress Commemoration Commission'' (referred to in this Act as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the Speaker of the House of Representatives;

(C) 3 shall be appointed by the minority leader of the House of Representatives;

(D) 3 shall be appointed by the majority leader of the Senate; and

(E) 3 shall be appointed by the minority leader of the Senate.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission. The members may be from the public or private sector, and may include Federal, State, or local employees, members of academia, nonprofit organizations, or industry, or other interested individuals.

(B) DIVERSITY.—It is the intent of Congress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and cultural backgrounds.

(3) CONSULTATION AND APPOINTMENT.—

(A) IN GENERAL.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(B) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall conduct the consultation under subparagraph (3) and make their respective appointments not later than 60 days after the date of enactment of this Act.

(4) VACANCIES.—A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

Not later than 1 year after the initial meeting of the Commission, the Commission, in cooperation with the Secretary of the Interior and other appropriate Federal, State, and local public and private entities, shall prepare and submit to the Secretary of the Interior a report that—

(1) identifies sites of historical significance to the women's movement; and

(2) recommends actions, under the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other law, to rehabilitate and preserve the sites and provide to the public interpretive and educational materials and activities at the sites.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. At the request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. A member of the Commission who is otherwise an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of that title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of that title.

SEC. 7. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this Act.

(b) DONATIONS.—The Commission may accept donations from non-Federal sources to defray the costs of the operations of the Commission.

SEC. 8. TERMINATION.

The Commission shall terminate on the date that is 30 days after the date on which the Commission submits to the Secretary of the Interior the report under section 4(b).

SEC. 9. REPORTS TO CONGRESS.

Not later than 2 years and not later than 5 years after the date on which the Commission submits to the Secretary of the Interior the report under section 4, the Secretary of the Interior shall submit to Congress a report describing the actions that have been taken to preserve the sites identified in the Commission report as being of historical significance.

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.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2427) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2427

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

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking ''1998'' and inserting ''2000''.

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.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 4735) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4735

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

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Parks Technical Corrections Act of 1998''.

(b) REFERENCE TO OMNIBUS PARKS ACT.—In this Act, the term ''Omnibus Parks Act'' means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking ''the Presidio is'' and inserting ''the Presidio was''.

(2) In section 103(b)(1) (110 Stat. 4099), by striking ''other lands administrated by the Secretary.'' in the last sentence and inserting ''other lands administered by the Secretary.''.

(3) In section 105(a)(2) (110 Stat. 4104), by striking ''in accordance with section 104(h) of this title.'' and inserting ''in accordance with section 104(i) of this title.''.

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking ''depicted on the map dated August 1993, numbered 333/80031A,'' and inserting ''depicted on the map dated August 1996, numbered 333/80031B,''.

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking ''this Act'' and inserting ''this section''.

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306(d) of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended by striking ''until the earlier of the consummation of the exchange of July 1, 1998,'' and inserting ''until the earlier of the consummation of the exchange or July 1, 1998,''.

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking ''W, Seward Meridian'' and inserting ''W., Seward Meridian''.

(2) In subsection (f)(1), by striking ''to be know'' and inserting ''to be known''.

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking ''through cooperation agreements'' and inserting ''through cooperative agreements''.

(b) CROSS REFERENCE.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking ''this Act'' and inserting ''the Wild and Scenic Rivers Act''.

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking ''by the Vancouver Historical Assessment' published''.

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking ''of 1986'' and inserting ''(40 U.S.C. 1001 et seq.)'';.

(2) In subsection (b), by striking ''the Act'' and all that follows through ''1986'' and inserting ''the Commemorative Works Act''.

(3) In subsection (d), by striking ''the Act referred to in section 4401(b))'' and inserting ''the Commemorative Works Act)''.

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking ''for the purpose.'' and inserting ''for that purpose.''.

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking ''the contribution of our national heritage'' and inserting ''the contribution to our national heritage''.

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking ''**NATIONAL HISTORIC LANDMARK DISTRICT**'' and inserting ''**WHALING NATIONAL HISTORICAL PARK**''.

(2) In subsection (c)—

(A) in paragraph (1), by striking ''certain districts structures, and relics'' and inserting ''certain districts, structures, and relics''; and

(B) in paragraph (2)(A)(i), by striking ''The area included with the New Bedford National Historic Landmark District, known as the'' and inserting ''The area included within the New Bedford Historic District (a National Landmark District), also known as the''.

(3) In subsection (d)(2), by striking ''to provide''.

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking ''section 3(D).'' and inserting ''subsection (d).''; and

(B) in paragraph (2)(C), by striking ''cooperative grants under subsection (d)(2).'' and inserting ''cooperative agreements under subsection (e)(2).''.

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking ''Afican-Americans'' and inserting ''African-Americans''.

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking ''whall be comprised'' and inserting ''shall be comprised''.

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking ''subsection (b) shall—'' and inserting ''paragraph (1) shall—''.

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking ''section 5.'' and inserting ''subsection (e).'';

(B) in paragraph (2), by striking ''section 9.'' and inserting ''subsection (h).''; and

(C) in paragraph (3), by striking ''Commission plan approved by the Secretary under section 6.'' and inserting ''plan developed and approved under subsection (f).''.

(2) In subsection (f)(1), by striking ''this Act'' and inserting ''this section''.

(3) In subsection (g)—

(A) in paragraph (3), by striking ''purposes of this Act'' and inserting ''purposes of this section''; and

(B) in paragraph (5), by striking ''section 9.'' and inserting ''subsection (i).''.

(4) In subsection (h)(12), by striking ''this Act'' and inserting ''this section''.

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking ''this Act'' and inserting ''this section''; and

(2) in subsection (d)(2), by striking ''local land owners'' and inserting ''local landowners''.

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(2), by striking ''1992'' and inserting ''1993''.

(2) In subsection (b)(3), by striking ''legislated by this Act'' and inserting ''required by this section''.

(3) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''formula of this Act'' and inserting ''formula of this section''; and

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3)—

(i) by inserting ''adjusted gross revenue for the'' before ''1994–1995 base year'' each place it appears ; and

(ii) by striking ''this Act'' each place it appears and inserting ''this section''.

(4) In subsection (f), by inserting inside the parenthesis ''offered for commercial or other promotional purposes'' after ''complimentary lift tickets''.

(5) In subsection (i), by striking ''this Act'' and inserting ''this section''.

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking ''bearing the cost of such exhibits and demonstrations;'' and inserting ''bearing the cost of such exhibits and demonstrations.''.

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking ''; and'' and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking ''section 301'' and inserting ''subsection (a)''.

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking ''this Act'' and inserting ''this section'';

(B) in paragraph (7)(B), by striking ''COMPTETITIVE LEASING.—'' and inserting ''COMPETITIVE LEASING.—'';

(C) in paragraph (9), by striking ''granted by statue'' and inserting ''granted by statute'';

(D) in paragraph (11)(B)(ii), by striking ''more cost effective'' and inserting ''more cost-effective'';

(E) in paragraph (13), by striking ''paragraph (13),'' and inserting ''paragraph (12),''; and

(F) in paragraph (18), by striking ''under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l),'' and inserting ''under paragraph (7)(A) and any lease under paragraph (11)''.

(2) In subsection (d)(2)(E), by striking ''is amended''.

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking ''lands, water, and interest therein'' and inserting ''lands, waters, and interests therein''.

(2) In subparagraph (F), by striking ''lands, water, or interests therein, or a portion of whose lands, water, or interests therein,'' and inserting ''lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,''.

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101–337 (16 U.S.C. 19jj–1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting ''or'' after ''park system resource''.

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking ''may be made in the approval plan'' and inserting ''may be made in the approved plan''.

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking ''to purchase'' and inserting ''to acquire''.

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u–2(b)), by striking ''of June 3, 1994,'' and inserting ''on June 3, 1994,''.

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u–3)—

(A) in subsection (d)(1), by striking ''this Act'' and inserting ''this subtitle''; and

(B) in subsection (g)(3)(A), by striking ''the tall grass prairie'' and inserting ''the tallgrass prairie''.

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l–10e note) is amended as follows:

(1) By striking ''manmade lakes'' both places it appears and inserting ''man-made lakes''.

(2) By striking ''for recreational opportunities at federally-managed'' and inserting ''for recreational opportunities at federally managed''.

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking ''recreation related infrastructure.'' and inserting ''recreation-related infrastructure.''.

(2) In subsection (e)—

(A) by striking ''water related recreation'' in the first sentence and inserting ''water-related recreation'';

(B) in paragraph (2), by striking ''at federally-managed lakes'' and inserting ''at federally managed lakes''; and

(C) by striking ''manmade lakes'' each place it appears and inserting ''man-made lakes''.

SEC. 124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking ''Committee on Natural Resources'' and inserting ''Committee on Resources''.

(2) In subsection (e)(1), by striking ''this Act'' and inserting ''this subsection''.

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking ''of 1964''.

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking ''**RECREATION AREA**'' and inserting ''**NATIONAL RECREATION AREA**''.

(2) In subsection (b)(1), by inserting quotation marks around the term ''recreation area''.

(3) In subsection (e)(3)(B), by striking ''subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).'' and inserting ''subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).''.

(4) In subsection (f)(2)(A)(i), by striking ''profit sector roles'' and inserting ''private-sector roles''.

(5) In subsection (g)(1), by striking ''and revenue raising activities.'' and inserting ''and revenue-raising activities.''.

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking ''and visitors' center'' and inserting ''and visitor center''.

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking ''**REGULATIONS**'' and inserting ''**REGULATION**''.

(2) In subsection (c), by striking ''this Act'' and inserting ''this section''.

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking ''history preservation'' and inserting ''historic preservation''.

(2) In section 105 (110 Stat. 4244), by striking ''paragraphs (2) and (5) of section 104'' and inserting ''paragraph (2) of section 104''.

(3) In section 106(a)(3) (110 Stat. 4244), by striking ''or Secretary'' and inserting ''or the Secretary''.

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking ''and associated sites associated'' and insert ''and sites associated''.

(2) In section 207(a) (110 Stat. 4248), by striking ''as provide for'' and inserting ''as provided for''.

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking ''National Historic Register of Historic Places,'' and inserting ''National Register of Historic Places,''.

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking ''a visitors' center'' and inserting ''a visitor center''.

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking ''One individuals,'' and inserting ''One individual,''.

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking ''from the Committee.'' and inserting ''from the Committee,''.

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking ''on nonfederally owned property'' and inserting ''for non-federally owned property''.

The Senate bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANTE FASCELL BISCAYNE NATIONAL PARK VISITOR CENTER DESIGNATION ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2468) to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. MILLER of California. Mr. Speaker, reserving the right to object, and I shall not object, I just want to take this time to thank the chairman of the full committee the gentleman from Alaska (Mr. YOUNG), and the gentleman from Utah (Mr. HANSEN) the chairman of the subcommittee for all of their effort and all of their work to bring these matters to the full House and for their consideration, a number of which will be sent directly to the President for his signature.

I would like to thank the staffs on both sides of the aisle for all of their work over the last 48 hours to get this into shape so that we could proceed in this manner. I shall not object. Again I want to thank them very much for all of their hard work.

Mr. HANSEN. Mr. Speaker, I thank the gentleman from California for his kind remarks.

Mr. MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2468

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 ''Dante Fascell Biscayne National Park Visitor Center Designation Act''.

SEC. 2. DESIGNATION OF THE DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.

(a) DESIGNATION.—The Biscayne National Park visitor center, located on the shore of Biscayne Bay on Convoy Point, Florida, is designated as the ''Dante Fascell Visitor Center.''

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other document of the United States to the Biscayne National Park visitor center shall be deemed to be a reference to the ''Dante Fascell Visitor Center.''

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.

GENERAL LEAVE

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

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

There was no objection.

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 Monday, October 12, 1998.

CONDEMNING THE TERROR, VENGEANCE, AND HUMAN RIGHTS ABUSES AGAINST SIERRA LEONE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 559) condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone, as amended.

The Clerk read as follows:

H. RES. 559

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC/RUF violence against civilians continues with at least 1,200 persons having hands or feet amputated by rebels (and the International Committee of the Red Cross (ICRC) estimates that every victim who makes it to medical help is only 1 of 4 who have been mutilated);

Whereas the AFRC/RUF continues to abduct children and forcibly train them as combatants, in numbers estimated by UNICEF to exceed 3,000 since March 1998;

Whereas the humanitarian consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of internally displaced Sierra Leoneans to over 250,000 in camps and towns in the north and east;

Whereas the governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees (UNHCR) for $7,300,000 for emergency food, shelter, sanitation, medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north with more than 500 people dying since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States (ECOWAS) and its military peacekeeping arm called ECOMOG are doing their best, but require additional logistic support to either bring this AFRC/RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC/RUF in direct violation of a United Nations arms embargo;

Whereas United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator Sergio Viera de Melo, Amnesty International, Human Rights Watch, and Refugees International, following May through June 1998 visits to Sierra Leone, have condemned, in the strongest terms, the terrible human rights violations done by the AFRC/RUF rebels to civilians; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, Olara Otunu, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects in the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) urges the State Department to give the needed logistical support to ECOMOG and the Government of Sierra Leone to bring this conflict to a rapid conclusion;

(3) condemns the use of children as combatants in the conflict in Sierra Leone;

(4) urges the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(5) urges the President and the Secretary of State to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front (AFRC/RUF) rebel forces;

(6) urges the President and the Secretary of State to work with the Economic Community of West African States (ECOWAS) nations to ensure there are sufficient African forces and arms provided to its military peacekeeping arm ECOMOG;

(7) urges the President and the Secretary of State to support the United Nations High Commission for Refugees (UNHCR) appeal for aid to the Sierra Leonean refugees in Guinea, Liberia, and other countries;

(8) urges the President and the State Department to support the United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country;

(9) urges the President and the State Department to support the Government of Sierra Leone in its demobilization, disarmament, and reconstruction plan for the country as peace becomes a reality; and

(10) encourages and supports, Olara Otunu, United Nations Special Representative of the Secretary General for Children and Armed Conflict, to continue in his efforts to work in Sierra Leone in the establishment of programs designed to rehabilitate child combatants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to support this resolution offered by the gentleman from Michigan (Mr. EHLERS) and cosponsored by the distinguished chairman of our Subcommittee on Africa, the gentleman from California (Mr. ROYCE).

Mr. Speaker, the situation in Sierra Leone is horrifying. Rebel soldiers are terrorizing the civilian population, killing and maiming innocent people, including women and children. The instability in Sierra Leone has overflowed its borders and is impacting on neighboring Liberia and Guinea. Hundreds of thousands of people have been displaced from their homes and are foraging for sustenance or relying on the generosity of the international community.

Mr. Speaker, there is a peacekeeping force in Sierra Leone known as the Economic Community of West African States Monitoring Group, ECOMOG, made up of soldiers from other African nations. In many cases ECOMOG is all that stands between innocent civilians and ethnic atrocities. This resolution

will put the Congress on record supporting ECOMOG and other positive institutions in Sierra Leone. Accordingly, I urge my colleagues to support this measure.

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

Mr. CLEMENT. Mr. Speaker, I yield myself such time as I may consume. I support this resolution. The United States must take steps to stop the killing, human rights abuses and humanitarian disaster that is taking place in Sierra Leone. This resolution puts the House on record behind a series of actions that would help. It sends an important message to all parties to the conflict as well as to our administration. I urge my colleagues to support the resolution.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Tennessee for his supporting remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the author of this resolution.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his support of the bill and thank him also for bringing the bill to the floor.

While our Nation and many nations are very concerned about bloodshed and potential warfare in the Balkans, we tend too often to ignore the problems in Africa, a continent that is in danger of drowning in an ocean of blood if further action is not taken.

A good example of that is the nation of Sierra Leone, a peace-loving nation, which unfortunately on May 27, 1997 suffered a coup in which the Armed Forces Revolutionary Council seized power from Sierra Leone's democratically elected government. It, together with another armed group, the Revolutionary United Front, began a nine-month regime characterized by abuse of power and misgovernment.

The neighboring nation of Sierra Leone decided to take action to end the bloodbath and to restore the democratically elected government. This organization, the Economic Community of West African States, better known as ECOWAS, and its military peacekeeping arm, called ECOMOG, led a West African peacekeeping force in February 1998. This force sought to restore the democratically elected government of Sierra Leone.

Since the civilian government was restored successfully, the deposed military junta has engaged in a campaign of terror against the government, the civilian population and ECOMOG. They have fled into the bush, particularly in the eastern part of the country, and continue their battle of terror from that region.

As a result of this conflict, thousands of civilians have become victims of gross violations of human rights, mostly at the hands of the rebels, the AFRC/RUF. Abuses include physical mutilation, torture, murder. Hundreds of men, women and children have been abducted, raped, sold into forced labor. Worst of all, young children are being inducted into combat and taught to kill before they are old enough to recognize what they are doing.

Approximately one-quarter million refugees from Sierra Leone have fled into neighboring Guinea and Liberia. The location of the refugee camps does not allow for provision of adequate relief, and it is essential that the ECOMOG forces be able to conquer the rebel forces, which unfortunately are receiving arms from some unknown sources.

There is poor security, a lack of resources and minimal access to these camps, resulting in hundreds of deaths simply because the aid forces are not able to reach those needing relief. Arms and weapons continue to be supplied to the rebels in direct violation of the United Nations arms embargo. The international community has simply failed to respond vigorously and adequately to this growing humanitarian crisis within and outside of Sierra Leone.

Therefore, this resolution urges in the strongest terms that the President and Secretary of State of our Nation give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general. It also urges the State Department to give logistical support to ECOMOG and to the government of Sierra Leone. It also condemns the use of children as combatants, and urges the establishment of a secure humanitarian corridor for the safe delivery of food and medicine to all those who are suffering.

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Furthermore, the resolution urges the President and Secretary of State to strictly enforce the United Nations armed embargo on rebel forces. It also urges the President and Secretary of State to work with West African states nations to ensure that there are sufficient African forces and arms provided for peacekeeping.

It is a very serious situation and has resulted in considerable human suffering, and I urge that this resolution be adopted, and once again I thank the gentleman for taking this bill up and yielding this time to me.

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

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

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), who is not a member of our committee, for bringing this critical situation to the attention of the floor at this time, and we commend him.

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 New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution H. Res. 559, as amended.

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

A motion to reconsider was laid on the table.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and take from the speaker's table the bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Religious Freedom Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Reports.
Sec. 103. Establishment of a religious freedom Internet site.
Sec. 104. Training for Foreign Service officers.
Sec. 105. High-level contacts with nongovernmental organizations.
Sec. 106. Programs and allocations of funds by United States missions abroad.
Sec. 107. Equal access to United States missions abroad for conducting religious activities.
Sec. 108. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Sec. 201. Establishment and composition.
Sec. 202. Duties of the Commission.
Sec. 203. Report of the Commission.
Sec. 204. Applicability of other laws.
Sec. 205. Authorization of appropriations.
Sec. 206. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

Sec. 301. Special Adviser on International Religious Freedom.

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle I—Targeted Responses to Violations of Religious Freedom Abroad

Sec. 401. Presidential actions in response to violations of religious freedom.
Sec. 402. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 403. Consultations.
Sec. 404. Report to Congress.
Sec. 405. Description of Presidential actions.
Sec. 406. Effects on existing contracts.
Sec. 407. Presidential waiver.
Sec. 408. Publication in Federal Register.

Sec. 409. Termination of Presidential actions.
Sec. 410. Preclusion of judicial review.

Subtitle II—Strengthening Existing Law

Sec. 421. United States assistance.
Sec. 422. Multilateral assistance.
Sec. 423. Exports of certain items used in particularly severe violations of religious freedom.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

Sec. 501. Assistance for promoting religious freedom.
Sec. 502. International broadcasting.
Sec. 503. International exchanges.
Sec. 504. Foreign Service awards.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

Sec. 601. Use of Annual Report.
Sec. 602. Reform of refugee policy.
Sec. 603. Reform of asylum policy.
Sec. 604. Inadmissibility of foreign government officials who have engaged in particularly severe violations of religious freedom.
Sec. 605. Studies on the effect of expedited removal provisions on asylum claims.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Business codes of conduct.

SEC. 2. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

(2) Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that ''Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.''. Article 18(1) of the International Covenant on Civil and Political Rights recognizes that ''Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching''. Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of ''religious police'', severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials.

(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities.

(7) Congress has recognized and denounced acts of religious persecution through the adoption of the following resolutions:

(A) House Resolution 515 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide.

(B) Senate Concurrent Resolution 71 of the One Hundred Fourth Congress, expressing the sense of the Senate regarding persecution of Christians worldwide.

(C) House Concurrent Resolution 102 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives concerning the emancipation of the Iranian Baha'i community.

(b) POLICY.—It shall be the policy of the United States, as follows:

(1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.

(2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion, as set forth in the Foreign Assistance Act of 1961, in the International Financial Institutions Act of 1977, and in other formulations of United States human rights policy.

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMBASSADOR AT LARGE.—The term ''Ambassador at Large'' means the Ambassador at Large for International Religious Freedom appointed under section 101(b).

(2) ANNUAL REPORT.—The term ''Annual Report'' means the Annual Report on International Religious Freedom described in section 102(b).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives; and

(B) in the case of any determination made with respect to the taking of President action under paragraphs (9) through (15) of section 405(a), the term includes the committees described in subparagraph (A) and, where appropriate, the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) COMMENSURATE ACTION.—The term ''commensurate action'' means action taken by the President under section 405(b).

(5) COMMISSION.—The term ''Commission'' means the United States Commission on International Religious Freedom established in section 201(a).

(6) COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The term ''Country Reports on Human Rights Practices'' means the annual reports required to be submitted by the Department of State to Congress under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

(7) EXECUTIVE SUMMARY.—The term ''Executive Summary'' means the Executive Summary to the Annual Report, as described in section 102(b)(1)(F).

(8) GOVERNMENT OR FOREIGN GOVERNMENT.—The term ''government'' or ''foreign government'' includes any agency or instrumentality of the government.

(9) HUMAN RIGHTS REPORTS.—The term ''Human Rights Reports'' means all reports submitted by the Department of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961.

(10) OFFICE.—The term ''Office'' means the Office on International Religious Freedom established in section 101(a).

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The term ''particularly severe violations of religious freedom'' means systematic, ongoing, egregious violations of religious freedom, including violations such as—

(A) torture or cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges;

(C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or

(D) other flagrant denial of the right to life, liberty, or the security of persons.

(12) SPECIAL ADVISER.—The term ''Special Adviser'' means the Special Adviser to the President on International Religious Freedom described in section 101(i) of the National Security Act of 1947, as added by section 301 of this Act.

(13) VIOLATIONS OF RELIGIOUS FREEDOM.—The term ''violations of religious freedom'' means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such as—

(A) arbitrary prohibitions on, restrictions of, or punishment for—

(i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements,

(ii) speaking freely about one's religious beliefs,

(iii) changing one's religious beliefs and affiliation,

(iv) possession and distribution of religious literature, including Bibles, or

(v) raising one's children in the religious teachings and practices of one's choice, or

(B) any of the following acts if committed on account of an individual's religious belief or

practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT OF OFFICE.—There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador at Large for International Religious Freedom appointed under subsection (b).

(b) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—The Ambassador at Large shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the Ambassador at Large shall be to advance the right to freedom of religion abroad, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.

(2) ADVISORY ROLE.—The Ambassador at Large shall be a principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and, with advice from the Commission on International Religious Freedom, shall make recommendations regarding—

(A) the policies of the United States Government toward governments that violate the freedom of religion or that fail to ensure the individual's right to religious belief and practice; and

(B) policies to advance the right to religious freedom abroad.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large is authorized to represent the United States in matters and cases relevant to religious freedom abroad in—

(A) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization on Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(B) multilateral conferences and meetings relevant to religious freedom abroad.

(4) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the reporting responsibilities described in section 102.

(d) FUNDING.—The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for the hiring of staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

SEC. 102. REPORTS.

(a) PORTIONS OF ANNUAL HUMAN RIGHTS REPORTS.—The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.

(b) ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.—

(1) DEADLINE FOR SUBMISSION.—On September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session, the Secretary of State, with the assistance of the Ambassador at Large, and taking into consideration the recommendations of the Commission, shall prepare and transmit to Congress an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom. Each Annual Report shall contain the following:

(A) STATUS OF RELIGIOUS FREEDOM.—A description of the status of religious freedom in each foreign country, including—

(i) trends toward improvement in the respect and protection of the right to religious freedom and trends toward deterioration of such right;

(ii) violations of religious freedom engaged in or tolerated by the government of that country; and

(iii) particularly severe violations of religious freedom engaged in or tolerated by the government of that country.

(B) VIOLATIONS OF RELIGIOUS FREEDOM.—An assessment and description of the nature and extent of violations of religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, and the existence of government policies concerning—

(i) limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services outside of the premises of foreign diplomatic missions or consular posts; and

(ii) the forced religious conversion of minor United States citizens who have been abducted or illegally removed from the United States, and the refusal to allow such citizens to be returned to the United States.

(C) UNITED STATES POLICIES.—A description of United States actions and policies in support of religious freedom in each foreign country engaging in or tolerating violations of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under titles I, IV, and V of this Act in opposition to violations of religious freedom and in support of international religious freedom.

(D) INTERNATIONAL AGREEMENTS IN EFFECT.—A description of any binding agreement with a foreign government entered into by the United States under section 401(b) or 402(c).

(E) TRAINING AND GUIDELINES OF GOVERNMENT PERSONNEL.—A description of—

(i) the training described in section 602 (a) and (b) and section 603 (b) and (c) on violations of religious freedom provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in sections 602(c) and 603(a).

(F) EXECUTIVE SUMMARY.—An Executive Summary to the Annual Report highlighting the status of religious freedom in certain foreign countries and including the following:

(i) COUNTRIES IN WHICH THE UNITED STATES IS ACTIVELY PROMOTING RELIGIOUS FREEDOM.—An identification of foreign countries in which the United States is actively promoting religious freedom. This section of the report shall include a description of United States actions taken to promote the internationally recognized right to freedom of religion and oppose violations of such right under title IV and title V of this Act during the period covered by the Annual Report. Any country designated as a country of particular concern for religious freedom under section 402(b)(1) shall be included in this section of the report.

(ii) COUNTRIES OF SIGNIFICANT IMPROVEMENT IN RELIGIOUS FREEDOM.—An identification of foreign countries the governments of which have demonstrated significant improvement in the protection and promotion of the internationally recognized right to freedom of religion during the period covered by the Annual Report. This section of the report shall include a description of the nature of the improvement and an analysis of the factors contributing to such improvement, including actions taken by the United States under this Act.

(2) CLASSIFIED ADDENDUM.—If the Secretary of State determines that it is in the national security interests of the United States or is necessary for the safety of individuals to be identified in the Annual Report or is necessary to further the purposes of this Act, any information required by paragraph (1), including measures or actions taken by the United States, may be summarized in the Annual Report or the Executive Summary and submitted in more detail in a classified addendum to the Annual Report or the Executive Summary.

(c) PREPARATION OF REPORTS REGARDING VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) STANDARDS AND INVESTIGATIONS.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of violations of the internationally recognized right to freedom of religion.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing the respect of the right to religious freedom for the Human Rights Reports, the Annual Report on International Religious Freedom, and the Executive Summary, United States mission personnel shall, as appropriate, seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

(d) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT.—

(1) CONTENT OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and ''; and

(C) by adding at the end the following:

''(6) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).''.

(2) CONTENTS OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended—

(A) by inserting ''and with the assistance of the Ambassador at Large for International Religious Freedom'' after ''Labor''; and

(B) by inserting after the second sentence the following new sentence: ''Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).''.

SEC. 103. ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.

In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Secretary of State, with the assistance of the Ambassador at Large, shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report, the Executive Summary, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.

Chapter 2 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

''SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

''The Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 and the

director of the National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

''(1) instruction on international documents and United States policy in human rights, which shall be mandatory for all members of the Service having reporting responsibilities relating to human rights and for chiefs of mission; and

''(2) instruction on the internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom.''.

SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.

United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD.

It is the sense of Congress that—

(1) United States diplomatic missions in countries the governments of which engage in or tolerate violations of the internationally recognized right to freedom of religion should develop, as part of annual program planning, a strategy to promote respect for the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.

(a) IN GENERAL.—Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities unrelated to the conduct of the diplomatic mission, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(b) TIMING AND LOCATION.—The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of—

(1) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(2) conflicts with official activities and other nonofficial United States citizen requests;

(3) the availability of openly conducted, organized religious services outside the premises of the mission or post;

(4) availability of space and resources; and

(5) necessary security precautions.

(c) DISCRETIONARY ACCESS FOR FOREIGN NATIONALS.—The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this section.

SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

(a) SENSE OF CONGRESS.—To encourage involvement with religious freedom concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(b) PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.—The Secretary of State, in consultation with the Ambassador at Large, the Assistant Secretary of State for Democracy, Human Rights and Labor, United States chiefs of mission abroad, regional experts, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom. In considering the inclusion of names of prisoners on such lists, the Secretary of State shall exercise appropriate discretion, including concerns regarding the safety, security, and benefit to such prisoners.

(c) AVAILABILITY OF INFORMATION.—The Secretary shall, as appropriate, provide religious freedom issue briefs under subsection (b) to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) GENERALLY.—There is established the United States Commission on International Religious Freedom.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of—

(A) the Ambassador at Large, who shall serve ex officio as a nonvoting member of the Commission; and

(B) 9 other members, who shall be United States citizens who are not being paid as officers or employees of the United States, and who shall be appointed as follows:

(i) 3 members of the Commission shall be appointed by the President.

(ii) 3 members of the Commission shall be appointed by the President pro tempore of the Senate, of which 2 of the members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the Senate of the other political party.

(iii) 3 members of the Commission shall be appointed by the Speaker of the House of Representatives, of which 2 of the members shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the House of the other political party.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.

(B) SECURITY CLEARANCES.—Each Member of the Commission shall be required to obtain a security clearance.

(3) TIME OF APPOINTMENT.—The appointments required by paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) TERMS.—The term of office of each member of the Commission shall be 2 years. Members of the Commission shall be eligible for reappointment to a second term.

(d) ELECTION OF CHAIR.—At the first meeting of the Commission in each calendar year, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(e) QUORUM.—Six voting members of the Commission shall constitute a quorum for purposes of transacting business.

(f) MEETINGS.—Each year, within 15 days, or as soon as practicable, after the issuance of the Country Report on Human Rights Practices, the Commission shall convene. The Commission shall otherwise meet at the call of the Chair or, if no Chair has been elected for that calendar year, at the call of six voting members of the Commission.

(g) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) ADMINISTRATIVE SUPPORT.—The Secretary of State shall assist the Commission by providing to the Commission such staff and administrative services of the Office as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reimbursement to the agency of that employee and such detail shall be without interruption or loss of civil service status or privilege.

(i) FUNDING.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall have as its primary responsibility—

(1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and

(2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.

(b) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO VIOLATIONS.—The Commission, in evaluating United States Government policies in response to violations of religious freedom, shall consider and recommend options for policies of the United States Government with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom, including particularly severe violations of religious freedom, including diplomatic inquiries, diplomatic protest, official public protest demarche of protest, condemnation within multilateral fora, delay or cancellation of cultural or scientific exchanges, delay or cancellation of working, official, or state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

(c) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO PROGRESS.—The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the right of religious freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing Presidential actions, an increase in certain assistance funds, and invitations for working, official, or state visits.

(d) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIVIDUALS.—Together with specific policy recommendations provided under subsections (b) and (c), the Commission shall also indicate its

evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(e) MONITORING.—The Commission shall, on an ongoing basis, monitor facts and circumstances of violations of religious freedom, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.

(f) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

SEC. 203. REPORT OF THE COMMISSION.

(a) IN GENERAL.—Not later than May 1 of each year, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under section 202.

(b) CLASSIFIED FORM OF REPORT.—The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this Act.

(c) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member.

SEC. 204. APPLICABILITY OF OTHER LAWS.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $3,000,000 for each of the fiscal years 1999 and 2000 to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subparagraph (a) are authorized to remain available until expended but not later than the date of termination of the Commission.

SEC. 206. TERMINATION.

The Commission shall terminate 4 years after the initial appointment of all of the Commissioners.

TITLE III—NATIONAL SECURITY COUNCIL

SEC. 301. SPECIAL ADVISER ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

''(i) It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.''.

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle I—Targeted Responses to Violations of Religious Freedom Abroad

SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.

(a) RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) IN GENERAL.—

(A) UNITED STATES POLICY.—It shall be the policy of the United States—

(i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b).

(B) REQUIREMENT OF PRESIDENTIAL ACTION.—For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b).

(2) BASIS OF ACTIONS.—Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(b) PRESIDENTIAL ACTIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) by the government of a foreign country—

(A) take one or more of the actions described in paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to such country; or

(B) negotiate and enter into a binding agreement with the government of such country, as described in section 405(c).

(2) DEADLINE FOR ACTIONS.—Not later than September 1 of each year, the President shall take action under any of the paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto)—

(A) the action may only be taken after the requirements of sections 403 and 404 have been satisfied; and

(B) the September 1 limitation shall not apply.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—The President may delay action under paragraph (2) described in any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) if he determines and certifies to Congress that a single, additional period of time, not to exceed 90 days, is necessary pursuant to the same provisions applying to countries of particular concern for religious freedom under section 402(c)(3).

(c) IMPLEMENTATION.—

(1) IN GENERAL.—In carrying out subsection (b), the President shall—

(A) take the action or actions that most appropriately respond to the nature and severity of the violations of religious freedom;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and

(C) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to take a Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto), shall seek to minimize any adverse impact on—

(A) the population of the country whose government is targeted by the Presidential action or actions; and

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) UNITED STATES POLICY.—It shall be the policy of the United States—

(A) to oppose particularly severe violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(B) to promote the right to freedom of religion in those countries through the actions described in subsection (c).

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has engaged in or tolerated particularly severe violations of religious freedom, the President shall oppose such violations and promote the right to religious freedom through one or more of the actions described in subsection (c).

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.—Not later than September 1 of each year, the President shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.

(B) BASIS OF REVIEW.—Each review conducted under subparagraph (A) shall be based upon information contained in the latest Country Reports on Human Rights Practices, the Annual Report, and on any other evidence available and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(C) IMPLEMENTATION.—Any review under subparagraph (A) of a foreign country may take place singly or jointly with the review of one or more countries and may take place at any time prior to September 1 of the respective year.

(2) DETERMINATIONS OF RESPONSIBLE PARTIES.—For the government of each country designated as a country of particular concern for religious freedom under paragraph (1)(A), the President shall seek to determine the agency or instrumentality thereof and the specific officials thereof that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by that government in order to appropriately target Presidential actions under this section in response.

(3) CONGRESSIONAL NOTIFICATION.—Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, as soon as practicable after the designation is made, transmit to the appropriate congressional committees—

(A) the designation of the country, signed by the President; and

(B) the identification, if any, of responsible parties determined under paragraph (2).

(c) PRESIDENTIAL ACTIONS WITH RESPECT TO COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4) with respect to each country of particular concern for religious freedom designated under subsection (b)(1)(A), the President shall, after the requirements of sections 403 and 404

have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (3)) after the date of designation of the country under that subsection, carry out one or more of the following actions under subparagraph (A) or subparagraph (B):

(A) PRESIDENTIAL ACTIONS.—One or more of the Presidential actions described in paragraphs (9) through (15) of section 405(a), as determined by the President.

(B) COMMENSURATE ACTIONS.—Commensurate action in substitution to any action described in subparagraph (A).

(2) SUBSTITUTION OF BINDING AGREEMENTS.—

(A) IN GENERAL.—In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government as described in section 405(c). The existence of a binding agreement under this paragraph with a foreign government may be considered by the President prior to making any determination or taking any action under this title.

(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed to authorize the entry of the United States into an agreement covering matters outside the scope of violations of religious freedom.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—If, on or before the date that the President is required (but for this paragraph) to take action under paragraph (1), the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary—

(A) for a continuation of negotiations that have been commenced with the government of that country to bring about a cessation of the violations by the foreign country;

(B) for a continuation of multilateral negotiations into which the United States has entered to bring about a cessation of the violations by the foreign country;

(C)(i) for a review of corrective action taken by the foreign country after designation of such country as a country of particular concern; or

(ii) in anticipation that corrective action will be taken by the foreign country during the 90-day period,

then the President shall not be required to take action until the expiration of that period of time.

(4) EXCEPTION FOR ONGOING PRESIDENTIAL ACTION.—The President shall not be required to take action pursuant to this subsection in the case of a country of particular concern for religious freedom, if with respect to such country—

(A) the President has taken action pursuant to this Act in a preceding year;

(B) such action is in effect at the time the country is designated as a country of particular concern for religious freedom under this section;

(C) the President reports to Congress the information described in section 404(a) (1), (2), (3), and (4) regarding the actions in effect with respect to the country; and

(D) at the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broad-based sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection. In a report to Congress pursuant to section 404(a) (1), (2), (3), and (4), and, as applicable, to section 408, the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection. The sanctions so designated shall remain in effect subject to section 409 of this Act.

(d) STATUTORY CONSTRUCTION.—A determination under this Act, or any amendment made by this Act, that a foreign country has engaged in or tolerated particularly severe violations of religious freedom shall not be construed to require the termination of assistance or other activities with respect to that country under any other provision of law, including section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304).

SEC. 403. CONSULTATIONS.

(a) IN GENERAL.—As soon as practicable after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall carry out the consultations required in this section.

(b) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS PRIOR TO TAKING PRESIDENTIAL ACTIONS.—

(1) IN GENERAL.—The President shall—

(A) request consultation with the government of such country regarding the violations giving rise to designation of that country as a country of particular concern for religious freedom or to Presidential action under section 401; and

(B) if agreed to, enter into such consultations, privately or publicly.

(2) USE OF MULTILATERAL FORA.—If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum, but, in any event, the President shall consult with appropriate foreign governments for the purposes of achieving a coordinated international policy on actions that may be taken with respect to a country described in subsection (a), prior to implementing any such action.

(3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.—If negotiations are undertaken or an agreement is concluded with a foreign government regarding steps to cease the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

(c) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.—The President should consult with appropriate humanitarian and religious organizations concerning the potential impact of United States policies to promote freedom of religion in countries described in subsection (a).

(d) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.—The President shall, as appropriate, consult with United States interested parties as to the potential impact of intended Presidential action or actions in countries described in subsection (a) on economic or other interests of the United States.

SEC. 404. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not later than 90 days after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall submit a report to Congress containing the following:

(1) IDENTIFICATION OF PRESIDENTIAL ACTIONS.—An identification of the Presidential action or actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) to be taken with respect to the foreign country.

(2) DESCRIPTION OF VIOLATIONS.—A description of the violations giving rise to the Presidential action or actions to be taken.

(3) PURPOSE OF PRESIDENTIAL ACTIONS.—A description of the purpose of the Presidential action or actions.

(4) EVALUATION.—

(A) DESCRIPTION.—An evaluation, in consultation with the Secretary of State, the Ambassador at Large, the Commission, the Special Adviser, the parties described in section 403 (c) and (d), and whoever else the President deems appropriate, of—

(i) the impact upon the foreign government;

(ii) the impact upon the population of the country; and

(iii) the impact upon the United States economy and other interested parties.

(B) AUTHORITY TO WITHHOLD DISCLOSURE.—The President may withhold part or all of such evaluation from the public but shall provide the entire evaluation to Congress.

(5) STATEMENT OF POLICY OPTIONS.—A statement that noneconomic policy options designed to bring about cessation of the particularly severe violations of religious freedom have reasonably been exhausted, including the consultations required in section 403.

(6) DESCRIPTION OF MULTILATERAL NEGOTIATIONS.—A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) DELAY IN TRANSMITTAL OF REPORT.—If, on or before the date that the President is required (but for this subsection) to submit a report under subsection (a) to Congress, the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary pursuant to section 401(b)(3) or section 402(c)(3), then the President shall not be required to submit the report to Congress until the expiration of that period of time.

SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.

(a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Except as provided in subsection (d), the Presidential actions referred to in this subsection are the following:

(1) A private demarche.

(2) An official public demarche.

(3) A public condemnation.

(4) A public condemnation within one or more multilateral fora.

(5) The delay or cancellation of one or more scientific exchanges.

(6) The delay or cancellation of one or more cultural exchanges.

(7) The denial of one or more working, official, or state visits.

(8) The delay or cancellation of one or more working, official, or state visits.

(9) The withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961.

(10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(11) The withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961.

(12) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses, and not to

grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402, under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(14) Prohibiting any United States financial institution from making loans or providing credits totaling more than $10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(15) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials found or determined by the President to be responsible for violations under section 401 or 402.

(b) COMMENSURATE ACTION.—Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (15) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 2(b) of this Act. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) BINDING AGREEMENTS.—The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that has engaged in or tolerated particularly severe violations of religious freedom.

(d) EXCEPTIONS.—Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

SEC. 406. EFFECTS ON EXISTING CONTRACTS.

The President shall not be required to apply or maintain any Presidential action under this subtitle—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing and so reports to Congress that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

SEC. 407. PRESIDENTIAL WAIVER.

(a) IN GENERAL.—Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

(1) the respective foreign government has ceased the violations giving rise to the Presidential action;

(2) the exercise of such waiver authority would further the purposes of this Act; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

(b) CONGRESSIONAL NOTIFICATION.—Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

SEC. 408. PUBLICATION IN FEDERAL REGISTER.

(a) IN GENERAL.—Subject to subsection (b), the President shall cause to be published in the Federal Register the following:

(1) DETERMINATIONS OF GOVERNMENTS, OFFICIALS, AND ENTITIES OF PARTICULAR CONCERN.—Any designation of a country of particular concern for religious freedom under section 402(b)(1), together with, when applicable and to the extent practicable, the identities of the officials or entities determined to be responsible for the violations under section 402(b)(2).

(2) PRESIDENTIAL ACTIONS.—A description of any Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) and the effective date of the Presidential action.

(3) DELAYS IN TRANSMITTAL OF PRESIDENTIAL ACTION REPORTS.—Any delay in transmittal of a Presidential action report, as described in section 404(b).

(4) WAIVERS.—Any waiver under section 407.

(b) LIMITED DISCLOSURE OF INFORMATION.—The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the President determines that the publication of information under this section—

(1) would be harmful to the national security of the United States; or

(2) would not further the purposes of this Act.

SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.

Any Presidential action taken under this Act with respect to a foreign country shall terminate on the earlier of the following dates:

(1) TERMINATION DATE.—Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

(2) FOREIGN GOVERNMENT ACTIONS.—Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

SEC. 410. PRECLUSION OF JUDICIAL REVIEW.

No court shall have jurisdiction to review any Presidential determination or agency action under this Act or any amendment made by this Act.

Subtitle II—Strengthening Existing Law

SEC. 421. UNITED STATES ASSISTANCE.

(a) IMPLEMENTATION OF PROHIBITION ON ECONOMIC ASSISTANCE.—Section 116(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

(1) in the text above paragraph (1), by inserting ''and in consultation with the Ambassador at Large for International Religious Freedom'' after ''Labor''.

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(3) whether the government—

''(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

''(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.''.

(b) IMPLEMENTATION OF PROHIBITION ON MILITARY ASSISTANCE.—Section 502B(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)) is amended by adding at the end the following new paragraph:

''(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

''(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

''(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.''.

SEC. 422. MULTILATERAL ASSISTANCE.

Section 701 of the International Financial Institutions Act (22 U.S.C. 262d) is amended by adding at the end the following new subsection:

''(g) In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a), the President shall give particular consideration to whether a foreign government—

''(1) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

''(2) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.''.

SEC. 423. EXPORTS OF CERTAIN ITEMS USED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) MANDATORY LICENSING.—Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 6(n) of the Export Administration Act of 1979 (22 U.S.C. App. 2405(n)), or under any other provision of law, items being exported or reexported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

(b) LICENSING BAN.—The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) shall apply to the export and reexport of any item included pursuant to subsection (a) on the list of crime control instruments.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.

(b) ALLOCATION OF FUNDS FOR INCREASED PROMOTION OF RELIGIOUS FREEDOMS.—Section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is amended by inserting '', including the right to free religious belief and practice'' after ''adherence to civil and political rights''.

SEC. 502. INTERNATIONAL BROADCASTING.

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following:

''(8) promote respect for human rights, including freedom of religion.''.

SEC. 503. INTERNATIONAL EXCHANGES.

Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)) is amended—

(1) by striking ''and'' after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(3) by adding at the end the following:

''(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.''.

SEC. 504. FOREIGN SERVICE AWARDS.

(a) PERFORMANCE PAY.—Section 405(d) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d)) is amended by inserting after the first sentence the following: ''Such service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.''.

(b) FOREIGN SERVICE AWARDS.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended by adding at the end the following new sentence: ''Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.''.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

SEC. 601. USE OF ANNUAL REPORT.

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien's claim.

SEC. 602. REFORM OF REFUGEE POLICY.

(a) TRAINING.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following new subsection:

''(f)(1) The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases under this section with the same training as that provided to officers adjudicating asylum cases under section 208.

''(2) Such training shall include country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.''.

(b) TRAINING FOR FOREIGN SERVICE OFFICERS.—Section 708 of the Foreign Service Act of 1980, as added by section 104 of this Act, is further amended—

(1) by inserting ''(a)'' before ''The Secretary of State''; and

(2) by adding at the end the following:

''(b) The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications in addition to the training required in this section.''.

(c) GUIDELINES FOR REFUGEE-PROCESSING POSTS.—

(1) GUIDELINES FOR ADDRESSING HOSTILE BIASES.—The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of the Immigration and Naturalization Service that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, nonadversarial atmosphere for the purpose of refugee adjudications.

(2) GUIDELINES FOR REFUGEE-PROCESSING POSTS IN ESTABLISHING AGREEMENTS WITH UNITED STATES GOVERNMENT-DESIGNATED REFUGEE PROCESSING ENTITIES.—The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

(d) ANNUAL CONSULTATION.—The President shall include in each annual report on proposed refugee admissions under section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)) information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)).

SEC. 603. REFORM OF ASYLUM POLICY.

(a) GUIDELINES.—The Attorney General and the Secretary of State shall develop guidelines to ensure that persons with potential biases against individuals on the grounds of religion, race, nationality, membership in a particular social group, or political opinion, including interpreters and personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

(b) TRAINING FOR ASYLUM AND IMMIGRATION OFFICERS.—The Attorney General, in consultation with the Secretary of State, the Ambassador at Large, and other relevant officials such as the Director of the National Foreign Affairs Training Center, shall provide training to all officers adjudicating asylum cases, and to immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)), on the nature of religious persecution abroad, including country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country in the treatment of various religious practices and believers.

(c) TRAINING FOR IMMIGRATION JUDGES.—The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) INELIGIBILITY FOR VISAS OR ADMISSION.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

''(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time during the preceding 24-month period, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, and the spouse and children, if any, are inadmissible.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of enactment of this Act.

SEC. 605. STUDIES ON THE EFFECT OF EXPEDITED REMOVAL PROVISIONS ON ASYLUM CLAIMS.

(a) STUDIES.—

(1) COMMISSION REQUEST FOR PARTICIPATION BY EXPERTS ON REFUGEE AND ASYLUM ISSUES.—If the Commission so requests, the Attorney General shall invite experts designated by the Commission, who are recognized for their expertise and knowledge of refugee and asylum issues, to conduct a study, in cooperation with the Comptroller General of the United States, to determine whether immigration officers described in paragraph (2) are engaging in any of the conduct described in such paragraph.

(2) DUTIES OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study alone or, upon request by the Commission, in cooperation with experts designated by the Commission, to determine whether immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) with respect to aliens who may be eligible to be granted asylum are engaging in any of the following conduct:

(A) Improperly encouraging such aliens to withdraw their applications for admission.

(B) Incorrectly failing to refer such aliens for an interview by an asylum officer for a determination of whether they have a credible fear of persecution (within the meaning of section 235(b)(1)(B)(v) of such Act).

(C) Incorrectly removing such aliens to a country where they may be persecuted.

(D) Detaining such aliens improperly or in inappropriate conditions.

(b) REPORTS.—

(1) PARTICIPATION BY EXPERTS.—In the case of a Commission request under subsection (a), the experts designated by the Commission under that subsection may submit a report to the committees described in paragraph (2). Such report may be submitted with the Comptroller General's report under subsection (a)(2) or independently.

(2) DUTIES OF COMPTROLLER GENERAL.—Not later than September 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the results of the study conducted under subsection (a)(2). If the Commission requests designated experts to participate with the Comptroller General in the preparation and submission of the report, the Comptroller General shall grant the request.

(c) ACCESS TO PROCEEDINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to facilitate the studies and reports, the Attorney General shall permit the Comptroller General of the United States and, in the case of a Commission request under subsection (a), the experts designated under subsection (a) to have unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in cases in which the alien objects to such access, or the Attorney General determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the access of experts designated by the Commission under subsection (a) do not contravene international law.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BUSINESS CODES OF CONDUCT.

(a) CONGRESSIONAL FINDING.—Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that transnational corporations operating overseas, particularly those corporations operating in countries the governments of which have engaged in or tolerated violations of religious freedom, as identified in the Annual Report, should adopt codes of conduct—

(1) upholding the right to freedom of religion of their employees; and

(2) ensuring that a worker's religious views and peaceful practices of belief in no way affect, or be allowed to affect, the status or terms of his or her employment.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will be recognized for 20 minutes.

The chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to revise and extend their remarks on this measure.

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

There was no objection.

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

Mr. Speaker, the legislation before us, H.R. 2431, represents a culmination of years of work on behalf of many people who are persecuted around the world on account of their religion, work which has been carried on tirelessly by the distinguished gentleman from Virginia (Mr. WOLF), the principle House sponsor of this measure and by the distinguished chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), as well as by many other Members of this body who cosponsored H.R. 2431.

Mr. Speaker, I was pleased to join with the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) as an original cosponsor of this measure, worked closely with them as we moved this measure through the legislative process. Our Committee on International Relations approved the measure on March 25. It passed the House on March 14 by a vote of 374 in favor to 41 opposed. The bill then went over to the Senate where it received very careful consideration and was revised significantly. In most respects I prefer the House-approved version to what passed the Senate yesterday, but on balance I believe that we have before us a worthy measure that will contribute significantly to the struggle to eliminate religious oppression around the world.

Before concluding my remarks there are several technical points that I must know about the text before us.

First, section 405(c) urges the President to negotiate and enter into ''binding agreements'' with foreign governments that are engaged in religious persecution.

As stated in the text of 405(c), the purpose of that provision is to, quote, enter into a binding agreement with a foreign government that obligates such government to cease or take substantial steps to address and phase out the act, policy or practice constituting the violation of religious freedom, close quote. In other words, the agreement should be binding on the foreign governments in question. Nothing in that section suggests or is meant to suggest that these agreements may obligate the United States to do anything or otherwise bind our Nation in any way.

This provision most emphatically is not a grant of authority to the President to enter into agreements that would legally bind our Nation or supersede U.S. law. This section is not intended to open the door to committing the United States to extend benefits or make any other binding promise to a foreign country as a quid pro quo for them to stop persecuting their own people.

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Second, section 407(a) authorizes the President to waive sanctions imposed on foreign countries under this legislation. Obviously this waiver authority extends only to sanctions that have been imposed pursuant to this legislation.

This authority does not extend to the same or similar sanctions that have been imposed on foreign countries pursuant to other provisions of law. Particularly, it does not extend to ongoing sanctions under other laws that, pursuant to section 402(c)(4)(D), have been determined to satisfy the requirements of this law.

Third, section 409 calls for the termination of sanctions imposed under this legislation after 2 years unless they are expressly reauthorized by law. The legislation, however, requires the President to impose sanctions on individual countries each year if his yearly review finds that conditions there merit them.

In this regard, section 402(c)(4) provides that when a country was sanctioned during a prior year under this law and those sanctions are still in effect, the President need not reimpose those sanctions or impose additional sanctions.

It is not the purpose of this law, however, to turn sanctions on and off like a light switch. Sections 409 and 402(c)(4) in combination are not to be interpreted to provide for a temporary lapse in sanctions with respect to countries that have, over a period of 2 years or more, engaged in or tolerated particularly severe violations of religious freedom.

Rather, the structure of the legislation and common sense would require continuity of these sanctions with respect to such countries. The 2-year sunset provision of section 409 would not provide for a lapse in sanctions with respect to such countries because new action would be required in connection with the President's annual review, and that new action would be subject to a new 2-year clock.

I have reviewed each of these technical issues with the principal House sponsor of the measure, the gentleman from Virginia (Mr. WOLF), and he assures me that in each case he shares my understanding. If there were not a shared understanding among all of us about the meaning of these provisions, I would have insisted on referral of the Senate amendment to the Committee on International Relations, and I would have not have permitted the measure to come before the House in its current form.

With these understandings, Mr. Speaker, I urge my colleagues to support the measure.

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

Mr. CLEMENT. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. CLEMENT. Mr. Speaker, I rise in support of H.R. 2431.

Mr. Speaker, I am glad that we were able to work through the process to

reach a compromise on the legislation before us today. It is a fully bipartisan bill. It does not target one group or one country. Rather, it seeks to promote and protect religious freedom of all peoples throughout the world. This is an objective that deserves all of our support, and it respects all religions and faiths in the world.

Mr. Speaker, we are poised on the brink of an historic vote to help millions of our persecuted brothers and sisters of faith around the world. The words of our first President, George Washington, ring out across the years as if written to us for this day: ''I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution.''

This morning, with historic unity and courage, the Senate voted 98 to 0 to stand against the horrors of religious persecution. I rise now, after more than a year of work on this bill, in heartfelt support for the International Religious Freedom Act. Let us finish the job. With one voice, let us tell religious believers around the world that we have heard their cries and seen their suffering. Let us, with one voice, tell persecuting regimes around the world that we will not be silent and that we will not let their crimes go unchecked.

Even as we speak, there are those suffering torture, imprisonment, rape, murder, merely because they seek to peacefully practice their faith. As Senator NICKLES has said, this bill is not designed to punish but to change behavior. The International Religious Freedom Act is strong, but it is responsible. The only option it does not allow is silence.

I commend my Senate colleagues, DON NICKLES, who sponsored and provided such great leadership on the bill, and Senators JOE LIEBERMAN, CONNIE MACK, DAN COATS and others, as well as all the staff who worked so hard, including John Hanford, Steve Moffitt, Elaine Petty, Jim Jatras, Cecile Shea, Pam Sellars. I commend the gentleman from Virginia (Mr. WOLF) and his staffer Ann Huiskes.

What is so remarkable about this bill is that it is bipartisan in nature. I know just how bipartisan the effort was, because my staffer, Laura Bryant, was one of the principal drafters of this bill together with my colleague on the other side, the gentleman from Texas (Mr. DELAY), and his fine staffer, Will Inboden. They worked together for over a year with the staff of other Senators and Congressmen, with grassroots groups, with the administration to have a bill we can all heartily support.

Let me mention some of the heroes from the grassroots of many faiths. From the Episcopal church, the first to support the bill, Tom Hart and Jere Skipper. From the American Jewish Committee, Rich Foltin. From the Christian Coalition, Jeff Taylor. From the Southern Baptist Ethics and Religious Liberty Commission, Will Dodson. From the Anti-Defamation League, Stacy Burdett, and there were many others from many faiths, including Chuck Colson and Nagy Kheir.

This act establishes a high level Ambassador at Large who will forcefully advocate for religious freedom around the world, and a high-level, independent commission of experts to provide policy recommendations.

It also creates an annual report by the State Department to shed the light of exposure on violations of religious freedom around the world. It requires our government to take action every year in each country where violations occur, from a vast number of options ranging from diplomatic discussions to targeted economic sanctions for the worst of violators.

Before imposing a sanction, the President must renegotiate with the foreign government to end the persecution, and consult with religious groups and U.S. business interests about the potential impact of economic action against that country. The action may be waived if it would be harmful.

Finally, there is extensive long-term promotion of change, from broadcasting to human rights training for our foreign service and immigration officers.

Long ago, in times of terrible hardship for the people of God, the prophet Isaiah said that what is acceptable to God is to undo the bands of the yoke and to let the oppressed go free.

Mr. Speaker, this is not just a bill. This is a stand for the most precious freedom, the right dearest to every human heart. This is a historic stand for the freedom of the people of God in every country to worship Him in freedom and in truth.

Mr. Speaker, I urge all of my colleagues to join with the Senate in saying to the world, with one voice, that the United States stands for freedom of religion in every country, for every people, for every man, for every woman. We cannot be silent.

Mr. Speaker, I reserve the balance of my time

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

Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. CLEMENT), for his supporting arguments on behalf of this bill.

Mr. Speaker, I yield 7½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), our chairman, for yielding.

Mr. Speaker, first of all, let me begin by expressing my deep gratitude to the gentleman from Virginia (Mr. WOLF) for his courage and persistence in pushing this important bill through the long and arduous road to final passage.

Frankly, I am disappointed, and I know many of my colleagues are, that the Senate amendments have somewhat weakened our bill. For example, the House had given the President a great deal of flexibility in deciding whether to impose sanctions against governments that severely persecute religious believers, but the Senate stretches flexibility almost to the breaking point. I am informed that this was necessary in order to avoid a filibuster.

Even with the Senate amendments, let me say very clearly that the bill creates what I sincerely hope will be a strong and independent Commission on International Religious Freedom, which can be a voice on behalf of persecuted people around the world, and it provides modest but important safeguards for refugees and asylum seekers.

I just wanted to make it very clear that our Subcommittee on International Operations and Human Rights, which I chair, will work with the Commission and watch closely to ensure that it acts boldly and in an unfettered way to expose religious persecution wherever and whenever it exists, even when it is not politically expedient.

Mr. Speaker, recently the Subcommittee on International Operations and Human Rights held a hearing for the purpose of taking testimony from 5 witnesses to religious persecution: a Catholic from Pakistan, a Protestant from Cuba, a Muslim from East Turkestan, a Buddhist from Tibet, and a Ba'hai from Iran, each of whom had witnessed religious persecution firsthand.

Each of these people had seen close friends or relatives imprisoned, tortured, even executed for their faith, or had suffered such horrors themselves. Each presented compelling and recent evidence that religious persecution is not a problem that will go away if we just pretend that it does not exist.

This hearing was the latest in a series of hearings that our subcommittee has had, focusing in whole or in part on the persecution of religious believers. Other hearings focused on worldwide anti-Semitism; on the persecution of Christians around the world; on the 1995 massacre of Bosnian Muslims in Srebrenica; on the enslavement of black Christians in the Sudan; and on the use of torture against religious believers and other prisoners of conscience.

We have heard from Palden Gyatso, a Tibetan Buddhist monk who displayed—actually brought into the House, into our committee room—the instruments of torture that had been used against him by his communist jailers from the PRC.

We heard from Hasan Nuhanovic, a Muslim who unsuccessfully begged, begged the United Nations peacekeepers, UNPROFOR, not to turn his mother, father and brother over to the murderous Bosnian Serb militia.

We heard from a Russian Jewish member of parliament who observed,

and I quote, that ''anti-Semitism was the first industry to be privatized in the post-Soviet Russia.''

We heard from the Karen refugees whose villages in Thailand were burned by the Burmese military dictatorship, which openly used their Christian religion as an excuse to conduct cross-border raids against them; and from Christians and Buddhists subjected to imprisonment and torture by the communist governments of China and Vietnam.

Wherever we hear from victims themselves, and whenever we hear from those victims, they make it very clear that the United States should press hard for an end to religious persecution abroad. This is important because the Clinton administration and some business people who had opposed the Freedom From Religious Persecution Act have suggested that by publicly demanding an end to the mistreatment of these people, we are more likely to hurt them than help them.

Personally, I believe it may be true occasionally in the short run that a totalitarian dictatorship used to being coddled by the United States Government will react with anger when we suddenly insist that they behave in a responsible and civilized fashion. This is true whether the issue is religious persecution, nuclear proliferation, or anything else.

In the long run, however, as we learned from the apartheid fight, these governments will act in their own self-interest. If we send them a strong and consistent message that economic and other benefits of a close relationship with the U.S. can be expected to flow to a government if and only if that government treats its own people decently, we are likely to save lives and promote human rights and freedom in the long run.

□ 1530

Whatever we do to other governments that persecute religious believers, it is also important that the U.S. put its own house in order. One way we can do this is to monitor and improve our treatment of refugees, with special reference to religious refugees. Unfortunately, in recent years, the U.S. commitment to refugees, both in the amount we spend on protection overseas and the number of refugees we admit into the U.S., has declined sharply.

In the last 4 years, our State Department has asked for and gotten a raise for itself every single year. Yet, the only major account in the Department that has not asked for an increase is the refugee budget. The administration's fiscal year 1999 budget request for refugees was $63 million lower than the amount we spent in fiscal year 1995. And this is when the world is absolutely awash in refugees.

The number of refugees admitted to the U.S. has gone down in this administration from 130,000 to 75,000 in only 4 years. These declining resettlement rates encourage first-asylum countries to forcibly repatriate refugees to countries where they face serious danger.

For example, in recent years we have seen Tibetan Buddhists forced back from Nepal into the hands of the Chinese Communists, and Iranian Christians and Bahais forced back to Iran from Turkey. We need to reverse that trend and restore the American tradition of a safe haven for the oppressed. In the words of President Ronald Reagan, the United States can and must be ''a shining city on a hill.''

Finally, I want to address those critics who suggest that by paying special attention to religious persecution, we somehow diminish the importance of those who have suffered persecution for other reasons. Nothing could be further from the truth, and it is no accident that those in Congress who have been the strongest in their support of persecuted believers also have stood up for all the other human rights issues as we have tried to deal with them in this body.

Again, I want to just ask all of my colleagues to support this legislation. It is a compromise; it does not go nearly as far as I would like to see it, as far as the House passed it, but it is certainly a step in the right direction.

Mr. Speaker, the gentleman from Virginia (Mr. WOLF), has spent 18 years fighting against religious persecution and deserves the lion's share of credit. He is the one who made this a reality today, and I want to thank him for his great work.

Mr. CLEMENT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH) whose brother, Rob, has lived in the Nashville, Tennessee, area for a number of years.

Mr. BLAGOJEVICH. Mr. Speaker, I would like to thank the gentleman from Tennessee and tell him that I have some good news and some bad news for him. My brother that he refers to, the bad news first, happens to be a Republican. The good news is he has since moved to Florida, and he is no longer in the gentleman's congressional district.

Mr. Speaker, before I speak about this issue, let me commend the gentleman from Virginia (Mr. WOLF) who, I think, is truly a champion of human rights. That is certainly one of the legacies he will take with him when his career here in Congress is over.

I would also like to thank the gentleman from Tennessee (Mr. CLEMENT) for allowing me the time and for his efforts on this particular bill. This is a very important bill, and it really is about all of the things that America is about.

Our country, Mr. Speaker, was founded on the concepts of religious freedom and settled by people who were seeking a land where they could worship free from persecution. The Freedom From Religious Persecution Act was written in that spirit.

Mr. Speaker, when we speak of the need to promote democracy in our world, religious freedom should not be considered ancillary to this goal. In fact, freedom of conscience is a cornerstone of all democratic rights.

In our country, the concept of freedom of speech and freedom of association grew out of the efforts of the first European immigrants who came to this land to worship, to preach, and to form churches of their choice. One of the founding documents of our democracy is the Mayflower Compact, an agreement resting on the idea of the mutual consent of the governed, and written by people who voyaged halfway around the globe to find a place where they could worship according to their conscience.

Today, our freedoms serve as an inspiration for others around the world. That is why so many people seek to come to these shores, to live their lives in a manner they see fit, to raise their families with their values and their beliefs, and to search for truth and inspiration as they define it. The Freedom From Religious Persecution Act is our answer to those people who look to the United States as a beacon of religious liberty.

One of these is the Assyrian people. Our esteemed colleague, the gentlewoman from California (Ms. ESHOO) is of Assyrian descent.

In recent years the Assyrians have been subject to gross violations of their rights. Murder, rape, assault, and forced conversions to Islam have become commonplace, as armed death squads attempt to force Assyrians out of their ancestral home.

In Iraq, Assyrians suffer at the hands of both the government of Saddam Hussein and the Kurdish rebels who battle for northern control of that country. According to Amnesty International, the two main Kurdish factions in Iraq support assassination squads who hunt Assyrians and other minorities.

But much of the assault on the Assyrian culture is less overt. Last week, for example, in northern Iraq, Assyrian students were told that they could only attend Kurdish secondary schools. This oppressive move forces Assyrians to sacrifice their language, their culture, and their identity.

Just last week, the Members of this House voted to support opposition to Saddam Hussein's regime. But our support for an alternative to Hussein's dictatorship is hollow if we do not insist that the alternative also uphold democratic values and respect the rights of all people.

The Freedom From Religious Persecution Act will provide the United States Government with a powerful tool to ensure respect for religious diversity and freedom of conscience.

We often view America's role as a global leader in terms of economic wealth or military might. But as Henry Kissinger said, ''Our Nation cannot rest its policy on power alone.'' America's leadership comes from our commitment to powerful ideals. I urge my

colleagues to support the Freedom From Religious Persecution Act and to further those ideals.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. MANZULLO), a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, we are finally taking a much-needed step to advance the cause of religious freedom and liberty around the world. I am proud to support this legislation here before us today.

Initially, I had several reservations about the original version of this bill, but supported passage last May in order to help move along the process. I am glad to see that the other body has voted it out of theirs, 98-to-zero.

This legislation is very well crafted. It focuses on all aspects of religious persecution, not just threats to life and limb. The bill gives the executive branch a great deal of flexibility on how to implement this congressional mandate. What is appropriate for one situation may not apply in another context. Yet, for more severe violations of religious freedom, the President has a list from which to choose of the economic sanction options.

Most importantly, the legislation brings daylight to a problem that has long been ignored by our government officials. Thanks to the tenacity of my good friend from Virginia (Mr. WOLF), we are finally seeing religious freedom issues taking their rightful place in the fight for human rights around the world.

Mr. CLEMENT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue, not only on this bill, but the ongoing work of his office to protect people of faith throughout the world.

I want to commend the original author of this legislation, the gentleman from Virginia (Mr. WOLF), for his outstanding leadership on religious freedom, and indeed, human rights throughout the world. I would say to the gentleman, I think it is clear to all of us that he is the conscience of this Congress, and in the case of religious freedom he has fought against persecution throughout the world and seen it firsthand, whether it is nuns and monks, Buddhist nuns and monks in Tibet, the oppression of Christians in the Sudan, antisemitism throughout the world, other persecution that he has fought against.

I want to commend the chairman of the committee, the gentleman from New York (Mr. GILMAN), for his leadership in bringing the original legislation, which I frankly prefer, but it clearly did not share the support that this final product has; and I thank the gentleman from New Jersey (Mr. SMITH) once again for his outstanding leadership on human rights.

The gentleman said in his statement the examples that he had seen come before his committee of religious oppression, and he too has traveled throughout the world to hear firsthand of those deprived of practicing the gift of faith that God has given them.

I want to also commend Senator SPECTER in the Senate who, along with the gentleman from Virginia (Mr. WOLF), started this process going. It was the leadership of the gentleman from Virginia (Mr. WOLF) and Senator ARLEN SPECTER of Pennsylvania that first shone the bright light of this Congress and of this country on religious persecution throughout the world.

Though it is not the original bill that we are passing today, I thank the gentleman from Virginia (Mr. WOLF) for starting the process and at least giving us a bill that we can use as a standard to see, perhaps, if we can go further in the future, if that is necessary. Hopefully, it will not be, that this bill will be sufficient.

Others have talked about the provisions of the bill. I just want to mention a couple that I am particularly pleased are contained in it. The bill establishes a bipartisan independent commission to review the state of religious freedom and make policy recommendations to the President.

It establishes an ambassador for international religious freedom under the direction of the Secretary of State, and the ambassador will help the Secretary review and report on the state of religious freedom and to make recommendations to the President regarding U.S. action in support of religious freedom.

It strengthens our assistance, refugee and counselor laws and calls for a business code of conduct to promote religious freedom.

The bill requires the President to determine violators, and particularly severe violators, of religious freedom.

As was mentioned, the bill passed by 98-to-zero. I assume it has the support of the administration. It certainly gives the President a great deal of flexibility.

Mr. Speaker, as my colleagues know, faith is a gift. What people believe is so much a part of them, it is impossible for them to change that. How, and then why, does it require courage for people to practice their religion? It should not have to be that way. And in this enlightened world that we live in, because of the leadership of the likes of the gentleman from Virginia (Mr. WOLF) and Senator SPECTER and so many others who worked on this, life will be easier for those who want to practice the gift of faith that God has given them.

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

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

I also rise to congratulate the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. GILMAN), and Senator SPECTER for all of their leadership in moving this important bill forward, the International Freedom Act. It will, for the first time, establish in the United States, Mr. Speaker, a structure for the U.S. Government to actively investigate oppression of religious belief and take real action against all religious persecution.

It will strengthen, for the first time, the State Department Country Reports and ensure that each country desk at the State Department provide accurate, accessible information to congressional executive branch officials concerning religious prisoners. It will create a special report on religious persecution so that the Congress and the President together may act.

Finally, it will require the President to take action against all countries that engage in violations of religious freedom, and this bill offers a list of options ranging from diplomatic protest to terminating diplomatic exchanges and a variety of economic sanctions.

It is certainly a bill whose time has arrived in our effort to take sanctions against the tragic scourge of religious persecution worldwide, and I thank again the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. GILMAN) for all of their leadership in this regard. I ask unanimously we have votes on both sides of the aisle to support this worthy bill.

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

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I want to thank the chairman, the gentleman from New York (Mr. GILMAN) and the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. PELOSI) and others for their work on this important bill.

I commend Abe Rosenthal of the New York Times who, for well over a year has been fighting to get the word out about religious persecution across the globe. And Michael Horowitz at the Hudson Institute who has also done just a wonderful job in making sure that Members like myself are educated on this very important issue.

This religious persecution act is an important first step toward protecting the freedom of all to worship as they choose. For too long, America has turned its eyes away from those who are suffering religious persecution across the globe. And for too long, America has kept silent when we should have said more.

We should have said more about Tibet where so many have been crushed under the oppressive hand of Chinese occupation. Where over 1 million citizens have been driven from their land, while their culture and monasteries have been destroyed.

In Sudan, over 2 million Christians may have been killed for simply pursuing the worship of God.

□ 1545

Sudanese children have been beaten, tortured and even crucified for being Christians. And as the Baltimore Sun reported last year, children in Sudan are being sold into slavery for less than $50. Russell Kirk once said, regardless of a country's steel output, a society that forgets its values is vanquished.

I believe today's action is a positive first step towards our country recognizing that America has a responsibility to ensure religious freedom at home and across the globe.

I thank the gentleman from New York (Chairman GILMAN) the gentleman from Virginia (Mr. WOLF), Abe Rosenthal, Michael Horowitz, and all those who have fought so long for religious freedom.

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

Mr. Speaker, I have someone who has been on the international affairs staff for 5 years, Elana Broitman, and she is leaving to go to New York City with her husband. She has worked with us on this issue, the International Religious Freedom Act, and many other issues and she has been an outstanding member of the staff. We are going to miss her very, very much. And I just wish her well in her new endeavors.

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

Mr. GILMAN. Mr. Speaker, I want to join the gentleman from Tennessee (Mr. CLEMENT) in wishing our staff member, Elana Broitman, success in her future endeavors. We will miss her on our committee.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF), author of this legislation and an outstanding leader.

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

Mr. WOLF. Mr. Speaker, in my prepared statement, I mention all of the people, many who are on the floor who have really done an outstanding job, and many names are there. I do want to cover some, and I hope if I run out of time, the gentleman may even yield me a minute or two:

The gentleman from New York (Mr. GILMAN) for being faithful and always there, always dependable, always willing, never saying no, and for his staff that worked and complied and tried and pushed and pulled.

To the gentleman from New Jersey (Mr. SMITH), who was the same way, and his staff that were always there, always willing, setting the record, making the hearing.

To the gentleman from Texas (Mr. ARMEY), the majority leader, who came to our gathering and put the prestige of the leadership on this to make sure that this would not fall through the cracks as we get to the end.

To the gentlewoman from California (Ms. PELOSI), who was always there on all of these issues. There was no center aisle dividing line. And Carolyn and her staff are always dependable, never saying, ''Well, we may not'' and ''that may be,'' and ''the administration says''; always, always, always there.

Senator NICKLES, Senator SPECTER, Senator COATS, my good, close friend DAN COATS, whom I hate to see leaving the Congress, former Senator Bill Armstrong and so many of the other groups. Michael Horowitz who is out of town with his daughter being married. The gentleman from Tennessee (Mr. CLEMENT), Laura, John Hanford and many others who all came together and worked on this.

Mr. Speaker, this really is an example of people sending a message. As Abe Rosenthal said in his column last Friday, and I will read it; and Abe Rosenthal, as the gentleman from Florida (Mr. SCARBOROUGH) said, was always there. I do not know how he got the ink from the New York Times, but always shaking things up to make sure that this would not be forgotten.

He said, Very soon, millions of people persecuted, arrested and tortured for their religion will find out whether America has finally confronted persecuting governments with a permanent government searchlight and the threat of penalty. . . .Mouth to ear they will find out in underground Protestant and Catholic churches in China and in prisons run by expert torturers for those refusing to pray in government-run churches. The persecuted will find out in Sudan wilds and deserts where Christians and animist refugees starve and die under attack. They will find out in Pakistani villages where Christian homes have been set afire. Or the village south of Cairo where Coptic Christian clergy are sending frantic word that 1,000 Copts were tortured by Egyptian police.

When we do this tonight, I will tell my colleagues that in Tibet, and when I was there last year they told me they listen to Radio Free Asia in Tibet. In Lhasa tomorrow morning, they will know that this Congress, the people's Congress, the people's body, cares about what happens in Drapchi Prison, cares about the Catholic priests who are being persecuted. The Catholic bishops, the Muslims who no one speaks out for in the northern part of the country, the Protestant house churches, all of those people will know.

Mr. Speaker, this is a good legislation. I think both sides have taken a lot of good steps. Obviously, perhaps better people, wiser than we, can make it better. If they are, I guess fine. But until that time, I think this is good. I hope it will pass with unanimous consent.

But again, on behalf of the voiceless, we have given them a voice, all of those I named and all who are in here on their behalf.

Mr. Speaker, I rise in strong support of the measure before us, to concur in the Senate amendment to H.R. 2431, the Freedom from Religious Persecution Act. What is before us is not the measure the House passed. It is different. However, I believe it is critical that the Congress pass legislation this year to deal with the issue of religious persecution and I strongly support this measure. I hope you will, too.

In his column last Friday in the New York Times, A.M. Rosenthal wrote,

Very soon, millions of people persecuted, arrested and tortured for their religion will find out whether America has finally confronted persecuting governments with a permanent government searchlight and the threat of penalty. . . . Mouth to ear they will find out in underground Protestant and Catholic churches in China and in prisons run by expert torturers for those refusing to pray in government-run churches. The persecuted will find out in the Sudan wilds and deserts where Christian and animist refugees starve and die under government attack. They will find out in Pakistani villages where Christian homes have been set afire. Or in the village south of Cairo where Coptic Christian clergy are sending frantic word that 1,000 Copts were tortured by Egyptian police.

Rosenthal's words should be taken to heart. I would add my own comments. In Tibet, Tibetan Buddhist monks and nuns who are, at this moment, being tortured and beaten in Drapchi prison and the other Chinese-run prisons in Tibet will find out what we do today. In Iran, the families of the two Baha'i men sentenced to death last week and the 36 Baha'i faculty members arrested will know what we do today. In Pakistan, Ahmadi Muslims fearful of their lives will know what we do. And in China, the Muslims being persecuted in Xinjiang Province will hear the result of the vote in the House today.

Mr. Speaker, the other body passed this bill, now called the International Religious Freedom Act, by a unanimous vote of 98–0. I'm told the White House supports this measure. It also has the support of a broad coalition of religious and civic groups, including the Christian Coalition, the National Association of Evangelicals, the U.S. Catholic Bishops' Conference, the National Jewish Coalition, the Anti-Defamation League, the Christian Legal Society, the Traditional Values Coalition, the Episcopal Church, B'nai B'rith, Justice Fellowship, the American Jewish Committee, the Evangelical Lutheran Church of America, the Union of Orthodox Jewish Congregations of America, the United Methodist Church—Women's Division, and the American Coptic Association.

Passing this historic legislation will send a message of hope to millions of suffering people worldwide who are being persecuted for their religious beliefs. Passing this bill will help ensure that eliminating religious persecution becomes a prominent goal of our foreign policy and will help loosen the chains of government oppression endured by many today.

This bill meets the goals Senator SPECTER and I set out to achieve when we introduced the Freedom from Religious Persecution Act in May, 1997. First, we wanted to ensure that the State Department has a permanent mechanism for monitoring this issue and spotlighting it in U.S. foreign policy. Second, we wanted to establish a framework for taking action against countries that persecute people for their faith. Both of these goals are met in this legislation and I pleased that I can strongly support it today.

The International Religious Freedom Act contains a number of important provisions:

It establishes a 9-member Commission on International Religious Liberty to report annually on religious freedom violations abroad and recommend policy options to the administration. This provision, in my view, greatly enhances the legislation because it helps ensure

that this issue will get attention by an independent body of experts and puts pressure on the State Department and the White House to be accountable.

It creates an Ambassador-at-Large for Religious Liberty in the State Department to serve as a point person on religious freedom issues. This person would represent the U.S. abroad and help provide expertise and leadership within the Department on this fundamental human rights issue.

It provides the President with a list of options from which to choose when imposing sanctions on a country found to be violating religious freedom.

Like the House bill, it contains a number of provisions designed to promote religious freedom abroad, such as incentives for foreign service officers who show meritorious service in promoting religious freedom, requiring the creation of a State Department Internet site to promote religious freedom, recommending high-level contacts with religious non-governmental organizations, requiring the State Department to prepare prisoner lists and issue briefs on religious freedom and others.

It also includes a provision allowing equal access to U.S. missions abroad for conducting religious activities in places where religious activity is otherwise prohibited. This will help American citizens abroad who desire to worship, but cannot worship safely in local churches and would otherwise have nowhere to go. In places like Saudi Arabia, this is a real problem.

The International Religious Freedom Act is a good bill and I urge my colleagues to support it.

Many, many people have worked hard to get this bill where it is today. First, I want to thank my colleagues here in the House, particularly the distinguished Majority Leader DICK ARMEY, International Relations Committee Chairman BEN GILMAN and CHRIS SMITH, TONY HALL, NANCY PELOSI, and BOB CLEMENT for their tireless leadership on and support for this bill and many other human rights issues. I also want to thank members of their staff, Heidi Stirrup and Brian Gunderson in the Office of the Majority Leader; Steve Rademaker and Rich Garon with the House International Relations Committee; Joseph Rees of the Subcommittee on International Operations and Human Rights; Bob Zachritz with Representative HALL; and Carolyn Bartholomew with Representative PELOSI and Laura Bryant with Representative CLEMENT for their efforts. I also want to thank Anne Huiskes on my staff for pouring her heat and soul into this bill in the past two years and acknowledge the good work of John Hanford who over the years has committed his life to working on these issues and advocating on behalf of people being persecuted around the world.

Mr. Speaker, there are a number of Members of the other body who are to be commended for their leadership in moving this legislation through the Senate. First and foremost, I want to commend and applaud the leadership of Senator ARLEN SPECTER for being out front on this issue and introducing the Senate version of the Freedom from Religious Persecution Act. I also want to commend the distinguished Senate Majority Leader TRENT LOTT for his commitment to passing religious persecution legislation and Senator DON NICKLES and Senator JOE LIEBERMAN, the authors of the International Religious Freedom Act, for their work and leadership. I applaud them for sticking with this issue when many would have given up. I am also extremely grateful for the faithful efforts of Senator DAN COATS who kept his shoulder to the wheel in shepherding this legislation through the U.S. Senate. This bill is a tribute to him.

I also want to acknowledge the important work of the staff involved with this measure in the Senate: Gretchen Birkle with Senator SPECTER, Elayne Petty with Senator MACK, Sharon Payt with Senator BROWNBACK, Steve Moffit with Senator NICKLES, Jim Jatras with the Senate Republican Policy Committee, Pam Sellars and Sharon Soderstrom with Senator COATS, Fred Downey with Senator LIEBERMAN, and Bill Gribbin in the Office of the Senate Majority Leader.

Finally, I want to thank all those groups who helped generate support for this legislation and who work tirelessly each and every day to bring attention to this issue. My sincere thanks goes out to Michael Horowitz with the Hudson Institute; Chuck Colson and Mariam Bell with Justice Fellowship; Gary Bauer of the Family Research Council; Dr. James Dobson with Focus on the Family; Senator Bill Armstrong; John Carr with the U.S. Catholic Bishops Conference; Ari Storch with the National Jewish Coalition; Steve McFarland with the Christian Legal Society; Jess Hordes [HOR-DES] and Stacy Burdett with the Anti-Defamation League; Rabbi David Saperstein with the Religious Action Center for Reformed Judaism; Nina Shea, Paul Marshall and Joseph Assad with the Center for Religious Freedom at Freedom House; Diane Knippers and Faith McDonnell with the Institute for Religion and Democracy; Mary Beth Markey with the International Campaign for Tibet; Steve Snyder with International Christian Concern; Rich Cizik with the National Association of Evangelicals; Don Hodel, Randy Tate and Jeff Taylor with the Christian Coalition; Dr. Richard Land and Will Dodson with the Southern Baptist Ethics and Religious Liberty Commission; Rev. Stan DeBoe with the International Fellowship of Christians and Jews; Nagi Kheir with the American Coptic Association; Neal Hogan with the Catholic Alliance; Father Keith Roderick with the Coalition for Human Rights Under Islamization and Dr. David Adams with the Lutheran Church, Missouri Synod. There were many, many others involved. I know I left some out, but I applaud all that has been done on behalf of this measure and this issue.

Today is truly a historic day in the Congress. I urge my colleagues to vote yes on the International Religious Freedom Act. It will help millions of people around the world.

Mr. HAMILTON. Mr. Speaker, I would like to fully endorse the statements made in support of H.R. 2431, the Freedom from Religious Persecution Act, by the distinguished gentleman from Tennessee, Mr. CLEMENT.

Mr. Speaker, I am glad that we were able to work through the process to reach a compromise on the legislation before us today. It is a fully bi-partisan bill. It does not target one group or one country. Rather, it seeks to promote and protect religious freedom of all peoples throughout the world. This is an objective that deserves all of our support.

Mr. CRANE. Mr. Speaker, I rise to support the Senate amendments to the International Religious Freedom Act, H.R. 2431.

I abhor the persecution of anyone because of their faith, whether they are Buddhists, Muslims, Jews, fellow Christians, or people of other faiths. Unfortunately, I was forced to oppose this bill when the House last considered it because I did not believe that it would achieve the desired result of curbing religious oppression by governments around the world. Indeed, my concern was that the proposed sanctions in the bill would do nothing to influence countries who do not share our ideas of religious liberty and only put at risk the jobs of innocent American workers.

While the goal of the bill in seeking to use the influence of the United States to prevent or halt international religious persecution is commendable, the mechanisms of the House bill did not allow for enough flexibility for a U.S. response tailored to confront a particular foreign government engaged in religious persecution. Instead, a ''one size fits all'' approach including trade sanctions, denial of foreign aid and multinational assistance was mandated, leaving the President very narrow authority to craft appropriate responses.

Instead, I urged my colleagues to modify the bill to allow the executive branch more flexibility to change the behavior of governments in order to stop religious persecution. I feared that, in certain instances, some of the proposed sanctions would only anger foreign governments and could have the perverse effect of inciting more religious persecution instead of less.

I am grateful that my concerns and suggestions for improvements to this bill have been heeded and adopted by our colleagues in the other body. The Senate amendments give the Administration the flexibility it needs to appropriately respond to incidents of religious persecution. Furthermore, the sanctity of contracts is protected by the bill which will prevent incidents where, for example, American farmers are prevented from fulfilling binding agreements with targeted countries. In today's global economy, where there are a variety of sources for products and commodities, sanctions that do not allow existing contracts to be honored only injure American producers.

It is my hope that this bill, as it is now drafted, will allow the United States to respond appropriately to international religious persecution. I certainly believe that we have an obligation to promote our values of religious freedom and democracy. However, our foreign policy must be crafted to achieve these goals, not to be a visceral and importent reaction to reprehensible persecution.

I urge my colleagues to join me in supporting the Senate changes to H.R. 2431.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2431.

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

A motion to reconsider was laid on the table.

TORTURE VICTIMS RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, (H.R. 4309) to provide a comprehensive program of support for victims of torture.

The Clerk read as follows:

Senate amendment:

Page 6, strike out all after line 9, down to and including line 21 and insert:

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $5,000,000 for fiscal year 1999, and $7,500,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

Mr. Speaker, this important measure addresses a critical area of our efforts to combat human rights abuses, treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition. I commend the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of the Subcommittee on International Operations and Human Rights, for introducing this resolution.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse.

Torture is an extremely effective method to suppress political dissidence, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

It has been pointed out that for political leaders of undemocratic societies, torture is useful because it aims at destruction of the personality, to rob those individuals who would actively involve themselves in opposition to oppression of self-confidence and other characteristics that produce leadership.

Fortunately, there are now able treatment regimes for the types of disorders that torture may induce. The resolution before the House will help ensure that these treatments are more readily available to torture victims in this Nation and throughout the world that are in need of them.

Accordingly, I urge all of my colleagues to join in approving this legislation, the Torture Victims Relief Act of 1998.

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

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

Mr. Speaker, I rise in support of H.R. 4309, the Torture Victims Relief Act of 1998. I would also like to commend the gentleman from New Jersey (Mr. SMITH) for his work on the bill, and on behalf of torture victims.

I understand that the Senate has amended the bill to replace the original authorization language for the domestic treatment centers. This change impacts the jurisdiction of the Committee on Commerce. The provisions pertaining to the jurisdiction of the Committee on International Relations remain unchanged.

This is an important bill that deserves our support. U.S. assistance for the rehabilitation and treatment of torture victims is an important first step in overcoming this terrible abuse of human rights.

I would also like to commend the gentleman from New York (Mr. GILMAN), my chairman. As a relatively new member of the Committee on International Relations, I have watched him and observed him. He has always been fair, he is always focused, and he is one of the hardest working Members I have ever been around. He represents us well nationally and internationally.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT) for his kind remarks.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I too want to thank the gentleman from New York (Mr. GILMAN) for his work on this important legislation and all of these human rights initiatives. He has been steadfast and I for one—and I know I speak for many—appreciate it deeply. I thank my friend for his kind words, and also thank the gentleman from California (Mr. LANTOS), the principal cosponsor of this legislation, along with 30 other bipartisan Members who have cosponsored H.R. 4309.

Mr. Speaker, this is a bipartisan bill. This legislation provides $31 million over 2 years to help heal and to mitigate at least some of the agony and some of the suffering that is truly unfathomable, for those who have endured grotesque torture around the world.

We have heard testimony time and time again that torture persists in many, many despotic countries. We have also heard from those who have suffered and their advocates on what steps the United States and other free countries ought to take to try to lessen some of that suffering.

Those who suffer cruelty at the hands of these governments usually bear the scars, physically, emotionally, and psychologically, for the rest of their lives. For most, if not all, the ordeal of torture does not end when they are released from a gulag, a laogai or a prison camp.

These victims, Mr. Speaker—and there are millions of them around the world and an estimated 400,000 survivors of torture living in the United States—need our help. To date, we have done far too little to assist these walking wounded.

The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims. First, Mr. Speaker, it authorizes grants for rehabilitation services for victims of torture and related purposes in both domestic and foreign treatment centers.

Specifically, the bill authorizes $12.5 million, $5 million in fiscal year 1999, and $7.5 million in fiscal year 2000, from the Department of Health and Human Services for contributions to centers of treatment for victims of torture in the United States. There are currently 15 of those centers.

I want especially to thank the gentleman from Virginia (Chairman BLILEY) for working with us on this, because that money comes from a different spigot, not a foreign aid spigot, and he came forward and was very helpful. Also, I thank Senator ROD GRAMS on the Senate side for helping us get that money from that particular source.

The legislation also authorizes an additional $5 million in 1999, $7.5 million in fiscal year 2000 for international torture victim centers. There are currently about 175 of those centers around the world.

All of these centers, Mr. Speaker, both domestic and international, are seriously underfunded. As a matter of fact, the Denmark-based International Rehabilitation Council for Torture Victims, the IRCT, estimates the worldwide need for assisting victims of torture to be about $28 million and only a small portion of that has been met.

H.R. 4309 also authorizes a voluntary contribution from the United States to the U.N. Voluntary Fund to the Victims of Torture in the amount of $3 million in 1999 and another $3 million in 2000. I am proud to say that our bipartisan efforts have already had an effect, because we have been pushing this bill for a number of years now. In 1995, the U.S. contribution was $1.5 million, when we originally introduced this bill in the 104th Congress. The administration had proposed to cut the fiscal year 1996 contribution by two-thirds to $500,000. Eventually, in response to the bipartisan support for this initiative,

they put it up to $1.5 million. Now we will increase that to $3 million each fiscal year.

Mr. Speaker, the bill also provides specialized training for foreign service officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

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Finally, the bill contains an expression of the Sense of Congress that the United States shall use its voice and its vote in the United Nations to support the investigation and elimination of practices prohibited by the Convention Against Torture.

Mr. Speaker, I truly believe that whatever one's religion is—and I am a Christian, I am a Catholic, and others' sentiments come out of their deeply-held faiths—but one of the scriptures that motivates me is Matthew's gospel, the 25th chapter, when our Lord said, whatsoever you do to the least of my brethren, you do likewise to me. Whether it be the unborn or a persecuted believer, Baha'i, a Jewish person, whatever, at any given time he or she can be the least of our brethren. We need to stand up for those people.

In keeping with that scripture, I really believe, Mr. Speaker, that this legislation helps those people after they have been abused to get through that crisis and come to healing and to reconciliation with the trouble and ordeal they have experienced.

Mr. Speaker, I want to make one final point. Grover Joseph Rees, the chief counsel and staff director of the Subcommittee on International Operations and of Human Rights, is the reason this legislation is on the floor, and I do want to thank him for his steadfast work on it. He used to be the general counsel at INS. He knows the inside of that building, and that is why we hired him on the committee, but, more importantly, he knows what is going on around the world and has been absolutely invaluable in these kinds of issues, whether it be religious freedom or in the case of this assistance to the torture victims. So I want to thank Joseph for his excellent work on this legislation.

Mr. CLEMENT. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. BRUCE VENTO), and I would just note that the State of Minnesota has more water than the State of Tennessee.

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

Mr. VENTO. Mr. Speaker, I rise in support of this legislation and would commend the authors of this, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the others, other of my colleagues from Minnesota. I think about a third of the sponsors are from Minnesota. And the reason for that, of course, is because of our interest in this and the history of the Center for Victims of Torture, which is located in the Twin Cities.

I would invite my colleagues, if they are traveling through the Twin Cities, if they have a deep interest in this, to stop by and visit. I am certain we would like to talk further with them about it. We have had it in place for nearly 13 years. It was instituted really at the request and response of Governor Rudy Perpich in 1985. The Center has treated almost 600 persons at this particular center to date.

When we look at the problem throughout our country and the world, in terms of reaching out and extending political and religious amnesty to individuals in refugee status, and my colleagues well know my role with the southeast Asians and the resettlement in Minnesota of the Hmong community, we have 400,000 such persons in the United States, and there is precious little support available for them. Clearly, the existing social services that we offer are inadequate to deal with this type of problem.

When we celebrated June 26 as international day in Minnesota, it was pointed out that there are 124 nations around the globe, 124 nations, that still practice various types of torture and intimidation of the civilian population. And so we are trying to respond to this with a dozen or so centers across the United States and around the world. And at the time this particular center was started, the United Nations only provided $100,000.

So we began to look at this, and this center itself has grown by itself, on a nonprofit basis, raising nearly $1 million a year, treating these broken persons and trying to take away the nightmare. We call it rising from the ashes, in terms of these broken spirits and broken bodies that are delivered to our shores.

So as we embrace these persons and give them the type of protection from religious persecution, from political persecution, I think we have to be cognizant of the fact that they are going to need more than just refuge in this country. They need a helping hand.

We are doing research in Minnesota on this. Our health care facilities, Regents Hospital, as an example, in my district, has done much to treat these through special clinics, but it does cost a great deal. There is a lot of volunteerism and a lot of contributions that come in, but, most importantly, I think it is very significant that we are raising on the floor today and actually participating in helping in this problem, which is on overload.

Mr. Speaker, I rise today in strong support of this important human rights bill that protects and provides hope to survivors of torture.

According to the Center for Victims of Torture (CVT), it is estimated that as many as 400,000 victims of torture now reside in the United States with an estimated 12,000 to 15,000 residing in my home state of Minnesota where CVT is located. The Center's clients have come from around the world—52 percent from Africa, 25 percent from South and Southeast Asia, 11 percent from Latin America, six percent from the Middle East and three percent from Eastern Europe. An estimated two-thirds of CVT clients are seeking asylum from persecution at the time they first contacted the Center.

Many torture survivors suffer from severe psychological effects such as fear, guilt, nightmares, flashbacks, anxiety and depression. The debilitating nature of torture makes it extremely difficult for survivors to hold steady jobs, study for new professions and careers or acquire other skills for a successful integration into our nation's culture and economy. Congress should provide hope for these talented, educated and productive people who were purposefully disabled by their countries governments.

The Torture Victims Relief Act provides an important first step in healing the wounds of government-inflicted torture on individuals, their families and their communities. Specifically, this bill funds a total of $12.5 million for grants to centers and programs that treat victims of torture in foreign countries and centers and programs in the United States that aid victims of torture. Such funds will cover the costs of supporting torture victims, including rehabilitation, social and legal services and research and training for health care providers. Furthermore, this legislation expresses that the President request that the U.N. Voluntary Fund find new and innovative ways to support victim programs and encourage the development of new such programs. Finally, this bill provides training for foreign service officers to help them identify torture and its effects upon innocent civilians.

Torture is a crime against humanity. It is the single most effective weapon against democracy. As Members of Congress, it is our responsibility to protect and shield the world from this strategic tool of repression. I urge all members to support this much needed legislation that will respond to the evils of torture and its physical social, emotional and spiritual consequences upon our communities.

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to speak on behalf of H.R. 4309, which provides assistance to the over 190 centers around the globe that help people recover from the painful and de-humanizing effects of torture.

Torture is, under all circumstances, a heinous, cruel, and inhuman act that we must fight to prevent at each opportunity. It must be prevented whether it is the result of religious persecution, political reprogramming, organized intimidation, or simply because an individual needs to make another feel less than human. But there are times where we cannot prevent it. Torture happens. It happens in every region of the world—in Africa, the Far East, Central America, Eastern Europe, and Central Asia. We have well documented and shocking reports of torture in Sudan, China, Tibet, Mexico, and Kosovo.

More intolerable is the fact that we must add the United States to that list where torture takes place. Just a few months ago, we saw the tortured slaying of James Byrd, Jr. in Texas. I do not believe I need to remind anyone of the details of that atrocity. And just yesterday, we had an incident in Wyoming where a young gay man was taken a mile outside of

the town and brutally bludgeoned and burnt, and then tied to a fence like a scarecrow. The young man's name is Matthew Shepard, and my prayers this afternoon are with him and his family. Shockingly, there are 15 torture treatment centers in the United States. I bet that few Americans knew that before today.

This bill authorizes $5 million dollars for the next fiscal year to be given as grants to centers and programs that treat the victims of torture in foreign countries, and then authorizes another $5 million to be spent in this country, to aid similar victims to recover from their physical and mental injuries. The Centers, both near and far, provide rehabilitation, social services, and legal expertise to those victims who seek their assistance. All of these services are instrumental in the effort to make sure that these victims can move forward and lead lives that have some semblance of normalcy.

Additionally, H.R. 4309 requires the Secretary of State to provide torture rehabilitation training to its foreign service officers. This training will improve our personnel's ability to identify torture victims and guide them through the necessary process of seeking help. The training also includes special gender-specific training, which will ensure that when our officers interact with torture victims who have been raped or violated, that they will not worsen the victim's delicate physical or mental state.

Furthermore, this bill expresses the sense of Congress that the President, through our representative to the United States, should support humanitarian, anti-torture efforts throughout the world. That is to be done by advocating that the United Nations Voluntary Fund find new ways to support torture victim treatment programs; by supporting the U.N. Special Rapporteur on Torture and the U.N. Committee Against Torture; and by pushing for the expansion of those programs into countries where reports indicate that systematic torture is prevalent.

I urge all of you to vote with me today, and reach out to those victims that have suffered at the hands of others unnecessarily.

Mr. GILMAN. Madam Speaker, I yield myself the balance of my time to thank the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), for his cooperation in moving this bill forward.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendment to H.R. 4309.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING CULPABILITY OF HUN SEN FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN CAMBODIA

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, the People's Republic of Kampuchea, and the State of Cambodia), as amended.

The Clerk read as follows:

H. RES. 533

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister, which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

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

(1) the United States should establish a collection of information that can be supplied to an appropriate international judicial tribunal for use as evidence to support a possible indictment and trial of Hun Sen for violations of international humanitarian law after 1978;

(2) any such information concerning Hun Sen and individuals under his authority already collected by the United States, including information regarding the March 1997 grenade attack against Sam Rainsy, should be provided to the tribunal at the earliest possible time;

(3) the United States should work with members of interested countries and nongovernmental organizations relating to information any country or organization may hold concerning allegations of violations of international humanitarian law after 1978 posed against Hun Sen and any individual under his authority in Cambodia and give all such information to the tribunal;

(4) the United States should work with other interested countries relating to measures to be taken to bring to justice Hun Sen and individuals under Hun Sen's authority indicted for such violations of international humanitarian law after 1978; and

(5) the United States should support such a tribunal for the purpose of investigating Hun Sen's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in violation of international humanitarian law after 1978 in any judicial proceeding that may result.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 533, the measure under consideration.

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

There was no objection.

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

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

Mr. GILMAN. Madam Speaker, I rise today in support of H. Res. 533 expressing the sense of the House of Representatives regarding the culpability of Hun Sen for his violations of international humanitarian law after 1978 in Cambodia.

I want to commend the gentleman from California (Mr. ROHRABACHER), a member of our Committee on International Relations, for introducing this resolution condemning Hun Sen's violent transgressions in Cambodia over the past 20 years. We thank him for his outstanding leadership on this issue.

I also want to thank the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, for his work on this important measure and for his continuing attention to the crisis in Cambodia.

I am a proud cosponsor of this resolution, which I support fully. It is incredibly important that this House express its concern about the violence that has plagued and continues to plague Cambodia, and make every effort to bring those responsible for this unnecessary violence to justice.

If tyranny, and especially tyrants like Hun Sen, are allowed to thrive in an atmosphere of impunity, violence and destruction will reign not only in Cambodia but elsewhere as well. Our Nation must make a strong stand and take action to bring this senseless killing to an end and to punish those who are responsible.

Before I close, Madam Speaker, I want to express my general concern about the situation in Cambodia and the pervasive high levels of violence that exist there. The extrajudicial violence must come to an end. Our Nation must use its influence and leverage to pressure any government which is formed to move in a direction of democracy and respect for human rights.

The administration must also seek to garner support from other key nations, such as France, Australia, and Japan, to do the same. The Cambodian people deserve as much and the international community should accept no less.

Though I never believed that the most recent elections could ever be free and fair, because of the environment in which they took place, the tremendous turnout by the Cambodian voters shows that the seeds of democracy have been sewn there. It is my belief that any tyrant who tries to stand between democracy, human rights, and the Cambodian people will ultimately find himself resigned to the trash heap of history, as have so many other despots who have tried to suppress the human spirit.

To the forces of democracy in Cambodia we say, we in this body are watching carefully. Be assured that the Cambodian people will not stand alone in their quest for democracy, for justice, for human rights, for peace and freedom. This resolution sends that kind of signal.

Accordingly, I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

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

I would like to start by commending the gentleman from California (Mr. ROHRABACHER) for his leadership in bringing the resolution before the House today. Also appreciate his willingness to work with members of the administration and the concerns of Members of the House.

House Resolution 533 is intended to send a clear signal to Hun Sen and his supporters that the United States and the entire international community views with grave concerns both his past actions and his current activities that threaten to impose a system of harsh dictatorship on the people of Cambodia. There are few people who, through no fault of their own, have suffered more cruelly in the past quarter century than the Cambodians.

In the aftermath of a badly flawed election, Hun Sen is in the process of solidifying his hold over the levers of power in Cambodia. In the final analysis, I regret to say there is little that the United States can do to prevent this tragedy. But at an absolute minimum, we must make clear our opposition to the imposition of a repressive regime on the long-suffering Cambodian people. We can unequivocally, as well, state our conviction that those responsible for Cambodia's past sorrows should be brought to justice.

So, Madam Speaker, this resolution deserves our support. I urge my colleagues to join me in voting ''yes'' on this important measure.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield 7 minutes to the gentleman from California (Mr. ROHRABACHER), the sponsor of this resolution and a member of our committee.

Mr. ROHRABACHER. Madam Speaker, House Resolution 533 is intended to help support democracy in Cambodia and prevent a new ''killing fields'' by serving as the first step to bringing the violent dictator and former Pol Pot trigger man, Hun Sen, to justice. This legislation urges the United States Government and other interested countries to create an appropriate international judicial tribunal for the indictment and trial of Hun Sen.

For the past 20 years, since he was among a core group of former Khmer Rouge officials installed as leaders during the Vietnamese Communist occupation of Cambodia, Hun Sen has been at the center of massive violations of international human rights law, including murder, torture, and other widespread abuses of the Cambodian people.

During the past month, Hun Sen's storm troopers have cracked down on nonviolent pro-democracy demonstrators, including students and Buddhist monks, and tens of thousands of ordinary people. There are numerous reports by United Nations human rights monitors describing shallow graves containing mutilated bodies with hands tied behind their backs, including some people who were known to have been arrested by Hun Sen's security forces.

Bodies of other victims have been reportedly seen floating down rivers and streams. Buddhist temples and monasteries have been raided and monks whipped by soldiers and goons carrying electric batons and rifle butts. Amnesty International reports that at least 200 democracy protestors arrested are still unaccounted for.

New atrocities continue to emerge. For example, United Nations human rights monitors have been sheltering a 25-year-old woman who was held by Hun Sen's soldiers for 3 weeks in a water-filled fish pen. She saw 5 of 13 fellow prisoners die during that time period from torture, starvation and drowning, including Buddhist monks.

During the 1998 election campaign in Cambodia, the United States international Republican Institute, as well as the National Democratic Institute reported widespread incidents of violence, intimidation and deaths of campaigners for the democratic parties who opposed Hun Sen. The electoral process was described as, ''fundamentally flawed.'' Post-election charges of irregularities in ballot counting and an unconstitutional allocation of parliamentary seats led to the pro-democracy uprising and a subsequent repression in Phonm Penh.

Many of these pro-democracy demonstrators courageously defied Hun Sen's storm troopers. They were carrying American flags and being broadcast by Voice of America, which they were playing for the rest of the people there through loudspeakers in this short-lived democracy square.

The fear, intimidation and violence created by Hun Sen continues. Yesterday, an American investigative reporter named Nate Thayer, he is the one who broke the story of Pol Pot's death, and also the relationship between Hun Sen and reputed international drug dealer Teng Bunma, informed me that his wife, Carol, an American citizen, had been assaulted. That is Nate Thayer, an American citizen, a journalist in Cambodia. His wife has been assaulted and, in fact, a bullet was fired during the assault that grazed her head.

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This all happened in central Phnom Penh. Nate and Carol have previously received four death threats due to his reporting on corruption and tyranny in Hun Sen's regime. Like many cases of independent reporters in Cambodia, Cambodians themselves, Cambodian reporters and editors who have been shot and bludgeoned to death, the case of Nate and Carol, this whole incident has been shrugged off officially as being called a robbery attempt.

This legislation was amended after my staff spent long hours in discussion with the State Department in an effort to find a common position to stopping the violence and to bringing to justice those responsible. The amendment begins with the year 1979 when the Vietnamese communist army installed collaborating Khmer Rouge officers, including Hun Sen, to power in Cambodia. The amendment is an effort to avoid interfering with the State Department's efforts to form a separate tribunal to cover just the Pol Pot years.

After the resolution passed through the Committee on International Relations, Hun Sen protested. In response, the U.S. Embassy in Phnom Penh issued a press release just a few days ago to reassure this tyrant and his

thugs that this resolution is simply the opinion of Congress, a signal that he need not worry about his ongoing human rights violations and crackdown on democrats. Satisfied with knowing the embassy was kowtowing to his position, a now confident Hun Sen then demanded, after this press release, demanded that the embassy hand over a Cambodian democracy leader, Kem Sokha, who is being provided asylum in the embassy.

A ''yes'' vote on this resolution will send a message to Hun Sen that the United States House of Representatives does count and that we are speaking for the American people, and that the House of Representatives will not tolerate murder as a political tool and the denial of democracy by Hun Sen and his thugs.

Madam Speaker, dictators such as Hun Sen must understand the United States Congress, whose Members are elected by the American people, represent the ideals of freedom and stand by democrats and ordinary people around the world who are struggling for justice and human rights. There is no excuse for unelected bureaucrats in our State Department to scorn congressional processes in order to appease dictators.

As far as tribunals go, we must not permit legal action in Cambodia, which is moving forward, to focus exclusively on a handful of geriatric Khmer Rouge leaders while former Khmer Rouge like Hun Sen are creating today's killing fields by murdering and torturing with impunity. Today's killers must understand that they will be held accountable for their actions and they must permit democracy and a respect for human rights and the rule of law to take place. That is what this legislation is all about.

I would ask my colleagues to join me in support of this resolution.

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

Mr. GILMAN. Madam Speaker, I want to thank the gentleman from California (Mr. ROHRABACHER) for his eloquent support of this resolution.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER) vice chairman of our committee and the chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Madam Speaker, I rise in strong support of H.Res. 533 and I thank the gentleman for yielding me this time. This resolution, of course, addresses the precarious human rights situation in Cambodia and the brutish behavior of the illegal junta in Cambodia and its strongman, Hun Sen. I use that term ''illegal junta'' advisedly. The gentleman from California (Mr. ROHRABACHER) is to be particularly commended for this legislation and also for his continued focus on Cambodian affairs. Without question, the people of Cambodia have suffered enormously in the past few decades, almost beyond human understanding. They have suffered through colonial rule, Civil War, the genocidal horror of Pol Pot and the Khmer Rouge and then the Vietnamese invasion. Prolonged negotiations among the various political factions finally led to the Paris Peace Accords of 1991. A $3 billion international peacekeeping effort resulted in elections in 1993 where 90 percent of the population voted. Though the 1993 elections soundly rejected strongman Hun Sen and his formerly communist Cambodian People's Party CPP, Hun Sen simply refused to turn over the reins of power to the victorious FUNCINPEC party. A tortuous and largely unsuccessful power-sharing arrangement with FUNCINPEC's leader Prince Ranariddh lasted until July 1997 when a bloody coup d'etat ousted First Prime Minister Ranariddh and his supporters. Hun Sen's 1997 coup dealt a body blow to the fragile democratic institutions which slowly had been taking root in the long-suffering country. In the weeks and months that followed nearly all political activity except that of Hun Sen's CPP came to a halt. Most prominent opposition politicians, including Prince Ranariddh, fled for their lives into exile. Of those who chose to remain or were too slow in fleeing, many were murdered.

On July 26 of this year, the long-awaited election was held but this has done little to effectively resolve the long-standing differences or to restore credibility to the governance of the Cambodian people. The party of Hun Sen seems almost certain to continue to hold the reins of power and opposition parties will continue to be marginalized.

Madam Speaker, this is a situation where there are no simple answers and no clear blacks and whites. However, one constant thread has continued throughout this sordid mess, that is, the appalling behavior of Hun Sen. His forces have been responsible for the summary arrest, torture and murder of hundreds of opposition leaders. He has done everything in his power, including the 1997 coup, which is exactly what it was, despite the fact that the State Department never called it that because they knew it would result in kind of sanctions being imposed under law, to prevent the will of the people from being reflected in their properly elected leaders.

These concerns, and others, are reflected in H.Res. 533, which highlights the human rights violations which have been perpetrated by the Hun Sen regime. This Member would say that the author of the resolution the distinguished gentleman from California (Mr. ROHRABACHER) has worked very constructively with others interested in the fate of Cambodia to ensure that his resolution has the broadest support possible. The gentleman has crafted a resolution that merits broad support.

The gentleman has mentioned before what has happened with respect to the State Department and our embassy in Cambodia, and I am concerned about what he said. Unfortunately, I have some verification of it, too. In fact, my office was contacted suggesting that the embassy would no longer be able to protect Americans or the personnel at our embassy in Cambodia if this resolution was brought to the floor of the House of Representatives. We cannot be intimidated in this body. We cannot start down that slippery slope. The Members will not permit that kind of thing to happen. I would say that kind of threat by Hun Sen or people who represent him only confirm what he is, a bloody murderer. We will not be silenced. And so I want my colleagues to know, this is a resolution which is appropriate to express our concerns about the terrible things that have happened and that continue to happen under Hun Sen.

Madam Speaker, I urge support of H.Res. 533.

Mr. GILMAN. Madam Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding me this time.

Madam Speaker, I rise in strong support of this resolution and express my deep gratitude to the gentleman from California (Mr. ROHRABACHER) for authoring it and for helping to bring it to the floor today and to the gentleman from Nebraska (Mr. BEREUTER) for his strong support for it and also to the gentleman from New York (Mr. GILMAN) for the very powerful words they have expressed on this floor, and to my friends on the other side of the aisle.

Madam Speaker, the self-styled ''international community'' has displayed an unseemly haste in trying to persuade the pro-democracy parties in Cambodia—which between them soundly defeated the dictator Hun Sen in the recent election, despite the regime's attempt to intimidate voters and to silence the opposition—hey have tried to get them to fold their tents and just slink away into oblivion. But to their credit, the democratic opposition has refused to give up. This is because they know Hun Sen and his government all too well. They know that he is a monster, as the gentleman from Nebraska pointed out a moment ago. He is bloodthirsty. He kills. They know that as a Khmer Rouge commander who split with Pol Pot, he did it not out of some moral principle, but in a factional power struggle. They know that he has killed many of his political opponents, probably by the thousands, and will kill more if he is given the opportunity. And they know that the only hope for Cambodia is for the forces of freedom and democracy to hold on as long as they can. This resolution comes at a very timely moment. It will give them some hope, yes, maybe a small and modest amount of hope, but it will

give them some hope that those of us in the international community, those of us in the People's House know what is going on and we stand in solidarity with those pro-democratic forces. It is a very good resolution. I hope it has the unanimous support of the House of Representatives.

Again, I want to thank the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. GILMAN) for their leadership in bringing this to the floor.

Mr. PORTER. Mr. Speaker, I rise today in strong support of the resolution introduced by the Gentleman from California (Mr. ROHRABACHER).

In January of 1997, I went to Cambodia and met with Hun Sen. At that time the power-sharing agreement between Hun Sen and Prince Ranaridh was still in place but it was clear that it was weakening. The violent July 1997 coup by Hun Sen was the final blow to this ill-conceived relationship that was born by threat of force. During this bloody coup, scores of opposition political leaders and average citizens were killed by Hun Sen's armies.

Since the coup, Hun Sen has consolidated his ill-gotten power and human rights abuses in Cambodia have continued to escalate. Before, during and after the flawed July 1998 elections, Hun Sen again showed his true colors. The pre-election climate was marked by fear and intimidation. The election apparatus was controlled by Hun Sen; the democratic opposition was disadvantaged in all aspects of the process, especially in the important area of broadcast media. It was no surprise that Hun Sen's communist party captured more seats than any other party in these flawed elections. Given their disadvantaged position, the strong showing of the opposition—which together accounted for more than half the total seats in the legislature—was remarkable. These results were a strong statement of the dissatisfaction of the Cambodian people with his corrupt and authoritarian rule, and their strong desire for a return to democracy and a new age of good governance.

From his Khmer Rouge days up to the present, Hun Sen has always used brutal force—intimidation, violence, torture, murder—to get and keep power. According to a new report from the relief group, Medecins sans Frontieres, Hun Sen was responsible for the deaths of 200,000 Cambodians as leader of Cambodia's Vietnamese communist puppet regime from 1984 to 1989. While he was a Khmer Rouge commander, there is no accounting of how many innocent civilians he sent to their deaths. Hun Sen rules through force—it is all he knows and all he understands.

His crimes against the Cambodian people cannot be chronicled only in terms of the loss of life, but must also take account of his consistent efforts to deny their aspirations to a better life. The people of Cambodia have consistently rejected violence and one man rule, and continue to raise their voices in favor of freedom, justice, democracy and the rule of law. As a country which embodies these ideals, we must do our utmost to support them. This means that we cannot continue to turn a blind eye to the abuses of Hun Sen or send the Cambodian people the message that they have to settle for something less than real democracy, genuine freedom or full human rights.

I commend this resolution to the attention of my colleagues, and I urge your strong support of it.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 533, as amended.

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

The title of the resolution was amended so as to read: ''Resolution expressing the sense of the House of Representatives regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia).''.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING FORMER SOVIET UNION'S REPRESSIVE POLICIES TOWARD UKRAINIAN PEOPLE

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people.

The Clerk read as follows:

H. CON. RES. 295

Whereas this year marks the 65th anniversary of the Ukrainian Famine of 1932–1933 that caused the deaths of at least 7,000,000 Ukrainians and that was covered up and officially denied by the government of the former Soviet Union;

Whereas millions of Ukrainians died, not by natural causes such as pestilence, drought, floods, or a poor harvest, but by policies designed to punish Ukraine for its aversion and opposition to the government of the former Soviet Union's oppression and imperialism, including the forced collectivization of agriculture;

Whereas, when Ukraine was famine-stricken, the government of the former Soviet Union exported 1,700,000 tons of grain to the West while offers from international relief organizations to assist the starving population were rejected on the grounds that there was no famine in Ukraine and no need for the assistance;

Whereas the borders of Ukraine were tightly controlled and starving Ukrainians were not allowed to cross into Russian territory in search of bread;

Whereas, in his book ''The Harvest of Sorrow'', British historian Robert Conquest explains, ''A quarter of the rural population, men, women, and children, lay dead or dying, the rest in various stages of debilitation with no strength to bury their families or neighbors.'';

Whereas the Commission on the Ukraine Famine was established on December 13, 1985, to conduct a study with the goal of expanding the world's knowledge and understanding of the famine and to expose the government of the former Soviet Union for its atrocities in the famine;

Whereas the Commission's report to Congress confirmed that the government of the former Soviet Union consciously employed the brutal policy of forced famine to repress the Ukrainian population and to oppress the Ukrainians' inviolable religious and political rights; and

Whereas the Commission on the Ukraine Famine presented 4 volumes of findings and conclusions, 10 volumes of archival material, and over 200 cassettes of testimony from famine survivors to the newly independent Government of Ukraine in 1993, during the official observances of the 60th anniversary of the Ukrainian famine in Kyiv, Ukraine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victims of the government of the former Soviet Union-engineered Ukrainian Famine of 1932–1933 be solemnly remembered on its 65th anniversary;

(2) the Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932–1933;

(3) on the 65th anniversary of the Ukrainian Famine of 1932–1933, in contrast to the policies of the government of the former Soviet Union, Ukraine is moving toward democracy, a free-market economy, and full respect for human rights, and it is essential that the United States continue to assist Ukraine as it proceeds down this path; and

(4) any supplemental material that will assist in the dissemination of information about the Ukrainian Famine of 1932–1933, and thereby help to prevent similar future tragedies, be compiled and made available worldwide for the study of the devastation of the famine.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Clerk of the House of Representatives shall—

(1) transmit a copy of this resolution to—

(A) the President;

(B) the Secretary of State; and

(C) the co-chairs of the Congressional Ukrainian Caucus; and

(2) request that the Secretary of State transmit a copy of this resolution to the Government of Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Madam Speaker, as a member of Congress it has been one of my greatest privileges to serve as a member of the Commission on the Ukraine Famine that the Congress established back in December of 1985. Now that the Cold War has ended we may not always recollect how very expert the former Soviet communist regime was at denying the truth and only now with greater freedom and access to the secrets of that despicable regime in the states of the former Soviet Union are we gaining a complete picture of just how much damage was done to the peoples held captive by that regime and just how brutal it truly was.

The work of the Ukrainian Famine Commission had to be conducted without the benefit of such access and such freedom of speech and thought in what was then the Soviet Union. Still through its diligent work the Commission verified the following: That Soviet dictator Joseph Stalin and other communist leaders knew people were starving to death in Ukraine as a result of their policies and that the Soviet regime and its leaders did nothing to help the famine's victims, instead using it as a means to better subdue Ukrainian resistance to the communist regime and the rule of Moscow.

The resolution before us today simply restates the facts about the Ukrainian famine. To my mind, it serves as an important reminder, not just of the innocent victims of the famine but of the reasons why the United States and its democratic allies engaged in a Cold War of over four decades' length to rid the world of the Soviet regime, its cruelty and hypocrisy.

I want to thank the original sponsors of this resolution who are my colleagues who have served on the Ukraine Caucus here in the Congress for their work to bring this measure to the floor today. Those original sponsors are the gentleman from Michigan (Mr. LEVIN), the gentleman from Pennsylvania (Mr. FOX) a member of our Committee on International Relations; the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Colorado (Mr. DAN SCHAEFER), and the gentlewoman from New York (Ms. SLAUGHTER).

□ 1630

Madam Speaker, I fully support this resolution, and urge its approval.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 295, and I commend the leadership of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. FOX) and our other colleagues and, of course, the chairman of the Committee on International Relations that works so actively and diligently with all of us working hard to get this matter to the floor today.

Madam Speaker, sort of as an unnoticed surprise, I also would like to thank the staffs on both sides and particularly Elana Broitman, who is leaving us. This is her last day with us, and the work that she has done on the committee is deeply appreciated, I am sure, by all of our colleagues on the Committee on International Relations.

This is a worthy resolution. Several members of this committee have cosponsored it. I urge its adoption.

This resolution sends an important message from the Congress in commemorating the 65th anniversary of the famine in Ukraine. It sends the message that Congress remembers the victims of the famine, that Congress condemns the former Soviet Government's disregard for human life, human liberty and self-determination during the famine, that Congress sees today's Ukraine moving toward democracy, a free market economy and full respect for human rights and supports the United States assistance to Ukraine as it proceeds down this path. I wholeheartedly support this commemoration.

I also endorse support to Ukraine's reform efforts. Achieving reform has been and will continue to be difficult, and we all recognize that Ukraine faces enormous economic and social challenges. Ukraine has taken important steps this summer towards reform as President Kuchma, with apparent support from the Ukrainian parliament, issued a long list of reformist decrees. This course best serves the interests of the Ukraine people and is the best insurance against future hardships in Ukraine. I think we should continue to support Ukraine's efforts as long as it stays the course.

Again, Madam Speaker, I urge our colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX), a member of our Committee on International Relations and a cosponsor of the measure.

Mr. FOX of Pennsylvania. Madam Speaker, I appreciate the time to speak in favor of House Concurrent Resolution 295. I thank my colleague for bringing it to the floor for consideration.

I would like to commend the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. SMITH), the gentleman from Michigan (Mr. LEVIN) and the gentleman from Florida (Mr. HASTINGS) for their leadership on this and many other issues dealing with international relations and America's position in the free world.

This issue is very important, as the gentleman from Florida (Mr. HASTINGS) has pointed out. As one of the cochairs of the Ukrainian caucus, I am proud to be one of the lead original cosponsors of the resolution as well along with my fellow cochairs of that caucus, the gentleman from Colorado (Mr. SCHAFFER), the gentlewoman from Ohio (Ms. KAPTUR) and the gentlewoman from New York (Ms. SLAUGHTER).

Ukrainian famine, Madam Speaker, was a tragic period of history in which the Soviet Union inflicted a brutally repressive policy upon the Ukrainian people. This policy was designed to punish the people of Ukraine for its aversion to the oppressive and imperialistic government of the former Soviet Union.

So, Madam Speaker, it was also designed to bring about agriculture collectivization and crash the nationally conscious Ukrainian nation. Millions of Ukrainians died as a result of this famine, and I believe it is entirely appropriate that the Congress take time from its schedule to remember those victims of this tragedy and redouble our efforts and to reaffirm our commitment to not allowing this kind of policy to be inflicted upon any nation or any people.

I am proud of the free Ukraine we have now with democratic elections, free markets. We have a solidified economy, we have them working and respecting human rights, and in the post Chernobyl challenges with environment they are moving forward with educational, cultural and diplomatic exchanges, and they will be a future member of NATO. We just met this week with the Prime Minister of Ukraine and members of parliament.

So I thank the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. GILMAN), the gentleman from Florida (Mr. HASTINGS) and all those who worked to support a free Ukraine for introducing this legislation and for the leadership on this issue, and I urge my colleagues to pass this important resolution unanimously.

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

Mr. GILMAN. Madam Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank the distinguished chairman for yielding this time to me, and I am very pleased to urge passage of H. Con. Res. 295, giving recognition and honor to the victims of the Soviet-engineered Ukraine famine of 1932–1933 by remembering this tragedy during its 65th anniversary.

The Ukrainian famine, Madam Speaker, is one of the most devastating tragic events of the 20th century, a stark reminder of man's inhumanity to man. The scope and depth of this tragedy has been documented in many books, including such seminal works as Robert Conquest's Harvest of Sorrow, and by the comprehensive report of the

Commission on the Ukraine Famine created by Congress in the 1980s to study the famine. One only has to read some of the eyewitness accounts of survivors included in the famine commission report to appreciate the incalculable yet completely avoidable human suffering experienced at that time in the Ukraine.

The truth of the matter is, Madam Speaker, that the 1932–1933 famine engineered by Soviet Dictator Stalin could have been prevented. Its 7 million victims did not die from natural causes, but because of the policies designed to punish the Ukrainian people for their opposition to Soviet rule.

One of the findings of the 1988 Report to Congress of the Ukraine Famine Commission characterizes the famine with chilling succinctness, stating, and I quote:

''Joseph Stalin and those around him committed genocide against Ukrainians in 1932 to 1933.''

The famine indeed constituted genocide, Madam Speaker, with Stalin using food as a political weapon to achieve his aim of suppressing any Ukrainian expression of political and cultural identity and self-assertion.

The Ukrainian famine is a glaring illustration of the brutality of a totalitarian, imperialistic regime in which respect for human rights is a mockery and the rule of law is a sham. This man-made famine would have been impossible in an independent, democratic country which respected human rights and the rule of law.

The Ukraine is slowly, Madam Speaker, if unevenly, overcoming the legacy of the brutal Soviet Communist rule as it moves to consolidate its democracy, its market economy and full respect for human rights; and it is fitting and proper, I would finally say, that this country, through its foreign aid, through its investments, support those who aspire to democracy in the Ukraine and also to try to alleviate at least some of the suffering those people are experiencing.

Madam Speaker, just let me say finally that we have had hearings in our subcommittee, we have had hearings in the Commission on Security and Cooperation in Europe, which I chair. One of those hearings, one of the most telling and devastating that I have ever chaired, was to hear what the aftermath, the consequences, will be from the near meltdown at Chernobyl and the cancers that are proliferating, particularly among small and now growing children, adolescents, and into adulthood. It is like a time bomb for those people, and we need to do more to try to mitigate some of that suffering.

But the famine, as this resolution clearly points out, was man-made with this resolution we say, ''Never again.''

Mr. ROTHMAN. Mr. Speaker, I rise as a proud member of the Congressional Ukranian Caucus to urge my colleagues to support the passage of H. Con. Res. 295. Very appropriately, this bill expresses the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the Former Soviet Union's repressive policies towards the Ukrainian people.

As I have remarked in the past, the Ukrainian Famine was a dark and horrible chapter in the world history that for too long has gone unnoticed by both the American people and by this august body. By passing H. Con. Res. 295 today, Congress will be bringing the world's attention to this tragedy and will help heal the emotional scars of those who endured the Ukrainian Famine.

I know that the Ukrainian-Americans I am so very proud to represent in New Jersey eagerly await the passage of this resolution. This resolution offers a small measure of justice to the thousands of the Ukrainian-Americans who still suffer from the cruelty exacted upon them by Soviet authorities earlier this century.

Mr. Speaker, I urge all my colleagues who care deeply about human rights, who care about the need to remember past tragedies, to support the passage of this worldwhile resolution.

Mr. LEVIN. Mr. Speaker, I want to express my appreciation to Mr. GILMAN and Mr. HAMILTON for their help in scheduling this resolution on the Floor. I would also like to thank the other co-chairs of the Congressional Ukrainian Caucus, Ms. KAPTUR, Mr. SCHAFFER, Ms. SLAUGHTER, and especially Mr. FOX. Finally, I thank Carol Ertel, Dan Jourdan and Lisa Mulcrone of my personal staff.

Mr. Speaker, House Concurrent Resolution 295 commemorates the 65th anniversary of the Ukrainian Famine of 1932 to 1933. At least seven million Ukrainians died—not by natural causes of drought or flood or a poor harvest—rather seven million died because the leaders of the former Soviet Union chose to use food as a weapon.

Seeking to punish Ukraine for its opposition to Soviet policies of forced collectivization of agriculture and industrialization, Joseph Stalin unleashed the horror of the Ukrainian Famine. Years after these events transpired, the deaths of seven million Ukrainians were covered up and officially denied by the government of the former Soviet Union. Today we remember.

House Concurrent Resolution 295 expresses the sense of Congress that the victims of the Soviet-engineered Ukrainian Famine be solemnly remembered. In this resolution, Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932 and 1933.

It is important that we remember the Ukrainian Famine and its victims. We must remember and do everything we can to prevent similar tragedies from happening again.

Even now, half-way around the world, another man-made famine is being inflicted on the people of Kosovo. The Serbian security forces have imposed food blockades and deliberately destroyed crops and livestock of Kosovo. Over one-third of Kosovo's villages and thousands of homes have been deliberately destroyed. Hundreds of innocent men, women and children have been killed and tens of thousands more are without food and shelter as winter comes on.

The most meaningful way to honor the memory of the seven million the Ukrainians who died in the Great Famine is to prevent such senseless tragedies from happening again.

Mr. Speaker, government-induced famine is never justified. I urge all of my colleagues to join me in supporting House Concurrent Resolution 295.

Ms. SLAUGHTER. Mr. Speaker, I rise today in solemn tribute to a moment in history that none of us should ever soon forget, the Ukrainian famine of 1932–33. As a co-chair of the Congressional Ukrainian Caucus, I am pleased that the House leadership has chosen to bring this resolution to the floor. I would also like to thank my friends at the Ukrainian Congress Committee of America for working so hard on this issue.

Mr. Speaker, on this, the 65th Anniversary of the Ukrainian famine, we pay respect to the victims of this tragedy so that we may educate a new generation of Americans about this tragic, and ultimately preventable event. This event differed from what we often think of as a typical natural disaster in the sense that it was man-made. The famine was created by a repressive government, with its sole purpose to break the collective will of a proud people for whom the principles of private ownership and individual rights were, and continue to be, deeply embedded in their backgrounds and traditions.

In the late 1920's, the Soviet government of Josef Stalin began to take steps to collectivize agriculture by whatever means necessary, including the use of harsh and coercive tactics. What nobody could have ever imagined was that these methods would include a forced famine that would lead to the deaths of more than 7,000,000 people in towns and villages throughout Ukraine. While horrified Ukrainians watched as their neighbors either lay dying or desperately searched for food, the Soviet government exported over 1,700,000 tons of grain to the West and denied farmers access to vital materials to feed their families.

Mr. Speaker, today Ukraine stands out as a fledgling, young democracy. Its people and its government working to build a system of fair competition and free markets. And as it struggles to put aside years of Communist rule, government corruption, and weak property laws, we stand here humbled by the lessons of its past and pledge to keep these memories alive so that they may move ahead, and in the process, ensure that tragedies such as this never happen again.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H. Con. Res. 295, a resolution to commemorate the 65th anniversary of the Ukrainian famine and to recognize the pain and suffering of the Ukrainian people under the former Soviet regime.

In 1932, the people of Ukraine fell prey to the dictatorial ruthlessness of Soviet leader Josef Stalin, who imposed a man-made famine on the Ukrainian people to punish them for their resistance to his forced collectivization policies.

The ensuing famine killed more than seven million Ukrainians, almost one-quarter of the population. The starving masses were blocked at the Ukrainian borders from crossing into Russian territory in search of food. The Soviet regime rejected offers to assist the starving population from international relief organizations, denying that the famine was occurring in Ukraine. And the Soviet government even sent 1.7 million tons of grain to the West during the height of the famine.

Mr. Speaker, 65 years ago the Ukrainian people were suffering from an horrific man-made catastrophe. It is a testament to their strength as a people that today's Ukraine is progressing with democratic and economic reforms, and is one of our strongest allies in the region.

I am proud to stand in support of H. Con. Res. 295, and I urge my colleagues to join me in supporting this important resolution.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 295.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST BOMBING OF THE UNITED STATES EMBASSIES IN EAST AFRICA

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H.Res. 523) expressing the sense of the House of Representatives regarding the terrorist bombing of the United States embassies in East Africa, as amended.

The Clerk read as follows:

H. RES. 523

Whereas on August 7, 1998, 254 people, 12 of whom were United States citizens, were killed when a bomb exploded at the United States Embassy in Nairobi, Kenya, and 9 people were killed when a bomb exploded at the United States Embassy in Dar es Salaam, Tanzania;

Whereas these bombs were detonated minutes apart and were clearly coordinated;

Whereas in both cases trucks, driven by suicidal terrorists and loaded with explosives, approached the embassies but were diverted from attacking their primary targets by quick thinking Embassy security staff;

Whereas the bombs did explode, injuring thousands of innocent civilians and destroying millions of dollars worth of local property;

Whereas the Governments of Israel and France immediately sent search and rescue teams to aid in the aftermath of the bombings;

Whereas on August 7, 1998, Pakistani police arrested suspect Muhammad Sadiq Odeh, who confessed to being part of a team which was orchestrated and financed by Osama bin Laden; and

Whereas Osama bin Laden, an exiled Saudi Arabian businessman who is believed to be currently living in Afghanistan, is a known sponsor of international terrorism against secular Middle Eastern regimes and has publicly stated his support for attacks against American influence, Americans, and American targets: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the deep condolences of the House of Representatives and the American people to the families of all persons killed or injured in the bombing;

(2) expresses our dismay for the mayhem and destruction visited upon the Governments and people of Kenya and Tanzania;

(3) expresses gratitude to the people and the Governments of Kenya and Tanzania for their assistance to the people and the property of the United States in the aftermath of the bombings;

(4) expresses our gratitude to the United States Embassy guards whose quick thinking and heroic actions prevented even more deaths and injuries;

(5) expresses our gratitude to the people and the Governments of Israel, France, the United Kingdom, Germany, Japan, Australia, and South Africa, as well as the many private organizations which volunteered to assist the United States in the aftermath of the bombings;

(6) expresses our gratitude to United States personnel for their dedication in serving abroad and promoting United States interests and courageously assuming the risks of living and working overseas;

(7) expresses our gratitude to United States Federal and local agencies which assisted in the aftermath of the bombings;

(8) expresses our condemnation of all persons and parties involved in the outrageous and illegal attacks which resulted in the tragic loss of life of so many Americans, Kenyans, Tanzanians, and others;

(9) expresses the determination of the House of Representatives to assist, in any way possible, in the arrest of all persons responsible for these attacks; and

(10) expresses the intention of the House of Representatives to examine whether security needs of United States facilities overseas are being met and what kinds of tools can be employed to discourage nations from harboring terrorists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Madam Speaker, I commend the gentleman from Florida (Mr. HASTINGS), a member of our committee, for submitting this resolution to express our condolences to the families of the victims of that terrible bombing of two of our embassies in Africa. August 7 was a tragic day in this country's history and in their history. Many innocent people were injured or lost their lives because of senseless, cowardly acts of terrorists.

We are grateful to the many friends who responded to our Nation, who responded immediately with assistance, the Israelis, the French, the Britons, the Germans, the Japanese and the Australians. Terrorism is a global problem, and we must stand united with our international partners to dismantle organizations which seek only to terrorize our civil societies.

I fully support the resolution of the gentleman from Florida (Mr. HASTINGS), and I urge full support of the House.

I want to thank the original sponsors of this resolution—who are my colleagues—fellow members in the Ukraine Caucus here in the Congress—for their work to bring this measure to the floor today.

Those original sponsors are: the gentleman from Michigan, Mr. LEVIN, the gentleman from Pennsylvania, a member of our International Relations Committee, the gentlelady from Ohio, Ms. KAPTUR, the gentleman from Colorado, Mr. BOB SCHAEFFER, and the gentlelady from New York, Ms. SLAUGHTER.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that we have the opportunity to consider this very important piece of legislation today, and I thank the gentleman from New York (Mr. GILMAN) and the members of the Committee on International Relations, as well as our other colleagues, for their expediting of this piece of legislation.

Like us all, I shared the shock, sorrow and outrage of the entire Nation when I learned of the bombings of the U.S. embassies in Kenya and Tanzania.

Madam Speaker, like so many of us, people lost family and personal friends. I would ask the personal prerogative to do, as I am sure many Members could and likely did in their appropriate memorials in the RECORD, but a 40-year friend of mine, Jean DeLiza, was killed in the embassy bombing in Kenya. As sort of an extended family, her mother Rose, her sister Joyce, her children, Laurie and others, and her siblings and all of us were stunned.

As a member of this committee, I have had the opportunity to visit many of our embassies, and a lot of them I have visited with the chairman of this committee, who has worked exceedingly diligently internationally and nationally to bring to the attention of this body and the world the needs of a stable and peaceful world.

Our embassy workers do more than process visas. They promote investment in the United States, they facilitate the selling of American products overseas, and they assist Americans who are lost or who have lost their money or passports or are imprisoned in foreign countries. To murder these public servants because one has a grudge against the United States is ludicrous and pathetic. The thought that one can settle a vendetta against the United States or the West by planting a bomb in Africa would be laughable were it not for the loss of Americans' lives and others in Kenya and Tanzania.

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The governments, many that the chairman mentioned, the NGOs and

courageous individuals whom we must thank for their assistance in the aftermath of the bombing are too numerous to mention at this time.

First of all, the governments and the people of Kenya and Tanzania were instrumental in saving lives and property. The street demonstrations held in support of the United States by the peoples of Kenya and Tanzania were noted, and they are to be recognized as being deeply appreciated in this country.

The quick thinking of the United States Embassy guards, many of them locals, was instrumental in preventing even more death and destruction. The people of the governments of Israel, France, the United Kingdom, Germany, Japan, Australia and others provided vital assistance for which all Americans are extremely grateful.

Numerous United States Federal and local agencies gathered quickly on the sites, and their outstanding work in securing the scenes paved the way for superlative investigative work which has already led to some arrests in these cases.

This resolution expresses the intention of the House to examine whether the security needs of United States facilities overseas are being met. This issue is particularly relevant to the work that we do under the guidance and leadership of the gentleman from New York (Mr. GILMAN) in this committee.

We must examine all of our facilities overseas and where weaknesses exist, reinforce those facilities. We must support this administration and the next administration in building alliances with like-minded friends to ensure that terrorists who wish to harm the United States are eliminated.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to commend the gentleman from Florida (Mr. HASTINGS) for the resolution, for his eloquent remarks in support of it.

Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS) for introducing this legislation and for giving us this opportunity as a body, Democrats and Republicans, to express our condolences not just to the American families but also to those in Kenya and Tanzania who lost loved ones or had loved ones hurt very severely, and also to thank the countries of Kenya and Tanzania for the cooperation they have given in trying to apprehend these cowardly terrorists.

Let me also remind the body that within hours of that horrific act, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, the gentleman from Maryland (Mr. HOYER), who is the ranking member on the Helsinki Commission, the gentleman from Maryland (Mr. CARDIN) and I convened a press conference on the grassy triangle. The gentleman from Florida (Mr. HASTINGS) and others were all very supportive of that.

We made it clear that no terrorist should take any solace in any bickering that they may see going on in the Capitol of Washington; that whatever the President's problems may be, we are united in our fight against terrorism; that we will stand shoulder-to-shoulder in trying to apprehend terrorists; and that when you pick on Americans, when you go after Americans, we are absolutely united.

I think that message is coming across. This resolution will help. I want to commend the gentleman from Florida (Mr. HASTINGS) for bringing us this important resolution.

Mr. HASTINGS of Florida. Madam Speaker, I would like to echo and associate myself with the remarks of the distinguished gentleman from New Jersey (Mr. SMITH).

Madam Speaker, I have no more speakers, and I yield back the rest of our time.

Mr. GILMAN. Madam Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his very forceful remarks in support of the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is with great sadness, that we all recall the day early this past August when several American officials were killed and injured when terrorist planted bombs exploded at the U.S. embassies in Nairobi and in Tanzania.

These bombs sent powerful explosions throughout U.S. embassy buildings in Nairobi and Dar-es-Salaam, causing significant damage to both buildings, and resulting in the death and wounding of numerous individuals.

These bombings were violent and cowardly acts that preyed on innocent people. As a member of this Congress, we must not tolerate this violence! These bombings were a sobering reminder that violence can occur even in parts of the world where you would least expect it. We must continue to deliberate over what actions to take, both to step up security at other US installations and embassies around the world and to see what help we can give to the Kenyan and Tanzanian authorities in their investigation of the two blasts. These bombings were devastating to all of us here in Congress.

The last major attack against a U.S. facility abroad was in June 1996, when a car bomb devastated a military housing complex near Dhahran, Saudi Arabia, killing 19 Americans. The culprits are not known to have been found. In this last attack, the U.S. worked with local officials in both countries to rapidly move medical, engineering, security and other support personnel and equipment from U.S. facilities inside and outside the region to both locations.

In addition, the U.S. has taken appropriate security measures at our embassies and military facilities throughout the region and around the world. Along with the President we must pledge to use all the means at our disposal to bring those responsible to justice, no matter what or how long it takes. As a member of Congress, I believe the United States should do everything it can to assure that American citizens serve in safety. The families and the loved ones of the American and African victims of these cowardly attacks will of course remain in our thoughts and prayers, and we must continue to express our outrage at the devastation caused by these terrorist acts.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 523, as amended.

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

A motion to reconsider was laid on the table.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

Mr. COBLE. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, after line 3, insert:

"SEC. 2. FINDINGS AND DECLARATION OF POLICY.

''Congress finds that—

''(1) alternative dispute resolution, when supported by the bench and bar, and utilizing properly trained neutrals in a program adequately administered by the court, has the potential to provide a variety of benefits, including greater satisfaction of the parties, innovative methods of resolving disputes, and greater efficiency in achieving settlements;

''(2) certain forms of alternative dispute resolution, including mediation, early neutral evaluation, minitrials, and voluntary arbitration, may have potential to reduce the large backlog of cases now pending in some federal courts throughout the United States, thereby allowing the courts to process their remaining cases more efficiently; and

''(3) the continued growth of Federal appellate court-annexed mediation programs suggests that this form of alternative dispute resolution can be equally effective in resolving disputes in the federal trial courts; therefore, the district courts should consider including mediation in their local alternative dispute resolution programs.''

Page 2, line 4, strike out ''**SEC, 2**'' and insert: ''**SEC. 3**''

Page 2, line 21, strike out ''2071(b)'' and insert: ''2071(a)''

Page 3, line 1, strike out ''2071(b)'' and insert: ''2071(a)''

Page 4, line 5, strike out ''**SEC. 3**'' and insert: ''**SEC. 4**''

Page 4, line 13, strike out ''2071(b)'' and insert: ''2071(a)''

Page 5, line 18, strike out ''2071(b)'' and insert: ''2071(a)''

Page 5, line 22, strike out ''**SEC. 4**'' and insert: ''**SEC. 5**''

Page 6, line 21, strike out ''2071(b)'' and insert: ''2071(a)''

Page 7, line 1, strike out ''**SEC. 5**'' and insert: ''**SEC. 6**''

Page 7, line 7, strike out ''subsections (b) and (c)'' and insert: ''subsections (a), (b), and (c)''

Page 7, line 11, after ''it'' insert: ''when the parties consent''

Page 7, line 24, strike out ''2071(b)'' and insert: ''2071(a)''

Page 8, line 9, strike out ''section'' and insert: ''chapter''

Page 8, line 10, strike out ''action'' and insert: ''program''

Page 8, line 11, strike out ''section 906'' and insert: ''title IX''

Page 8, line 12, strike out ''100–102'' and insert: ''100–702''

Page 8, line 13, strike out ''as in effect prior to the date of its repeal'' and insert: ''as amended by section 1 of Public Law 105–53''

Page 8, line 14, strike out ''**SEC. 6**'' and insert: ''**SEC. 7**''

Page 9, line 16, strike out ''**SEC. 7**'' and insert: ''**SEC. 8**''

Page 10, line 1, strike out ''**SEC. 8**'' and insert: ''**SEC. 9**''

Page 10, line 21, strike out ''2071(b)'' and insert: ''2071(a)''

Page 11, line 22, strike out ''**SEC. 9**'' and insert: ''**SEC. 10**''

Page 12, line 10, after ''arbitrators'' insert: ''and other neutrals''

Page 12, line 13, strike out ''**SEC. 10**'' and insert: ''**SEC. 11**''

Page 12, line 18, strike out ''**SEC. 11**'' and insert: ''**SEC 12**''

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

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

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 3528.

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

There was no objection.

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

Madam Speaker, H.R. 3528 is designed to address the problem of high caseloads burdening the Federal courts. This legislation will provide a quicker, more efficient method by which to resolve some Federal cases when the parties or the courts so choose.

H.R. 3528 directs each Federal trial court to establish some form of alternative dispute resolution, popularly known as ADR, which could include arbitration, mediation, mini trials, or early neutral evaluation or some combination of those for certain civil cases.

The bill also provides for the confidentiality of the alternative dispute resolution process and prohibits the disclosure of such confidential communications.

The version considered today is substantially the same as the one we passed under suspension in April, with minor Senate clarifications. The bill has no known opposition and is supported by the American Bar Association, the Judicial Conference and the Department of Justice.

This legislation will provide the Federal courts with the tools necessary to present quality alternatives to intensive Federal litigation. In sum, this is a good bill that will offer our citizens a reasonable and cost-effective alternative to expensive Federal litigation, while at the same time still guaranteeing their right to have their day in court.

I urge my colleagues, Madam Speaker, to pass H.R. 3528.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3528, the Alternative Dispute Resolution Act of 1998. As litigation increases, so do litigation costs. It is clear that we all agree Congress should do all it can to encourage opposing parties to try alternative dispute resolution.

While I am concerned about the bill's provision making this process mandatory, since the overwhelming majority of Federal courts already have some form of alternative dispute resolution, the mandatory provision is a de jure insult but not so much de facto.

As one who served in the Federal courts and in the State courts, I am mindful of the tremendous need for alternative dispute resolution.

The Federal courts have been willing to implement alternative dispute resolution. This bill now says they must. I would prefer that the decision whether to adopt a particular court-annexed ADR program be left to the courts, but I think this bill has it both ways. It requires mandatory alternative dispute resolution but retains some flexibility for the courts to determine for themselves exactly what kind.

The legislation has improved dramatically from what it reflected upon introduction. There is more flexibility for the courts to determine how to proceed once they set up an alternative dispute resolution program. I appreciate the positive changes that have been made and urge my colleagues to support this bill, and thank the sponsor and cosponsors, my good friend, the gentleman from North Carolina (Mr. COBLE), for bringing this action for our consideration.

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998.

This Bill passed the House in April, by a vote of 405 to 2, and it is here again, with Senate Amendments.

Alternative Dispute Resolution is commonly referred to as ''ADR.''

ADR includes a range of procedures, such as mediation, arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a Plaintiff and a Defendant, battling each other in a court, before a judge or jury, to prove that one is wrong and one is right.

It is time consuming, and it is expensive, too expensive for most wage earners to afford, and often too time-consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce ''winners and losers necessarily destroys almost any preexisting relationship between the people involved . . . [and] . . . it is virtually impossible to maintain a civil relationship once people have confronted one another across a courtroom.''

The Bill before us requires all U.S. District Courts to establish a voluntary alternative dispute resolution program within the courts.

The purpose of the Bill is to guarantee that all litigants have another way to resolve their differences, short of a full trial.

Mediation is a voluntary process in which a neutral third party—a mediator—assists two or more disputants, to reach a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear up misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient and economical.

It also facilitates lasting relationships between disputants.

A recent survey by the Government Accounting Office showed that mediation is the ADR technique of choice among the five federal agencies and five private corporations that were surveyed.

The Report stated, ''Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them avoid formal redress processes and litigation.''

In a taped message on Law Day, May 1st, Attorney General Janet Reno said, ''Our lawyers are using mediation . . . to resolve . . . employment . . . cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy.''

On that same day, President Clinton issued a memorandum, creating a federal interagency committee to promote the use of alternative dispute resolution methods within the federal government, pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the Act or provisions of federal laws amended by the title.

And, in 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

ADR can provide faster, less expensive, less contentious and more productive results in eliminating disputes.

In sum, ADR is effective and is legislatively and administratively encouraged.

Mediation is the ADR method of choice.

It is the wave of the future, an effective tool.

In the next Congress, I intend to introduce legislation to further encourage the use of ADR.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support H.R. 3528, this important legislation relating to the Alternative Dispute

Resolution Act of 1998. Alternative Dispute Resolution, whether medication, neutral evaluation, arbitration, mini-trial or any other fair procedure that the courts can oversee, and which makes litigation less burdensome, is in my view welcome and something that we should all support.

As a member of the Judiciary Committee, I support reporting out this bill which provides the appropriate standards for federal courts throughout the nation to continue to develop workable alternative dispute resolution methods, and I am pleased that we worked with the judicial conference and the department of justice to craft legislation which is not objected to by those important institutions.

I support the legislation before us. According to the Administrative Office of the U.S. Courts, the vast majority of the 94 federal district courts have established dispute resolution programs, in effect, simply because it works. It is efficient, less expensive and, it works for all parties involved. I hope my colleagues throughout Congress support this legislation.

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

Mr. COBLE. Madam 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 North Carolina (Mr. COBLE) that the House suspend the rules and concur in the Senate amendments to H.R. 3528.

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

A motion to reconsider was laid on the table.

POLICE, FIRE, AND EMERGENCY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty, as amended.

The Clerk read as follows:

H.R. 3046

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 ''Police, Fire, and Emergency Officers Educational Assistance Act of 1998''.

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

(1) in the heading for subpart 2, by striking ''**Civilian Federal Law Enforcement**'' and inserting ''**Public Safety**'';

(2) in section 1211(1), by striking ''civilian Federal law enforcement'' and inserting ''public safety'';

(3) in section 1212(a)—

(A) in paragraph (1)(A), by striking ''Federal law enforcement'' and inserting ''public safety'';

(B) in paragraph (2), by striking ''Financial'' and inserting the following: ''Except as provided in paragraph (3), financial''; and

(C) by adding at the end the following:

''(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

''(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

''(B) the amount, if any, determined under section 1214(b).'';

(4) in section 1214—

(A) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(B) by adding at the end the following:

''(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this subpart.'';

(5) in section 1216(a), by inserting ''and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997,'' after ''1992,''; and

(6) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

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

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

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 North Carolina?

There was no objection.

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

Madam Speaker, as we were all so painfully reminded this past July, law enforcement officers are at risk for serious injury or loss of life every time they don their uniform.

The United States Capitol serves as an international symbol for peace and justice, and yet on July 24 this year a violent and angry gunman shattered that image and took the lives of two heroic and dedicated police officers. It is a national tragedy, but the sacrifices made by Officers Gibson and Chestnut were not the first and will not be the last.

Even as we work to further secure the lives of our law enforcement officers, we can and must seek out new ways in which to express our gratitude. This legislation provides such an opportunity. Nationwide, police departments offer emotional, spiritual and financial support to spouses and children of deceased officers.

The Federal Government, too, offers several benefits and assistance programs. For example, the program we are amending today as a result of a bill we passed in the last Congress provides educational assistance to dependents of Federal officers who are permanently disabled or killed in the line of duty.

H.R. 3046, the Police, Fire and Emergency Officers Act of 1998, extends the Federal educational assistance benefits to dependents of State and local law enforcement officers killed or permanently injured in the line of duty. Thankfully, there is a small number of persons who are eligible under the program at the Federal law enforcement level.

The Bureau of Justice Assistance, within the Department of Justice, anticipates that additional funding for other public safety officers' dependents should not pose any new financial changes.

Specifically, the costs to Federal law enforcement dependents assistance program are estimated to be $515,000 in 1998, including the estimated number of new survivors. That number includes, Madam Speaker, $182,000 for 30 Federal survivors, plus $333,000 for an estimated 55 new survivors under the extension this legislation proposes.

Madam Speaker, this legislation can have an enormous impact on the quality of life for a child whose mother or father may have died while in service to the public. The Congress should pass this legislation as an expression of thanks to those public safety officers who have given their lives for the good of our citizenry.

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Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3046, the Federal Law Enforcement Dependents Assistance program, an important change in Federal law that we should all be focused on today and proud to see enacted into law.

I know that the ranking member, the gentleman from Michigan (Mr. CONYERS), the gentleman from North Carolina (Mr. COBLE), the gentleman from Pennsylvania (Mr. FOX), the gentleman from Hawaii (Mr. ABERCROMBIE) and other Members who are cosponsors originally of this matter stand proud for its coming forward today.

This legislation, spearheaded by the gentleman from Florida (Mr. MCCOLLUM), my colleague, of the Subcommittee on Crime, would amend the law to extend Federal educational assistance benefits to dependents of State and local law enforcement officials killed in the line of duty.

We can all hope that the number of eligible beneficiaries of this change will, one day, be zero. But sadly, that will probably not be the case. It is the least that we can do to say to law enforcement officers, Federal and State who give their lives in the line of duty, that we will help take care of their children.

This legislation comes too late for a police officer friend of mine named Reuben in Miami, Florida, who will be buried on tomorrow. His children, Rashedra, Jeanette and Shelton, would be beneficiaries that if this law were retroactive it would benefit. I stand to memorialize it in his name and the name of all officers that have died in the line of duty who have preceded this particular legislation.

Madam Speaker, I urge my colleagues to support this important legislation and enact it into law today.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Madam Speaker, I thank the gentleman for his leadership in this regard and in all public safety matters, as well as the gentleman from Florida (Mr. HASTINGS) for his assistance in this regard, and our subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM), for bringing us to this point.

I also want to make strong mention that on the Democratic side of the aisle, the person who has led the leadership on this bill is the gentleman from Hawaii (Mr. ABERCROMBIE). We thank him for his efforts in bringing this bill forward and making sure that it becomes a reality.

As well, on this side of the aisle, the gentlewoman from New York (Mrs. KELLY) has been steadfast in making sure that we brought this bill to this point.

Also, in our efforts to bring it to reality, we have to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Minnesota (Mr. RAMSTAD), who chair the Law Enforcement Caucus, and who, working together with the gentleman from Pennsylvania (Mr. WELDON), helped to see its passage.

H.R. 3046, the Police, Fire and Emergency Officers Educational Assistance Act, expands that bill of the Former Federal Legislation Officers Assistance to one that will take care of State officials as well.

As my colleagues know, the Degan Act, named for U.S. Deputy Marshal Bill Degan who died in the Ruby Ridge shoot-out in 1992, was legislation to bring about Federal assistance to the heirs and to the survivors and children of Federal law enforcement officials.

Well, this Degan Act has been established within the Department of Justice to provide educational assistance to the dependents of Federal law enforcement officials killed or injured in the line of duty. I was proud to work for the enactment of this legislation in the waning days of the 104th Congress, which at that time, for my local circumstance, Madam Speaker, recalls the importance of the FBI's Special Agent Charles Reed from my district, who was the first Philadelphia-area FBI officer ever killed; and it was inspirational for me to have that Federal law originally passed to commemorate his outstanding work.

But this bill is both the local level and State level. As a former Assistant DA, I know that police officers and firefighters lay their lives down on a daily basis, and sadly, too often, many of them have passed on, but at least their families should know that they have the educational assistance which is so necessary.

In Charles Reed's situation, he was the 46th agent that died in the line of duty, and he leaves behind his wife, Susan and three sons, Joshua, 21, Todd, 18, and Kelley, 17.

The Department of Justice supports this bill and they currently have the administrative mechanisms in place to expand it and to make sure that it provides on the State level the same educational benefits we have given to Federal officers.

I want to thank, besides Senator SPECTER who introduced the companion bill, Paul McNolty from the Committee on the Judiciary staff and Brian Tynan from my own staff as legislative director.

I strongly believe that this bill is the least we can do to support the families of law enforcement and emergency officers that made the highest sacrifice on our behalf. I believe this is a logical extension to place this benefit on the State level as well as the Federal level.

So I urge my colleagues, Madam Speaker, to reach out to the families of our fallen public safety officers, firefighters and police and pass this important legislation.

Mr. HASTINGS of Florida. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), one of the hardest-working Members of the United States House of Representatives.

Mr. ABERCROMBIE. Madam Speaker, first, may I express my gratitude to the gentleman from Pennsylvania (Mr. FOX) for his leadership. I think it is probably commonplace, Madam Speaker, that we extend gratitude to one another on the floor and, on occasion, it may seem to be almost perfunctory in nature. But as has been indicated by all of the speakers to this point on this bill that we are dealing here with issues of life and death. We are dealing with the most profound emotions, we are dealing with points of finality that go beyond philosophy, rhetoric or ideology.

In that context and speaking as one who has been an officer of the court in my past professional life as a probation officer, having seen daily what police officers and what firefighters go through in terms of the anxiety brought to themselves and to their families, with the sure knowledge each time that they go from their homes and families that they face instances and circumstances, contexts and situations which may require of them literally the ultimate sacrifice of their life.

Knowing that that is the milieu within which they conduct themselves, we find ourselves, I think, often supposedly dealing with ultimate things, if you will, and very heavy and profound matters at hand, but none of us can place ourselves in that position, except possibly only intellectually, until we recognize that this is something that is faced every day, every hour that someone is on the job.

Madam Speaker, this bill, which was put forward by the gentleman from Pennsylvania (Mr. FOX) and with the very able assistance of the gentleman from Florida (Mr. MCCOLLUM), who has also been acknowledged by the gentleman from Pennsylvania (Mr. FOX), as being crucial to getting us to this point. This bill expands the Federal Law Enforcement Dependent Assistance program to public safety officers. As has been indicated, it was established in 1996, and there are now, as the gentleman from North Carolina (Mr. COBLE) indicated, some 30 individuals under the Federal law which are now benefiting.

It is an interesting word also, ''benefiting.'' This is a benefit that is hardly sought by any of these individuals or these families, and they all wish most deeply that they were not the recipients of what otherwise is seen as a solicitous term, ''beneficiary.''

There are some 55 others now, because we are extending this to the State and local level. We have talked often on this floor over the past several years about trying to extend the opportunity to the local level of decision-making. But as the gentleman from Pennsylvania (Mr. FOX) indicated to me when we first began to talk about it, not every jurisdiction has the financial means to enable them to see to the education of the children of those who may have fallen in the line of duty.

What we are trying to do here is kind of equalize, if you will, the opportunity for us to show the gratitude that we all feel towards those who have put their lives literally on the line for us. This bill then provides a means to meet this vital need.

In effect, what happens is that it provides educational assistance to the survivors of Federal law, that is to say the Federal law as it now exists is extended to provide assistance to the children of those killed or permanently and totally disabled in the line of duty. It was created to help these dependents of those killed in the line of duty or disabled to afford higher education, and it is, in fact, administered by the Bureau of Justice Assistance within the Department of Justice.

We have worked very, very hard to see to it that this does not place any financial burden, as such, or more than has already existed to this point.

In Hawaii, we have had only three police officers killed in the line of duty since 1991. We are fortunate that not more law enforcement officers and others have been killed to this time. Other jurisdictions have not been so lucky.

So then, Madam Speaker, my point is, in expressing my gratitude, that this is not necessarily a noble goal, absent from a funding mechanism. The changes made to the bill enable the program to be properly funded so that children of fallen officers can receive higher education assistance.

We can never compensate the children for the loss of a parent who died in the line of duty. The least we can do is have a program in place to assist them in meeting their educational goals.

I, too, then, in conclusion, would like to thank the staffs, particularly those working with the gentleman from Pennsylvania (Mr. FOX) in his office, Laura Gerum in my office who has done absolutely superb work on this issue, unstinting in their dedication and focus. We are very, very grateful to those who see us to this point today.

Madam Speaker, it but remains for me to thank all of those who will be voting for this bill. I hope it will be unanimous by this body.

Mr. COBLE. Madam. Speaker, I have no additional requests for time.

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

Mrs. KELLY. Madam Speaker, I rise today to express my strong support for H.R. 3046, which provides support to the family members of public safety officers who are killed or disabled in the line of duty.

I would also like to commend Congress FOX for all of his hard work on this critically important issue. This issue is a top priority of mine, and I have worked hard to see that it is addressed by Congress this year.

H.R. 3046 is very similar to H.R. 2088, a bill I sponsored this year that was unanimously approved as part of H.R. 6 to establish a similar system of financial support for these families.

Police officers and firefighters lay their lives on the line on a daily basis, Madam Speaker, and sadly, all too often they make the ultimate sacrifice in the service of their communities.

These are our friends, our neighbors, our loved ones, and they leave behind families who must continue on. The death of a father or mother takes an obvious emotional toll, but it also impacts the financial security of the family, particularly when it comes to meeting educational expenses.

This bill seeks to address this particular problem by authorizing the Department of Justice to offer higher education assistance to the families of State and local public safety officers killed or disabled in the line of duty.

Last Congress, Congress adopted legislation to award education assistance to family members of Federal law enforcement officers killed in the line of duty. I was pleased to support that legislation, which passed both the House and Senate by voice votes.

I am proud to support H.R. 3046, which takes the next logical step and extends this benefit to the families of all public safety officers who are killed while serving their communities.

Our public safety officers deserve our respect, gratitude and support. I urge my colleagues to join me in support of this important legislation.

Mr. COBLE. Madam Speaker, 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. 3046, 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.

Mr. COBLE. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1524

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 ''Public Safety Officers Educational Assistance Act of 1998''.

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

(1) in the heading for subpart 2, by striking ''**Civilian Federal Law Enforcement**'' and inserting ''**Public Safety**'';

(2) in section 1211(1), by striking ''civilian Federal law enforcement'' and inserting ''public safety'';

(3) in section 1212(a)(1)(A), by striking ''Federal law enforcement'' and inserting ''public safety'';

(4) in section 1216(a), by inserting ''and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997,'' after ''1992,''; and

(5) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (6) as paragraphs (2) and (3), respectively.

MOTION OFFERED BY MR. COBLE

Mr. COBLE. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. COBLE moves to strike out all after the enacting clause of S. 1525 and insert, in lieu thereof, the provisions of H.R. 3046 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.

A similar House bill (H.R. 3046) was laid on the table.

ADJOURNMENT FROM SATURDAY, OCTOBER 10, 1998 TO SUNDAY, OCTOBER 11, 1998

Mr. COBLE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow, Sunday, October 11, 1998.

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

There was no objection.

HOUR OF MEETING ON MONDAY, OCTOBER 12, 1998

Mr. COBLE. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Monday, October 12, 1998 for morning hour debates.

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

There was no objection.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3610) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3610

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Oilheat Research Alliance Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) oilheat is an important commodity relied upon by approximately 30,000,000 Americans annually as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, including wholesale distributors and retail marketers, as well as for the

general economy of the United States and the millions of Americans who rely on oilheat for commercial and residential space and hot water heating.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Alliance'' means a National Oilheat Research Alliance created pursuant to section 4 of this Act;

(2) the term ''consumer education'' means the provision of information that will assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels;

(3) the term ''exchange'' means an agreement that entitles each party or its customers to receive product from the other party and requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the product;

(4) the term ''industry'' means those persons involved in the production, transportation, and sale of oilheat, and in the manufacture and distribution of oilheat utilization equipment, in the United States, but such term does not include the ultimate consumers of oilheat;

(5) the term ''industry trade association'' means an organization exempt from tax, under section 501(c) (3) or (6) of the Internal Revenue Code of 1986, representing participants in the industry;

(6) the term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials;

(7) the term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials which is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury pursuant to section 4082(a)(2) of the Internal Revenue Code of 1986;

(8) the term ''oilheat'' means—

(A) No. 1 distillate; or

(B) No. 2 dyed distillate,

which is used as a fuel for nonindustrial commercial or residential space or hot water heating;

(9) the term ''public member'' means a member of the Alliance described in section 5(c)(6);

(10) the term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization;

(11) the term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization, or, after its establishment under this Act, the Alliance, determines best represents retail marketers in a State;

(12) the term ''retail marketer'' means a person engaged primarily in the sale of oilheat to the ultimate consumer;

(13) the term ''Secretary'' means the Secretary of Energy; and

(14) the term ''wholesale distributor'' means a person who—

(A) produces;

(B) imports; or

(C) transports across State boundaries and among local marketing areas,

No. 1 distillate or No. 2 dyed distillate, and sells such distillate to another person who does not produce, import, or transport distillates as described in this paragraph.

SEC. 4. REFERENDA.

(a) CREATION OF PROGRAM.—The industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the creation of a National Oilheat Research Alliance. The Alliance, if established, shall reimburse the qualified industry organization for the cost of referendum accounting and documentation. Such referendum shall be conducted by an independent auditing firm. Voting rights of a retail marketer in such referendum shall be based on the volume of oilheat sold in a State by the retail marketer in the previous calendar year or other representative period. Voting rights of a wholesale distributor in such referendum shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by the wholesale distributor in the previous calendar year or other representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in that State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State. Upon approval of those persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established, and shall be authorized to levy assessments in accordance with section 6. All persons voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by their vote. Except as provided in subsection (b), a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in that State, subject to the volumetric voting rules established by this subsection, is in favor of the creation of the Alliance. A qualified State association may notify the qualified industry organization within 90 days after the date of the enactment of this Act in writing that a referendum under this subsection will not be conducted in that State.

(b) SUBSEQUENT STATE PARTICIPATION.—A State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum in accordance with subsection (a).

(c) TERMINATION OR SUSPENSION.—On the Alliance's own initiative, or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the industry favors termination or suspension of the Alliance. Termination or suspension shall not take effect unless it is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, or is approved by persons representing more than two-thirds of the total volume of fuel voted in either such class.

SEC. 5. NATIONAL OILHEAT RESEARCH ALLIANCE.

(a) SELECTION OF MEMBERS.—Except as otherwise provided in subsection (c)(3), the qualified industry organization shall select all members of the Alliance. The qualified industry organization shall select a member representing a State from a list of nominees submitted by that State's qualified State association. Vacancies in unfinished terms of Alliance members shall be filled in the same manner as were the original appointments.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall give due regard to selecting a Alliance that is representative of the industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) MEMBERSHIP.—The membership of the Alliance shall be as follows:

(1) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(2) If less than 24 States are represented under paragraph (1), one member representing each of the States with the highest volume of annual oilheat sales as necessary to cause the total number of States represented under paragraph (1) and this paragraph combined to equal 24.

(3) 5 representatives of retail marketers, one each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(4) 5 additional representatives of retail marketers.

(5) 21 representatives of wholesale distributors.

(6) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, or other groups knowledgeable about oilheat.

Other than the public members, Alliance members shall be full-time employees or owners of businesses in the industry, except that members described in paragraphs (3), (4), and (5) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their services, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, upon request, may be reimbursed for reasonable expenses directly related to their participation in Alliance meetings.

(e) TERMS.—Alliance members shall serve terms of 3 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 7 consecutive years. Former members of the Alliance may be returned to the Alliance if they have not been members for a period of 2 years. Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

(f) FUNCTIONS.—(1) The Alliance shall develop programs and projects and enter into contracts or agreements for implementing this Act, including programs—

(A) to enhance consumer and employee safety and training;

(B) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(C) for consumer education,

and may provide for the payment of the costs thereof with funds collected pursuant to this Act. The Alliance shall coordinate its activities with industry trade associations and others as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(2) Research, development, and demonstration activities authorized under paragraph (1)(B) shall include all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment. Such activities include obtaining a patent, including payment of attorney's fees for making and perfecting a patent application. Such activities do not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(3) Activities authorized under paragraph (1)(A) or (B) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(g) PRIORITIES.—Issues related to research, development, and demonstration, safety, consumer education, and training shall be given priority

by the Alliance in the development of its programs and projects.

(h) ADMINISTRATION.—The Alliance shall select from among its members a Chairman and other officers as necessary, may establish and authorize committees and subcommittees of the Alliance to take specific actions the Alliance is authorized to take, and shall adopt rules and bylaws for the conduct of business and the implementation of this Act. The Alliance shall establish procedures for the solicitation of industry comment and recommendations on any significant plans, programs, and projects to be funded by the Alliance. The Alliance may establish advisory committees of persons other than Alliance members. Each member of the Alliance shall have 1 vote in matters before the Alliance.

(i) ADMINISTRATIVE EXPENSES.—(1) The administrative expenses of operating the Alliance (not including costs incurred in the collection of the assessment pursuant to section 6) plus amounts paid under paragraph (2) shall not exceed 7 percent of the funds collected in any fiscal year, except that during the first year of its operation such expenses and amounts shall not exceed 10 percent of such funds.

(2) The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance. Such reimbursement for any fiscal year shall not exceed the amount that the Secretary determines is 2 times the average annual salary of 1 employee of the Department of Energy.

(j) BUDGET.—Before August 1 each year, the Alliance shall publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. Following this review and comment, the Alliance shall submit the proposed budget to the Secretary and to the Congress. The Secretary may recommend programs and activities the Secretary considers appropriate. The Alliance shall not implement a proposed budget until after receiving the Secretary's recommendations, or after the expiration of 60 days after submitting the proposed budget, whichever occurs first.

(k) RECORDS; AUDITS.—The Alliance shall keep books and records that clearly reflect all of the acts and transactions of the Alliance and make public such information. The books of the Alliance, including fee assessment reports and applications for refunds, shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Alliance may designate. Copies of such audit shall be provided to the Secretary, all members of the Alliance, the qualified industry organization, and to other members of the industry upon request. The Alliance shall establish policies and procedures for auditing compliance with this Act that shall conform with generally accepted accounting principles. The Secretary shall make available to the Alliance any information the Alliance requests for auditing compliance, except for information the Secretary is prohibited by law from releasing.

(l) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—(1) All meetings of the Alliance shall be open to the public after at least 30 days advance public notice.

(2) The minutes of all meetings of the Alliance shall be made available to and readily accessible by the public.

(m) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Alliance during the previous year as well as those planned for the coming year. Such report shall also detail the allocation or planned allocation of Alliance resources for each such program and project.

(n) CALCULATION OF OILHEAT SALES.—For purposes of this section, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to the preceding calendar year or other equivalent period.

SEC. 6. ASSESSMENTS.

(a) AMOUNT.—The Alliance shall set the initial assessment at no greater than two tenths of 1 cent per gallon of No. 1 distillate and No. 2 dyed distillate. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the Alliance, except that under no circumstances shall the assessment be greater than one-half cent per gallon of No. 1 distillate and No. 2 dyed distillate unless approved by a majority of those voting in a referendum in both the retail marketer class and the wholesale distributor class. In no case may the assessment be raised by more than one tenth of 1 cent per gallon of No. 1 distillate and No. 2 dyed distillate annually, and no increases may occur unless approved by a two-thirds vote of the Alliance.

(b) COLLECTION RULES.—The assessment shall be collected upon the sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange. The wholesale distributor shall be responsible for payment of the assessment to the Alliance and shall provide to the Alliance certification of the volume of fuel sold. A person who has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section. Assessments shall be made on all No. 1 distillate and No. 2 dyed distillate sold in a State that is participating in the Alliance, and are payable to the Alliance on a quarterly basis. Any No. 1 distillate or No. 2 dyed distillate previously assessed shall not be subject to further assessment. A wholesale distributor who fails within one year of sale to receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate sold may apply for a refund directly from the Alliance. Such refund may not exceed the amount of the assessments levied upon the No. 1 distillate and No. 2 dyed distillate for which payment was not received. The owner of No. 1 distillate and No. 2 dyed distillate imported after the point of sale described in the first sentence of this subsection shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States, and shall provide to the Alliance certification of the volume of fuel so imported.

(c) EXCLUSIONS.—No. 1 distillate and No. 2 dyed distillate sold for uses other than oilheat are excluded from the assessment. The Alliance shall establish rules and procedures for refunding to wholesale distributors, and to retail marketers or other end users who purchase from a wholesale distributor, assessments collected on excluded gallons.

(d) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a State's request for, an alternative means of collecting the assessment if another means is found to be more efficient and effective. The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(f) STATE PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with those of any similar State, local, or regional program created by State law or regulation, or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) BASE AMOUNT.—The Alliance shall make available to each State's qualified State association 15 percent of the funds raised in the State pursuant to the assessment under this section.

(B) REQUEST FOR ADDITIONAL AMOUNT.—A qualified State association may request that the Alliance provide any portion of the remaining 85 percent of the funds raised in the State. A request under this subparagraph shall—

(i) specify the amount of funds requested;

(ii) describe in detail the specific uses for which the requested funds are sought;

(iii) include a commitment to comply with this Act in using the requested funds; and

(iv) be made publicly available.

The Alliance shall not provide any funds in response to a request under this subparagraph unless it determines that the funds will be used to directly benefit the oilheat industry. The Alliance shall monitor the use of funds provided under this subparagraph, and shall impose whatever terms, conditions, and reporting requirements it considers necessary to ensure compliance with this Act.

SEC. 7. COMPLIANCE.

The Alliance may bring suit in Federal court to compel compliance with an assessment levied by the Alliance under this Act. A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing such action.

SEC. 8. LOBBYING RESTRICTIONS.

No funds collected by the Alliance shall be used in any manner for influencing legislation or elections, except that the Alliance may recommend to the Secretary changes in this Act or other statutes that would further the purposes of this Act.

SEC. 9. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 10. VIOLATIONS.

(a) PROHIBITION.—Any consumer education activity, undertaken with funds provided by the Alliance, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product,

is prohibited.

(b) FILING AND TRANSMITTAL OF COMPLAINTS.—A public utility aggrieved by a violation described in subsection (a) may file a complaint. Such complaint shall be transmitted concurrently to the Alliance and to any qualified State association undertaking the consumer education activity with respect to which the complaint is made. Upon receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease those consumer education activities until—

(1) the complaint is withdrawn; or

(2) a court of jurisdiction has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint. If the issues in dispute are resolved in those discussions, the complainant shall withdraw its complaint.

(d) JUDICIAL REVIEW.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any aggrieved person, may seek relief under this section in Federal court. A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(1) the complaint is withdrawn; or

(2) a court of jurisdiction has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEYS FEES.—In any case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover its attorneys fees from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made. In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover its attorneys fees.

SEC. 11. SUNSET.

This Act shall cease to be effective 4 years after the date on which the Alliance is established.

□ 1715

The SPEAKER pro tempore (Mrs. EMERSON). 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. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill, introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) allows the oilheat industry to establish an oilheat checkoff fee to fund research development and consumer education programs related to oilheat.

Oilheat plays an important role in keeping homes and businesses warm in the winter in many parts of this country. This legislation will give the oilheat industry greater resources to undertake research and development activities targeted at finding new and more efficient ways to use oilheat.

Significantly, this bill which was proposed by the oilheat industry does not require the expenditure of significant amounts of Federal money. Through this bill, the oilheat industry is looking for ways to help itself, not a government handout.

In particular, H.R. 3610 authorizes the oilheat industry to conduct a referendum among its retailers and wholesalers for the creation of a National Oilheat Research Alliance, NORA. If the oilheat industry approves such a referendum, NORA will be authorized to collect annual assessments from oilheat wholesalers to cover its planning and program costs.

Madam Speaker, this is a good bill, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam 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.)

Madam Speaker, I rise in support of H.R. 3610, and I certainly want to thank the gentleman from Colorado (Chairman Dan Schaefer) and the gentleman from Virginia (Chairman Bliley) for bringing this bill to the floor. I compliment the gentleman from Pennsylvania (Mr. GREENWOOD) for working to improve the bill in committee to ensure that the funds are properly used.

Madam Speaker, it is my understanding that both the heating oil industry and the gas industry are satisfied with this approach, and I appreciate their efforts to work this out.

I am pleased to support the bill and I urge my colleagues to do the same.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill has strong support from the oilheat industry and Members of the Commerce Committee on both sides of the aisle.

Oilheat is an important and economical source of home and commercial heating for many Americans and many residents of my home State, Virginia. It plays a vital role in keeping homes and businesses warm in the winter in many parts of the United States. In 1996, homes and businesses purchased more than 10 billion gallons of heating oil, with most of it concentrated in New England and the Mid-Atlantic.

Oilheat is virtually the only home heating fuel without a national industry promotion program. Thus, in order for home heating fuel to compete with other home heating fuels on a fair and equitable basis, it must obtain greater resources. This bill would allow the oilheat industry to do research, education and marketing without using any Federal money. In particular, H.R. 3610 allows the heating oil industry to establish an oilheat check-off fee to fund research, development, and consumer education programs related to oilheat.

The goals of this bill, to promote research and investment in encouraging the safe and efficient use of oilheat, are good. Even more importantly, this legislation allows the oilheat industry to fund these activities itself, rather than asking the Federal Government for funding. It is appropriate for the industry to pay for the development of new commercially applicable technologies which will benefit that industry.

I commend the Subcommittee Chairman Mr. SCHAEFER and Mr. GREENWOOD, the legislation's chief sponsor, for their good work on this bill.

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

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I again thank the gentleman from Texas (Mr. HALL) for working with us on this bill, and also the gentleman from Pennsylvania (Mr. GREENWOOD).

Madam Speaker, I have no other speakers, 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. 3610, 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.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (H.J. Res. 58) recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

The Clerk read as follows:

S.J. RES. 58

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 27 largest executive agencies and in 30 other designated Federal entities;

Whereas Inspectors General serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct and supervise audits and investigations to both prevent and detect waste, fraud and abuse in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other activities, of problems and deficiencies relating to the administration of programs and operations of the Federal Government;

Whereas Inspectors General work with Congress and agency heads to recommend policies to promote economy and efficiency in the administration of, or preventing and detecting waste, fraud and abuse in, the programs and operations of the Federal Government;

Whereas Inspectors General receive and investigate information from Federal employees and other dedicated citizens regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety;

Whereas Inspector General actions result in, on a yearly basis, recommendations for several billions of dollars to be spent more

effectively; thousands of successful criminal prosecutions; hundreds of millions of dollars returned to the United States Treasury through investigative recoveries; and the suspension and disbarment of thousands of individuals or entities from doing business with the Government; and

Whereas for 20 years the Offices of Inspectors General have worked with Congress to facilitate the exercise of effective legislative oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the many accomplishments of the Offices of Inspectors General in preventing and detecting waste, fraud, and abuse in the Federal Government;

(2) commends the Offices of Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency and effectiveness in the administration of the programs and operations of the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 58.

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

There was no objection.

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

As chairman of the House Subcommittee on Government Management, Information, and Technology and on behalf of the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight, the committee to which we are responsible for overseeing the economy and efficiency of the Federal Government, I am rising to recognize a very important asset we have in the war that we have waged consistently against waste, fraud and abuse within the Federal Government.

Madam Speaker, 20 years ago this month, in an effort to more effectively combat waste and mismanagement in Federal programs, on a bipartisan basis the predecessor of the Committee on Government Reform and Oversight—then known as the Committee on Government Operations—worked to establish inspectors general in our largest executive agencies. Later, the Inspector General Act of 1978 was expanded so that today we have inspectors general in 27 major agencies and in 30 of our smaller Federal agencies.

Not only my committee, the House Subcommittee on Government Management, Information, and Technology, but the entire Congress, has come to rely heavily on the critical work of the inspectors general. Their audits and their inspections help root out serious problems in various Federal programs and bring them into the light of day so both the administration and Congress can deal with it.

In April 1998, the subcommittee conducted a series of hearings which examined financial management practices in the Federal Government. One of these hearings focused on the status of financial management practices in the Health Care Financing Administration. It has a new, very able administrator and I wish her well in bringing efficiency to this complex agency.

At that hearing, the Inspector General of the Department of Health and Human Services exposed a stunning $20,300,000,000 in waste, fraud and abuse in the Medicare program. The Medicare program is one of this Nation's most important programs. Every dollar invested by the taxpayers and by Congress, and the clients and beneficiaries, must be utilized for quality medical and health care. Medicare was saved by our majority. Its benefits will be available to the generations yet to come.

With the exposure of problems such as this, agencies and Congress can work to improve programs on a bipartisan basis, make them more efficient, more effective and less costly. American taxpayers deserve no less from us than to provide the utmost accountability for their hard-earned money.

With this resolution, we salute the inspectors general and their staffs and we thank them for their two decades of extremely important work on behalf of the American people and Congress.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and urge its adoption by the House. The Committee on Government Reform and Oversight has a long history of working in a bipartisan manner with the inspectors general to eliminate waste, fraud and abuse in Federal programs. Indeed, the original authorizing statute establishing inspectors general in the executive branch was drafted by the Government Operations Committee 20 years ago.

The close relationship between the inspectors general and the Committee on Government Reform and Oversight is entirely appropriate. The Inspector General community is one of Congress' principal watchdogs in the executive branch. There is much we can learn from each other as we work to ensure that our government operate in the most effective and efficient manner possible.

IGs have a very difficult job, in part because they are asked to serve so many masters. They are appointed by the President, but report to the Congress as well as the agency head. As independent investigators within the Federal agencies, they are often the last person a manager wants to hear from, and Members of Congress can get very upset when the need or cost of pet projects are questioned. Yet, in many instances the toughest jobs are the ones which need doing the most. That is certainly the case here.

During fiscal year 1997, IGs returns $3 billion to the Federal Government in restitution and recoveries and their audits identified other $25 billion in funds which could be used more effectively. They also had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspensions of companies or individuals doing business with the government.

Similar accomplishments are made year after year. The IGs have more than proven their usefulness to Congress and the American public. The Chief Financial Officers Act, the Government Management Reform Act and the Government Performance and Results Act have given the IGs some new responsibilities, particularly to ensure that Congress has complete and reliable financial information. Their work in this area is invaluable to policymakers and management executives throughout the administration.

Madam Speaker, it has been 20 years since the passage of the original IG act, and 10 since the 1988 amendments authored by Senator GLENN. The original act established IGs in six Cabinet level departments. One measure of its success is the fact that today there are inspectors general in all departments, and also in most major independent agencies.

Madam Speaker, as this resolution states in part, inspectors general serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the government.

May I add that when it came time to choose a United States Attorney for the District of Columbia, I asked the President to appoint the Inspector General from the Department of the Interior, Wilma Lewis. She has already shown what the experience of an IG can do for the city, the Nation's capital. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to mention just a few items that are in a statement offered by the gentleman from Indiana (Mr. BURTON). In the fiscal year 1997, which ended September 30, 1997, the inspector general audits identified $25 billion in funds that year that could be put to better use. They returned to the government $3 billion in restitution and investigative recoveries. They had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspension of firms or individuals doing business with the government.

They are on our frontline, Madam Speaker, and we appreciate them for

their 20 years of very difficult work. Under various administrations, there has sometimes been a difficulty between the Inspector General and the Secretary of an executive department or the administrator of a particular program. A wise administrator listens to the Inspector General and does the right thing. Generally, the inspectors general have prevailed.

Madam Speaker, I urge the passage of this timely resolution.

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

Ms. NORTON. Madam 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. HORN) that the House suspend the rules and pass the Senate joint resolution, S.J.Res. 58.

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

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4566) to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997, as amended.

The Clerk read as follows:

H.R. 4566

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 ''District of Columbia Courts and Justice Technical Corrections Act of 1998''.

SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(B) by inserting after the second sentence the following new sentences: ''Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.''.

(2) In subsection (b)(2)—

(A) by striking ''chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia'' and inserting ''Secretary'';

(B) by striking ''and the Secretary'';

(C) by striking ''and appropriations''; and

(D) by striking ''and deficiency''.

(3) By amending subsection (c) to read as follows:

''(c)(1) Amounts in the Fund are available—

''(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

''(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

''(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary s responsibilities under this subchapter.

''(2) Notwithstanding any other provision of District law or any other law (other than the Internal Revenue Code of 1986), rule, or regulation—

''(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

''(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.''.

(4) In subsection (d)(1)—

(A) by striking ''Subject to the availability of appropriations, there shall be deposited into the Fund'' and inserting ''The Secretary shall pay into the Fund from the General Fund of the Treasury''; and

(B) by striking ''(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)''.

(5) In subsection (d)(2)(A)—

(A) by striking ''June 30, 1997'' and inserting ''September 30, 1997''; and

(B) by striking ''net the sum of future normal cost'' and inserting ''net of the sum of the present value of future normal costs''.

(6) In subsection (d)(3), by striking ''shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and''.

(7) By adding at the end the following new subsections:

''(h) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(i) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.''.

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§ 11-1572. Regulations; effect on Reform Act

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'.''; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

''(c) CLERICAL AMENDMENTS.—

''(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11–1570 to read as follows:

'11–1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

''(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'.''

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting ''(except as provided in section 11–1570, District of Columbia Code)'' after ''the following'';

(2) in subsection (c)(1), by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(3) in subsection (c)(2)—

(A) by striking ''(2) The'' and inserting ''(2) In accordance with the direction of the Secretary, the'';

(B) by striking ''in the Treasury'' and inserting ''at the Board''; and

(C) by striking ''appropriated'' and inserting ''used''.

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

''(1) In applying each such section—

''(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

''(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

''(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code;

''(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(G) any reference to chapter 2 shall instead refer to section 11–1570, District of Columbia Code.

''(2) In applying section 11023—

''(A) any reference to the contract shall instead refer to the agreement referred to in section 11–1570(b), District of Columbia Code; and

''(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(3) In applying section 11033(d)—

''(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.''; and

(3) by adding at the end the following new subsection:

''(d) EFFECTIVE DATE.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.''.

(e) MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 11–1568(d) and 11–1569, District of Columbia Code, are each amended by striking ''Mayor'' each place it appears and inserting ''Secretary of the Treasury''.

(2) Section 11–1568.2, District of Columbia Code, is amended by striking ''Mayor of the District of Columbia'' each place it appears and inserting ''Secretary of the Treasury''.

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking ''11'' and inserting ''12''.

(4) Section 11–1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking ''sections'' and inserting ''section''.

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended to read as follows:

''(c) TREATMENT OF FEDERAL SERVICE OF JUDGES.—Section 11-1564, District of Columbia Code, is amended—

''(1) in subsection (d)(2)(A), by striking 'section 1-1814)' and inserting 'section 1-714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11–1570)'; and

''(2) in subsection (d)(4), by striking 'Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act' and inserting 'Judicial Retirement and Survivors Annuity Fund under section 11–1570'.''.

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended by adding at the end the following new subsection:

''(d) REDEPOSITS TO FUND.—Section 11-1568.1(4)(A), District of Columbia Code, is amended by striking 'Judges Retirement Fund' and inserting 'Judicial Retirement and Survivors Annuity Fund'.''.

(f) CONFORMING AMENDMENT.—Effective immediately after the enactment of the Treasury and General Government Appropriations Act, 1999, section 804 of such Act is hereby repealed.

(g) EFFECTIVE DATE.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 3. RETIREMENT ELECTION FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Notwithstanding any provision of the District of Columbia Code, or of chapter 83 or chapter 84 of title 5, United States Code, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the ''Agency''), on or after August 5, 1997, may elect, within 60 days after the issuance of regulations pursuant to subsection (c), or within 60 days of being hired, if later, to be covered by the retirement system of the District of Columbia under which the person was most recently covered. No election under this subsection may be made by a person who is hired more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

(b) PERIOD OF ELECTION.—The election authorized by subsection (a) shall remain in force until the employee is no longer employed by the agency in which he or she was employed at the time the election was made.

(c) REGULATIONS.—The election authorized by subsection (a) shall be in accordance with regulations issued by the Office of Personnel Management after consulting with the Department of Justice, the Agency, and the government of the District of Columbia. The government of the District of Columbia shall administer the retirement coverage for any employee making such an election.

SEC. 4. LEAVE FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Notwithstanding any provision of law, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the ''Agency''), on or after August 5, 1997, shall—

(1) in determining the rate of accrual of annual leave under section 6303 of title 5, United States Code, be entitled to credit for service as an employee of the District of Columbia;

(2) to the extent that the employee has not used or otherwise been compensated for annual leave accrued as an employee of the District of Columbia, have all such accrued annual leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency; and

(3) to the extent the employee has not used or otherwise been compensated for sick leave accrued as an employee of the District of Columbia, have all such accrued sick leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency.

(b) TERMINATION.—Subsection (a) is not applicable to any former employee of the District of Columbia who is hired by the Department of Justice or the Agency more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

SEC. 5. CLARIFICATION OF PROVISIONS RELATING TO PRIORITY CONSIDERATION FOR SEPARATED EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS.

(a) IN GENERAL.—Section 11203(b) of the Balanced Budget Act of 1997 (DC Code, sec. 24–1203(b)) is amended by amending the second sentence to read as follows: ''The priority consideration program shall also include provisions under which an employee described in subsection (a) who has not been appointed to a Federal Bureau of Prisons law enforcement position and who applies for another Federal position in the competitive service shall receive priority consideration and may be given a competitive service appointment noncompetitively to such a competitive service position.''.

(b) RELOCATION ALLOWANCE.—Section 11203(b) of such Act (DC Code, sec. 24–1203(b)) is amended by inserting after the second sentence the following: ''The Director of the Bureau of Prisons may provide a relocation allowance to any individual who is hired by the Director under the program established under this section for a position outside of the Washington Metropolitan Area.''.

(c) EFFECTIVE DATE; TREATMENT OF INDIVIDUALS GIVEN PRIORITY PRIOR TO ENACTMENT.—(1) The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) Individuals who have been appointed with excepted service appointments under section 11203(b) of the Balanced Budget Act of 1997 prior to the date of the enactment of this Act shall be converted noncompetitively to competitive service appointments in their current positions.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA COURTS.

(a) AUTHORITY OF JOINT COMMITTEE ON JUDICIAL ADMINISTRATION TO EXCLUDE TEMPORARY EMPLOYEES FROM FERS.—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following:

''(9) The Joint Committee on Judicial Administration in the District of Columbia may exclude from the operation of this chapter an employee of the District of Columbia Courts whose employment is temporary or of uncertain duration.''.

(b) REPEAL OF FUNDING THROUGH STATE JUSTICE INSTITUTE.—

(1) FUNDING OF COURTS.—Section 11241(a) of the Balanced Budget Act of 1997 (DC Code, sec. 11–1743 note) and section 11–2608, District of Columbia Code (as amended by section 11262(b) of the Balanced Budget Act of 1997) are each amended by striking ''through the State Justice Institute'' and inserting ''for payment to the Joint Committee on Judicial Administration in the District of Columbia''.

(2) FUNDING OF OTHER AGENCIES.—Section 11234 of such Act (DC Code, sec. 24–1234) is amended by striking ''through the State Justice Institute''.

(c) OTHER MISCELLANEOUS TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 11241(b) of the Balanced Budget Act of 1997 (Sec. 11–1743 note, District of Columbia Code) is amended by striking ''Superior Court for'' and inserting ''Superior Court of''.

(2)(A) Section 1 of the Act entitled ''An Act for the establishment of a probation system for the District of Columbia'', approved June 25, 1910 (36 Stat. 864), as amended and reenacted by the Act entitled ''An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia'', approved March 4, 1919 (40 Stat. 1324-25; DC Code, sec. 24–101), is repealed.

(B) Section 5 of the Act entitled ''An Act for the establishment of a probation system for the District of Columbia'', approved June 25, 1910 (36 Stat. 865), as amended and reenacted by the Act entitled ''An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia'', approved March 14, 1919 (40 Stat. 1324-25; DC Code, sec. 24–105), is repealed.

SEC. 7. DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) REMOVING SERVICE FROM JURISDICTION OF OFFENDER SUPERVISION TRUSTEE AND AGENCY.—

(1) AUTHORITY OF TRUSTEE.—Section 11232(b)(2) of the Balanced Budget Act of 1997 (DC Code, sec. 24–1232(b)(2)) is amended by striking '', except that'' and all that follows through ''Service''.

(2) AUTHORITY OF AGENCY.—Section 11233(e) of such Act (DC Code, sec. 24–1233(e)) is amended as follows:

(A) In the heading, striking ''AND PUBLIC DEFENDER SERVICE''.

(B) Amend paragraph (1) to read as follows:

''(1) INDEPENDENT ENTITY.—The District of Columbia Pretrial Services Agency established by subchapter I of chapter 13 of title 23, District of Columbia Code shall function as an independent entity within the Agency.''.

(C) Strike paragraph (3) and redesignate paragraphs (4) and (5) as paragraphs (3) and (4).

(D) In paragraph (3) (as so redesignated)—

(i) strike '', the District of Columbia Public Defender Service,''; and

(ii) strike ''or the District of Columbia Public Defender Service''.

(E) In paragraph (4)(A) (as so redesignated), strike ''and the District of Columbia Public Defender Service'' each place it appears.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 11234 of such Act (DC Code, sec. 24–1234) is amended by striking paragraph (2) and redesignating the succeeding paragraphs accordingly.

(4) PERMITTING TRUSTEE TO EXERCISE AUTHORITIES ON BEHALF OF SERVICE AT REQUEST OF DIRECTOR OF THE SERVICE.—Section 11232 of such Act (DC Code, sec. 24–1232) is amended by adding at the end the following new subsection:

''(i) EXERCISE OF AUTHORITY ON BEHALF OF PUBLIC DEFENDER SERVICE.—At the request of the Director of the District of Columbia Public Defender Service, the Trustee may exercise any of the powers and authorities of the Trustee on behalf of such Service in the same manner and to the same extent as the Trustee may exercise such powers and authorities in relation to any agency described in subsection (b).''.

(b) REVISING NAME OF TRUSTEE.—

(1) IN GENERAL.—Section 11232 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended—

(A) in the heading, by striking ''**DEFENSE SERVICES,**''; and

(B) in subsection (a)(1), by striking ''Defense Services,''.

(2) CLERICAL AMENDMENT.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11232 by striking ''Defense Services,''.

(c) REVISING NAME OF AGENCY.—

(1) IN GENERAL.—Section 11233 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended—

(A) in the heading, by striking ''**OFFENDER SUPERVISION, DEFENDER AND COURTS SERVICES**'' and inserting ''**COURT SERVICES AND OFFENDER SUPERVISION**''; and

(B) in subsection (a), by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(2) CONFORMING AMENDMENTS.—(A) Section 11231 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1231) is amended by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' each place it appears in subsections (a)(2), (a)(3), and (b) and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(B) Section 11232 of such Act (DC Code, sec. 24–1232) is amended by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' each place it appears in subsections (b) and (h) and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(C) Section 23–1304(a), District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(D) Section 23–1307, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended—

(i) by striking ''(a)''; and

(ii) by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(E) Section 23–1308, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking ''the District of Columbia Offender Supervision, Defender, and Courts Services Agency'' each place it appears and inserting ''the Court Services and Offender Supervision Agency for the District of Columbia''.

(3) CLERICAL AMENDMENT.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11233 by striking ''Offender Supervision, Defender and Courts Services'' and inserting ''Court Services and Offender Supervision''.

(d) REPEAL OF CERTAIN AMENDMENTS AFFECTING PUBLIC DEFENDER SERVICES.—Section 11272 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 762) is hereby repealed, and any provision of law amended or repealed by such section shall be restored or revived as if such section had not been enacted into law.

(e) TRANSFER OF EMPLOYEES OF SERVICE TO FEDERAL RETIREMENT AND BENEFIT PROGRAMS.—

(1) IN GENERAL.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2705) is amended by inserting at the end the following:

''(c)(1) Employees of the Service shall be treated as employees of the Federal Government solely for purposes of any of the following provisions of title 5, United States Code: subchapter 1 of chapter 81 (relating to compensation for work injuries), chapter 83 (relating to retirement), chapter 84 (relating to Federal Employees' Retirement System), chapter 87 (relating to life insurance), and chapter 89 (relating to health insurance).

''(2) The Service shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

''(3) An individual who is an employee of the Service on the date of the enactment of this subsection may make, within 60 days after the issuance of regulations under paragraph (4), an election under section 8351 or 8432 of title 5, United States Code, to participate in the Thrift Savings Plan for Federal employees.

''(4) This subsection shall apply with respect to all months beginning after the date on which the Director of the Office of Personnel Management issues regulations to carry out this subsection.

''(5) For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (DC Code, sec. 1–627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of implementation of this subsection shall include service performed thereafter for the Service.''.

(2) CONFORMING AMENDMENTS.—(A) Section 306 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2706) is amended—

(i) in subsection (a), by striking ''Mayor of the District of Columbia'' and inserting ''Office of Management and Budget''; and

(ii) in subsection (b), by striking ''Administrative Office of the United States Courts'' and inserting ''Office of Management and Budget''.

(B) Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2707(a)) is amended to read as follows:

''(a) There are authorized to be appropriated through the Court Services and Offender Supervision Agency for the District of Columbia (or, until such Agency assumes its duties pursuant to section 11233(a) of the Balanced Budget Act of 1997, through the Trustee appointed pursuant to section 11232 of such Act) in each fiscal year such sums as may be necessary to carry out this chapter. Funds appropriated pursuant to this subsection shall be transmitted by the Agency (or, if applicable, by the Trustee) to the Service. The Service may arrange by contract or otherwise for the disbursement of appropriated funds, procurement, and the provision of other administrative support functions by the General Services Administration or by other agencies or entities, not subject to the provisions of the District of Columbia Code or any law or regulation adopted by the District of Columbia Government concerning disbursement of funds, procurement, or other administrative support functions. The Service shall submit an annual appropriations request to the Office of Management and Budget.''.

(C) Section 11233 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended by adding at the end the following new subsection:

''(f) RECEIPT AND TRANSMITTAL OF APPROPRIATIONS FOR PUBLIC DEFENDER SERVICE.—The Director of the Agency shall receive and transmit to the District of Columbia Public Defender Service all funds appropriated for such agency.''.

(f) EXEMPTION OF SERVICE FROM PERSONNEL AND BUDGET CEILINGS.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2707) is amended by adding at the end the following new subsection:

''(c) The Service shall not be subject to any general personnel or budget limitations which otherwise apply to the District of Columbia government or its agencies in any appropriations act.''.

SEC. 8. SICK LEAVE BUYOUT FOR DEPARTMENT OF CORRECTIONS EMPLOYEES.

Notwithstanding any provision of District of Columbia law, the Corrections Trustee appointed pursuant to section 11202 of the Balanced Budget Act of 1997 may set conditions and may provide that an employee of the District of Columbia Department of Corrections who meets such conditions will receive a lump-sum payment for his or her accumulated and accrued sick leave, if the employee

is separated involuntarily and is not subsequently employed, without a break in service of more than 3 days, by the Bureau of Prisons or another Federal agency. The lump-sum payment for sick leave shall be calculated by multiplying 50 percent of the employee's rate of basic pay, exclusive of additional payments of any kind, by the number of hours of accumulated sick leave to the employee's credit at the time of separation. The lump-sum payment shall be considered pay for taxation purposes only and shall not be used to confer any other benefit to the employee.

SEC. 9. WAIVER OF MAXIMUM ENTRY AGE REQUIREMENT FOR LAW ENFORCEMENT OFFICER POSITIONS IN THE DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Notwithstanding any maximum entry age which the Attorney General may have established for law enforcement officers in the Department of Justice under section 3307 of title 5, United States Code, an employee of the District of Columbia Department of Corrections may be hired by the Department of Justice pursuant to section 11203(b) of the Balanced Budget Act of 1997 in a law enforcement officer position if such employee will have completed at least 10 years of covered service when the employee attains the minimum retirement age described in section 8412(g) of title 5, United States Code.

(b) SEPARATION.—Notwithstanding section 8425(b) of title 5, United States Code, any employee hired by the Department of Justice in a law enforcement position who is described in subsection (a) shall be separated from service with the Department on the last day of the month in which such employee becomes 57 years of age, except that if the Attorney General judges that the public interest so requires, the Attorney General may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age.

SEC. 10. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Davis).

GENERAL LEAVE

Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4566.

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

There was no objection.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of passage of H.R. 4566, the District of Columbia Courts and Justice Technical Corrections Act of 1998. This measure has been favorably reported to the House by the Committee on Government Reform and Oversight.

H.R. 4566 makes technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997. This measure clarifies a number of D.C. employee related matters and resolves a potential dispute involving the District of Columbia Public Defenders Service.

Most importantly, this legislation will give further protection to employees of the D.C. Department of Corrections that may be displaced by the Federal assumption of correctional functions.

H.R. 4566 is the result of many hours of hard work and negotiations between the Congress and the administration. I want to thank my ranking member on the subcommittee, the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. WAXMAN) and the Committee on Ways and Means for their assistance on this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin my thanking the gentleman from Indiana (Chairman BURTON); the gentleman from California (Mr. WAXMAN) ranking member; and the gentleman from Virginia (Chairman DAVIS) for their leadership and support in bringing to the floor H.R. 4566 to attend to some unfinished business of the National Capital Revitalization and Self-Government Improvement Act of 1997.

□ 1730

The revitalization act is already pulling the District out of insolvency by relieving the city of the most costly State functions, missions that are not performed by any other city in the country.

However, the experience with such complicated and comprehensive legislation in the Congress is that technical corrections are almost always necessary. There is no need to detain the House on these small technical matters. One set of the corrections in this bill concerns detailed procedures that are necessary to accomplish the employee transfers, retirements and terminations while minimizing unnecessary dislocation, frustration and stress. The second set of technical corrections relates to matters involving the courts and various components of the justice system that have been transferred from the District of Columbia to the Federal Government.

The transfer of Lorton to the Federal Government is in the first year of transition. The transfer of court costs has already taken place. The provisions of H.R. 4566, therefore, are overdue. I strongly urge the passage of this bill to tie up the loose ends and avoid unnecessary problems in this complicated and unprecedented transfer.

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

Mr. DAVIS of Virginia. Madam Speaker, I urge support for the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4566, 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.

The title of the bill was amended so as to read: ''A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.''.

A motion to reconsider was laid on the table.

RECOGNIZING HUNTER SCOTT FOR HIS EFFORTS REGARDING THE USS INDIANAPOLIS

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the USS Indianapolis and for the outstanding example he has set for the young people of the United States, as amended.

The Clerk read as follows:

H. RES. 590

Whereas 13-year-old Hunter Scott of Cantonment, Florida, has received international recognition for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS, which sank in the Pacific Ocean during the final days of World War II;

Whereas Hunter Scott has spent the past two years seeking recognition for the crew of the U.S.S. INDIANAPOLIS, many of whom perished as a result of shark attacks and exposure after being stranded in the water for four days;

Whereas Hunter Scott's extensive work is the subject of legislation before this Congress, supported by Democrats and Republicans alike;

Whereas Hunter Scott's work ethic, love of country, and strength of character serve as a shining example to the young people of the United States; and

Whereas Hunter Scott has helped the crew of the U.S.S. INDIANAPOLIS receive international recognition from the New York Times, USA Today, the Associated Press, CBS, Nickelodeon, and other print and broadcast media: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS and for the outstanding example he has set for the young people of the United States.

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

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

Mr. SCARBOROUGH. Madam Speaker, I yield myself such time as I may consume. On the cover of the New York Times earlier this summer was the headline, A Boy's School Project Aims to Revise History. It told the story of

Hunter Scott, a middle schooler who is trying to change history as it was written 50 years ago.

In the closing days of World War II, the U.S.S. I*ndianapolis* had its hull pierced by three Japanese torpedoes. Twelve minutes later the cruiser went down. On board were almost 1,200 crew members and only 300 survived, the others dying of shark attacks and exposure.

For half a century, the 316 remaining surviving crew members of the worst disaster in Naval history tried in vain to defend the honor of their captain, Charles McVay. This year a new secret weapon was employed in their quest, and that weapon was a 13-year-old boy named Hunter Scott.

Two years ago Hunter came to my district office to show me a middle school history project that he had made. Now, this extraordinary history project actually contained clear, convincing evidence of the *Indianapolis* crew's bravery and of the injustice done to their captain who was wrongly court-martialed as a useful scapegoat in this disaster.

As it turns out, Hunter's history project is now turning out to make history, itself. We reviewed Hunter's report, including newly declassified documentation that he had dug up and we decided that we wanted to help him out.

Hunter's documents showed that Captain McVay was not given the intelligence that would have helped him avoid the disaster and that he did nothing improper to justify the court-martial. The legislation was introduced in Washington and gained almost 100 cosponsors, including those of the gentlewoman from Indiana (Ms. CARSON) who certainly helped out a great deal, the gentlewoman from Hawaii (Mrs. MINK) and also the gentleman from Hawaii (Mr. ABERCROMBIE).

Then Hunter came to Washington and created quite a stir. He commanded international media coverage and met with many key Members of the House and Senate, including Speaker GINGRICH, Majority Leader ARMEY and National Security Chairman Floyd Spence. The New York Times, ABC, NBC, CBS, CNN, Forbes, the Atlanta Constitution and media outlets across the world followed Hunter's work. But because of some entrenched interests who do not want to admit that they were wrong 50 years ago, this bill did not get a chance to come up on the floor this session.

That is why we are here today, to pass a congressional resolution honoring Hunter Scott and recognizing the brave *Indianapolis* crew since Hunter is a shining example of all that is good about our young people today.

But we are also here today to serve notice on those who refuse to right a half-century wrong, that the 53-year-old fight by the *Indianapolis* survivors to clear their good captain's name will move forward in the next session of Congress. We will also fight for the Presidential Unit Citation for the *Indianapolis* crew that was so richly deserved by them. We will also fight for Mr. McVay's brother Kimo who has been working for so many years to right this wrong.

Regrettably his brother, a third-generation Naval officer, will not be able to be here next year. He tragically took his life 30 years ago on the front porch of his home dressed in his Naval uniform. Denied his dignity by the process 50 years ago, we return to this Chamber 30 years later to wipe clean the slate for Captain McVay.

The 50-year fight continues. A resolution will be reached in the 106th Congress and it will be reached because of the work of an extraordinary young man named Hunter Scott who decided at the age of 13 that he could make a difference, that he could right a wrong and that he could turn a bright searing light on an injustice and bring about the proper and just conclusion to this 53-year-old miscarriage of justice.

Madam Speaker, Congress should be grateful for what a young man like Hunter Scott has done.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, today I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), the chairman of our subcommittee the gentleman from Florida (Mr. MICA), and I commend the gentleman from Florida (Mr. SCARBOROUGH) for this legislation.

Madam Speaker, just Thursday I had the pleasure of managing a resolution that recognized KidsPeace, an organization that established National KidsDay and National Family Month. KidsPeace established these celebrations to focus our attention on the importance of children and the role we should play in nurturing and encouraging them.

The parents of Hunter Scott have done just that, and look at the outcome. Hunter brought to the attention of this body and the American people a tragedy that occurred decades before his birth. The 13-year-old boy researched and uncovered evidence that suggested Charles B. McVay, III, the captain of the U.S.S. *Indianapolis*, was wrongly convicted of negligence for the loss of the U.S.S. *Indianapolis* near the end of World War II. McVay was the first officer in the history of the United States Navy to be court-martialed for losing his ship to enemy fire in time of war.

After conducting interviews with survivors of the U.S.S. *Indianapolis* and uncovering other information, Hunter felt that McVay was wrongly accused and brought his case to this body, the House of Representatives. Hunter has been lobbying the Congress to, quote, erase all mention of a court-martial and conviction from Captain McVay's records and get a Presidential Unit Citation for the U.S.S. *Indianapolis* and her crew.

Hunter found that Navy officials knew enemy submarines were in the vicinity of the U.S.S. *Indianapolis* and did not give Captain McVay that information. He found that the Navy rejected McVay's request for an escort from Guam to the Leyte Gulf in the Philippines where the ship was attacked and sunk by a torpedo with hundreds of lives lost.

Hunter began his sixth grade research project by placing an ad in the local newspaper which led to his obtaining a list of the ship's survivors. He contacted the survivors who shared stories, photos and mementos of their ordeal on the *Indianapolis.* Though the Navy stands by the court-martialing of Mr. McVay, Hunter has been interviewed by network and local television programs, lobbied Members of Congress, and won first place for his research in his county's school history fair.

Hunter is an example to his classmates and children everywhere. But more important than all of that, Hunter is a young man who decided that something was wrong. He saw the wrong, and he had the courage to do everything in his power to right it.

In the words of a great author, Stephen Carter, in his book Integrity, he says that there are three parts of integrity. He says first you must recognize the difference between right and wrong; number two, you must act upon it even at your own peril; and, number three, you must tell someone about it.

This 13-year-old young man from the gentleman from Florida's district has done something that I wish more people would do. He has adhered to Stephen Carter's definition of integrity. He realized that Captain McVay was wrongly accused and court-martialed, and he realized that that was wrong. Number two, he went further than that to say not only to his classmates and to his county and to the country but to the world that this was wrong and he wanted to right it. Just as important, he has let all of us know, and he has been a lesson not only to children everywhere but to us grownups of what should be done when one finds a wrong and knows that they should right it and then takes the steps to do it.

And so it is so interesting, and I say this to the gentleman from Florida, when I saw him on the news program, little did I know that I would be standing here today, I was so moved by that story, little did I know that I would be standing here today to salute this great, great American for his hard work and his perseverance.

I can say to Hunter, I hope that he is looking upon us today, that we salute you with all of the power and all the respect that we have in our bodies.

Madam Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Madam Speaker, I certainly want to rise and thank and commend the gentleman from

Maryland (Mr. CUMMINGS) for his inspiring words.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I thank the gentleman for yielding me this time. I want to pay tribute to the gentleman from Florida (Mr. SCARBOROUGH) and to the gentlewoman from Indiana (Ms. CARSON) my Democratic colleagues for their tremendous efforts in trying to carry the voice of this young man Hunter Scott to the places that could make a difference, to change that historic error that was uncovered by Hunter Scott as a result of his tenacious and industrious work in a school project.

I am standing here today because I am not only moved by this young man and by the commitment that he undertook and the courage that he evidently felt in raising this issue to this huge government that very few of us can very frequently change but took it upon himself to make the points that he felt were so important in order to correct history. I stand here today because my connection is not just an intellectual one or an inspirational one with Hunter Scott but because there is a person in the State of Hawaii who has been working on this issue for decades. He is the son of Captain McVay, a very, very well-known and well-regarded person in my State, Kimo Wilder McVay, who has been trying and trying and trying to get people to listen to what he believed was a terrible injustice done to his father. He has spoken to the people in the State and taken his anguished feeling to many, many quarters.

Recently our State legislature adopted a resolution incorporating all the findings of Mr. McVay that he had pursued. But the world was not open to him in terms of raising this issue to the cognizance of the national government. I stand here today to pay special tribute to Hunter Scott, because this young man, 12 years of age, a seventh grader in a school in Florida, was able to gather together the evidence, the history, the commentary of the survivors of the U.S.S *Indianapolis* and put it together in a very, very telling history report which he sent me a copy.

□ 1745

I was tremendously moved.

His letter is something that should be placed in the RECORD, and I ask unanimous consent, Madam Speaker, to do so.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK of Hawaii. Madam Speaker, he starts off by saying, My name is Hunter Scott. I am 12 years old and in the seventh grade, and I have been pursuing this matter of the war time disaster, and he goes on to detail almost day by day, hour by hour what happened exactly to the U.S.S. *Indianapolis*, and it is a very, very moving, well-documented, well-researched piece of evidence.

The letter in its entirety is as follows:

OCTOBER 12, 1997.

Hon. PATSY T. MINK,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MINK: My name is Hunter Scott. I am 12 years old and in the seventh grade. Enclosed are several recent newspaper articles about my history fair project on the USS *Indianapolis* tragedy in 1945. The greatest wartime disaster at sea in the history of the U.S. Navy, in which only 316 of 1,196 men survived including its skipper Charles B. McVay III, who was court-martialed and found guilty. I have also included a video cassette of my appearances on NBC Nightly news with Tom Brokaw, and TNN's ''Prime Time County''. I would like to thank you in advance for any help you could give me. Congressmen Scarborough and Bono have already agreed to help me in my quest to help clear Captain McVay's name, and honor the ship and its crew.

Captain McVay is the only skipper ever court-martialed for losing his ship in a time of war, despite the fact over 700 ships were lost in WWII. I have thoroughly investigated the circumstances surrounding the sinking of the USS *Indianapolis* and I feel Captain McVay should be cleared of all wrongdoing (see attachment A). I would like your help and guidance in my quest to help clear Captain McVay's name on behalf of his sons, Charles IV and Kimo, and the 150 living survivors.

I have been advised that the best course of setting this historical record straight would be for Congress to take action in the form of a Joint Resolution (attachment B). This resolution would express the sense that Congress recognizes an injustice was done and order that all mention of the court-martial and conviction of Captain Charles McVay be expunged from the records. It would be signed by the President and become public law. It is never too late to set an injustice straight.

I have been talking with the remaining survivors for over a year, and feel this injustice needs to be corrected. These men range in age from age 69 to 92 and time is running out for them to see the day when the honor of their captain is restored. I, along with the survivors, feel this ship and their part in the mission that ended WWII has been overshadowed by Captain McVay's court-martial.

Even though I am 12 years old, I would be willing to testify before the Congress and pleased the case for Captain McVay. I have the greatest collection of information pertaining to this incident of anyone in the world, and I would like to make it available to you and other members of Congress.

Please let me know what you can do to help me on behalf of the survivors and the McVay family.

Sincerely,

HUNTER SCOTT.

I wish that we could come here to the floor, Madam Speaker, today to not just herald the thoughtful deliberate efforts of this young man, but to give him the greatest reward of all, and that is to say that the resolution that is a result of his work, H. Res. 590 that was introduced by the gentleman from Florida (Mr. SCARBOROUGH), is indeed being taken up by the Congress and being adopted because that is really the recognition, I am sure, that he seeks, and so like the gentleman from Florida (Mr. SCARBOROUGH), I hope that we will be able in the 106th Congress to persuade enough people to understand the message contained in Hunter Scott's letters and in his transmissions to the Congress to finally pass this, rectify the wrong that occurred over 50 years ago.

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

Madam Speaker, those who teach our children often say that we must teach to their strengths, and I am so glad that when our next speaker heard about this young man's efforts she realized that he had a strong conviction to do something and to make sure that he righted a wrong, as I said a little bit earlier.

I am so glad that the gentlewoman from Indiana (Ms. CARSON) from Indianapolis took his situation, working with the gentleman from Florida (Mr. SCARBOROUGH) working with the Speaker, working with many, many others, the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE) who will speak later, and took that cause and saw that this young man had a strength, they did not turn their faces away from him, they looked into his eyes and said:

''We will help you.''

Madam Speaker, I yield 5 minutes to the gentlewoman from Indiana (Ms. CARSON), my distinguished colleague.

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Madam Speaker, I thank the gentleman for yielding this time to me, and thanks to the gentleman from Florida (Mr. SCARBOROUGH) in whose district this young man that we pay special tribute today resides, and always to the honorable gentlewoman from Hawaii (Mrs. MINK) who has the privilege of having a dear relative of one of the casualties of this very tragic situation who resides in her district and to Members of Congress all.

Let me suggest to the House of Representatives today that when Hunter Scott first came to Washington in pursuit of justice, as my colleagues have heard described here today, that I met the young man at the airport when he first flew in from Florida because of my enduring appreciation for the young man and his good work. And we created a House bill, House bill 3710, that the gentleman from Florida (Mr. SCARBOROUGH) and I co-authored, along with other Members of this distinguished body, asking for the relief, especially the memory, of the individuals who were aboard the U.S.S. *Indianapolis*, a city whom I represent and whom that ship was proudly named for, to try to vindicate in some way before the remaining 12 survivors went to meet their maker.

When I met Hunter Scott at the airport and enjoyed and experienced all the enthusiasm that he had had for this project in terms of redemption, I was

reminded of the great poet that said that the lion shall lay down with the lamb, and a little child shall lead them, and, as I have been here in this 105th Congress, I thought of Congress as being the lion and hopefully that this young man, this 12 year old, now 13 year old, would certainly be the child that would lead Congress in the right direction in terms of vindicating those aboard U.S.S. *Indianapolis* that was torpedoed and sunk just before the end of the war in the United States Navy's worst disaster at sea. The Navy, embarrassed by forces of great disaster, has never recognized heroism of the crew and instead court-martialed the captain Charles McVay.

I, too, have a relative and a survivor of the U.S.S. *Indianapolis* who still remains in Indianapolis, Indiana. My colleagues have heard the tragic subsequent events that followed the sinking of the U.S.S. *Indianapolis* and the fact that America was so jubilant that the war was over they did not even discover the U.S.S. *Indianapolis* had not come to shore. And I think that this country and Old Glory that we salute here on this floor on a daily basis owes it to America and certainly owes it to Hunter Scott, who unfortunately is at camp at this time and unable to watch this personal salute that is given to him. But I would trust, as the gentleman from Florida (Mr. SCARBOROUGH) has mentioned, that the 106th Congress would be about the very serious business of vindicating the survivors of U.S.S. *Indianapolis*, reversing a very bad item on the record of those who survived this ship and to give a very special salute to a young man who stands as a beacon for so many young people around this country in terms of what can, in fact, be accomplished if one holds fast the dreams and does not let dreams die.

Mr. SCARBOROUGH. Madam Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Speaker, there are sometimes opportunities for us on this floor to enlighten ourselves and the public in a way that is not generally available under other means and other circumstances. This is one of those instances thanks to the gentleman from Florida (Mr. SCARBOROUGH) in particular and young Hunter Scott. I am sure young Mr. Scott would be only too happy to have the accolades which have extended to him today be set aside if we could come to the kind of conclusion that we think the activity here today warrants. But that is not the case.

Also I think, Madam Speaker, that we often find ourselves in a position where we are attempting to convey information not just to ourselves, but because we are the Congress of the United States, to the Nation as a whole, and sometimes in that process we forget that there are those who are impacted individually and collectively in the most personal way. And as the gentlewoman from Hawaii (Mrs. MINK) has indicated, we have, as a result of our residents in Hawaii, just one such instance. The son of the captain resides in our district and is known to the gentlewoman from Hawaii and myself; well, I guess all of her life and for the past 4 decades of my life, a wonderful gentleman, and gentleman is the appropriate word, I can assure my colleagues, who in some respects can be said to be a victim as well.

As my colleagues know, fate is often cruel and history capricious and arbitrary in the way it is implemented, and so it probably seems to those who do not know the circumstances and the facts a situation in which one would expect the son of the captain that has to carry this burden of court-martial, expect the son to take this position of trying to vindicate the father and, therefore, be able to dismiss the factual circumstances around the incident, if we can call that tragedy such.

So, while there was empathy and sympathy certainly by those of us who knew Kimo McVay, we understood as well, or thought we understood as well, that there was likely little that could be done about it, and it just goes to show that even though we by virtue of being Members of Congress are optimistic in nature, nonetheless it did not occur to us. Shame on us really. Shame on us. It did not occur to us that there was perhaps something that could be done.

I have not thought about the biblical phrase, and a little child shall lead them, but it certainly jumped to the forefront of my thoughts today as I contemplated what to say at this particular moment.

But we have all been admonished in a way, all brought up a little short to say yes, not only can an individual make a difference in the United States of America, but we should not become so jaded and so certain that we know how things are going to work as to forget that it is quite possible to bring to the attention of the people of this country an injustice and fully expect, as this child did; I think we sometimes forget that this is a child we are discussing here today; a child brought us all up short and said, ''Look you're not doing your duty, you're not paying the kind of attention that needs to be paid to these circumstances.''

And I suppose then, Madam Speaker, in conclusion I can say that it is perhaps somewhat to our credit then that when the information was presented to us and when we had to confront the work that was presented by this young man, we did in fact then move, and move expeditiously, and work in a nonpartisan basis to arrive at this point today.

So I want to assure Kimo McVay, the son of Captain McVay, and I want to assure Hunter Scott that the Members of this Congress have now taken up this cause, will not lay it down until it comes to a successful conclusion, and we will see the day that justice will arrive and come down like a mighty river.

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

Madam Speaker, I certainly hope that, and I am sure someone is doing it, will videotape what is going on here today so that Hunter Scott will have an opportunity to see the honor which has been paid to him by all of us, and to him I want to make sure he understands that we take his cause very, very seriously, that we honor him because he is right. We honor him because he has stood up for what he knew to be right. We honor him because he has brought Republicans and Democrats together to right a wrong.

And we want to make sure that as he goes throughout his life, and he continues on this wonderful journey called life, that he is strengthened and encouraged by us. We have not given up just as he has not given up.

And I leave these simple words from the Bible with him, and I hope that they will be ingrained in the DNA of every cell of his body until he dies, and they are simply these:

They what wait upon the Lord shall renew their strength, they shall rise up with wings as eagles, they shall run and not be weary, they shall walk and not faint.

To Hunter I say:

Thank you so much for giving so much. Thank you so much for bringing us together around a cause. Thank you so much for being sensitive to a family, a family that still grieves for they know that their loved one has been wronged. Thank you so much for coming to the Congress of the United States of America and presenting that research to us. We promise, we promise that we will go forward with all of the same kind of strength, the same kind of power and the same kind of convictions that you have.

With that, Madam Speaker, I encourage all of our Members to support this legislation.

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

Mr. SCARBOROUGH. Mr. Speaker, I yield myself as much time as I may consume.

I just wanted to thank the gentleman from Maryland (Mr. CUMMINGS) for his very eloquent remarks, I would like to thank the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Hawaii (Mr. ABERCROMBIE) and of course Hunter for all he has done and also obviously Admiral McVay's son, Kimo.

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I say to the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE), we certainly hope that as they go back to Hawaii, that they let them know we are going to continue the good fight in the 106th Congress. We are not going to let this resolution, this matter die until we do receive the justice that is deserved.

I think it says an awful lot about this country. It says an awful lot about Hunter's fighting spirit, that he is keeping this battle going. In fact, it is a bit ironic, but again I think it is positive, when the reporters asked Hunter as he assembled down in the triangle during a press conference, where Kimo McVay was reduced to tears, one of the last questions they asked him was, ''What do you want to do when you grow up?'' He said, ''I want to go to the Naval Academy, and I want to be an officer.''

I think that says an awful lot about him, that we can recognize and we can love an institution, like we in Pensacola and Hawaii love the United States Navy, and still recognize that they make mistakes; and when they make mistakes, they need to correct those mistakes. With the help of Hunter and all of Hunter's new-found friends here, that is exactly what we are going to do in the 106th Congress.

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

The SPEAKER pro tempore (Mr. BRADY). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON MONDAY, OCTOBER 12, 1998

Mr. SCARBOROUGH. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions be considered Monday, October 12, 1998:

H.R. 3494, Child Protection and Sexual Predator Punishment Act of 1998; H.R. 3888, Anti-slamming Amendments Act; H.R. 4781, to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such Act during the periods covered by such reports; H.R. 4772, to amend the Federal Election Campaign Act of 1971 to prohibit disbursements of non-Federal funds by foreign nationals in campaigns for election for Federal office; House Resolution calling on the President to take all necessary measures under existing law to respond to the significant increase of steel imports resulting from the financial crises in Asia, Russia and other Regions and for other purposes; H.R. 1274, National Institute of Standards and Technology Authorization Act; S. 610, Chemical Weapons Convention Implementation Act; H.R. 3055, Miccosukee Reserved Area Act; S. 1693, National Park Service Concession Management Improvement Act of 1998; S. 2349, Hazardous Materials Transportation Reauthorization Act of 1998; H.R. 3899, American Homeownership Act of 1998; S. 2524, to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations; and H.R. 2281, WIPO Copyright Treaties Implementation Act.

WETLANDS AND WILDLIFE ENHANCEMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1677) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, as amended.

The Clerk read as follows:

S. 1677

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 ''Wetlands and Wildlife Enhancement Act of 1998''.

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking ''not to exceed'' and all that follows and inserting ''not to exceed $30,000,000 for each of fiscal years 1999 through 2003.''.

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking ''for each of fiscal years'' and all that follows and inserting ''not to exceed $6,250,000 for each of fiscal years 1999 through 2003.''.

SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc., and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall represent an organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

SEC. 5. MIGRATORY BIRD TREATY ACT AMENDMENTS.

(a) ELIMINATING STRICT LIABILITY FOR BAITING.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) It shall be unlawful for any person to—

''(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''.

(b) CRIMINAL PENALTIES.—Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking ''$500'' and inserting ''$15,000''; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.''.

(c) STUDY ON EFFECT ON MIGRATORY BIRD CONSERVATION AND LAW ENFORCEMENT EFFORTS.—

(1) STUDY.—The Secretary of the Interior shall conduct a study of the effect of the amendments made by this section on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Congress a report on the results of the study under paragraph (1).

SEC. 6. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) PURPOSES OF THE ACT.—Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

''(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.''.

(b) DEFINITION OF PERSON.—Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) 'person' means—

''(A) an individual, corporation, partnership, trust, association, or other private entity;

''(B) an officer, employee, agent, department, or instrumentality of—

''(i) the Federal Government;

''(ii) any State, municipality, or political subdivision of a State; or

''(iii) any foreign government;

''(C) a State, municipality, or political subdivision of a State; or

''(D) any other entity subject to the jurisdiction of the United States.''.

(c) PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

''SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.

''(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

''(b) PENALTIES.—

''(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

''(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

''(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

''(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

''(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

''(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).''.

(d) EDUCATIONAL OUTREACH PROGRAM.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), as amended by subsection (c), is further amended by inserting after section 7 the following:

''SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

''(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

''(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

''(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled as containing, their parts;

''(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

''(3) the status of rhinoceros and tiger species and the reasons for protecting the species.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306), as redesignated by subsection (c) of this section, is amended by striking ''1996, 1997, 1998, 1999, and 2000'' and inserting ''1996 through 2002''.

SEC. 7. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled ''Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers'', dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking ''Upper Mississippi River Wild Life and Fish Refuge'' each place it appears and inserting ''Upper Mississippi River National Wildlife and Fish Refuge''.

SEC. 8. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the ''Killcohook Coordination Area'', as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 9. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the ''Lake Elsie National Wildlife Refuge'', as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 10. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking ''Klamath Forest National Wildlife Refuge'' each place it appears and inserting ''Klamath Marsh National Wildlife Refuge''.

SEC. 11. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking ''knowingly''; and

(2) in subsection (f)—

(A) by striking ''(f) Any'' and inserting the following:

''(f) PENALTIES.—

''(1) KNOWING VIOLATIONS.—Any'';

(B) by inserting ''knowingly'' after ''who''; and

(C) by adding at the end the following:

''(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.''.

SEC. 12. USE OF PROCEEDS OF CERTAIN SALES.

(a) PURPOSES.—The purposes of this section are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

(b) USE OF PROCEEDS.—Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), notwithstanding''; and

(2) by adding at the end the following:

''(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.

''(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

''(A) to make payments in accordance with those sections; and

''(B) to pay costs associated with—

''(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

''(ii) storage of the items, including inventory of, and security for, the items;

''(iii) appraisal of the items;

''(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

''(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

''(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I am presenting to the House a modified version of S. 1677, the Wetlands and Wildlife Enhancement Act. This measure was approved by the other body on September 30th.

The first two sections of the bill extend the North America Wetlands Conservation Act and the Partnerships for Wildlife Act for an additional 5 years. These two important conservation programs are dedicated to improving and acquiring wetlands for both migratory birds and nongame species. In fact, as a result of the North American Wetlands Conservation Act, more than 3 million acres of wetlands have been purchased in the United States and Canada over the past 7 years.

Section 3 of this bill is designed to clarify the membership of the North American Wetlands Conservation Council. I am pleased that Ducks Unlimited, which has contributed some

$80 million for essential migratory bird wetland projects will continue to serve on the Council in the future.

Mr. Speaker, the House version of this legislation was overwhelmingly adopted on May 19th of this year.

Section 5 of this proposal is the text of my bill, H.R. 2863, the Migratory Bird Treaty Reform Act. This measure was extensively debated on the House on September 10 and adopted by a vote of 322 to 90. Since that time, the Senate Environment and Public Works Committee has conducted a hearing on this bill and reported it favorably.

During these deliberations, the Senate suggested that this bill be changed in several ways. I have incorporated those modifications, which increase the maximum criminal penalties for baiting and direct the Secretary of the Interior to study the effects of changing strict liability to the ''knows or reasonably should have known'' legal standard. In terms of penalties, these are maximum levels and will only be imposed in the most severe and egregious cases.

H.R. 2863 will not allow baiting and will not imperil any migratory bird population. What it will do is allow hunters to simply present evidence in their own defense.

The current strict liability interpretation, if you were there and even a small part or amount of bait is present, you are guilty, it is fundamentally wrong. This violates one of our most basic constitutional protections, that a person is innocent until proven guilty.

Furthermore, the ''knows or reasonably should know'' standard has been effectively used in the States of Louisiana, Mississippi, and Texas for over 20 years. During that time, no migratory bird populations have been put at risk, there has been an 88 percent conviction rate in baiting cases and, not surprisingly, the U.S. Fish and Wildlife Service has never attempted to overturn or challenge this legal standard. It is time we provide fairness and equity to migratory bird hunters throughout this country.

Section 6 of the bill incorporates the text of H.R. 2807 and H.R. 3113. These measures were overwhelmingly adopted by the House of Representatives. The fundamental goal is to eliminate the U.S. market for illegally obtained rhino and tiger products and to extend the Rhinoceros and Tiger Conservation Fund. This Fund has supported some 40 conservation projects in 10 range states in Africa and Asia. Without this legislation, these two magnificent species will continue to slide towards extinction.

Finally, the last sections of the bill implement the text of S. 2317. This measure was approved by the other body on September 21. This legislation is designed to make several minor changes in four units of our National Wildlife Refuge System and to reduce the penalties for those individuals who unintentionally violate certain provisions of the National Wildlife Refuge System Administration Act.

Briefly, this section would remove 37 acres from the Upper Mississippi National Wildlife and Fish Refuge, 1,430 acres from the Kilcohook Coordination Area, and a 634-acre easement from the Lake Elsie National Wildlife Refuge. These lands have lost the wildlife values that led to their inclusion in the system and, therefore, they should be removed.

Finally, this section renames a refuge in the State of Oregon to better reflect the true nature of the unit. In the future it will be called the Klamath Marsh Wildlife Refuge.

This is a good bill, Mr. Speaker. These changes are minor housekeeping matters that are noncontroversial. They have been suggested by the U.S. Fish and Wildlife Service, and I find no objection to their enactment.

Mr. Speaker, this is a comprehensive conservation measure that is good for migratory bird hunters, our Refuge System, essential wetland habitat acquisition, and for two of the most endangered species, rhinos and tigers, on earth. Each of these provisions, except for the minor refuge changes, has been fully debated and resoundingly approved by this body, and I urge an ''aye'' on S. 1677.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. Speaker, I rise in support of S. 1677, a package of bills which have already passed the House with broad bipartisan support. In particular, it reauthorizes the highly successful North American Wetlands Conservation Act. This program has protected more than 10 million acres of wetlands in the United States, Canada and Mexico.

The bill before the House also reauthorizes the program of grants for the conservation of rhinoceros and tigers, and prohibits trade in products labeled as containing rhino or tiger products.

Although trade in rhino and tiger products is banned under United States and international law, many products claiming to contain rhino and tiger continue to be available in the United States. Because of the increasing rarity of these magnificent animals, many products labeled as containing rhino and tiger do not actually contain them, but nevertheless they help perpetuate the illegal market in rhino and tiger parts.

I do not support the provisions of this bill that relax the standard under which hunters may be cited for shooting birds over bait. However, this bill contains changes to the House-passed bill which substantially increase the penalty for baiting violations and require a study of the impacts of this policy change on game bird populations and law enforcement. These changes substantially mitigate any harm done by the underlying policy change.

Overall, Mr. Speaker, this is a good package and I urge my colleagues to support it.

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1677, as amended.

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

The title of the Senate bill was amended so as to read: ''A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, and for other purposes.''.

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2095) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, as amended.

The Clerk read as follows:

S. 2095

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Fish and Wildlife Foundation Establishment Act Amendments of 1998''.

SEC. 2. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

''(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, and plant resources;''.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT AND MEMBERSHIP.—

''(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

''(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, and plants.

''(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.''.

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation

Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

''(b) APPOINTMENT AND TERMS.—

''(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

''(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

''(i) at least 6 shall be knowledgeable or experienced in fish and wildlife conservation;

''(ii) at least 4 shall be educated or experienced in the principles of fish and wildlife management; and

''(iii) at least 4 shall be knowledgeable or experienced in ocean and coastal resource conservation.

''(B) TRANSITION PROVISION.—

''(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

''(ii) NEW DIRECTORS.—The Secretary of the Interior shall appoint 8 new Directors; to the maximum extent practicable those appointments shall be made not later than 45 calendar days after the date of enactment of this paragraph.

''(3) TERMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

''(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint—

''(i) 2 Directors for a term of 2 years;

''(ii) 3 Directors for a term of 4 years; and

''(iii) 3 Directors for a term of 6 years.

''(4) VACANCIES.—

''(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board; to the maximum extent practicable the vacancy shall be filled not later than 45 calendar days after the occurrence of the vacancy.

''(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

''(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.''.

(c) PROCEDURAL MATTERS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by adding at the end the following:

''(h) PROCEDURAL MATTERS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Foundation.''.

(d) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking ''Directors of the Board'' and inserting ''Directors of the Foundation''.

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended by striking ''Secretary'' and inserting ''Secretary of the Interior or the Secretary of Commerce''.

(3) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended by inserting ''or the Department of Commerce'' after ''Department of the Interior''.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after ''the District of Columbia'' the following: ''or in a county in the State of Maryland or Virginia that borders on the District of Columbia''.

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

''(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

''(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

''(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, and plant resources on private land;''.

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 45 calendar days after the date of the notification.''.

(d) REPEAL.—Section 304 of Public Law 102–440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

''(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 45 calendar days after the date of the notification.''.

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

''(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 45 calendar days after the date of the notification, that—

''(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, and plants; and

''(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.''.

(g) TERMINATION OF CONDEMNATION LIMITATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by striking subsection (d).

(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by subsection (g)) is amended by inserting after subsection (c) the following:

''(d) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 1999 and 2000—

''(A) $25,000,000 to the Department of the Interior; and

''(B) $5,000,000 to the Department of Commerce.

''(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

''(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

''(b) ADDITIONAL AUTHORIZATION.—

''(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, and plant resources in accordance with the requirements of this Act.

''(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

''(1) any expense related to litigation; or

''(2) any activity the purpose of which is to influence legislation pending before Congress.

''(d) PROHIBITION ON USE OF GRANT AMOUNTS FOR INTRODUCTION OF WOLVES OR GRIZZLY BEARS.—Amounts provided as a grant by the Foundation shall not be used for any activity related to the introduction

of wolves or grizzly bears in Idaho, Montana, Utah, or Wyoming.''.

SEC. 6. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 11. LIMITATION ON AUTHORITY.

''Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Speaker, the bill before the House, S. 2095, provides for the reauthorization of the National Fish and Wildlife Foundation. Since its creation in 1984, the Foundation has fostered many partnerships through a challenge grant program, awarding over 2,800 peer reviewed competitive grants to more than 825 organizations, leveraging approximately 85 million Federal dollars into $300 million for on-the-ground conservation.

New Jersey is typical of the many activities and partnerships the National Fish and Wildlife Foundation enables. At Cape May, for example, the foundation has supported migratory bird habitat improvements. In my area it has supported the improvements at the Edwin B. Forsythe National Wildlife Refuge, and one of its Earth Stewards student grants to the Smithville Elementary School won a prestigious national award.

During the 105th Congress, the Subcommittee on Fisheries Conservation, Wildlife and Oceans of the Committee on Resources held several hearings on the effectiveness of the foundation, the success or failure of its matching grants program and whether our taxpayers' money is being soundly invested.

This bill addresses many of the concerns that the Members raised in the oversight process. We have kept the current authorization level for the Department of Interior at $25 million, the same as it was in 1994.

The bill provides for the use of foundation grants to cover lobbying and litigation and revokes authority to prohibit State and local condemnation.

Mr. Speaker, this bill is a combination of issues that both Members of the House and Senate were interested in having addressed in a final bill.

This bill will allow the National Fish and Wildlife Foundation to continue the good work that they do for our Nation's fish and natural resources. I think it is a compromise that the House of Representatives should support, and I urge my colleagues to join me in adopting this bill.

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

The SPEAKER pro tempore (Mr. BRADY of Texas). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2095, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes, as amended.

The Clerk read as follows:

S. 391

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 ''Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term ''covered Indian tribe'' means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term ''Fund Account'' means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNING BODY.—The term ''tribal governing body'' means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

(A) IN GENERAL.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) AGGREGATE AMOUNT.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN THE FUND ACCOUNT.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) USE.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) TRIBAL TRUST FUND ACCOUNTS.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) MANAGEMENT.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) EXEMPTION.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) IN GENERAL.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) DISTRIBUTION.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) VERIFICATION OF ANCESTRY.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the ''1862 Minnesota Outbreak'';

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking '', plus accrued interest,''; and

(ii) by inserting ''plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998),'' after ''docket numbered 359,''; and

(B) in the table contained in that subsection, by striking the item relating to ''All other Sisseton and Wahpeton Sioux''.

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking ''The Secretary'' and inserting ''Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary''.

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

I rise in support of S. 391, the proposed Mississippi Sioux Tribe's Judgment Fund Distribution Act of 1998. S. 391 would provide for the disposition of judgment funds appropriated by Congress in 1968, plus accrued interest to pay the Mississippi Sioux Indians for 27 million acres of ancestral lands which the Indian Claims Commission ruled were taken without justification.

Mr. Speaker, I recommend that S. 391 be passed by the House and be sent to the President. I would also just like to commend RICK HILL for his hard work on this bill.

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

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial measure that was originally passed out of the House last year. The bill resolves the competing claims of the Sisseton-Wahpeton Sioux Tribe and the lineal descendants to the 1968 Judgment Fund award to the tribe for the lands taken in violation of their treaty rights. The 1968 amount was approximately $5.8 million, but was never distributed because of a dispute over the allocation of the award.

The House-passed legislation, H.R. 976, redistributed the remaining $15 million by awarding the lineal descendants the principal, $1.5 million, but giving the tribe the accumulated interest of $13.5 million. The Senate amends that plan by giving the lineal descendants the greater share of the award.

Basically, the Senate plan gives the lineal descendants $10.5 million and the tribes get $4.5 million. The Senate would also require that lineal descendants verify that they are, in fact, descended from a Sisseton-Wahpeton Sioux ancestor. Finally, the Senate bill allows for a legal challenge by lineal descendants of the distribution plan to the tribes, but gives the tribes the right to intervene.

I am concerned that there is such a vast difference in the amounts going to the tribes between the House and the Senate bills, and I want to express my reservations about whether or not this is fair to the tribes. I wish we had a chance to more fully review the Senate changes, but I understand that the tribes are willing to take this amount. I also understand that the administration now support this proposal.

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 New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 391, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the 3 bills just passed.

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

There was no objection.

SUBMISSION OF EXTRANEOUS MATTER EXCEEDING 2 PAGES OF THE CONGRESSIONAL RECORD

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to insert in the RECORD updated explanatory materials relating to the Transportation Equity Act for the 21st Century, commonly known as ISTEA, and to extend my remarks in the RECORD and to include therein extraneous material not withstanding the fact that it exceeds 2 pages and is estimated by the Public Printer to cost $9,376. This material will serve as a useful record for interpreting this important legislation.

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

There was no objection.

The SPEAKER pro tempore. Without objection, and notwithstanding the cost, the gentleman may insert extraneous material in the RECORD, but that material does not constitute a revised joint statement of managers to accompany a conference report previously filed.

There was no objection.

INTRODUCTORY NOTE TO UPDATED EXPLANATORY MATERIALS

The House Conferees from the Committee on Transportation and Infrastructure on the Transportation Equity Act for the 21st Century (TEA 21) are pleased to published the accompanying updated explanatory materials related to TEA 21. These materials reflect what we intended the legislative history of TEA 21 to be, had there been adequate time to develop a complete report.

TEA 21 is comprehensive surface transportation legislation that reauthorized the Federal highway, transit, highway safety grant and surface transportation research programs for Fiscal Years 1998 through 2003. It also contains legislation extending the Highway Trust Fund and its taxes, changes to the Balanced Budget and Emergency Deficit Control Act of 1985 that ensure the trust fund revenues are spent, budgetary offsets to pay for the increased levels of funding authorized, provisions related to ozone and particulate matter standards, the National Highway Traffic Safety Administration Act of 1998, provisions related to rail programs, comprehensive ''one-call'' notification programs, and the Sportfishing and Boating Safety Act of 1998.

The Conference Report on TEA 21 (House Report 105–550) passed the House of Representatives and the Senate on May 22, 1998, and was signed into law by the President on June 9, 1998, as Public Law 105–178.

Several important provisions agreed to by the House and Senate Conferees were inadvertently omitted from the version of TEA 21 that passed the Congress and that was signed into law. It also contained several technical errors. To restore these omissions and correct the errors, Congress subsequently passed the TEA 21 Restoration Act as Title IX of the Internal Revenue Service Restructuring and Reform Act of 1998. The President signed it into law on July 22, 1998, as Public Law 105–206. The attached version of TEA 21 reflects the changes made by the TEA 21 Restoration Act.

Due to the tight schedule for finalizing the TEA 21 Conference, the Statement of Managers accompanying TEA 21 contained technical errors and omissions relating to Title I (Federal-aid Highways) and Title V (Transportation Research). The attached version corrects these errors and contains more extensive descriptions of many TEA 21 provisions.

We hope that upcoming Committee Print of TEA 21 and the accompanying explanatory materials will be a useful document for interpreting TEA 21 since it was extensively amended soon after being signed into law, and since the original Statement of Managers did not properly reflect the legislation that was signed into law.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

UPDATED EXPLANATORY MATERIALS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1. SHORT TITLE, TABLE OF CONTENTS

House bill

Section 1 provides that the title of the House bill is the ''Building Efficient Surface Transportation And Equity Act of 1998,'' or ''BESTEA.'' Section 1 also includes a table of contents.

Senate amendment

Section 1 provides that the title of the Senate bill is the ''Intermodal Surface Transportation Efficiency Act of 1998,'' or ''ISTEA II.'' Section 1 also includes a table of contents for the bill.

Conference substitute

The Conference adopts a substitute provision as the title of the Act. This title is ''Transportation Equity Act for the 21st Century'' or ''TEA 21.'' The subsection also includes a table of contents for the Act.

SEC. 2. DEFINITIONS

House bill

Secton 2 provides that, as used in the House bill, the term ''Interstate System'' has the meaning given the term by section 101 of title 23, United States Code, and the term ''Secretary'' means the Secretary of Transportation.

Senate amendment

Section 2 provides that, as used in the Senate bill, the term ''Secretary'' means the Secretary of Transportation.

Conference substitute

The Conference adopts the House provision.

SAVINGS CLAUSE

House bill

Section 3 provides that amendments made by this Act shall not affect any apportionment or allocation of any funds that occurred before the date of enactment of this

Act unless the bill specifically directs that the allocation or apportionment be modified.

Senate amendment

The Senate bill contained no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

AMENDMENTS TO TITLE 23

House bill

Section 101 directs that each amendment in the bill, or repeal of a section or other provision of law, is an amendment to title 23 of the United States Code unless the bill states otherwise.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

SHORT TITLE FOR TITLE I

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1001 includes a short title for the first title of the bill covering highway programs. This title may be cited as the ''Surface Transportation Act of 1998''.

Conference substitute

The Conference does not adopt the Senate provision.

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS

House bill

Subsection 102(a) authorizes funds from the Highway Trust Fund (HTF) (other than the Mass Transit Account) for major Federal-aid highway programs and the Federal lands highways program for fiscal years 1998 through 2003.

Subsection 102(b) continues the Disadvantaged Business Enterprise program. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within three years of the date of enactment of this Act. Recent court decisions have established new standards for review of the constitutionality of programs such as the DBE provisions enacted in prior surface transportation acts and the courts are now determining whether the DBE programs comply with those standards. The Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Subsection 102(b) of the reported bill makes no changes to these provisions, preferring to let the courts resolve these reviews. However, the Committee will continue to monitor DOT's administration of this program and gauge the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

The possibility of legal challenges may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a Federal court finding the DBE program to be unconstitutional.

Senate amendment

Section 1101(a) provides contract authority from the Highway Trust Fund for each of fiscal years 1998 through 2003 for the Interstate and National Highway System (NHS) Program, the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, and the Federal lands highways program.

Section 1111 continues the provisions in current law regarding the disadvantaged business enterprise (DBE) program. The DBE program, which originated in the Surface Transportation Assistance Act of 1982, requires that 10 percent of the funds provided under titles I, II, and V of this Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise.

In 1995, the Supreme Court decided Adarand v Pena, which heightened the standard of judicial review applicable to Federal affirmative action programs. The case involved a Caucasian subcontractor who submitted a low bid on a Federal lands highway construction contract, but lost to a company that was certified as ''disadvantaged.'' Adarand filed suit, alleging that he was denied the equal protection guaranteed by the Fifth amendment. The Court agreed in a 5–4 decision that Federal race classifications, such as the DBE program, must be subject to strict scrutiny. In other words, the program must: (1) serve a compelling government interest, and (2) be narrowly tailored to address that compelling interest, which in this case is fighting discrimination.

It is important to note that the Supreme Court did not strike down the DBE program or any other Federal affirmative action program. That means that if the program in question meets the new test outlined by the Court, it is Constitutional and may continue to exist. In the case of the DBE program, the Department of Transportation has determined that the Constitutional concerns can be addressed through changes in the Department's regulations. To that end, the Department has proposed a number of regulations intended to address the ''narrow tailoring'' requirements of ''strict scrutiny'' by (1) giving priority to race-neutral measures in meeting program goals, and (2) limiting the potential adverse effects of the program on other parties.

Conference substitute

Subsection 1101(a) authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1998 through 2003 for the following programs and projects: the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Federal lands highways program, the construction of ferry boats and ferry terminal facilities, the national scenic byways program, high priority projects, highway use tax evasion projects, and the highway program of the Commonwealth of Puerto Rico. Subsection 1101(a) also authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1999 through 2003 for the following programs: the Appalachian development highway system, the national corridor planning and development and coordinated border infrastructure programs, and the value pricing pilot program.

The Conference contains the Senate provision continuing the Disadvantaged Business Enterprise program in TEA 21. This provision is substantially identical to the existing DBE provision contained in the ISTEA bill. The provision adopted by the conference is also operationally identical to the provision contained in the House bill. The Conference has continued the program without change from prior law. Courts will make a final determination as to whether the statute, as implemented by the Department of Transportation, is constitutional under the Supreme Court's Adarand decision.

The possibility of legal challenges to the DBE program was of concern to the Conferees. Therefore, the provision is intended to ensure that grant recipients under this Act will continue to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

SEC. 1102. OBLIGATION CEILING

House bill

Subsection 103(a) sets the annual obligation limitation for the Federal-aid highway program for fiscal years 1998 through 2003.

Subsection 103(b) lists the programs that are exempt from the annual obligation ceiling for the Federal-aid highway program. These programs are emergency relief, minimum allocation, demonstration projects authorized in prior surface transportation bills, and high priority projects.

Subsection 103(c) directs the Secretary to distribute the annual obligation authority to the States in the manner specified. All formula and allocated programs share proportionally in the obligation authority.

Subsection 103(d) directs the Secretary to redistribute, after August 1 of each fiscal year, the obligation authority made available under subsection (c) from States that will be unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Subsection 103(c) clarifies that the programs carried out under chapter 3 of title 23, United States Code, and title VI of this Act are subject to the obligation limitation.

Subsection 103(f) directs that funds that will not be allocated to the States and that are unavailable in any fiscal year due to the imposition of an obligation limitation be distributed to the States.

Senate amendment

Section 1103 sets the annual obligation limitation for the Federal-aid highway program, specifies the programs that are exempt from the obligation limitation, and sets forth the process for distributing the annual obligation limitation.

Consistent with current law, this section continues the exemptions for programs that were exempt from the obligation limitation under ISTEA. This exemption includes the emergency relief program, unobligated balances for demonstration projects that were already exempt from the limitation in ISTEA, and funds apportioned under subsection (a) of the minimum guarantee adjustment.

This section also continues the practices that directs the Secretary to distribute the annual obligation limitation imposed on the Federal-aid highway program. Consistent with current law, the Secretary shall distribute the annual obligation authority to the States in the ratio that the total of Federal-aid highway funds and highway safety funds for each State bears to the total of Federal-aid highway funds and highway safety funds for all the States. After August 1 of each fiscal year, the Secretary is required to distribute the additional obligation authority from States unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Conference substitute

The Conference adopts the House provision, with the following modifications.

Subsection 1102(a) sets the annual obligation limitation for Federal-aid highway and highway safety construction programs for each of fiscal years 1998 through 2003. The annual obligation limitations is tied to Highway Trust Fund tax revenues for the previous fiscal year and will change as such revenues change, in accordance with subsection 1102(h).

Subsection 1102(b) of the Conference provision modifies the list of programs that are exempt from the annual obligation ceiling for Federal-aid highways and highway safety construction programs. Exempt programs are emergency relief, demonstration projects authorized in prior surface transportation bills, minimum allocation funds, and a portion of minimum guarantee funds.

Paragraph 1102(c)(1) of the Conference provision provides that the Secretary not distribute obligation authority for certain programs, including administrative expenses.

Paragraph 1102(c)(2) of the Conference provision provides an amount of obligation authority equal to the amount of the unobligated balance of amounts made available in previous fiscal years for those Federal-aid highway and highway safety programs for which funds are allocated by the Secretary.

Paragraph 1102(c)(3) of the Conference provision establishes how the Secretary is to calculate certain ratios used to distribute the obligation authority.

Paragraph 1102(c)(4) of the Conference provision states that each high priority project, the Appalachian development highway system, and funding for the Woodrow Wilson Memorial Bridge Authority Act under this Act shall receive the same proportional distribution of obligation authority to budget authority as virtually all other Federal-aid highway programs do under section 1102, and that $2 billion of minimum guarantee funds shall receive an equal amount of obligation limitation. Sections 1601 (codified at 23 U.S.C. 117) and 1602, which authorize the high priority projects, reinforce the intent of the Conferees in paragraph 1102(c)(4) that each high priority project receive the same proportion of obligation authority to budget authority as every other Federal-aid highway program, and that such obligation authority is tied to each individual project. Subsection 117(g) directs that '[o]bligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section. . . .'' Subsection 117(a) directs the Secretary to make available budget authority 'to carry out each project [authorized in TEA 21 in] the amount listed for such project in such section.'' The effect of these two provisions in section 117 is to require that obligation authority attributable to the budget authority provided for each project shall only be available for each such project. Section 117, in expressly stating that the budget authority for high priority projects is made available only for individual projects, articulates Congress' intent that each individual project be funded. In this respect, the provisions authorizing high priority projects are distinctly different that the provisions authorizing other Federal-aid highway programs for which States receive a lump sum of obligation authority each year.

Paragraphs 1102(c)(5) and (6) of the Conference provision describe how certain amounts of the obligation authority are to be distributed.

Subsection 1102(d) of the Conference provision provides for the redistribution of unused obligation authority at the end of the Fiscal Year. This provision is commonly called the ''August Redistribution.''

Subsection 1102(e) of the Conference provision provides that obligation authority set aside for the transportation research programs be available for three years.

Subsection 1102(f) directs the Secretary to annually redistribute any budget authority the Secretary determines will not be allocated and will not be available for obligation, due to the imposition of any obligation limitation. This distribution of budget authority to the States shall be made in the same ratio as the distribution of obligation authority under paragraph (c)(6), and such funds shall be available for any eligible purpose under 23 U.S.C. 133(b). The Secretary shall not redistribute any budget authority made available in this Act for high priority projects or for the Woodrow Wilson Memorial Bridge Authority Act.

Subsection 1102(g) states that the obligation limitation provided in paragraph (c)(4) for high priority projects, the Appalachian development highway system, the Woodrow Wilson Memorial Bridge Authority Act, and $2 billion in minimum guarantee funds is available until used and is in addition to the amount of any obligation limitation imposed for Federal-aid highway and highway safety construction programs in future fiscal years.

Subsection 1102(h) provides that the obligation limitation imposed in subsection (a) shall be increased by an amount equal to the amount of funds determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 for such fiscal year, and such increase in obligation authority shall be distributed in accordance with this section.

In subsection 1102(i), the Conference adopts the Senate provision imposing a separate limitation on obligations for the expenses of administering the provisions of law for Federal-aid highway and highway safety construction programs and the Appalachian development highway system.

SEC. 1103. APPORTIONMENTS

House bill

Subsection 104(a) directs the Secretary to deduct, from funds authorized to be appropriated for certain major Federal-aid highway programs and the Federal lands highways program, a sum not to exceed 1 percent of such funds for the purpose of administering the Federal-aid highway program.

Subsection 104(b) directs the Secretary to apportion amounts available to the States for the National Highway System, congestion mitigation and air quality improvement program, surface transportation program, high risk road safety improvement program, and Interstate maintenance according to specified formulas.

Subsection 104(c) increases funding for Operation Lifesaver and the High Speed Rail Corridors grade crossing program. Funding for Operation Lifesaver is increased from $300,000 to $500,000 annually. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor Program.

Regarding the High Speed Rail Corridors Program established in section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Committee would draw attention to an additional corridor it believes worthy of inclusion. This rail corridor, in Pennsylvania, extends from Philadelphia through Harrisburg to Pittsburgh. It is a logical connecting route between the high speed northeast corridor and points west in Pennsylvania, offering significant mobility and economic benefits. There is a substantial and rapidly growing exchange of passengers between the northeast corridor and this cross-state corridor, particularly on the ''Keystone'' portion from Philadelphia to Harrisburg. The Committee recommends assistance to this corridor under this section as a prelude to consideration of eligibility for costs related to feasibility studies, design, and construction of this corridor for high speed rail.

Subsection 104(d) makes technical corrections to 23 U.S.C. 104(e) and directs the Secretary to transmit to Congress within the first 21 days of each fiscal year a written statement setting forth the reason for not making an apportionment in a timely manner. This subsection has been included in response to the withholding of apportionments in fiscal year 1997. The apportionments were held up for several months due to an error in crediting receipts into the Highway Trust Fund. Ultimately, a correction was made resulting in the redistribution of nearly $1 billion in Federal-aid highway funds. The withholding was done administratively. This amendment would require a written explanation of any withholding in the future.

Subsection 104(e) amends the metropolitan planning set-aside provision in 23 U.S.C. 104(f) by deleting the references to outdated funding programs and providing that the set-aside shall not be deducted from funds made available for the recreational trails program.

Subsection 104(f) directs the Secretary to apportion to the States the sums authorized for the recreational trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also directs the Secretary to set-aside 3 percent of recreational trails program funds for the administrative and research costs of the program.

Subsection 104(g) makes several corrections to cross references in title 23 to conform to this section.

Subsection 104(h) provides the table referenced in the NHS apportionment formula.

Subsection 104(i) requires that up-to-date data be used for formulas.

Subsection 104(j) provides the mechanism for adjustments to programs in fiscal year 1998 to take into consideration the Surface Transportation Extension Act of 1997 (STEA) which provided funds from the Highway Trust Fund for a portion of fiscal year 1998. The STEA requires that the Secretary deduct any funds received under that Act from any apportionments made by this Act for fiscal year 1998. Subsection (j) also requires that the Secretary ensure that the total apportionments to each State under this Act be reduced by the amount apportioned to each such State under the STEA.

Senate amendment

Subsection 1101(b) sets forth the process by which the Secretary is required to reduce the amounts made available under this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997.

Section 1102 provides the basis for distributing apportioned funds among the States. It includes provisions for apportioning funds to the following programs: Interstate and National Highway System, the congestion mitigation and air quality improvement program, the surface transportation program, and other apportionment adjustments, using current indicators to measure the needs, extent, use, and condition of the Federal-aid highway system, and air quality severity in nonattainment and maintenance areas.

Subsection 1102(a) replaces the apportionment formulas provided in ISTEA with apportionments based on current transportation measurements in each state. By contrast, ISTEA apportioned a majority of funds to the States based on each State's historical share of apportionments received in 1987 through 1991.

To ensure an efficient and competitive transportation system into the 21st century, this section provides for the use of indicators that measure the needs, condition, extent, and use of the Nation's transportation network today. Many apportionment factors used in this section draw upon the suggested alternatives of the General Accounting Office report, ''Highway Funding, Alternatives for Distributing Federal Funds,'' November 1995.

The Interstate and National Highway System (INHS) program funds are apportioned in three components. The Interstate maintenance component of INHS is apportioned based on a State's share of total Interstate land miles and total Interstate vehicle miles traveled within the State. The Interstate bridge component is distributed according to the State's share of total square footage of structurally deficient and functionally obsolete Interstate bridges within the State. The National Highway System component is distributed based on a State's share of: (1) total lane miles of principal arterial routes (excluding Interstate lane miles), (2) total vehicle miles traveled on principal arterials (excluding Interstate lane miles), (3) total square footage of deficient bridges on principal arterials (excluding Interstate routes), (4) diesel fuel use, and (5) total lane miles of principal arterials per capita. Each State is guaranteed a minimum of ½ of 1 percent of funds apportioned under the INHS program.

This section also preserves the basic structure of the current formula for the congestion mitigation and air quality improvement (CMAQ) program, using population and the severity of air pollution as the apportionment factors. The apportionment formula for CMAQ adds a weighting for carbon monoxide nonattainment and maintenance areas, ozone maintenance areas, and submarginal ozone nonattainment areas. These areas were added because they are required under the Clean Air Act to adhere to maintenance plans in meeting air quality requirements. As in current law, each state is guaranteed a minimum share of ½ of 1 percent of total annual CMAQ apportionments.

The surface transportation program (STP) funds are apportioned based on a State's share of the following: (1) total Federal-aid highway lane miles, (2) total vehicle miles traveled on Federal-aid highways, (3) total square footage of deficient bridges on Federal-aid highways (excluding deficient bridges on the Interstate and other principal arterials); and (4) contributions into the Highway Account of the Highway Trust Fund. Each State is guaranteed a minimum of ½ of 1 percent of funds apportioned under the STP program.

Subsection 1102(b) provides that deposits into the Highway Trust Fund as a result of section 901(e) of the Taxpayer Relief Act of 1997 shall not be taken into account in determining any State's apportionments or allocations under title 23, United States Code, or this Act.

In all cases, the factors to be used in the apportionment formulas are to be based on the latest available data and are to be updated each year.

Subsection 1102(e) amends 23 U.S.C. 104(i) to authorize the Secretary to use administrative funds to reimburse the Office of the Inspector General of the Department of Transportation for annual audits of financial statements in accordance with 31 U.S.C. 3521.

Subsection 1102(f) makes technical changes to 23 U.S.C. 104(e) concerning notification to States and to 23 U.S.C. 104(f) concerning the metropolitan planning set-aside. The purpose of the set-aside for metropolitan planning is to assist metropolitan areas with the metropolitan planning requirements continued from current law.

Subsection 1102(g) makes numerous conforming amendments to title 23, United States Code to correct references therein to 23 U.S.C. 104, and to delete several outdated sections in title 23.

In section 1107, which recodifies the recreational trails program, subsection 23 U.S.C. 206(i) directs the Secretary to apportion to the States the sums authorized for the Recreational Trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also provides that the amount the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent.

Paragraph 1112(b)(2) makes a conforming amendment to 23 U.S.C. 104(f)(3) concerning the Federal share of project costs for metropolitan planning projects.

Subsection 1113(c) requires the Secretary to report annually on the rates of obligation of funds for programs for which funds are apportioned or set-aside under 23 U.S.C. 104 and 133. The reports shall include information regarding funding category or subcategory, type of improvement, and substate geographic area. Section 1207 amends 23 U.S.C. 104(m) to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligation amounts and unobligated balances for Federal-aid highway and highway safety construction programs.

Section 1131 authorizes an amount not to exceed $16 million per year for fiscal year 1998 through 2003 from the Interstate maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Section 1201 amends subsection 23 U.S.C. 104(a) by reducing the maximum percentage of certain Federal-aid highway apportionments the Secretary is authorized to deduct to administer the Federal-aid highway program from 3¾ percent to 1½ percent. The reduction reflects that this Act provides funding from other sources for certain non-administrative items, such as research and intelligent transportation system activities, that were formerly funded from the administrative takedown.

Section 1207 amends 23 U.S.C. 104 to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligations and unobligated balances of funds authorized for Federal-aid highway and highway safety construction programs.

Section 1221 adds a new subsection to 23 U.S.C. 104 to provide for the program-wide, rather than project-by-project, transfer and administration of transit funds made available for highway projects and highway funds made available for transit projects. This revision will streamline the administration of highway and transit funds by State departments of transportation. This provision also requires the Secretary to administer funds made available under title 23 or chapter 53 of title 49 and transferred to Amtrak in accordance with Subtitle V of title 49. Funds made available under title 23 or chapter 53 of title 49 and transferred to other eligible passenger rail projects and activities shall be administered as the Secretary determines appropriate. The non-Federal share provisions in title 23 or chapter 53 of title 49 will continue to apply to the transferred funds.

Section 1401 amends 23 U.S.C. 104(d) to fund Operation Lifesaver as a set-aside from the surface transportation program, rather than from the administrative takedown for the Federal-aid highway program. This section also increases the funding for Operation Lifesaver from $300,000 to $500,000 for each of fiscal years 1998 through 2003. The funds shall be used for public education programs designed to reduce the number of accidents, deaths and injuries at highway-rail intersections and with railroad rights-of-way.

Section 1402 authorizes $5 million to be set aside from surface transportation program funds in each of fiscal years 1998 to 2003 to be allocated by the Secretary to address railway-highway crossing hazards in five existing high speed rail passenger corridors and authorizes the Secretary to select three additional corridors. The Secretary is to consider ridership volume, maximum speeds, benefits to nonriders such as congestion relief, State and local financial support, and the cooperation of the owner of the right-of-way.

The previously selected rail corridors under the program are: (1) San Diego to Sacramento, CA; (2) Detroit, MI to Milwaukee, WI; (3) Miami to Tampa, FL; (4) Washington, D.C. to Charlotte, NC; (5) Vancouver, B.C. to Eugene, OR. The New York City-Albany-Buffalo high speed Empire Corridor is an example of a project that meets the intent of this section because of its current travel at high rates of speed and its level of ridership. Section 1402 also requires the Secretary to expend funds under the railway-highway crossing hazard elimination in high speed rail corridors program for a Gulf Cost high speed railway corridor.

Conference substitute

In subsection 1103(a), the Conference adopts the Senate provision concerning the percentage of the administrative takedown for the Federal-aid highway program.

In subsection 1103(b), the Conference adopts a substitute provision which contains portions of both the House and Senate apportionment formulas, with several modifications. The Conference adopts a combination of the House formula and a modified Senate formula for apportioning National Highway System funds. After setting aside $36.4 million for each of fiscal years 1998 through 2003 for the territories and $18.8 million for each of fiscal years 1999 through 2003 for the Alaska Highway, the remaining NHS funds shall be apportioned as follows: 25 percent based on each State's share of total lane miles of principal arterials, excluding Interstate routes; 35 percent based on each State's share of total vehicle miles traveled on lanes of principal arterials, excluding Interstate routes; 30 percent based on each State's share of total diesel fuel used on highways; and 10 percent based on each State's share of: total lane miles on principal arterials in the State divided by the State's total population. The conference adopts the Senate formula for apportioning congestion mitigation and air quality improvement program funds, apportioning such funds based on each State's share of the total of all weighted nonattainment and maintenance area populations. The Conference adopts the House formula for apportioning surface transportation program funds, apportioning such funds as follows: 25 percent based on each State's share of total lane miles of Federal-aid highways, 40 percent based on each State's share of total vehicle miles traveled on lanes on Federal-aid highways, and 35 percent based on each State's share of estimated tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account). The Conference adopts a combination of the

House and Senate formulas for apportioning Interstate maintenance (IM) funds (retaining a separate IM formulas, as in the House bill) and apportions such funds as follows: 33⅓ percent based on each State's share of total lane miles on Interstate routes open to traffic, 33⅓ percent based on each State's share of vehicle miles traveled on certain designated Interstate System routes, and 33⅓ percent based on each State's share of annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles.

In subsection 1103(c), the Conference adopts the Senate provision and most of the House provision on Operation Lifesaver and High Speed Rail Corridors. The conference adopts the House's $5.25 million funding level for the High Speed Rail Corridors program, includes funding under the program for site-specific corridors that were included in both the Senate and the House bills and reports, includes the Senate bill's criteria for the Secretary to consider in selecting corridors, and authorizes $15 million to be appropriated for each of fiscal years 1999 through 2003 to carry out this subsection. The conference substitute also includes the House provision of $250,000 in funding improvements to the Minneapolis/St. Paul-Chicago segment to the Midwest High Speed Rail Corridor.

In subsection 1103(d), the Conference adopts the House provision concerning certification of apportionments and notice to the House and Senate by the Secretary when apportionments are not made in a timely manner.

In subsection 1103(e), the Conference adopts the House provision amending the exception clause in the metropolitan planning set-aside provision in 23 U.S.C. 104(f) and the Senate provision technically amending 104(f)(3) concerning the Federal share.

In subsection 1103(f), the Conference adopts the House provision authorizing an administrative takedown for the recreational trails program, with a modification. The Conference provision changes the maximum permissible percentage the Secretary can deduct for administration, research, and technical assistance costs from 3 percent to 1½ percent. The House and Senate provisions apportioning Recreational Trails program funds are the same, and this apportionment formula is adopted in subsection 1103(f).

In subsection 1103(g), the Conference adopts the Senate provision concerning audits of the Highway Trust Fund.

In subsection 1103(h), the Conference adopts the two Senate provisions concerning reports on obligations, with a modification to combine both provisions in a single subsection in 23 U.S.C. 104.

In subsection 1103(i), the Conference adopts the Senate provision concerning the transfer of highway and transit funds, with a modification. Transferability to Amtrak or to any publicly-owned intercity or intracity passenger rail line is not adopted.

In subsection 1103(j), the Conference adopts the Senate provision concerning the effect of certain delay in deposits into the Highway Trust Fund.

In subsection 1103(k), the Conference adopts the Senate provision making technical amendments to 23 U.S.C. 104(f), with a modification striking the clause in 104(f) excluding certain programs from the metropolitan planning set-aside.

In subsection 1103(l), the Conference adopts the majority of the Senate provisions making conforming amendments to title 23, United States Code, to correct references therein to 23 U.S.C. 104 and the Senate provision repealing 23 U.S.C. 150, which is out of date.

In subsection 1103(m), the Conference adopts the House provision on adjustments for the Surface Transportation Extension Act of 1997 (STEA), with a modification providing that STEA obligation authority shall be considered to be an amount of obligation authority made available for fiscal year 1998 under this Act, and excluding Massachusetts from the provision offsetting the State's STEA funds from the State's fiscal year 1998 authorizations under this Act.

Subsection 1103(n), provides that for purposes of apportioning funds for Federal-aid highway programs under 23 U.S.C. 104, 105, 144, and 206, the term ''State'' means any of the 50 States and the District of Columbia. This definition differs from the definition used in U.S.C. 23 in that it does not include the Commonwealth of Puerto Rico.

Subsection 1103(o) makes several technical corrections to 23 U.S.C. 104.

SEC. 1104. MINIMUM GUARANTEE

House bill

Subsection 111(a) amends 23 U.S.C. 157 to direct the Secretary to allocate minimum allocation funds for fiscal year 1998 and thereafter, and it specifies the programs that are subject to the minimum allocation calculation in such fiscal years. It also provides that a State is guaranteed a ninety-five percent return in its formula program funds compared to its percentage contribution to the Highway Trust Fund, rather than the current ninety percent.

Subsection 111(b) provides that a State may use funds it receives under the minimum allocation program for any purpose eligible under the surface transportation program.

Subsection 111(c) makes conforming amendments to 23 U.S.C. 157.

Subsection 111(d) ensures that no State that is a net donor to the Highway Trust Fund receives a percentage of total Federal-aid highway program funds that is less than the percentage it received in the last year of ISTEA.

Subsection 111(e) ensures that after making all the prior calculations under 23 U.S.C. 157, no State shall receive a final Highway Trust Fund return of less than ninety percent.

Senate amendment

Subsections 1102 (c) and (d) replace the existing five apportionment adjustments with two apportionment adjustments, the ISTEA transition and the minimum guarantee. The ISTEA transition adjustment provides a ceiling (a ''maximum transition'') and a floor (a ''minimum transition'') for this adjustment. The maximum transition provides that a State's apportionments under this section may not increase by more than a specified percentage (e.g., 45 percent in 1998) over its ISTEA average funding level. The minimum transition adjustment ensures that a State's apportioned funds will either: (1) increase by a specified percentage (e.g., at least 7 percent in fiscal year 1998) from the average of its apportioned programs under ISTEA (excluding funds apportioned for Interstate Construction, Interstate Substitution, the so-called ''Hold Harmless'' program, and the Federal lands highways program), or (2) be equal to at least the amount that a State received in fiscal year 1997 from all apportioned programs in ISTEA, excluding Hold Harmless and demonstration projects.

The other apportionment adjustment provides a minimum guarantee based on total apportioned funds. This minimum guarantee is divided into two components. The first component provides that a State will receive a minimum share of total apportioned funds equal to 90 percent of its share of contributions into the Highway Account of the Highway Trust Fund. Although similar to the 90 percent minimum allocation program under current law, it differs in several significant ways from current law.

First, the minimum guarantee applies to 100 percent of apportioned funds rather than to only a portion of apportioned funds. The minimum allocation under current law only applied to less than 80 percent of apportioned funds in ISTEA, leaving some States to receive a percentage equal to 70–80 percent of their share of contributions. Second, the calculation is reformed so that the 90 percent guarantee is actually achieved. Even if the current minimum allocation calculation was modified to apply to all apportioned funds, States will come close to reaching a 90 percent guarantee, but will not reach a 90 percent guarantee, because the 90 percent minimum allocation received by one State dilutes the percentage for all other States. The 90 percent guarantee calculation in ISTEA II eliminates this problem and achieves at least a 90 percent guarantee for all States.

The amount apportioned to each State under the first component of the minimum guarantee calculation will vary as each State's share of contributions varies from year to year.

The second component of the minimum guarantee provides a minimum share for States listed in the table in the new section 105(a)(2) of title 23, United States Code. This calculation applies to States with unique characteristics such as low population density or small land areas.

Conference substitute

In section 1104, the Conference adopts the Senate's minimum guarantee provision, with several modifications. First, the Conference substitute contains a single minimum guarantee component, which provides additional funds to ensure that each State's percentage of total apportionments for the Interstate maintenance program, the National Highway System, the bridge program, the congestion mitigation and air quality improvement program, the surface transportation program, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall be at least 90.5 percent and shall equal the percentage for each such State listed in the table in 23 U.S.C. 105(b). Beginning in FY 1999, these percentages in the table shall be adjusted annually to ensure that each State's percentage return on its percentage contributions to the Highway Trust Fund in the latest fiscal year for which data is available is at least 90.5 percent. After adjusting the percentage for any State falling below 90.5 percent, the Secretary shall normalize the remaining percentages to ensure that the total of the percentages is equal to 100 percent. No State shall receive less than $1 million annually in minimum guarantee funding.

Second, the Conference provision states that the first $2.8 billion of minimum guarantee funds shall be available to the States for any project eligible under the surface transportation. The amount of minimum guarantee funds in excess of $2.8 billion flow back to the States as Interstate maintenance, National Highway System, surface transportation program, bridge, and congestion mitigation and air quality improvement program funds in amounts proportional to the each program's share of the total apportionments to each State for each fiscal year and are added to each State's formula apportionment for such program.

The new minimum guarantee provision is codified at 23 U.S.C. 105, replacing the current section 105.

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY

House bill

The House bill contains no comparable provision.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1105, the Conference adopts a provision that adds a new section 110 to title 23, United States Code, (thereby repealing current section 110, relating to project agreements) to annually adjust highway funding up or down to correspond with the latest data on Highway Trust Fund receipts. Subsection 110(a) provides that, in fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to any additional amount of discretionary highway spending made available under section 8101 of this Act related to the budget firewall for HTF spending. If the annual discretionary highway spending limit decreases under section 8101 for fiscal year 2000 or any fiscal year thereafter, the Secretary, in the succeeding fiscal year, shall proportionately reduce the amounts authorized to carry out the Federal-aid highway and highway safety construction programs (other than the emergency relief program) by an amount equal to the amount of such spending decrease.

Under subsection 110(b), any additional funds made available under this section shall be distributed in two parts: one to allocated programs and the other to apportioned programs. As to allocated programs, the amount to be distributed is determined by multiplying the total amount of additional funds made available under this section by the ratio of funds authorized for all allocated programs to funds authorized to be appropriated from the Highway Trust Fund for all Federal-aid highway and highway safety construction programs. Such amount shall then be distributed to each allocated program in proportion to each program's share of total HTF authorizations. The remaining amount shall be distributed to each State in proportion to each such State's share of total HTF apportionments. Subsection 110(c) provides that the amount made available for apportioned programs shall be distributed to each State for its Interstate and NHS, bridge, STP, and CMAQ programs in the same ratio that each State is apportioned funds for such programs.

SEC. 1106. FEDERAL-AID SYSTEMS

House bill

Subsection 106(a) amends 23 U.S.C. 103 to strike existing provisions for the interim eligibility and approval of the National Highway System made unnecessary after its adoption in the National Highway System Designation Act of 1995.

Subsection 106(b) strikes language for the designation of the National Highway System made unnecessary after its adoption in 1995. The total mileage of National Highway System may not exceed 155,000 miles, except that the Secretary may increase or decrease the mileage by no more than 15 percent.

Subsection 106(c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Subsection 106(d) allows the National Highway System to be modified to accommodate changes in the Strategic Highway Network (STRAHNET).

Subsection 106(e) makes several technical and conforming amendments to section 103(b) of title 23, United States Code.

Subsection 106(f) makes technical amendments to 22 U.S.C. 103.

Subsection 106(g) states that amendments made by this section shall not affect apportionments made under 23 U.S.C. 104 before the date of enactment of this Act.

Subsection 106(h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Subsection 106(i) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Subsection 106(j) designates certain routes as part of the National Highway System.

The House bill makes no changes to existing NHS eligibility.

The Committee encourages the Commonwealth of Virginia to work with Fairfax County, Virginia, to fund right-of-way and preliminary engineering costs associated with the NHS segment for the Fairfax County Parkway. In addition, the Commonwealth should work with the County to ensure that funding for the Fairfax County Parkway does not adversely affect other County projects under the secondary six-year plan.

The Committee encourages the State of Michigan to designate State Route M-6, commonly known as the South Belt Freeway, as the Paul B. Henry freeway. This designation would acknowledge the contribution that former Congressman Paul B. Henry made to this project and others while serving the Grand Rapids, Michigan, area as a county official, state legislator, and U.S. Representative.

The Committee encourages the State of California to designate an appropriate State Route in honor of the late Congressman Walter H. Capps.

There has been strong Federal support for the access road to the Northwest Arkansas Regional Airport, as recently demonstrated with the enactment of section 310(d) of the National Highway System Designation Act of 1995, and the Committee urges the State to advance the project as expeditiously as possible.

The Committee has approved funds under this Act to continue the Lafayette, Indiana Railroad Relocation Project. The Committee encourages the Indiana Department of Transportation to work with the local sponsors in identifying innovative financing opportunities to complete this project in an expeditious manner.

Senate amendment

Section 1121 provides that the National Highway System consists of those routes and transportation facilities depicted on maps submitted by the Secretary with the report ''Pulling Together: The National Highway System and its Connections to Major Terminals.''

Section 1234 amends 23 U.S.C. 103 to include publicly owned intracity or intercity passenger rail capital projects, including Amtrak, as an eligible activity for National Highway System program funds under the same criteria that apply currently to transit and non-NHS highway projects. NHS funding eligibility is amended also to include natural habitat mitigation and encourage the use of approved private-sector mitigation banks for wetlands lost through highway construction. Preference is given, to the extent practicable, to banks if they are in accordance with Federal guidelines on mitigation banking and are within the service area of the impacted wetland.

This section also adds the following new items to the list of projects eligible for NHS funding: (1) publicly owned intracity or intercity passenger rail or bus terminals, including those owned by Amtrak; (2) publicly owned intermodal surface freight transfer facilities, other than seaports and airports located at, or adjacent to, the NHS or connections to the NHS; (3) infrastructure-based Intelligent Transportation Systems capital improvements; and (4) publicly owned components of magnetic levitation (MAGLEV) systems.

This section also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, permitting these territories to use their NHS apportionments for any STP-eligible project, any airport, and any seaport.

Subsection 1001(a) amends 23 U.S.C. 103 to reflect that the National Highway System has been designated by Congress. It consolidates several sections of title 23 regarding Interstate system designations and the process for adding segments to the Interstate. This section addresses Interstate construction funds and unobligated balances of Interstate substitute funds, as these programs no longer exist.

The NHS consists of an interconnected system of principal arterial routes that serve major population centers and intermodal transportation facilities. Its components include the Interstate System and other urban and rural principal arterials and highways (including toll facilities) that provide motor vehicle access between major population centers, border crossings, intermodal transportation facilities, and routes important to defense within the United States. The mileage of the NHS is limited to 178,250 miles. This mileage is equal to the base amount of 155,000 miles, established in current law, plus the 15 percent increase permitted under current law. The Secretary may make modifications to the NHS routes proposed by a State if the Secretary determines that the modification meets the same criteria established under current law. Modification proposals must be coordinated among the State, local, and regional officials.

An Interstate System route is to be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States in cooperation with local and regional officials, and subject to the approval of the Secretary. The mileage of the Interstate System is limited to 43,000, an increase from the 41,000 mile limit under current law.

Conference substitute

In subsection 1106(a), the Conference directs the Secretary to implement the National Highway System program and the Interstate maintenance program as a combined program, for the purpose of providing States with optimal flexibility in implementing these provisions.

In subsection 1106(b), [note: there are two subsections 1106(b)] the Conference adopts the Senate provisions amending 23 U.S.C. 103 concerning (1) the description, components, maximum mileage of and modifications to the National Highway System; (2) the description, design, maximum mileage, and designations of and modifications to the Interstate System; and (3) the treatment of Interstate construction and Interstate substitute funds, with a few modifications. The Conference modifies the Senate provision concerning the description of the NHS to make clear that the system includes the highway routes and connections to transportation facilities, rather than the facilities themselves. The Conference adopts the Senate provision concerning NHS eligibility, with a modification. The substitute does not include eligibility for intracity and intercity passenger rail under this program.

In subsection 1106(b), [note: the second subsection 1106(b)] the Conference adopts a provision allowing to use Interstate Substitute funds under the rules in effect on the day before the enactment of TEA 21.

In subsection 1106(c), the Conference makes amendments to several sections in title 23,

United States Code, to conform those sections to the changes made by section 1106.

In subsection 1106(d), the Conference adopts the House provision on the intermodal freight connectors study with modifications to clarify that the purpose of the report is to identify impediments to improving intermodal connectors including impediments related to the planning process, availability of funding, and other issues identified by the Secretary.

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM

House bill

Section 105 of the House bill amends 23 U.S.C. 119 to modify the Interstate maintenance program to restore reconstruction of segments of the Interstate as an eligible activity. It also eliminates the annual certification requirement, and it updates the listing of routes eligible for funding under the program.

Section 113 establishes a new program to fund major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50 percent of a State's Federal-aid highway apportionments; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate maintenance program; and the funds must be obligated within one year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bears to the total national cost of eligible projects. For the years 1998 through 2003, however, those funds are to be distributed based on the Interstate maintenance program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, the extra funds are apportioned to all States as Interstate maintenance funds. Projects must be included within the planning process. The Secretary is required to report on the expected future need to reconstruct the Interstate System and to recommend methods for apportioning the funds.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary to States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

Section 1118 adds a new paragraph 104(k)(3) to title 23, United States Code, which provides that the Secretary may award funds under this program for Interstate 4R projects to those States the Secretary determines (1) will obligate funds provided under the Interstate maintenance and Interstate bridge components of the INHS apportionment in the fiscal year for which a grant application is submitted, and (2) are willing and able to obligate such funds within a year, apply the funds to a ready-to-commence project, and begin construction work within 90 days after obligation of the funds.

Section 1118 adds a new paragraph 104(k)(5), in which the Secretary is directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under sections 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1209 amends 23 U.S.C. 119 to (1) change the eligible uses of funds apportioned for the Interstate maintenance component of the INHS program and (2) change the rules regarding the ability to transfer these funds to other Federal-aid highway programs and to use a portion of these funds for the construction of single occupant vehicle lanes.

Current law allows a State to transfer up to 20 percent of its Interstate Maintenance apportionment to other program categories without the Secretary's approval. Transfers above the 20 percent amount need to be approved by the Secretary. Section 1209 would increase the percentage of funds that a State may transfer from the Interstate components of the INHS program to 30 percent. Section 1209 also provides that if a State certifies to the Secretary that the sums apportioned to it for the Interstate maintenance and Interstate bridge components of the INHS program are in excess of its Interstate needs, it may transfer an additional 20 percent of these Interstate component funds to its apportionments under the NHS or STP program.

This section lists the activities eligible for funds apportioned under the Interstate maintenance and Interstate bridge components of the INHS formula, which include intelligent transportation systems (ITS) capital improvements.

In general, this section continues the prohibition against using apportionments provided under the Interstate components of the INHS program for the construction of new travel lanes that are not high occupancy vehicle (HOV) lanes. This section does allow, however, a State to use 30 percent of its funds apportioned on single-occupant vehicle capacity expansion. States are permitted to use a total of 30 percent of their funds apportioned under the Interstate components of the INHS program for new capacity projects, or these funds may be transferred to other program categories. This provision was added to allow Interstate reconstruction projects that may involve increased capacity to be managed as one contract rather than as two separate contracts, as may be required under some cases in current law.

Conference substitute

In subsection 1107(a), the Conference provision adopts language that was included in both the House and Senate bills to expand IM program eligibility to include projects to reconstruct routes on the Interstate system. The Conference also adopts the House provisions updating the listing of routes eligible for Interstate maintenance funds and eliminating the annual certification requirement.

In subsection 1107(b), the Conference provision amends 23 U.S.C. 118 to revise and update the current Interstate discretionary program. Subsection 1107(b) directs the Secretary to set aside $50 million for fiscal year 1998 and $100 million for each of fiscal years 1999 through 2003 before apportioning Interstate maintenance funds for resurfacing, restoring, rehabilitating, and reconstructing Interstate routes and toll roads on the Interstate. The provision retains the current provisions in section 118 concerning selection criteria, priority consideration for certain routes, and period of availability of discretionary funds.

Subsection 1107(c) directs the Secretary to work with States and affected metropolitan planning organizations (MPOs) to study the expected condition of the Interstate system over the next 10 years, the needs of States and MPOs in reconstructing and improving their Interstates, and the resources and means to address these needs.

Subsection 1107(d) makes technical amendments to 23 U.S.C. 119.

The Conference does not adopt the House provision establishing a High Cost Interstate Program.

SEC. 1108. SURFACE TRANSPORTATION PROGRAM

House bill

Subsection 108(a) clarifies that the Secretary is to implement the surface transportation program.

Subsection 108(b) makes certain anti-icing and de-icing compositions used on bridges eligible under the surface transportation program.

Subsection 108(c) makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the surface transportation program.

Subsection 108(d) makes certain environmental and pollution abatement projects as part of a highway project eligible under the surface transportation program.

Subsection 108(e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Subsection 108(f) changes the program approval process for the surface transportation program from a quarterly to an annual basis.

Subsection 108(g) extends the current provision requiring the proportional obligation of funds made available for urban areas over the 6-year term of the bill.

Subsection 108(h) encourages the use of youth corps to perform transportation enhancement projects.

Senate amendment

Section 1104 continues the current procedure in subsection 23 U.S.C. 133(f) regarding the suballocation of STP funds to urbanized areas. The purpose of this requirement is to ensure that the obligation rate of STP funds for urbanized areas within a State is consistent with the larger obligation rate for all Federal-aid highway apportionments within the State. This section amends current law to require States to comply with obligation rates over two equal 3-year periods, as opposed to the existing requirement of complying over a single 6-year period.

Subsection 1223(a) amends 23 U.S.C. 133 to require States to set aside 8 percent of their STP funds for transportation enhancement activities. This is a reduction from current law which requires a 10 percent set-aside. This subsection also allows the Secretary to advance transportation enhancement funds without a State's certification of its public outreach involvement process associated with transportation enhancement projects. This provision codifies the Department of Transportation's current administrative policy regarding innovative financing mechanisms applicable to transportation enhancement projects. It gives States additional flexibility by allowing them to calculate the non-Federal share for enhancements projects in several ways: on a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent; however, because of the new provision, it is feasible for a single project to have a 100 percent Federal share.

Subsection 1223(b) reduces the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement.

Subsection 1223(c) eliminates the current requirement in 23 U.S.C. 133(e)(3)(A) that payments made by the Secretary to the States under section 133 cannot exceed the Federal share of costs incurred as of the date the State requested payment. Striking this requirement (1) conforms the current provisions of section 133 to the changes made to section 133 by subsection 1223(a) to increase States' flexibility in calculating the non-Federal share of transportation enhancements projects, and (2) permits States to use the same type of flexible non-Federal matching share for STP projects as they are currently permitted to use for Federal transit projects.

Section 1235 amends 23 U.S.C. 133 to clarify that the eligibility for publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus or rail under the STP program parallels the eligibility of such vehicles and facilities under chapter 53 of title 49, U.S.C. as revised by this Act. It clarifies that the current eligibility under the STP program of highway and transit safety improvements includes noninfrastructure highway safety improvements. This section also amends paragraph 133(b)(3) to make clear that STP funds may be used to fund the modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act.

Section 1235 also adds the following new items to the list of projects eligible for STP funds: (1) publicly owned intercity passenger rail infrastructure, including Amtrak; (2) publicly or privately owned passenger rail vehicles, including Amtrak; (3) infrastructure-based intelligent transportation systems capital improvements; (4) programs to address extreme cold starts; (5) publicly owned magnetic levitation transportation systems; and, (6) environmental restoration and pollution abatement projects carried out as part of transportation projects. This section also expands STP funding eligibility to include natural habitat mitigation under the same circumstances in which wetlands mitigation is currently eligible for STP funds, and establishes a preference for the use of mitigation banking.

ISTEA was a landmark law in that it gave the States unprecedented flexibility in spending their Federal-aid highway funds. This section increases the flexibility of the original ISTEA by allowing States to use their STP funds on publicly or privately owned passenger rail, including Amtrak, intermodal freight transfer facilities, natural habitat mitigation, capital costs of ITS improvements, and publicly owned components of magnetic levitation (MAGLEV) systems.

Section 1235 recognizes the diversity and uniqueness of the Nation and all of its transportation needs. The demands of the various regions throughout the United States are different. In the South and Southwest, the sharp growth in population continues to put a strain on that area's transportation infrastructure. In the Northwest United States, older infrastructure and acute congestion increases the need for non-highway modes such as transit and Amtrak. Many of the Western States, by contrast, with their low population density and the great distances involved in travel, rely on highways as their major mode of transportation. The flexibility provided in this section will permit States to use transportation funds to meet their diverse needs.

Subsection 1806(b) of the Senate bill makes the use on bridges of anti-icing and de-icing compositions that are agriculturally derived, environmentally acceptable, and minimally corrosive eligible for funding under the surface transportation program.

Conference substitute

In subsection 1108(a), the Conference provision expands STP eligibility by adopting the provision in both the House and Senate bills on anti-icing and deicing compositions (deleting the requirement that such compositions be agriculturally derived) and extreme cold starts, and adopting several Senate provisions expanding STP eligibility, with some modifications. With respect to the Senate provisions amending STP eligibility, the Conference adopts the provisions on publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus, but excludes the Senate's rail and magnetic levitation system eligibility provisions. Subsection 1108(a) also includes the Senate provisions on modifications to public sidewalks, natural habitat mitigation, infrastructure-based ITS improvements, and environmental runoff and pollution. The Conference does not adopt the Senate's provisions expanding STP eligibility to include unspecified non-infrastructure highway safety improvements.

In subsection 1108(b), the Conference adopts the Senate provisions (1) allowing the Secretary to advance transportation enhancement funds without States certifying their public outreach involvement process for transportation enhancement projects, and (2) granting States additional flexibility in calculating the non-Federal share of transportation enhancement projects. Subsection 1108(b) also modifies the noncontiguous States exemption from the suballocation requirement of 23 U.S.C. 133(d)(3)(A).

The Conference finds that the House and Senate provisions that reduce the current quarterly, project-by-project approval process for the surface transportation program to an annual process are substantively equivalent, and the Conference adopts the Senate language on this subject in subsection 1108(c).

In subsection 1108(d), the Conference adopts the Senate provision eliminating the voucher-by-voucher 80/20 matching requirement and permitting a more flexible non-Federal match.

In subsection 1108(e), the Conference adopts the Senate provision regarding surface transportation program allocations in urbanized areas.

In subsection 1108(f), the Conference adopts the House provision allowing up to 15 percent of STP funds to be used on minor collectors in rural areas, with the modification that the Secretary may suspend the application of this provision upon determining that it is being used excessively.

In subsection 1108(g), the Conference adopts the House provision encouraging the use of youth corps to perform transportation enhancement projects.

The Conference does not adopt the Senate provision reducing the percentage of STP funds set-aside for transportation enhancement activities.

SEC. 1109. HIGHWAY BRIDGE PROGRAM

House bill

Subsection 107(a) amends the bridge program apportionment formula to reduce apportionments by taking into account funds transferred from the bridge program to other purposes. This is a reform to help ensure that States do not receive funding to correct bridge deficiencies and then transfer those apportionments to another funding category, and continue to receive annual apportionments to correct such bridges.

Subsection 107(b) provides that the funds set aside for the discretionary bridge program under section 127(a)(1) of this Act for fiscal years 1998 through 2003 shall be available at the discretion of the Secretary, and that, for fiscal year 1998, 25 percent of the discretionary bridge program funds are required to be spent for the seismic retrofit of the Golden Gate Bridge in California, and that, for each of fiscal years 1999 through 2003, not to exceed 25 percent of such funds shall be available only for the seismic retrofit of bridges, including projects in the New Madrid fault region.

Although the Golden Gate Bridge in California is on the National Highway System, it has generally been the beneficiary of Federal highway assistance only on projects of an extraordinary cost. The seismic retrofit of the Bridge is one such project. The Committee retains its interest in completion of this project and provides funding for the seismic retrofit of the Golden Gate Bridge.

The Committee notes the catastrophic potential for earthquake damage in the multistate region affected by the New Madrid Fault and commends the States for intending to incorporate existing innovative, effective, and economical technologies, such as composite materials, in seismic retrofit projects in order to reduce costs and enhance performance.

The Committee notes the importance of the replacement of the nearly 75-year-old bridge over the Missouri River at Yankton, South Dakota, and encourages the Secretary to consider making funds available for this project under this section.

Subsection 107(c) extends the off-system bridge set-aside through fiscal year 2003.

Subsection 107(d) makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Subsection 107(e) technically amends 23 U.S.C. 144(n) to conform to changes made by subsection 107(c).

The Committee has become aware of the need to increase technical knowledge about the environmental effects of paints and coatings used in transportation projects. It is concerned that limitations might be imposed to reduce the use of certain such paints and coating which would potentially have an adverse effect on the transportation infrastructure. The Secretary is encouraged to ensure that the transportation benefits of these paints and coatings be considered as regulatory actions are taken.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary of States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

Section 1118 adds a new paragraph 104(k)(1) to title 23, United States Code, which defines the eligible uses of the $140 million set-aside to include bridge projects that exceed $10 million in costs or represent costs that exceed twice the amount of funds that States are required to reserve under 23 U.S.C. 144(c).

Section 1118 also adds a new paragraph 104(k)(2), in which the Secretary is required to set aside $20 million each fiscal year from the I–4R program and allocate it to any State that (1) receives less funding under the bridge apportionment factors used in the Interstate and National Highway System program and the Surface Transportation Program compared with the funds the State received under the bridge program in 1997, and (2) was apportioned at least $125 million in bridge funds in 1997. These funds shall be available for highway bridge projects. States that have transferred more than 10 percent of the funds apportioned under the bridge

program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this set-aside. New paragraph 104(k)(2) also requires the Secretary to set aside $15 million each fiscal year from the I–4R program and allocate it to any State with bridges having an average life exceeding 46 years as of the date of enactment of this Act.

Section 1118 also adds a new paragraph 104(k)(4), which provides that, notwithstanding any other provision of law, the Golden Gate Bridge in California is eligible for assistance under the Interstate 4R and bridge discretionary programs.

Under new paragraph 104(k)(5), as added by section 1118, the Secretary is also directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where the State's percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under section 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1122 amends 23 U.S.C. 144 to address highway bridge replacement and rehabilitation requirements. While the bridge program authorized in ISTEA is eliminated in the bill, it is replaced with a requirement that States maintain their current funding levels for bridges on the Federal-aid system. States must spend at least an amount equivalent to the funding a State received under the bridge program in fiscal year 1997 for bridges on either the Interstate, the National Highway System, or other Federal-aid roads. States may meet this ''level-of-effort'' requirement annually or over a 4-year period. This requirement is extended to off-system bridges as well. An amount equivalent to at least 15 percent of a State's fiscal year 1997 bridge apportionment must be expended on bridges off the Federal-aid system.

This section also makes eligible the cost to convert an historic bridge for alternative transportation purposes.

This section defines bridge rehabilitation to include work necessary to address structural deficiencies, functional limitations, and safety defects, including seismic deficiencies.

Section 1122 also requires the Secretary, in consultation with the States, to inventory all bridges on public roads, including historic bridges on Indian reservation roads and park roads; classify bridges based on safety an serviceability; and assign each bridge a priority for replacement or rehabilitation.

Section 1122 provides that States are not required to meet the spending requirements of revised 23 U.S.C. 144 by expending certain levels on any particular functional classification of bridges other than the spending requirement for the bridges off the Federal-aid system. Funds expended by a State on Interstate, NHS or Federal-aid system bridges will be credited toward the State's level of effort requirement. States may meet this requirement on a cumulative basis, including the spending requirement for off-system bridges.

Subsection 1806(a) of the Senate bill makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Conference substitute

In section 1109, the Conference adopts the House provision amending 23 U.S.C. 144, with the following modifications. For the discretionary bridge program in fiscal year 1998, the Conference substitute sets aside $25 million of bridge program apportionments and provides that such funds shall be available only for the seismic retrofit of the Golden Gate Bridge in California. For each of fiscal years 1999 through 2003, the Conference substitute sets aside $100 million of bridge program apportionments and provides that not to exceed $25 million of such funds shall only be available for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

In expanding bridge program eligibility to include anti-icing and de-icing compositions, the Conference substitute deletes the reference to agriculturally-derived compositions; environmentally acceptable compositions in general are eligible.

The Conference does not adopt the Senate provisions in section 1118 further suballocating three specific amounts of funds set aside for I–4R and bridge discretionary projects to States meeting certain eligibility requirements.

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) of the House bill clarifies that the Secretary is to implement the CMAQ program.

Subsection 110(b) makes various changes to 23 U.S.C. 149(b) relating to eligible projects. It makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the CMAQ program and it codifies currently eligible activities under the CMAQ program.

Subsection 110(c) permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This subsection also defines eligible alternative fuel projects.

Subsection 110(d) requires the National Academy of Sciences to conduct a study on the effectiveness of the CMAQ program in improving the air quality in nonattainment areas. This subsection makes $500,000 in CMAQ funds available for each of fiscal years 1998 and 1999 for this study. The final report to Congress on this study shall include recommendations for modifications to the program in light of the study results.

The Committee recognizes the important security, economic, and environmental benefits that are derived from the increased use of renewable fuels. Therefore, the Committee strongly supports the continued use of renewable fuels as a key component of our nation's transportation policy. The Committee encourages the use of a variety of transportation approaches to clean air problems. Urban areas should consider the variety of options available to them, such as the use of vehicles that use alternative fuels (including innovative fuels such as bio-diesel) and to use CMAQ funds to support the infrastructure needed for such vehicles.

Senate amendment

Section 1123 of the Senate bill amends 23 U.S.C. 149 to continue the CMAQ program and maintains the basic eligibility criteria for this program. As in current law, only those projects or programs that the Secretary, in consultation with the EPA Administrator, determines are likely to contribute to the attainment of a national ambient air quality standard or the maintenance of such a standard are eligible for CMAQ funds.

Subsection 1123(a) technically amends subsection 149(a) to reflect that, since the CMAQ program is already established, the Secretary is to implement the program.

Subsection 1123(b) amends current section 149(b) to extend the eligibility for CMAQ funding to include carbon monoxide nonattainment areas, (2) all carbon monoxide and ozone maintenance areas, (3) areas classified as submarginal ozone nonattainment areas, and (4) extreme cold start programs.

Subsection 1123(c) strikes current section 149(c) and inserts a new section that modifies the eligible uses of CMAQ funds. A State with a nonattainment area or maintenance area that received the minimum apportionment under 23 U.S.C. 104(b)(2) can use that amount of its apportionment that is not attributable to its nonattainment or maintenance area population on any project in the State eligible for STP funds. Consistent with current law, a State that does not have and never has had a nonattainment area may use its CMAQ funds for any project eligible for STP funds.

Subsection 1123(d) amends 23 U.S.C. 120(c) to exclude projects funded with CMAQ apportionments from the list of safety projects eligible for 100 percent Federal participation. As a result, the standard Federal share provisions of 23 U.S.C. 120(a) and (b) that apply to all other CMAQ projects would apply to these projects as well.

Section 1502 permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This section also defines eligible alternative fuel projects.

Conference substitute

The Conference substitute adopts provisions from both the House and Senate bills.

In subsection 1110(a) the Conference adopts the provision included in both the House and Senate bills clarifying that the Secretary's role is to implement the CMAQ program.

In subsection 1110(b), the Conference adopts the House and Senate provisions amending 23 U.S.C. 149(b) regarding CMAQ eligibility to include programs that reduce motor vehicle emissions caused by extreme cold start conditions and adopts the House eligibility provision for projects that were eligible under section 149 on the day before the date of enactment of new paragraph 149(b)(6). The Conference substitute also provides that projects or programs that improve traffic flow are eligible for CMAQ funds.

In subsection 1110(c), the Conference adopts the Senate provision regarding the eligible uses of CMAQ funds by States receiving the minimum CMAQ apportionment.

In subsection 1110(d), the Conference adopts the provisions in both the House and Senate bills regarding partnerships with nongovernmental entities and alternative fuel projects, with a modification that directs the Secretary to determine whether certain water-phased hydrocarbon fuel emulsion technologies reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide, from motor vehicles.

In subsection 1110(e), the Conference adopts the House provision regarding the study of the effectiveness of the CMAQ program, with the following modifications: (1) the Administrator of the Environmental Protection Agency shall participate in the study; and (2) the elements to be examined in the study are expanded to include (a) an evaluation of the air quality impacts of emissions from motor vehicles, (b) an evaluation of the negative effects of traffic congestion, (c) a comparison of the costs of

achieving air pollution emissions reductions under the program to the costs that would be incurred if similar reductions were achieved by other measures, and (d) recommendations to expand the scope of the program to address traffic-related improvements not currently covered by the program.

SEC. 1111. FEDERAL SHARE

House bill

Subsection 120(a) amends 23 U.S.C. 120(c) to provide that the Federal share of the cost of priority control systems for transit vehicles at signalized intersections may be 100 percent.

Subsection 120(b) amends title 23 to allow a State to use revenues generated through tolls as its non-Federal matching share of projects costs funded under title 23 (other than emergency relief projects) or projects under chapter 53 of title 49, United States Code. A State may do so only if it agrees to enter into an agreement with the Secretary to ensure that the State maintains its non-Federal capital expenditures at or above the average level for the previous three years. This is a continuation of a program established by ISTEA.

Subsection 134(c) technically amends the Federal share provisions of 23 U.S.C. 120(a) and (b) to move from a strict percentage to a limitation. This change allows for an increased non-Federal share at a State's option. It does not allow the Secretary to impose a lower Federal matching share. This change also conforms the Federal share language of section 120 to the revised, more flexible language in 23 U.S.C. 121 (as amended by section 1302 of the Conference substitute) concerning payments to States for construction.

Senate amendment

Subscetion 1112(a) amends 23 U.S.C. 120 to allow a State, if it chooses, to reduce the Federal share of a Federal-aid highway project. This change will give States the flexibility to carry out more projects than would be possible with a straight 20 percent non-Federal share. Nothing in this section is intended to require a State to lower the Federal share payable on any project funded under this title. Section 1112(a) also codifies in 23 U.S.C. 120 a provision established in section 1044 of ISTEA which allows States to apply all revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects (other than emergency relief projects). To receive this credit, a State must meet a maintenance of effort test, and therefore, must maintain its average non-Federal transportation capital expenditure at or above the level of such expenditures for the preceding three fiscal years. The provision allows a State to drop a ''high year'' from the three year maintenance of effort test, if that year is at least 130 percent greater than the average for the 2 other preceding years.

Paragraph 1112(b)(1) makes conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

Conference substitute

In subsection 111(a), the Conference adopts the Senate provision giving States the option to determine a lower Federal share for a project than the one determined under 23 U.S.C. 120(a) and (b). The Conference does not adopt the House provision technically amending the Federal share provisions in 23 U.S.C. 120(a) and (b).

In subsection 1111(b), the Conference adopts the House provision permitting an increased Federal share of project costs for priority control systems for transit vehicles under 23 U.S.C. 120(c).

In subsection 1111(c), the Conference adopts the nearly-identical House and Senate provisions concerning States using toll revenues as a credit for the non-Federal share of project costs, with modifications. The Conference provision includes the Senate bill's exception from the standard maintenance of effort test for States where any one of the preceding 3 fiscal years' non-Federal transportation capital expenditures were more than 30 percent above the average level of such expenditures for the remaining 2 preceding fiscal years. The Conference provision also clarifies that payments made by the State for issuance of transportation related bonds are considered non-Federal transportation capital expenditures.

In subsection 1111(d), the Conference adopts the Senate's conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

SEC. 1112. RECREATIONAL TRAILS PROGRAM

House bill

Section 114 codifies the Recreational Trails program authorized in ISTEA as 23 U.S.C. 206. The program distributes to States a portion of gas tax revenues attributable to non-highway uses for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share of the cost of any recreational trails project under this section shall not exceed 50 percent of project costs, but States are given the flexibility to meet this requirement on a program-wide basis, Federal agency project sponsors may pay up to 30 percent of project costs, and certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that can be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail Use requirement and the Assured Access to Funds requirement. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Subsection 114(c) repeals the existing Recreational Trails program section in ISTEA.

Subsction 114(d) terminates the Recreational Trail Advisory Committee by the end of fiscal year 2000.

Subsection 114(e) directs the Secretary to encourage States to use qualified youth conservation or service corps to construct and maintain recreational trail projects.

Senate amendment

Section 1107 continues the existing Recreational Trails Program. Under this provision, the Recreational Trails program is to be funded through contract authority from the Highway Trust Fund. The annual contract authority is as follows: $17,000,000 for fiscal year 1998; $20,000,000 for fiscal year 1999; $22,000,000 for fiscal year 2000; $23,000,000 for fiscal year 2001; $24,000,000 for fiscal year 2002; and $25,000,000 for fiscal year 2003. The provision of current law relating to National Recreational Trails funding is repealed.

The Federal share payable for projects under the Recreational Trails program is increased from 50 percent to 80 percent. In addition to the Department of Transportation, other Federal agencies may contribute additional funds for a Recreational Trails project. However, the Federal share, using Recreational Trails funds, for any individual project may not exceed 80 percent; the combined share of all Federal agencies may not exceed 95 percent. The Federal share for this program is consistent with the Federal share available for other Federal-aid highway projects.

This section retains the current requirement regarding the States' use of annual apportionments: at least 30 percent of Federal funds must be used to facilitate non-motorized recreation; another 30 percent of the funds must be used for motorized recreational purposes. A State must use the remaining amount of funds for diverse recreational purposes, including both motorized and nonmotorized recreational trail use. Experience with implementing Recreational Trail projects in the past has shown that project sponsors for nonmotorized trail projects were significantly disadvantaged in meeting the higher non-Federal matching requirements.

To the extent practicable and consistent with other requirements, States are to give consideration to projects that benefit the natural environment or mitigate and minimize impacts to the environment.

The amount that the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent; see section 1102 of the Act.

Subsection 1208(c) directs the Secretary to terminate the National Recreational Trails Advisory Committee as soon as is practicable. The Advisory Committee was established in ISTEA and directed to (1) review the allocation and utilization of moneys under the Recreational Trails program; (2) establish review criteria for trail-side and trail-head facilities; and (3) recommend changes in Federal policy to advance the purposes of the program. The Advisory Committee has completed these tasks and is no longer necessary. This provision does not affect the State advisory committees that are responsible for implementing the Recreational Trails program.

Conference substitute

The Conference substitute adopts the Senate language with several modifications. The substitute clarifies that a State may use funds appropriated under this section for construction on new trails only if the construction is permissible under some other law or is otherwise required by a statewide comprehensive outdoor recreational plan (SCORP) that is in effect. Due to a lack of funding over the past several years, some States may not have updated SCORPs in effect; so the requirement that projects be included in a SCORP would apply only to those States that have a current updated SCORP in effect. This provision also places a cap on the amount that a state can expend on educational programs to promote safety and environmental protection at 5 percent of annual apportionments.

The substitute provision also modifies existing law to exclude all small States with a total land area of less than 3,500,000 acres from the requirement to expend annual apportionments for trails and trails related projects at a minimum of 30 percent for motorized recreation and 30 percent for non-motorized recreation. The substitute further provides that a State trail advisory committee may waive the motorized/nonmotorized use requirement if the State notifies the Secretary that the State does not have sufficient projects to meet the diversity requirements.

It includes a modified House provision which allows States to make grants under section 104(h) to private organizations, municipal, county, State and Federal governmental entities after considering guidance from the recreational advisory committee for uses consistent with this section.

In subsection 1112(d) the Conference adopts the House provision terminating the Recreational Trails Advisory Committee on September 30, 2000.

In subsection 1112(e), the Conference adopts the House provision encouraging the use of youth conservation or service corps to perform recreational trails projects.

SEC. 1113. EMERGENCY RELIEF

House bill

Paragraph 117(a)(1) of the House bill makes two technical corrections to the Federal share provision for the Emergency Relief (ER) program.

Senate amendment

Section 1105 restates the eligibility for highway and bridge projects and the funding requirements for the ER program. ER funds can be used only for emergency repairs done to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility. The Secretary is authorized to borrow amounts necessary from any program under title 23 for emergency relief work. Any additional funds used shall be reimbursed with future ER appropriations. The purpose of allowing the Secretary to borrow funds from title 23 programs is to provide a ''cushion'' to allow project work to continue if all ER program funds are used. This section also amends current law, which limits the availability of ER funds to two years, to make them available until expended.

Conference substitute

The Conference adopts the House and Senate provisions, with some modifications. The Conference provision includes the two House corrections to the Federal share provisions in 23 U.S.C. 120(e) governing the ER program, but provides that the 100 percent Federal share provision for ER projects shall apply to repairs accomplished within 180 days, rather than 120 days, after the occurrence of the disaster.

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS

House bill

Subsection 122(a) amends section 1040 of ISTEA to specify that all funds provided for the highway use tax evasion program are contract authority. Subsection 122(b) requires funding provided under this section to be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and State excise taxes. Subsection 122(c) makes a technical amendment to subsection 1040(a) of ISTEA to delete an incorrect reference.

Senate amendment

Section 1109 eliminates two obsolete tax evasion study requirements in current law. It eliminates the annual report on motor fuel tax enforcement and the report on the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities.

This section codifies at 23 U.S.C. 143 and expands the successful tax evasion program in section 1040 of ISTEA. It provides $5 million in contract authority for each of fiscal years 1998 through 2003 to continue joint Federal Highway Administration/Internal Revenue Service (IRS)/State motor fuel tax compliance projects across the Nation, as established in section 1040 of ISTEA. In addition, this section permits each State to use up to ¼ of 1 percent of its Surface Transportation Program apportionments for programs to halt fuel tax evasion. All costs of tax evasion projects are to be paid by the Federal government.

This section also authorizes an additional $8 million for the Secretary to complete the development of an excise fuel reporting system, as well as $2 million annually for the operation and maintenance of the system. This system will provide essential information regarding data on import and refinery production of motor fuel to compare with terminal fuel receipts and fuel deliveries. This new program, along with the continuing program, is necessary to help ensure that the successful, coordinated regional and national approach to combat fuel tax fraud can continue and improve.

Conference substitute

The Conference provision adopts the Senate provision with some modifications. The Conference substitute expressly provides the excise fuel reporting system with contract authority, authorizes a single, annual lump sum amount of funding for fuel tax evasion projects each year ($10 million in fiscal year 1998 and $5 million for each of fiscal years 1999 through 2003), and provides that priority as to the use of such funds shall be given to the establishment and operation of an automated fuel reporting system by the IRS.

SEC. 1115. FEDERAL LANDS HIGHWAY PROGRAM

House bill

Subsection 117(a) amends 23 U.S.C. 120 to enable Federal land managing agencies to pay the non-Federal share of any Federal-aid highway project. Similarly, Federal lands highways program funds may be used as the non-Federal share of any Federal-aid project providing access to or within Federal or Indian lands.

Subsection 117(b) amends 23 U.S.C. 202 to provide for separate allocations for public lands highways and for forest highways. ISTEA established them as one program with different methods of distribution. This subsection reconstitutes them as separate programs and sets forth the method of allocating funds for the two programs. The public lands funds are allocated through an administrative formula. The forest highway program allocation is based on a statutory formula. This subsection also provides that, for fiscal year 2000 and thereafter, all Indian reservation roads funds shall be allocated in accordance with a formula established in regulations development under a negotiated rulemaking procedure.

Subsection 117(c) amends 23 U.S.C. 203 to clarify what constitutes the point of obligation of funds (at which the Federal government is contractually obligated to pay its contribution to project costs) under the Federal lands highways program.

Subsection 117(d) amends 23 U.S.C. 204 to reflect the new, separate public lands and forest highways programs and to increase the flexibility of transportation planning with respect to Federal lands highways projects. It requires that only regionally significant transportation projects funded from the Federal lands highways program be coordinated with States and metropolitan planning organizations (MPOs), and that, once the Federal lands highways program transportation improvement program (TIP) is approved by the Secretary, the TIP shall be included in the appropriate State and metropolitan planning organization plans without further action by the States or MPOs. Subsection 117(d) also revises 23 U.S.C. 204(i) to authorize the Secretary to transfer public lands highways funds to the appropriate Federal land managing agency to cover both the administrative and transportation planning costs of such agency. Subsection 117(d) also requires that up to 1 percent of Indian reservation roads funds be set aside for transportation-related administrative expenses of Indian tribal governments, and it directs the Secretary to establish a pilot program to permit no more than 10 Indian tribes to apply directly to the Secretary for authority to conduct Indian reservation roads projects.

Senate amendment

Section 1106 retains the structure of the Federal lands highways program (FLHP). The process for inclusion of FLHP projects in the Statewide and Metropolitan planning process has been streamlined.

Section 1106 also allows Federal land management agencies to sue their program funds to provide the non-Federal share of FLHP projects. FLHP project funds may be used to provide the non-Federal share for other title 23 projects undertaken on projects providing access to Federal lands. The streamlining of the planning process under this section should be implemented through the notice, and comment rulemaking process. Because many FLHP projects are constructed, improved on, or maintained by the States, the views of the States are to be considered in this process. Eligibility of FLHP funds is extended to expressly include transit facilities found within public lands. This expanded eligibility is important, as bus systems can reduce congestion an other negative impacts of passenger vehicle traffic within our national parks and other Federal lands.

Section 1122, the current requirement that States with Indian reservations reserve 1 percent of their bridge program funds for Indian reservation bridges is replaced with a $9 million national program to fund improvements to Indian bridges as a set-aside from Indian Reservation Roads funds.

Conference substitute

The Conference finds that the House and Senate provisions concerning the use of Federal land management agency and Federal lands highways program funds to apply the non-Federal share of certain projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(a).

In subsection 1115(b), the Conference adopts the House provision amending 23 U.S.C. 202(d) concerning the allocation of Indian Reservation Roads funds in accordance with a formula established by regulation developed through negotiated rulemaking. The Conference provision also replaces the House bill's Indian Reservation Roads pilot program with a requirement that, upon the request of any Indian tribe, all funds authorized for Indian reservation road and bridge projects shall be made available to Indian tribal governments to carry out such projects, in accordance with the Indian Self-Determination and Education Assistance Act. In this subsection, the Conference also adopts the Senate provision replacing the current 1 percent set-aside from States' bridge apportionments with an annual set-aside of Indian Reservation Roads funds as the funding source for Indian reservation road bridges, increasing the amount set aside from $9 million to $13 million.

The Conference finds that the House and Senate provisions clarifying the point of obligation for Federal lands highways program projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(c).

The Conference finds that the house and Senate provisions on streamlined transportation planning and agency coordination are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(d). The Conference also adopts the Senate provision expanding the eligible uses of Federal lands highways program funds to include a project to replace the federally-owned bridge over the Hoover Dam and the provision in both the house and Senate bills authorizing the Secretary to transfer public lands highways funds to the

appropriate Federal land management agencies for transportation planning for Federal lands.

In subsection 1115(e), the Conference adopts a Senate proposal to establish a refuge roads program as part of the Federal lands highways program, allocating $20 million for each of fiscal years 1999 through 2003 based on the relative needs of the various refuges in the National Wildlife Refuge System to fund projects to maintain and improve refuge roads and certain other eligible Federal lands highways program projects located in or adjacent to wildlife refuges.

Subsection 1115(f) makes several amendments to title 23 to conform the provisions of that title to the changes made by this section.

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE

House bill

Section 128 amends the National Highway System Designation Act of 1995 to transfer title of the Woodrow Wilson Bridge to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. This section further provides that the bridge shall not be eligible for high cost Interstate System reconstruction and improvement program funds until such time as the three jurisdictions accept ownership of the bridge.

Senate amendment

Section 1120 amends title IV of the National Highway System Designation Act of 1995 (i.e., the Woodrow Wilson Memorial Bridge Authority Act of 1995) to require the Secretary to execute an agreement with the Woodrow Wilson Memorial Bridge Authority or any Capital Region jurisdiction (Virginia, Maryland or the District of Columbia) before funds made available under this section are available for construction of the replacement bridge.

The agreement is must identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new facility and must include a financial plan that identifies the total cost, schedule, and source of funds necessary to complete the project. The agreement must also (1) require that the project include not more than 12 traffic lanes, including 2 HOV, express bus, or rail transit lanes; (2) include all provisions described in the environmental impact statement or record of decision to mitigate the environmental and other impacts of the project; and (3) require the Authority and Capital Region jurisdictions to fully involve affected local governments in all aspects of the project. The Secretary is authorized to use the funds made available under this section for rehabilitation of the existing Woodrow Wilson Bridge and for the engineering, design, and construction of the replacement bridge.

The definition of the project is modified to require that the replacement bridge will be the preferred alternative identified in the record of decision in compliance with the National Environmental Policy Act.

Section 1120 authorizes $100 million for each of fiscal years 1998 and 1999; $125 million for fiscal year 2000; $175 million for fiscal year 2001; and, $200 million for each of fiscal years 2002 and 2003 to carry out this section.

Conference substitute

In section 1116, the Conference adopts the Senate provision, but modifies the annual authorizations for the project to provide a greater portion of the total $900 million authorized for the bridge in the latter years of the 6-year authorization period of this Act. Section 1116 also modifies the eligible uses of such funds: none of the funds made available under this section shall be available for construction of the Project before an agreement is executed by the Secretary and the bridge authority and any Capital Region jurisdiction that accepts ownership of the bridge. Prior to the execution of such agreement transferring ownership of the bridge, such funds may be used for pre-construction activities for the Project, including right-of-way acquisition and early acquisition of construction staging areas, and the maintenance and rehabilitation of the Bridge. Subsection 1120(e) also makes necessary technical corrections to sections 404 and 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 to clarify references to any record of decision for the project.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

House bill

Subsection 112(a) establishes that funds for the Appalachian development highway system (ADHS) shall be allocated to the States based on the latest cost to complete estimate, although no State is to receive less than $1 million. This method of distribution can be adjusted by the Appalachian Regional Commission.

Subsection 112(b) specifies that funds for the ADHS are contract authority.

Subsection 112(c) changes the Federal share for reimbursing States that have prefinanced segments of the ADHS from 70 to 80 percent.

Subsection 112(d) allows for the deduction, from the funds authorized to carry out this section, of administrative expenses of the Appalachian Regional Commission associated with the ADHS.

Subsection 112(e) provides for local consultation before certain ADHS corridors in Ohio can be redesignated.

Senate amendment

Subsection 1117 provides funds to assist with the continued construction of the Appalachian development highway system located in regions of the 13 States that comprise the Appalachian Regional Commission. A total of $40 million for each of fiscal years 1998 though 2000, $50 million for fiscal year 2001, $60 million for fiscal year 2002, and $70 million for 2003 in contract authority is authorized to carry out this section.

The Federal share payable for pre-financing costs for Appalachian development highway system projects is increased from 70 percent to 80 percent.

The Appalachian development highway system map is revised to substitute the Virginia portion of Corridor H with the Virginia portion of the Coalfields Expressway authorize in the National Highway System Designation Act of 1995.

Conference substitute

In subsection 1117(a), the Conference adopts the House provision making funds authorized for the Appalachian development highway system available to the 13 Appalachian States based on the latest cost to complete estimate, with a modification deleting the option for the Appalachian Regional Commission to develop an alternative method for distributing such funds. This subsection provides that such funds shall be available to construct highways and access roads in accordance with section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201.)

Subsection 1117(b) adopts the provision in both the House and Senate bills providing that the funds authorized to carry out this section are contract authority.

Subsection 1117(c) adopts the provision in both the House and Senate bills increasing the Federal share of project costs prefinanced by a State from 70 percent to 80 percent, thereby bringing the Federal share for prefinanced projects up to the same level as the standard Federal share for Appalachian development highway system projects.

Subsection 1117(d) makes alterations to the segments constituting Corridor O in Pennsylvania and provides that the addition to Corridor O designated in this subsection shall not affect estimates of the cost to complete the segment and that the segment substracted from Corridor O in this section may be included on a map of the Appalachian Development Highway System for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

House bill

Subsection 115(a) establishes the National Corridor Planning and Development Program, the purpose of which is to assist States in planning, developing, and constructing highway corridors.

Subsection 115(b) establishes that eligible corridors are those designated in law as high priority corridors. In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress as a high priority corridor, allocations to other regional or multistate highway corridors the Secretary determines are likely to improve international or interregional trade, facilitate mobility, or encourage eonomic growth and development in areas underserved by existing highway infrastructure.

Subsection 115(d) describes activities that are eligible for funding under the program. These include feasibility studies, design activities, corridor planning, location and routing studies, environmental review, coordination activities, and construction.

Subsection 115(d) requires that any State receiving funds under this program must develop a corridor development and management plan and it lists several elements the plan must contain.

Subsection 115(e) specifies that the funds authorized in this Act for the corridor program are contract authority.

Subsection 115(f) defines State to have the meaning such term has under 23 U.S.C. 101.

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

Under subsection 1116(c), the Secretary is directed to make grants to States to encourage cooperative corridor analysis of and planning for the safe and efficient movement of goods along and within trade corridors and ports of entry. Within 2 years of receiving a grant under this subsection, a State shall submit a plan for corridor and port of entry improvements that has been coordinated with the transportation planning activities of other States and metropolitan planning organizations along the corridor. This subsection also $3 million in contract authority for each of fiscal years 1998 through 2003 to carry out this provision.

In subsection 1116(d), the Secretary is directed to make grants to States or metropolitan planning organizations for transportation projects to relieve traffic congestion or improve enforcement of motor carrier safety laws, provide for continued planning and development of trade corridors, or provide for the safe and efficient movement of goods along trade corridors. In selecting the projects to receive grants under this subsection, the Secretary is directed to consider eleven factors, including the extent to which international truckborne commodities move

through each State, the degree of leveraging of Federal funds provided under this section, and the value of the cargo carried by commercial vehicle traffic. $125 million for each of fiscal years 1998 through 2003 is authorized to carry out this program.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funds under the STP program.

Conference substitute

The Conference adopts the House provision, with several modifications.

First, subsection 1118(b) of the Conference provision creates two categories of corridors eligible for funding. The first category is those corridors identified by Congress as high priority corridors in section 1105(c) of the Intermodal Surface Transportation Efficiency Act (ISTEA). The second category consists of corridors selected by the Secretary after considering 6 factors listed. Those factors address: changes in commercial traffic due to the enactment of NAFTA, the extent of international truck-borne commodity movement, a proposed project's potential impact on commercial and other travel time, the extent of leveraging of the Federal grant funds provided under this subsection, and the value of commercial cargo. These factors only apply to the second category of corridors selected by the Secretary.

Second, in subsection 1118(c), the Conference provision conditions the use of grant funds for environmental review and construction on the Secretary's review of a corridor development and management plan. The plan is intended to ensure that funds be used for projects that have, to the extent possible, completed environmental and financial analyses and therefore are ready to proceed. The plan will also ensure that the corridor program be used to finance useable segments and not result in the construction of corridors unconnected to existing transportation facilities. However, the plan need only be reviewed, not approved by the Secretary.

Third, the Conference adopts the Senate provision requiring that the corridor planning carried out under this section be coordinated with transportation planning carried out by other States and metropolitan planning organizations along the corridor, and, to the extent appropriate, with the transportation planning activities of Federal land management agencies and tribal, Mexican, and Canadian governments.

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM

House bill

Subsection 116(a) establishes the coordinated border infrastructure and safety program, the purpose of which is to improve the movement of people and goods across the Nation's land borders.

Subsection 116(b) identified eligible uses for funds under the program. They include construction of facilities, operational improvements, modifying regulatory procedures, and international planning and coordination.

Subsection 116(c) establishes eight criteria that are to be considered by the Secretary when allocating funds for projects.

Subsection 116(d) requires that a certain amount of the funds provided for the program be used to construct State motor vehicle safety inspection facilities.

Subsection 116(e) requires that at least 40 percent of funds are used on projects on the U.S./Canadian border and at least 40 percent of funds are used on projects on the U.S./Mexico border; at least 2 projects on each border shall be located at high volume ports of entry.

Subsection 116(f) specifies that funds made available for this program are contract authority.

Subsection 116(g) defines ''border region'' and ''border State.''

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

In subsection 1116(b), the Secretary is directed to make grants to States or MPOs that have certified they are engaged in joint planning with their counterparts in Mexico and Canada for joint planning activities and to improve the movement of people and vehicles through international gateways. This subsection provides $1.4 million in contract authority for each of fiscal years 1998 through 2003 to carry out this grant program.

In subsection 1116(d), the Secretary is directed to make grants to States or MPOs for projects to relieve traffic congestion; improve enforcement of motor carrier safety laws; or provide for continued planning and development of, and safe movement of goods along, trade corridors. The subseciton includes 11 grant selection factors, including the extent to which commercial vehicle travel has increased at border stations and within States since the enactment of NAFTA, the extent of transportation improvements at the border or ports of entry since the enactment of NAFTA, the expected reduction in travel time at the gateway or port of entry as a result of the proposed project, and the degree of demonstrated coordination with Federal inspection agencies. $125 million is authorized for each of fiscal years 1998 through 2003 to carry out this program.

Subsections 1116(d) and (e) provide that the General Services Administration (GSA) is the lead Federal agency in the planning and development of border stations. The Secretary, upon receiving a request from the Administrator of GSA and the U.S. Attorney General, is authorized to transfer up to $10 million in each of fiscal years 1998 through 2001 to the GSA for the purposes of constructing transportation facilities that are necessary for law enforcement in border States.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funding under the STP program

Conference substitute

The Conference adopts the majority of the House section, with several modifications. First, in subsection 1119(b), the Conference provision adds, to the list of eligible uses of funds under this section, the activities of Federal inspection agencies. Second, in subsection 1119(c), the Conference provision (1) adds a new selection criterion from the Senate bill on the degree of demonstrated coordination with Federal inspection agencies and (2) adopts a Senate provision that expands the House criterion examining improvements in vehicle and highway safety and cargo security to be broader than just improvements related to motor vehicles and to encompass highway safety cargo and security in and through gateways and ports of entry.

The Conference does not adopt the House provisions setting aside funds for State motor vehicle safety inspection facilities or suballocating funding for projects at our borders with Canada and Mexico and for projects at ports of entry with high traffic volume.

In subsection 1119(d), the Conference adopts the Senate provision permitting the Secretary to transfer no more than $10 million in funding made available to carry out this section and section 1118 to the Administrator of GSA to construct transportation infrastructure necessary for law enforcement in border States.

HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to fifty percent of funds under this program can be transferred to each State's National Highway System or Surface Transportation Program apportionments.

Subsection 110(b) includes a conforming amendment to include the title of this section in the table of sections of title 23, United States Code.

Subsection 110(c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. the activities of the program should be carried out cooperatively between the Department of Transportation, States, and other safety organizations.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

COOPERATIVE FEDERAL LANDS PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1115 establishes a new section 207 in chapter 2 of title 23, United States Code, which provides a funding source for public roads or bridges owned by States or their political subdivisions that cross, are adjacent to, or provide access to, Federal lands and Indian reservations (including reservoirs owned by the Army Corps of Engineers). The purpose of this program is to supplement the efforts of the Federal government in developing and maintaining roads or bridges that serve federally owned land and Indian reservations (including reservoirs owned by the Army Corps of Engineers).

The Cooperative Federal Lands Transportation Program ensures that funding will be provided for projects in States where greater than 4.5 percent of the land within the State borders is held in trust or owned by the Federal government. Funds are provided directly to these States for projects that provide access to Federal lands and Indian reservations. This section provides $74 million in contract authority per year from the Highway Trust Fund.

Conference substitute

The Conference does not adopt the Senate provision.

PERFORMANCE BONUS PROGRAM

House bill

Subsection 123(a) requires the Secretary to develop performance-based criteria for distributing up to 5 percent of Interstate maintenance, bridge program, high risk road safety improvement program, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds.

Subsection 123(b) establishes the factors the Secretary shall assess in developing the performance-based criteria.

Subsection 123(c) requires the Secretary to submit to Congress the criteria developed under this section.

The mid-course correction legislation provided for under section 508 would include a provision to approve a system of performance bonuses to States pursuant to section 123.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY

House bill

Section 142 establishes a New York Avenue Development Authority to develop an improvement plan for the New York Avenue Corridor in the District of Columbia. The authority is eligible to receive funding under the National Corridor Planning and Development program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Subtitle B—General Provisions

SEC. 1201. DEFINITIONS

House bill

Section 143 organizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions.

Section 143 also amends the definition of ''transportation enhancement activities.'' It specifies that a transportation enhancement activity must have a direct link to surface transportation. It also expands the definition to allow the removal of graffiti and litter among the list of eligible activities, as well as environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. In addition, it adds construction of tourist and welcome centers as an eligible activity.

Senate amendment

Section 1114 provides definitions for the terms ''Federal-aid highway funds'' and ''Federal-aid highway program.'' These phrases are used throughout title 23, but are not defined in current law. The addition of these clarifying definitions is not intended to change the implementation of any section under current law. The section also reorganizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions.

Subsection 1123(e) adds a definition of ''maintenance area'' to 23 U.S.C. 101(a) and makes a conforming amendment to section 149.

Subsection 1223(d) amends the definition of ''transportation enhancement activities'' in 23 U.S.C. 101(a) to expressly provide that tourist and welcome center facilities associated with scenic or historic highway programs are eligible transportation enhancement projects.

Section 1231 revises the definition of ''operational improvement'' in 23 U.S.C. 101(a) to include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects. The installation, operation or maintenance of communications systems, roadway weather information and prediction systems, and other improvements designated by the Secretary that enhance roadway safety during adverse weather are also incorporated into the revised definition.

Subparagraph 1404(b)(1)(A) changes the term ''highway safety improvement project'' in 23 U.S.C. 101(a) by deleting the reference to ''highway''.

Conference substitute

In section 1201, the Conference provision recognizes the definitions in 23 U.S.C. 101(a) alphabetically and makes minor technical corrections to the definitions.

The Conference does not adopt the Senate provision defining ''Federal-aid highway funds'' and ''Federal-aid highway program.''

The Conference adopts the Senate provision amending the term ''highway safety improvement project'' and makes a minor, technical modification to the definition. In carrying out this provision, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

The Conference adopts the Senate provision defining ''maintenance area.''

The Conference does not adopt the Senate provision amending the definition of ''operational improvement.''

The Conference defines ''refuge road'' as a public road providing access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the U.S. Government.

The Conference also adopts the House provision defining ''transportation enhancement activities,'' with modifications. The substitute requires that transportation enhancement activities relate to, rather than have a direct link to, surface transportation. It does not include the House provision adding graffiti and litter removal as eligible activities. It retains the Senate provision regarding eligibility of tourist and welcome centers. In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does not have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historical sites. It also adds the establishment of transportation museums as an eligible activity.

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 137 amends 23 U.S.C. 217 to make a number of clarifying changes, to require that bicyclists and pedestrians be included in the planning process, and to allow electric bicycles on trails when State or local regulations permit. The provision clarifies the requirements under 23 U.S.C. 109(n) related to the impact on non-motorized transportation of a Federal-aid highway project. It also requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under 23 U.S.C. 130. Such safety devices shall include installation and maintenance of audible traffic signal and audible signs. This section also requires the Secretary and AASHTO to study design standards for bicycle projects, establishes national bicycle safety education curricula, and requires the Secretary, AASHTO, the Institute of Transportation Engineers, and other interested organizations to issue design guidance for accommodating bicycles and pedestrians.

Senate amendment

Section 1110 builds on ISTEA by expanding the amount of funds available to be used to encourage bicycling and walking as alternative modes of transportation. This provision amends 23 U.S.C. 217 to include the construction of pedestrian walkways as an eligible use of a State's National Highway System apportionments under the same criteria by which bicycle transportation facilities currently are eligible. This section eliminates the restriction on the use of NHS funds for the construction of bicycle transportation facilities on land adjacent to the Interstate System and amends current law to allow the safe accommodation of bicycles on highway bridges located on fully access-controlled highways, if the bridge is being replaced or rehabilitated with Federal funds. The Department is encouraged to work with the States to ensure that bicycling and pedestrian interests are represented in State and MPO decisionmaking.

This section also provides that bicyclists and pedestrians shall be given consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilties.

Conference substitute

The Conference adopts the House provision with modifications. The substitute clarifies that safety devices such as installation of audible traffic signals and audible signs shall be considered where appropriate. It also retains the provision in current law, 23 U.S.C. 217(i), which clarifies that eligible bicycle projects must be principally for transportation, rather than recreation, purposes. The Conference provision also adopts the House provision requiring design guidance, with two modifications. First, the substitute clarifies that the guidance must include recommendations to amend and update AASHTO policies relating to highway and street design standards. Second, it extends the deadline for issuance of the guidance to 18 months. The Conference does not adopt the House provision requiring a study of highway and street design standards.

SEC. 1203. METROPOLITAN PLANNING

House bill

Section 124 amends 23 U.S.C. 134 by setting seven general goals and objectives that may be considered in the planning process. They include: supporting economic vitality; increasing safety and security; increasing accessibility and mobility; protecting the environment; integrating the transportation system; promoting efficiency; and preserving existing facilities. These replace the existing list of nineteen planning factors. The language also includes fostering economic growth and development to the list of reasons that is in the national interest to encourage metropolitan planning.

The section makes a number of technical changes to subsection 134(g) regarding long range plans. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects is for illustrative purposes only. The bill requires that a TIP be updated at least every three years. It also allows the metropolitan planning organizations to include projects that they would advance if additional resources were available.

Senate amendment

Section 1601 retains the current structure and most of the metropolitan planning provisions found in 23 U.S.C. 134. It retains the

current project selection process set forth in ISTEA.

This section makes the following substantive changes to current law. First, this section streamlines the 16 metropolitan planning factors found in current law into seven issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program without FHWA approval if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs identify the source of funds for individual projects by Federal funding category. Fourth, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and transportation improvement programs (TIPSs). Finally, it provides that, for urbanized areas designated after the enactment of this Act, metropolitan planning area boundaries shall cover at least the urbanized area and the area expected to become urbanized within the 20-year forecast period and shall require the agreement of the Governor and MPO. Such boundaries are not required to include the entire ozone or carbon monoxide nonattaiment areas, as identified under the Clean Air Act.

Section 1602 reaffirms that the requirements of the National Environmental Policy Act do not apply to State plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic current metropolitan planning structure and processes. As included in both bills, the 16 planning factors are streamlined to seven general factors to be considered in the planning process. In considering the relationship between transportation and quality of life, metropolitan planning organizations are encouraged to consider the interaction between transportation decisions and local land use decisions appropriate to each area. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies, and certification of planning processes is not reviewable in court. The Conference substitute also adopts the House provision including economic growth and development as a general requirement in metropolitan planning.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on metropolitan long-range plans and programs (TIPs) along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing MPOs to include an illustrative list of projects that would be included on the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirement of the TIP.

The Conference substitute clarifies that the expansion or designation of existing or new metropolitan planning organization boundaries due to the imposition of any new air quality standards will not automatically occur, and such boundaries will be determined by agreement of the Governor and the affected local governments.

In subsection 1203(m), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to plans and programs developed pursuant to 23 U.S.C. 134. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1204. STATEWIDE PLANNING

House bill

Section 125 amends 23 U.S.C. 135 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process, including supporting economic vitality, increasing safety and security, increasing accessibility ad mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Freight shippers and freight providers are added to the list of groups that shall be allowed a reasonable opportunity to comment on the proposed long-range plan and on the proposed State transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the State to include projects that it would fund if additional resources were available. Projects undertaken pursuant to the high risk road safety program are added to the list of projects that must be selected by the State in consultation with affected local officials.

This section also includes a provision to study the effectiveness of local planning.

Senate amendment

Section 1602 retains the current structure and most of the statewide planning provisions found in 23 U.S.C. 135. It retains the current project selection process set forth in ISTEA. This section makes the following substantive changes to current law. First, it streamlines the 20 statewide planning factors found in current law into seven broader issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year transportation improvement program (TIP) without FHWA approval or action if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs must identify the source of funds for individual projects by Federal funding category. Finally, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and statewide transportation improvement programs (STIPs).

Section 1602 also reaffirms that the requirements of the National Environmental Policy Act do not apply to plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic statewide planning structure and processes. As included in both bills the 20 planning factors are streamlined to seven general factors to be considered in the state planning process. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on statewide long-range plans and programs (TIPs), along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing States to include an illustrative list of projects that would be included in the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirements of the TIP.

The Conference substitute adopts the Senate provision allowing States flexibility to move projects within a three-year transportation improvement program without separate approval or action by the Federal Highway Administration if the MPO concurs. The substitute also includes a provision requiring States to consult with local officials with responsibility for transportation when formulating plans and programs.

The Conference substitute provides for enhanced consultation between local officials and States when compiling the State transportation improvement programs. This consultation may occur through a variety of mechanisms, including, where appropriate, regional development organizations. In certain areas, regional development organizations may serve to ensure the participation of local officials and the public in the planning process in a coordinated manner.

In subsection 1204(h), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to State plans and programs developed pursuant to 23 U.S.C. 135. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 and 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

House bill

Subsection 140(a) amends 23 U.S.C. 112 to clarify that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds. Subsection 140(b) allows a State to procure consultant services under one contract for the preparation of any environmental analysis as well for subsequent engineering and design services if the State has conducted a review of the objectivity of the analysis.

Senate amendment

Section 1127 amends 23 U.S.C. 112(b)(2) to promote competition and provide the greatest value for Federal-aid highway projects. It clarifies that the time period for States to have legislatively enacted alternative requirements to Qualifications Based Selection (QBS) Procedures for obtaining engineering and design services has ended. Additionally, it requires that the Federal Acquisition Regulations (FAR) be used for consistent and equitable contract administration, accounting, and audits while providing for the use of FAR QBS simplified acquisition procedures for contracts under $100,000. Finally, clarification is provided that requires the Secretary to establish a certification procedure

to ensure that any legislation enacted by a State since November 28, 1995, to exercise its option complies with the time frames and substantive criteria contained in Section 307 of the National Highway System Designation Act of 1995.

Subsection 1225(a) allows a State to procure consultant services under a single contract for preparation of both the environmental analysis and subsequent engineering and design services if the State has conducted an independent multi-disciplined review of the objectivity of the analysis.

Conference substitute

In section 1205, the Conference adopts a substitute provision, which includes (1) the House and Senate provision striking language from 23 U.S.C. 112(b)(2)(B)(i) and (ii) on the process for adopting alternative requirements to QBS procedures, clarifying that the time for adopting such alternative procedures has passed, and (2) the House provision authorizing and stating the terms under which a State may procure the services of a consultant under a single contract for both environment analyses and engineering/design work for a project.

SEC. 1206. ACCESS OF MOTORCYCLES

House bill

Section 135 specifies that State or local governments may not restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1206, the Conference adopts the House provision with modifications to clarify that this provision only applies to Federally-assisted highways open to traffic and to laws that apply only to motorcycles and the primary purpose of which is to restrict access of motorcycles. This provision does not override or affect the applicability of any local jurisdiction's safety laws or such jurisdiction's authority to regulate safety.

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES

Subsection 121(a) provides that the funds made available under section 127(a)(3)(C) of the House bill to carry out the ferry boat and ferry terminal program authorized in section 1064 of ISTEA shall be available until expended.

Subsection 121(b) requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and to identify potential domestic ferry routes. The provision requires the study to be submitted to Congress.

Subsection 121(c) amends 23 U.S.C. 129(c) to expand the conditions in which Federal funds may be used in ferry construction to include publicly operated ferry boats and terminal facilities and to permit federally-funded ferries to be leased without the approval of the Secretary.

Senate amendment

Subsection 1232 clarifies that the construction of ferry boats and ferry terminal facilities are eligible uses of National Highway System, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds. This simply clarifies how the program is currently administered and does not amend or weaken any of the underlying eligiblity requirements of the NHS, STP, or CMAQ programs.

Section 1816 reauthorizes the ferry boat and ferry terminal program in section 1064 of ISTEA.

Subsection 1817 requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and develop information on the ferry routes. The Secretary is required to submit the study to Congress within one year of enactment of this Act.

Conference substitute

Subsection 1207(a) amends 23 U.S.C. 129(c) to expand the eligible uses of Federal funds in ferry construction to include publicly operated or majority publicly owned ferry boats and terminal facilities, if the Secretary determines that a majority publicly ferry boart or facility provides substantial public benefits. In subsection 1207(b), the Conference reauthorizes the ferry boat and ferry terminal facilities program in section 1064 of ISTEA, provides that the funds made available to the program shall remain available until expended, and establishes a $20 million annual set-aside for ferry boats, ferry terminal facilities, and approaches to such facilities within marine highway systems that are part of the NHS and as designed for Alaska, New Jersey, and Washington state.

In subsection 1207(c) the Conference adopts the House provision requiring a study of ferry transportation, with modifications. The substitute adds language to ensure the study includes identification of the potential for high speed and alternative-fueled ferry services. It also requires that the study be submitted to the Committee on the Environment and Public Works of the United States Senate, rather than the Commerce, Science and Transportation Committee.

The Conference does not adopt the Senate language concerning ferry boat and ferry terminal facility eligibility for NHS, STP, and CMAQ funds.

SEC. 1208. TRAINING

House bill

Subsection 129(a) amends section 140(a) of title 23 to allow a State to reserve training positions for persons who receive welfare assistance, except that such placement shall not adversely impact current employees or positions.

Subsection 129(b) expands the list of eligible activities under the training program to include summer transportation institutes and training in highway technology.

Senate amendment

Subsection 2009 moves the highway construction training provisions of 23 U.S.C. 140(b) to 23 U.S.C. 506(d) to consolidate the highway education and training provisions in the research subtitle. Proposed subsection 506(d) continues to allow the Secretary to develop and administer highway construction and technology training programs and to develop and fund summer transportation institutes. This section allows the Secretary to deduct up to $10 million each year before making apportionments under section 104(b) for these programs. In developing and administering these training programs, the Secretary may reserve training positions for individuals who receive welfare assistance from a State.

Subsection 1702 makes a conforming amendment to strike 23 U.S.C. 140(b).

Conference substitute

In section 1208, the Conference adopts a substitute provision. In subsection 1208(a), the Conference adopts the House provision to permit the Secretary to reserve training slots for welfare recipients, with a modification that any such reservation of training slots shall not preclude workers participating in an apprenticeship, skill improvement, or other upgrading program from being referred to or hired on to highway projects. In subsection 1208(a), the Conference adopts the provision included in both the Senate and House bills to include highway technology training and the development and funding of summer transportation institutes as eligible activities under 23 U.S.C. 140(b). Subsections 1208(b) and (c) amend section 140 to clarify the apportionments from which funds may be deducted for highway training and supportive services.

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES

House bill

Section 145 authorizes States to permit an electric vehicle with fewer than 2 occupants certified as an Inherently Low Emission Vehicle to operate in high occupancy vehicle lanes until September 30, 2003, and authorizes the State to revoke this permission if the State determines it is necessary.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification eliminating the requirement that the low-emission vehicle be only an electric vehicle.

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1603 establishes a new program, the purpose of which is to provide for the completion of Advanced Travel Forecasting Procedures (ATFP), formerly known as the Transportation Analysis Simulation System (TRANSIMS), and to provide support for early deployment of ATFP programs to State governments, metropolitan planning organizations, and other transportation management areas. The ATFP model is a large-scale travel simulation that will provide a practical mechanism for transportation planning, particularly with respect to congestion, air quality, and safety, including crash prevention. A total of $4 million for fiscal year 1998; $3 million for fiscal year 1999; $6.5 million for fiscal year 2000; $5 million for fiscal year 2001; $4 million for fiscal year 2002; and $2.5 million for fiscal year 2003 in contract authority is provided for this section.

Conference substitute

The Conference adopts the Senate provision.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS

House bill

Subsection 134(h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Subsection 136(a) makes certain changes and additions to Section 1105(c) of ISTEA relating to high priority corridors.

This subsection clarifies that all of ISTEA High Priority Corridor 18 and that portion of High Priority Corridor 20 from the vicinity of Carthage, Texas, to Laredo, Texas, at the Mexican border together are part of Interstate Route I–69. It also directs States to erect Interstate Route I–69 signs along segments that are at Interstate standards and connect to existing Interstates and specifically, along U.S. 59 in the Houston area. The National Highway System Designation Act of 1995 designated Corridors 18 and 20 as future Interstates and gave States the authority to erect signs designating them as future Interstates. It is the intent of the Committee

that States have the authority to erect signs specifically designating future Interstate Route I–69 along all of Corridor 18 and along the designated portions of Corridor 20.

As the New York State Department of Transportation submits its plans for the development of Route 219, the Federal Highway Administration is encouraged to consider, as one of the benefits of the project, the economic development opportunities that would be afforded the Seneca Indian Nation located at the junction of Route 219 and Route 17. For example, the design and construction of a facility that included a welcome center that provided traveler and tourist information would be a valuable economic development initiative.

Senate amendment

Section 1124 modifies section 355 of the National Highway System Designation Act of 1995 to permit New Hampshire to meet the safety belt use law required under 23 U.S.C. 153 through a performance requirement. Through the end of fiscal year 2000, New Hampshire's is deemed to have met the safety belt use requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1997 through 2000 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate.

Seciton 1206 amends section 205 of the National Highway System Designation Act of 1995 which states that the Secretary shall not require States to use or plan to use the metric system before September 30, 2000. The amendment made by section 1206 allows States to choose when and if to implement the metric system with respect to designing, advertising, or preparing plans, specifications, timetables, or other documents, for a Federal-aid highway project. This section does not require any State to modify its current use of the metric system for Federal-aid highway projects.

Subsection 1208(a) terminates the right-of-way revolving fund established in 23 U.S.C. 108(c) and provides a closeout period for obligations already authorized from the fund. This program was terminated as a revolving loan fund because of the new rules required of all credit programs in the Credit Reform Act of 1990. Credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than to the revolving fund. Twenty-three States currently have active right-of-way revolving fund projects. This section provides for a 20-year close out period from the date that right-of-way funds were advanced to give these States sufficient time to complete these unfinished projects.

Subseciton 1208(b) terminates a tolling pilot program that has accomplished its intended purpose. Pilot toll agreements that were executed under 23 U.S.C. 129(k) are still valid.

Subseciton 1208(d) repeals the 1962 Bridge Commission Act, Pub. L. 87–441. This Act relates to bridge commissions and authorities created by an act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the Act. Today, only one commission remains, the White Country Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under the 1962 Bridge Commission Act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, these actions could be administered more effectively and efficiently at the State or local level. This provision removes this unnecessary Federal oversight of the White County Bridge Commission.

Section 1802 amends subsection 1105(c) of ISTEA to modify a high priority corridor route in Louisiana.

Section 1810 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.

Seciton 1811 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-officio members of the Board of Directors of the Union Station Redevelopment Corporation.

Section 1814 amends paragraph 1105(c)(18) of ISTEA to modify a high priority corridor.

Conference substitute

In subsection 1211(a), the Conference adopts the Senate provision on the Pennsylvania Station Redevelopment Corporation.

In subsection 1211(b), the Conference adopts the Senate provision on the Union Station Redevelopment Corporation.

In subsection 1211(c), the Conference adopts the Senate provision on safety belt use law requirements, with a minor technical amendment.

In subsection 1211(d), the Conference adopts the Senate provision permitting metric conversion at the States' option.

In subsection 1211(e), the Conference adopts the Senate provision terminating the right-of-way revolving fund.

In subsection 1211(f), the Conference adopts the Senate provision terminating the pilot toll collection program.

In subsection 1211(g), the Conference finds that provisions in both the House and Senate bills repealing a 1962 bridge commission act to be substantially equivalent and adopts the Senate language.

In subsection 1211(h), the Conference adopts the House and Senate provisions making changes and additions to subsection 1105(c) of ISTEA concerning high priority corridor routes, with several modifications.

Subsection 1211(i) directs the Secretary to conduct a feasibility study for a certain future corridor segment and direct consideration of Highway 99 in I–69 studies.

Subsection 1211(j) modifies the scope of a project authorized under the Surface Transportation and Uniform Relocation Assistance Act of 1987.

In subsection 1211(k), the Conference adopts the House provision repealing section 146 of the Surface Transportation Assistance Act of 1982 relating to lane restrictions.

Subsection 1211(l) amends section 1045 of ISTEA relating to a substitute project in Wisconsin.

SEC. 1212. MISCELLANEOUS

House bill

Subsection 129(c) establishes a motor carrier operator training facility in Minnesota.

Subsection 129(d) establishes a motor carrier operator training facility in Pennsylvania.

Subsection 132(a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness. A total of $1 million in contract authority is authorized for each of fiscal years 1998 through 2000 from the Highway Trust Fund, other than the Mass Transit Account, to carry out this project.

Subsection 134(g) amends 23 U.S.C. 302 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State and local governments. This will make the Federal-aid highway program consistent with other Federal programs, reducing an administrative burden caused by requiring States to develop separate accounting systems.

Subsection 134(i) amends section 1023 of ISTEA to extend an axle weight limitation exemption for mass transportation buses. This subsection also amends the vehicle weight provisions in 23 U.S.C. 127 with respect to certain cargo in the States of Colorado and Louisiana and with respect to certain highways in New Hampshire and Maine.

Senate amendment

Section 1410 directs the Secretary to analyze the safety, infrastructure, cost recovery, environmental, and economic implications of the operation of heavier weight vehicles on Interstate Route 95 in Maine and New Hampshire and establishes a temporary moratorium on the withholding of funds from Maine and New Hampshire under 23 U.S.C. 127.

Section 1704 makes technical corrections to 23 U.S.C. 302. It changes the term ''State highway department'' to ''State transportation department'' to emphasize and reflect the intermodal focus of these departments. It eliminates the requirement for a secondary road unit as there is no longer a secondary system and secondary plans have been eliminated. It also establishes that compliance with section 302, as revised by this section shall have no effect on the eligibility of costs. This subsection eliminates 302(b) regarding the construction of projects on the secondary system.

Conference substitute

In subsection 1212(a), the Conference adopts the Senate provision amending 23 U.S.C. 302, concerning State transportation departments.

In subsection 1212(b), the Conference adopts the House provision concerning an infrastructure awareness documentary, with modifications. The substitute states that a total of 60 percent of the total project cost of $4.8 million will be provided from the Highway Trust Fund and the remaining 40 percent is required to be provided by the private sector. Credit is given for funds received to date. The substitute provides a total of $880,000 for fiscal year 1998 and $1 million for each of fiscal years 1999 and 2000, and $800,000 for fiscal year 2000 from the Highway Trust Fund, other than the Mass Transit Account, for this project.

In subsection 1212(c), the Conference adopts the House provision concerning the axle weight limitation for mass transportation buses.

In subsection 1212(d), the Conference adopts the House provision concerning vehicle weight limitations in Colorado, Louisiana, Maine, and New Hampshire, with a modification based on the Senate vehicle weight study provision requiring each State to conduct a study analyzing the economic, safety, and infrastructure impacts of the exemptions provided in this subsection, including the impact of not having such an exemption. $200,000 is provided to each State for the study.

In subsection 1212(e), the Conference authorizes $2.5 million for each of fiscal years 1999 through 2001 for grants to a driver training and safety center.

In subsection 1212(f), the Conference authorizes funding for grants to establish a welcome center in Point Pleasant, West Virginia.

In subsection 1212(g), the Conference provides that Minnesota may obligate funds that have been allocated under 23 U.S.C. 117 for a project in the State for any other project in the State for which funds are so allocated.

In subsection 1212(h), the Conference provides that the Federal share of the cost of a

project on the Baltimore Washington Parkway shall be 100 percent.

In subsection 1212(i), the Conference directs the Secretary to make grants to a not-for-profit organization engaged in promoting bicycle and pedestrian safety to operate a clearinghouse and establish educational programs on improving bicycle and pedestrian safety.

In subsection 1212(j), the Conference adopts the House provision establishing a motor carrier operator training facility in Minnesota.

In subsection 1212(k), the Conference adopts the House provision establishing a motor carrier operator training facility in Pennsylvania.

In subsection 1212(l), the Conference authorizes funding in fiscal years 1999 and 2000 for the High Priority Las Vegas Intermodal Center.

In subsection 1212(m), the Conference authorizes funding in fiscal year 1999 for several seismic design, engineering, and deployment projects.

In subsection 1212(n), the Conference deauthorizes a segment of a navigation project in Biloxi Harbor, Mississippi.

In subsection 1212(o), the Conference provides a complete waiver from the application of federal environmental statutes to a specified project on Corridor O of the Appalachian development highway system in Pennsylvania.

The scope of the waiver in the provision, which states that ''the Secretary shall approve and the Commonwealth of Pennsylvania is authorized to proceed with final design, engineering and construction'', means that notwithstanding all federal statutes not otherwise determined in the provision to apply, the state may proceed with all remaining phases of the project. No other federal agency approval or permit is required unless such approval or permit is specified in the provision.

The phrase ''the Secretary shall approve'' means that the Secretary of Transportation may only approve the plans, specifications and engineering for the project and release funding for the project. The phrase was included to ensure that the Secretary would approve any application for releasing a request for funding for the project since he has a unique responsibility among all federal agencies with respect to a highway project to approve funding. It should not be read to give other federal agencies authority over the project indirectly by any authority they might otherwise have with respect to decisions of the Secretary, nor should the phrase in any way be construed to permit other federal agencies authority over the project since their involvement in the project is waived unless specifically reserved.

Finally, the provision provides that environmental reviews already performed by the Commonwealth of Pennsylvania satisfy all Federal environmental laws. Any analysis and mitigation measures provided in those reviews, but no others, must remain in effect.

In subsection 1212(p), the Conference amends the Act of October 21, 1978 (Pub. L. 95–495) regarding the boundary waters canoe area.

In subsection 1212(q), the Conference authorizes funding from the General Fund for three projects in New York.

In subsection 1212(r), the Conference provides for the transfer of ownership by the Secretary of the Army of a bridge on U.S. Route 13 in the vicinity of St. Georges, Delaware.

In subsection 1212(s), the Conference conditions the use of Federal-aid highway funds for a project in Georgia.

In subsection 1212(t), the Conference directs the Secretary to designate a segment of State Route 26 in Pennsylvania as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS

House bill

Subsection 133(h) requires the Secretary to conduct a study to determine the practices in the States for specific service food signs.

Subsection 134(j) requires a study of the impact of truck weight standards on specialized hauling vehicles.

Subsection 139(b) requires the General Accounting Office (GAO) to evaluate procurement practices and project delivery. The study shall access the impact a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 141 directs the Transportation Research Board to conduct a study on the current laws, regulations, and practices regarding truck sizes and weights and to make recommendations, taking into account impacts on the economy, safety, environment and service to communities.

Section 412 directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than two years after the date of enactment of this Act.

Senate amendment.

Subsection 1113(a) requires the GAO to report to Congress on the Department's methodology for determining highway needs using the Highway Economic Requirement System (HERS), a computer program developed to use economic criteria and engineering criteria in estimating highway investment requirements. The GAO is required to provide to Congress, within 3 years of enactment of this Act, an assessment of the extent to which the model is useful in estimating an optimal level of highway infrastructure investment.

Subsection 1113(b) requires the Comptroller General to submit a report to the Congress on the International Roughness Index (IRI), an index that is being used to measure the pavement quality of the Federal-aid highway system. The IRI is a data input used in the HERS model. Concerns have been raised as to the reliability of the IRI measurement across different manufacturers and types of pavements and this study shall indicate the extent to which the IRI measurement is reliable.

Subsection 1113(d) requires the GAO to conduct a study on Federal-aid highway procurement practices and project delivery. The study shall access the impact that a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 1126 requires the Secretary to conduct a study on the extent and effectiveness of the use by various States of uniformed policy officers on Federal-aid highway construction projects. Some States use police officers extensively on their highway construction projects, while other States use virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the FHWA, traffic engineering professionals, and highway agencies. This section requires the Department of Transportation to submit a report to Congress on the results of the study not later than 2 years after the effective date of this section.

Section 1813 requires the Secretary to conduct a comprehensive assessment of the state of transportation infrastructure on the southwest border between the United States and Mexico. The Secretary is required to submit the report to Congress one year after the date of enactment of this Act.

Conference substitute

In subsection 1213(a) the Conference adopts the Senate provision concerning the Highway Economic Requirement System.

In subsection 1213(b), the Conference adopts the Senate provision on the International Roughness Index.

In subsection 1213(c), the Conference adopts the Senate provision concerning the study of the use of uniformed police officers, with a modification to require that the study be conducted in consultation with law enforcement organizations.

In subsection 1213(d), the Conference adopts the Senate provision on assessing the state of transportation infrastructure on the southwest border, with a modification to ensure that the assessment of the adequacy of law enforcement and narcotics abatement activities include their relationship to infrastructure in the border area.

In subsection 1213(e), the Conference adopts the House provision concerning the study of procurement practices and project delivery.

In subsection 1213(f), the Conference adopts the House provision on specialized hauling vehicles, with a modification to require the study include, but not be limited to, an analysis of the economic, safety, and infrastructure impacts of truck weight standards.

In subsection 1213(g), the Conference adopts the House provision on specific service food signs, with modifications. The substitute provides language to clarify that recommendations for modifications to the Manual on Uniform Traffic Control Devices for Street and Highways that result from this study should be made only if appropriate.

In subsection 1213(h), the Conference adopts the House provision on the study of State motor vehicle weight penalties.

In subsection 1213(i), the Conference adopts the House provision on the study regarding the regulation of weights, lengths, and widths of commercial motor vehicles.

In subsection 1213(j), the Conference directs the Secretary to work with the State of Oklahoma to carry out a traffic analysis regarding a trade processing center.

In subsection 1213(k), the Conference directs the Secretary to study the feasibility of providing high speed rail passenger service from Atlanta, Georgia, to Charleston, South Carolina.

SEC. 1214. Federal Activities

House bill

Subsection 117(e) requires the Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior, and in consultation with other interested persons, to conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts. The subsection authorizes $500,000 for fiscal year 1998 for the study and directs the Secretary to report to Congress on the results of the study by September 30, 1999.

Subsection 117(f) provides funding to the Smithsonian Institution for transportation-related activities, including exhibitions and educational outreach programs, the acquisition of transportation-related artifacts, and transportation-related research programs, and authorizes $5 million annually to carry out these activities.

Subsection 117(g) directs the secretary to set aside parkways and park highways funds in fiscal years 1998 through 2000 for the planning, design, and construction of a visitors center.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1214(a), the Conference adopts the House provision to study methods to improve pedestrian and vehiclular access to the Kennedy Center.

In subsection 1214(b), the Conference adopts the House provision funding transportation-related exhibits, artifacts, and research at the Smithsonian Institution, but reduces the annual authorization for these activities from $5 million to $1 million.

In subsection 1214(c), the Conference adopts the House provision funding the New River Visitors Center.

In subsection 1214(d), the Conference authorizes and provides for the allocation of $1.5 million in additional contract authority for each of fiscal years 1998 through 2003 for each State that has within its boundaries part or all of an Indian reservation having a land area of 10 million acres or more.

In subsection 1214(e), the Conference directs the Secretary to make an annual $1 million grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network.

In subsection 1214(f), the Conference authorizes $200,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to resurface the entrance road to the Sachuest Point National Wildlife Refuge.

In subsection 1214(g), the Conference authorizes $300,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $5 million for each of fiscal years 1999 through 2003 for the State of Rhode Island to make improvements to the T.F. Green Intermodal Facility.

In subsection 1214(h), the Conference authorizes $500,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

In subsection 1214(i), the Conference authorizes $75,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

In subsection 1214(j), the Conference authorizes $1 million for each of fiscal years 1999 through 2003 for the U.S. Fish and Wildlife Service for the education center at the Rhode Island National Wildlife Refuge complex.

In subsection 1214(k), the Conference authorizes $1 million for fiscal year 1999 for the National Park Service to revitalize the Tredegar Iron Works as a visitor center for Richmond National Battlefield Park.

In subsection 1214(l), the Conference authorizes $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers for the State of Missouri to use to resurface and maintain city and county roads that provide access to Corps of Engineers reservoirs.

In subsection 1214(m), the Conference authorizes $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior for the Shenandoah Valley Battlefield National Historic District Commission to use to develop a Civil War battlefield plan for the Shenandoah Valley.

In subsection 1214(n), the Conference provides that the Administrator of the General Services Administration shall seek the approval of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure before taking any action that leads to government ownership of the Department of Transportation's headquarters facility.

In subsection 1214(o), the Conference authorizes $3 million for each of fiscal years 1999 and 2000 for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

In subsection 1214(p), the Conference authorizes $5 million in fiscal year 1999 for the State of Mississippi to use to replace and widen the box bridges on the Natchez Trace Parkway.

In subsection 1214(q), the Conference authorizes $2.943 million in fiscal year 1999 for the Lolo Pass Visitor Center in Idaho.

In subsection 1214(r), the Conference provides funding for the Puerto Rico highway program for each of fiscal years 1998 through 2003. This subsection specifics how such funds shall be administered and states that the amounts treated as being apportioned to Puerto Rico shall be deemed to be required to be apportioned to Puerto Rico for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES

House bill

Subsection 117(h) authorizes $400,000 for each of fiscal years 1998 and 1999 for the restoration of the Gettysburg, Pennsylvania, train station.

Subsection 118(c) authorizes $1.5 million for each of fiscal years 1998 through 2003 to establish a center for national scenic byways in Duluth, Minnesota. This center would provide technical communications and network support for nationally designated scenic byway routes.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1215(a), the Conference adopts the House provision for the restoration of the Gettysburg, Pennsylvania, train station.

In subsection 1215(b), the Conference adopts the House provision on the scenic byways center in Duluth, Minnesota. It is the Conferees' intent that the Center for National Scenic Byways be staffed by the regional planning agency located in northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development, and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network, and provide national leadership in supporting the National Scenic Byways Program.

In subsection 1215(c), the Conference authorizes $2 million for each of fiscal years 1999 through 2001 for the State of West Virginia to use for the Coal Heritage Scenic Byway for any purpose eligible under 23 U.S.C. 204(h).

In subsection 1215(d), the Conference authorizes $5 million for fiscal year 1999 and $2 million for each of fiscal years 2000 through 2003 to implement traffic calming measures on Route 50 in Fauquier and Loudoun Counties, Virginia.

In subsection 1215(e), the Conference authorizes $1 million for fiscal year 1999 for a pedestrian bridge over U.S. route 29 in Charlottesville, Virginia.

In subsection 1215(f), the Conference authorizes $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center.

In subsection 1215(g), the Conference authorizes $2 million for fiscal year 1999 for renovating and preserving the Missouri Route 66 Chain of Rocks Bridge.

In subsection 1215(h), the Conference directs the Secretary to approve the use of National Highway System and Surface Transportation Program apportionments for the construction of Type II noise barriers on a route in Dekalb County, Georgia.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS

House bill

Section 119 establishes a variable pricing pilot program. The Secretary may enter into cooperative agreements with up to 15 States to conduct and monitor the pilot projects. The Federal share for a pilot program is 80 percent of the total cost of the program, although the Federal share for any portion of a project may be up to 100 percent. The provision authorizes full Federal participation in the start-up, development, and pre-implementation costs associated with a pilot program for up to three years. Single occupancy vehicles that are part of a pilot program may operate in high occupancy vehicle (HOV) lanes. Pilot programs must include an analysis of how the program affects low income drivers.

Subsection 120(c) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. This program allows up to three facilities to be tolled, provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to another facility or purpose. The provision also specifies eligibility and selection criteria for the program.

Senate amendment

Section 1108 renames the congestion pricing pilot program as the value pricing pilot program and codifies the program in title 23, United States Code.

A number of States and local governments have used funds provided under ISTEA to complete feasibility studies and implementation of value pricing projects. This section provides funding and additional flexibility to allow States to continue to implement these projects. In addition, it expands the program, increasing the number of pilot programs eligible for funding from five to 15, and lifting the restriction that only three projects can be conducted on the Interstate System. Funds available under this section may be used for all pre-implementation and design costs to give States more flexibility to study options for different types of value pricing projects.

This section also includes an exemption from the HOV requirement of 23 U.S.C. 102(b) to permit single occupancy vehicles to operate in HOV lanes if the vehicles are part of a value pricing program.

It is expected that each value pricing project will include a thorough evaluation of the project's effects, including its impacts on congestion, air quality, transit use, and other social and economic effects.

Conference substitute

In subsection 1216(a), the Conference adopts the Senate provision on the value pricing pilot program, with two modifications. First, it prohibits Federal funding of pre-implementation, development and start-up costs after three years, as provided in the House bill. Second, includes the House provision requiring each pilot program to include, where appropriate, an analysis of the impact of the program on low income drivers. Paragraph 1101(a)(12) authorizes $7 million for fiscal year 1999 and $11 million for each of fiscal years 2000 through 2003 for the value pricing pilot program.

In subsection 1216(b), the Conference adopts the House provision establishing an Interstate System Reconstruction and Rehabilitation Pilot Program.

SEC. 1217. ELIGIBILITY

House bill

Subsection 133(a) makes the improvements and facilities necessary to connect the Ambassador Bridge in Detroit, Michigan, to the

Interstate System eligible for funds apportioned for the National Highway System and the Surface Transportation Program.

Subsection 133(b) makes the Cuyahoga River Bridge in Ohio eligible to receive funds apportioned under the congestion mitigation and air quality improvement program.

Subsection 133(c) gives the State of Connecticut flexibility in the use of Interstate Construction fund balances. It also gives the State additional obligation authority to use these funds.

Subsection 133(e) clarifies that private entity expenditures for construction of specific toll roads in Southern California may be credited to the State's non-Federal share.

Subsection 133(f) permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Subsection 133(g) makes certain food services eligible to be listed on current logo signs.

Senate amendment

Subsection 1105(c) clarifies eligibility under the ER program for a 600-foot bypass for Route 1, south of San Francisco, in San Mateo County, which was and is still subject to periodic landslides and closures.

Section 1129 provides eligibility for the Ambassador Bridge in Detroit, Michigan, under the surface transportation program and the National Highway System program.

Section 1804 permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Section 1809 requires the Secretary to allow the continuance of commercial operations at certain service plazas on Interstate 95 in Maryland.

Conference substitute

In subsection 1217(a), the Conference adopts the Senate provision concerning a project in San Mateo County, California.

In subsection 1217(b), the Conference adopts the Senate provision on the Ambassador Bridge.

In subsection 1217(c), the Conference adopts the House provision on the Cuyahoga River Bridge, with a modification. The bridge is eligible to receive funds from the surface transportation program.

In subsection 1217(d), the Conference adopts the House provision giving Connecticut flexibility in the use of its Interstate Construction funds.

The Conference finds that the House and Senate provision concerning the collection of tolls on the International Bridge at Sault Ste. Marie, Michigan, are substantively equivalent and adopts the Senate language at 1217(e).

In subsection 1217(f), the Conference adopts the House provision concerning food service businesses eligible to be included on logo signs.

In subsection 1217(g), the Conference adopts the Senate provision concerning commercial operations at certain service plazas in Maryland.

In subsection 1217(h), the Conference directs the Secretary to permit the State of Georgia to conduct a welcome center pilot project in Cobb County, Georgia.

In subsection 1217(i), the Conference adopts the House provision concerning State matching share credits for two toll road projects in Southern California.

In subsection 1217(j), the Conference prohibits the collection of tolls on a segment of the Pennsylvania Turnpike for 6 years.

In subsection 1217(k), the Conference provides that funds authorized in this Act for transportation projects in Mississippi may be used to construct, reconstruct, or rehabilitate rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEVELOPMENT PROGRAM

House bill

Subsection 312(d) provides $5,000,000 per year for the years 1998 through 2003 for grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas.

Senate amendment

Section 1119 establishes the magnetic levitation technology deployment program (MAGLEV) to: (1) provide financial assistance to conduct pre-construction planning activities for a number of selected projects which meet the eligibility requirements established by the legislation, including involvement in a corridor that exhibits partnership potential; and (2) select one of the planned projects for Federal participation in the costs of design, construction and deployment in revenue service. MAGLEV is defined as systems capable of safe use at a speed in excess of 240 miles per hour.

Within 180 days of enactment the Secretary is required to solicit applications for financial assistance for eligible projects. The projects selected for financial assistance in this phase of the program must meet stringent eligibility requirements established by the legislation. Project selection will be on the basis of criteria established by the Secretary prior to solicitation of applications.

Following pre-construction planning activities for selected projects, the Secretary is required to select a single project for Federal participation in the cost of final design, engineering and construction of a segment of the project that can be operated in revenue service. The Federal share of full project costs (including total capital costs of guide ways, stations, vehicles and equipment) shall not exceed 2/3 of total project cost. The use of Federal funds will be restricted to the capital costs of the guide way (excluding stations, vehicles and equipment). The non-Federal share of pre-construction planning activities shall be at least 20 percent.

This section provides $10 million for fiscal year 1999 and $20 million for fiscal year 2000 in contract authority from the Highway Trust Fund to conduct pre-construction activities for selected projects and other necessary purposes. It also authorizes appropriations from the Highway Trust Fund of $200 million for each of fiscal years 2000 and 2001; $250 million for fiscal year 2002; and $300 million for fiscal year 2003. A State is authorized to allocate a portion of its Federal-aid highway apportionments under the CMAQ Program or the STP Program to supplement the assistance received under this section or to use the innovative financing provisions of Chapter 2 of this Act.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute increases the contract authority for the program to $15 million for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001, and it is intended that a portion of these funds can be used for project evaluation. It requires that $5 million be made available for grants for research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes.

The Conference adopts the House provision in title II of the Act.

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM

House bill

Section 118 directs the Secretary to carry out a National Scenic Byways program and codifies the program at 23 U.S.C. 162. To be eligible for the program, a road must be nominated by a State or a Federal land management agency. Funds are available for technical assistance, including planning, development of management plans, and safety improvements. The Federal share is the same as for other Federal-aid highway projects. This program is the continuation of a similar program established by ISTEA.

Senate amendment

Section 1501 codifies the National Scenic Byways program at 23 U.S.C. 165. Subsection 165(a) directs the Secretary to carry out the National Scenic Byways program and designate roads having outstanding scenic, historic, cultural, natural or archaeological qualities as National Scenic Byways or All-American Roads. Criteria for designation have been defined in an FHWA interim policy notice, which was published in the Federal Register in May 1995.

Subsection 165(b) directs the Secretary to make grants and provide technical assistance to the States to implement National Scenic Byways, State scenic byways, and All-American Roads projects and to plan, design, and develop State scenic byways programs. Subsection 165(c) lists the eight categories of projects eligible for scenic byways funding under this section. Subsection 165(d) allows the Secretary to authorize scenic byways funds only for projects that protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

Subsection 165(e) provides that the Federal share payable on account of any project under this section shall be 80 percent, except that, for projects on Federal or Indian Lands, a Federal land management agency may contribute the non-Federal share payable on such projects. Subsection 165(f) provides contract authority from the Highway Trust Fund of $17 million in each of fiscal years 1998 and 1999; $19 million for each of fiscal years 2000 and 2001; $21 million for fiscal year 2002; and $23 million for fiscal year 2003.

Conference substitute

In section 1219, the Conference adopts the Senate provision, with a modification to include the House savings clause language, providing that the Secretary shall not withhold a grant or condition receipt of a grant or technical assistance to a State for any scenic byway unless such action is consistent with the authority provided in chapter 1 of title 23. Section 1219 codifies this program at 23 U.S.C. 162.

Paragraph 1101(a)(11) authorizes $23.5 million for each of fiscal years 1998 and 1999, $24.5 million for each of fiscal years 2000 and 2001, $25.5 million for fiscal year 2002, and $26.5 million for fiscal year 2003 for the National Scenic Byways program.

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES

House bill

Section 507 requires that the Secretary eliminate programmatic responsibility of regional offices of the Federal Highway Administration (FHWA) as part of the agency's efforts to restructure its field offices, including elimination of regional offices, creation of technical resources centers, and delegation to State offices. The Secretary shall begin implementation of a restructuring plan submitted to Congress not later than December 31, 1998.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1220, the Conference adopts the House provision, with modifications. The Conference substitute permits the Federal

Highway Administration to retain programmatic decisionmaking authority at the regional offices for the motor carrier safety program. It also requires the Secretary to give preference to sites that now house FHWA regional offices and that are in locations that minimize the travel distance between technical resource centers and the FHWA division offices they will serve.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1604 authorizes a new Transportation and Community and System Preservation Pilot Program to investigate and address the relationships between transportation projects, community preservation, and the environment. The pilot program consists of three parts: (1) a comprehensive research program; (2) a planning assistance program to provide funding to States, metropolitan planning organizations (MPOs), and local governments that want to begin integrating their transportation planning with community preservation, environmental protection, and land use policies; and (3) an implementation assistance program to provide funding to States, MPOs, and local governments that have developed state-of-the-art approaches to integrate their transportation plans and programs with their community preservation and environmental planning programs.

The research program established by subsection 1604(b) examines the experiences of communities in uniting transportation, community preservation, and environmental goals with decisionmaking processes. As part of this research, projects carried out with planning or implementation assistance funds made available by this section shall be monitored and analyzed.

The planning assistance authorized in subsection 1604(c) is intended to provide financial resources to States and communities that wish to explore integrating their transportation programs with community preservation and environmental programs. In providing this planning assistance, the Secretary is directed to give priority consideration to applicants that demonstrate commitments to public involvement and to bring non-Federal resources to the proposed projects.

The implementation assistance authorized in subsection 1604(d) provides financial resources to States and communities that have established community preservation programs to enable them to carry out projects that address transportation efficiency while meeting community preservation and environmental goals. Any activities eligible for funding under title 23 or chapter 53 of title 49 are eligible for assistance under this program, including corridor preservation activities necessary to carry out transit-oriented development plans or traffic calming measures.

Subsection 1604(d) authorizes $20 million for each of fiscal years 1998 through 2003 to carry out this program.

Conference substitute

In section 1221, the Conference adopts the Senate provision, with some modifications. First, the Conference provision expands the research and planning elements of this program to include (1) the consideration of the role of the private sector in shaping the relationships between transportation, community preservation, and the environment and (2) the examination of ways to encourage private sector development patterns to achieve the program's goals. Second, the Conference provision modifies the funding authorized to carry out this program by authorizing $20 million for fiscal year 1999 and $25 million for fiscal years 2000 through 2003.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION

House bill

Subsection 112(f) adds Elbert and Hart counties in Georgia to the Appalachian region.

Senate amendment

Section 1812 amends section 403 of the Appalachian Regional Development Act of 1965 to add Hale county in Alabama, Elbert and Hart counties in Georgia, Yalobusha county in Mississippi, and Montgomery and Rockbridge counties in Virginia to the Appalachian region.

Conference substitute

The Conference adopts the Senate provision with modifications adding Macon county in Alabama to the Appalachian region and technically amending section 405 of the Appalachian Regional Development Act to ensure that section 403 of such Act is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

House bill

Subsection 130(a) states the purpose of this section is to assist and support States and local governments with surface and aviation-related transportation issues necessary to host international quadrennial Olympic and paralympic events in the United States.

Subsection 130(b) authorizes the Secretary to give priority to transportation projects related to Olympic events from certain highway and transit discretionary accounts.

Subsection 130(c) authorizes the Secretary to participate in State and metropolitan planning activities related to Olympic events.

Subsection 130(d) authorizes the Secretary to provide assistance from funds provided for the general operating expenses of the Federal Highway Administration for the development of an Olympic and Paralympic transportation management plan.

Subsection 130(e) authorizes the Secretary to provide funds to States and local governments for carrying out transportation projects related to an international quadrennial Olympics. It also establishes the Federal share of the cost of such projects at 80 percent.

Subsection 130(f) defines State or local government eligibility for Federal funds under this section.

Subsection 130(g) authorizes the Secretary to give preference in aviation programs for projects that are Olympics related.

Senate amendment

Section 1130 authorizes the Secretary to provide assistance to State and local governments with surface transportation planning and projects relating to international quadrennial Olympic or Paralympic events. Subsection 1130(b) provides that the Secretary may give preference, in allocating Interstate and bridge discretionary funds, to transportation projects relating to Olympic or Paralympic events. Subsection 1130(c) authorizes the Secretary to participate in transportation planning with States and MPOs on transportation projects relating to Olympic or Paralympic events. Subsection 1130(d) provides that funds made available for highway research, technology, and training programs may be used to develop an Olympic and a Paralympic transportation management plan. Subsection 1130(e) authorizes the Secretary to provide funding to States and local governments for transportation projects relating to an Olympic or Paralympic event, and provides that the Federal share of the cost of each such project shall be 80 percent. Subsection 1130(f) defines State or local government eligibility for Federal funds under this program. Subsection 1130(g) authorizes to be appropriated such sums as are necessary for each of fiscal years 1998 through 2003 to carry out this section.

Conference substitute

The Conference adopts the Senate language with a modification expanding the program to include assistance for the Special Olympics International movement.

SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1132 authorizes a new grant program that provides funds to assist the States in their efforts to rehabilitate or repair and to preserve the Nation's historic covered bridges.

Subsection 1132(a) defines the term ''covered bridge'' as a roofed bridge that is primarily made of wood and includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land. It defines the term ''historic covered bridge'' as a covered bridge that is at least fifty years old or is listed on the National Register of Historic Places.

Subsection 1132(b) directs the Secretary to development and maintain a list of historic covered bridges and collect and disseminate information concerning historic covered bridges. It also directs the Secretary to foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges. It also directs the Secretary to sponsor or conduct research on the history of covered bridges. It also directs the Secretary to sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

Subsection 1132(c) directs the Secretary to make a grant, subject to availability, to a State that submits an application. A grant may be made for a project to rehabilitate or repair or preserve a historic covered bridge. It may be made only if, to the maximum extent possible, the project is carried out in the most historically appropriate manner and preserves that existing structure of the bridge, and the project provides for the replacement of wooden components with wooden components.

Conference substitute

The Conference adopts Senate amendment.

SEC. 1225. SUBSTITUTE PROJECT

House bill

Subsection 144(a) authorizes the Secretary to approve substitute highway and transit projects under the Interstate substitute program in 23 U.S.C. 103(e)(4) in lieu of the Barney Circle Freeway project in the District of Columbia. Subsection 144(b) provides that, upon such approval, the Barney Circle project shall not be eligible for funds under subsection 108(b) of the Federal-aid Highway Act of 1956 and the substitute projects shall be funded from the District of Columbia's unexpended Interstate apportionments and allocations that are not subject to lapse. Subsection 144(c) specifies the Federal share payable on any substitute project approved under this section. Subsection 144(d) requires that any approved substitute project must be under contract for construction, or construction must have commenced, within 4 years of the date of enactment of this section.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS

House bill

Subsection 134(a) removes three obsolete provisions from 23 U.S.C. 115(b). They are a provision related to bond interest on Interstate projects under construction on January 1, 1983, a limitation in the repayment of interest on Interstate and National Highway System projects, and a requirement that the Secretary approve an advance construction project for it to be considered completed.

Subsection 134(b) removes an outdated provision at 23 U.S.C. 118(e) regarding total payments to a State in any fiscal year. In its place, it reinstates a provision that was once in title 23 but was inadvertently omitted when amended by ISTEA. This reinstated provision permits obligations incurred in prior fiscal years that are released in a current fiscal year to be made available for re-obligation in such current year.

Subsection 134(f) strikes an outdated provision at 23 U.S.C. 124(b) concerning the construction of toll routes necessary to complete the Interstate System. The provision is no longer needed since the Interstate is complete.

Subsection 134(e) strikes an outdated provision at 23 U.S.C. 126 concerning the use of motor vehicles taxes to fund highway construction projects.

Senate amendment

Section 1203 removes an outdated provision from 23 U.S.C. 118 and replaces it with a provision that permits obligations incurred in prior fiscal years and released in a current fiscal year to be made available for re-obligation.

Subsection 1702(a) technically amends title 23, United States Code, to move the title's declarations of policy and definitions to their own sections within title 23.

Subsection 1702(b) amends 23 U.S.C. 115(b) to strike three out-of-date provisions concerning bond interest and completion of advance construction projects.

Subsection 1702(c) amends 23 U.S.C. 116 to clarify when a State's duty to maintain a Federal-aid highway shall cease, but does not impose any additional requirement on the State to maintain a highway nor does it relieve any maintenance requirements in current law. It simply clarifies existing policy.

Subsection 1702(d) technically amends 23 U.S.C. 119(a) concerning Secretarial approval of projects on the Interstate System.

Subsection 1702(e) amends 23 U.S.C. 124 to strike an out-of-date provision on construction of toll roads necessary to complete the Interstate System.

Subsection 1702(f) strikes 23 U.S.C. 126, an out-of-date provision on the use of motor vehicle and fuel taxes for highway projects.

Subsection 1702(i) revises 23 U.S.C. 136(m) to provide a definition of ''primary system.''

Subsection 1702(j) corrects an out-of-date reference to the Federal-aid urban system in 23 U.S.C. 137(a) concerning fringe and corridor parking facilities.

Subsection 1702(k) makes technical amendments to 23 U.S.C. 140 concerning nondiscrimination.

Subsection 1702(l) technically amends 23 U.S.C. 142(a)(2) concerning Secretarial approval of certain STP projects.

Subsection 1702(m) strikes an out-of-date provision, 23 U.S.C. 147, on priority primary routes.

Subsection 1702(n) strikes an out-of-date provision, 23 U.S.C. 148, on development of a national scenic and recreational highway.

Subsection 1702(o) strikes out-of-date language from 23 U.S.C. 152(e) concerning the apportionment of hazard elimination funds.

Subsection 1702(p) strikes an out-of-date provision, 23 U.S.C. 155, concerning access highways to public recreation areas on certain lakes.

Conference substitute

In subsection 1226(a), the Conference finds that the House and Senate provisions striking three out-of-date provisions from 23 U.S.C. 115 are substantively equivalent and the Conference adopts the Senate language with a purely technical modification.

In subsection 1226(b), the Conference adopts the House provision amending 23 U.S.C. 118 concerning the effect of the release of Federal-aid highway funds.

In subsection 1226(c), the Conference finds that the House and Senate provisions striking out-of-date language from 23 U.S.C. 124(b) on the construction of toll roads are substantively equivalent and the Conference adopts the provision.

In subsection 1226(d), the Conference finds that the House and Senate provisions striking 23 U.S.C. 126 concerning the use of motor vehicle and fuel taxes for highway construction projects are substantively equivalent and the Conference adopts the House language.

NONDISCRIMINATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1703 amends section 324 of title 23, U.S.C. by moving the provision on discrimination on the basis of sex to section 140 as subsection (d). Under current law, both of these sections address discrimination.

Conference substitute

The Conference does not adopt the Senate provision.

WETLAND RESTORATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1503 authorizes the Secretary to establish a national wetland restoration pilot program. This discretionary pilot program shall fund restoration projects to offset the degradation of wetlands resulting from highway construction projects carried out before December 27, 1977. The Secretary is required to submit a report on the results of the program every three years. This provision provides contract authority in the amount of $12 million for fiscal year 1998; $13 million for fiscal year 1999; $14 million for fiscal year 2000; $17 million for fiscal year 2001; $20 million for fiscal year 2002; and $24 million for fiscal year 2003 to carry out this program.

This section is devoted to historic losses of wetlands only. Funds provided in this program are not intended to reward State departments of transportation for knowingly degrading wetlands through highway construction. Therefore, the funds provided in this section are not to be used to mitigate wetlands losses from current and future highway projects or from projects carried out after December 1977.

Conference substitute

The Conference does not adopt the Senate provision.

Subtitle C—Program Streamlining and Flexibility

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1202 amends sections 108 and 323 of title 23, United States Code, to expand the flexibility provided to State and local governments to compete for land resources. It provides for the advanced acquisition of real property not only for highway projects, but for all transportation improvements under title 23. This section removes restrictive language and outdated programs, revises language, and adds opportunities for States and local governments to utilize early property acquisition when necessary, while retaining maximum flexibility to leverage the use of Federal funds.

The provision provides an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly-owned lands incorporated within a federally funded project. This provision is consistent with the credits already permitted for donated real property and services. The provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that costs of services are not eligible as a credit for non-Federal share.

SEC. 1302. Payments to States for Construction

House bill

Subsection 134(d) amends 23 U.S.C. 121 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway program more like other Federal programs, including the Federal transit program, and will give the State greater flexibility in managing their funds.

Senate amendment

Section 1204 amends 23 U.S.C. 121 to remove a restriction that applies the Federal/non-Federal matching share requirement to each payment a State receives. The revised section 121 makes the requirement applicable to total project costs rather than to individual voucher payments. The increased flexibility provided by these changes will result in a simplified program that is easier for State departments of transportation to administer. The changes recognize that the important restriction is that the total project meets the Federal share requirement. The changes also make the Federal-aid-highway program more compatible with other Federal programs, particularly the Federal mass transportation program; projects are often administered jointly by FHWA and the Federal Transit Administration.

Conference substitute

The Conference adopts the House provision, making only technical modifications and retaining the provision as a separate section, as in the Senate bill.

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 156 of title 23, United States Code, requires States to change fair market value

for the use of airspace acquired in connection with a federally funded project. Section 1205 expands the requirement in section 156 to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance from the highway account of the Highway Trust Fund. The revised section 156 applies the same standard to all real property interests acquired with Federal-aid highway funds. As in current law, the Secretary may grant exceptions for social, environmental, or economic purposes.

Conference substitute

The Conference adopts the Senate provision with the inclusion of the following clarifying report language. The purpose of the exception retained in this provision is to give the States (with the Secretary's approval) the flexibility to charge less than fair market value for lands bought with Highway Trust Fund dollars if the lands, once sold or leased, would be used for some purpose of public benefit that would outweigh the general desire to receive fair market value for the property, such as if the lands would be used as parkland or as a recreation area.

SEC. 1304. ENGINEERING COST REIMBURSEMENT

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1210 amends 23 U.S.C. 102(b) to provide an exception to the requirement that a State commence construction or acquisition of right-of-way on a project within 10 years after using Federal funds for preliminary engineering for such project. The exception requires the State, before the expiration of the 10-year period, to request a longer time period and for the Secretary to determine that the request is reasonable.

Conference substitute

The Conference adopts the Senate provision, with a modification requiring that the State commerce construction or acquisition of right-of-way within 10 years or such longer period as the State requests and the Secretary determines to be reasonable.

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT

House bill

Subsection 139(a) amends 23 U.S.C. 106 to require life cycle costs analysis on each usable project segment on the National Highway System and requires the analysis to conform with Executive Order 12893 on infrastructure investment.

Section 501 consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the NHS (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Section 504 requires the preparation of a financial plan for any highway or transit project costing over $1 billion that is proposed to be funded with Federal funds, and requires that the plan be based on detailed annual estimates (including reasonable assumptions of future increases) of the cost to complete the project.

Senate amendment

Subsection 1222(a) amends 23 U.S.C. 106, which addresses Federal and State responsibilities for surface transportation projects. This section permits the Secretary to discharge to the State with their approval the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System. For non-NHS projects, a State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under title 23.

Subsection 1222(a) also requires the Secretary to prepare a financial plan for any projects with an estimated total cost of $1 billion or more.

Conference substitute

In subsection 1305(a), the Conference adopts a substitute project approval and oversight provision. The substitute requires that the State shall assume the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards and inspection of projects that are not on the National Highway System unless the State determines that such assumption is not appropriate. In addition, the State may assume responsibility for projects on the NHS but not on the Interstate system unless the State or Secretary determines that such assumption is not appropriate.

In any case where States must meet surface quality regulations set forth by the Federal Highway Administration, they may look for leadership to a private Midwestern engineering institute which has served as a State certifying contractor for the past eleven years. The FHWA may work with this institution in carrying out this National certification program and use the existing expertise in the area.

In subsection 1305(b), the Conference adopts the House provision concerning financial plans, with a modification codifying the provision at 23 U.S.C. 106(h).

In subsection 1305(c) the Conference adopts the House life-cycle cost provision with modifications. This provision eliminates the mandate that States conduct life-cycle costing procedures on each usable project segment of $25 million or more on the National Highway System. Instead, it provides that the Secretary shall develop a set of procedures to be issued as recommendations to the States for conducting analyses of the life-cycle costs for projects on the National Highway System. In making a recommendation, the Secretary shall consult with AASHTO, and such recommendations shall be based on the principles identified in Executive Order 12893.

Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary's recommendations shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A–94 for all Fedeal-aid National Highway System projects. The recommendation shall incorporate factors such as a documented, vigorous maintenance schedule, user costs, and the life of the project. The States are encouraged to use the recommendations to the maximum extent possible on National Highway System projects.

SEC. 1306. STANDARDS

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1222(b) eliminates the requirement that the Secretary issue Interstate maintenance guidelines and adds that safety considerations of a project may be met by phase construction.

Conference substitute

In section 1306, the Conference adopts the Senate provision with a modification. The conference provision language clarifies that the safety considerations are to be consistent with an operative safety management system or a statewide transportation improvement program approved by the Secretary.

SEC. 1307. DESIGN-BUILD CONTRACTING

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1224 provides authority, two years after the date of enactment of this Act, for State transportation departments to use the design-build approach for construction of eligible title 23 project segments. Design-build is an innovative method of highway contracting that is only allowed on an experimental basis under current law. It differs from traditional contracting in that it combines, rather than separates, responsibility for the design and construction phases of a highway project. This section allows States to use their State design-build contracting procedures in statute or procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949.

The benefits of the design-build approach include greater accountability for quality and costs, less time spent coordinating designer and builder activities, firmer knowledge of project costs, and a reduced burden in administering contracts. Design-build is particularly advantageous for accelerating project delivery. For example, a study of 11 design-build projects in Florida found that this innovative contracting method produced significant improvements in project performance as compared to non design-build projects. The average design-build construction time was 21.1 percent shorter than the average for non design-build projects. In addition, actual design-build procurement times were 54 percent less than the normal design procurement time allocated for projects using traditional contracting methods. The design-build projects also produced a 4.7 percent reduction in after-bid changes to the contract.

Despite the potential advantages of design-build, it may not be an appropriate method for carrying out every highway project. Therefore, this section provides minimum cost requirements for potential design-build projects. To qualify for the award of a design-build contract, the cost of each usable segment of a highway project must be at least $50,000,000. In the case of an Intelligent Transportation Systems project, the total cost of the project must exceed $10,000,000.

Conference substitute

In section 1307, the Conference adopts the Senate provision with the following modifications. Subsection 1307(a) allows a State to award a design-build contract for a project using any procurement process permitted by applicable State and local law. Subsection 1307(c) requires the Secretary to consult with the American Association of State Highway and Transportation Officials and affected industry representatives before issuing regulations to carry out this section. Subsection 1307(e) provides that the design-build amendments made in this section shall take effect 3 years after the date of enactment of this Act and provides that, during the 3-year transition period, the Secretary may approve design-build contracts to be awarded using any procees permitted by applicable State and local law. Subsection

1307(f) requires the Secretary to submit a report to Congress within 5 years after the date of enactment of this Act. The report shall analyze the effectiveness of design-build contracting procedures.

SEC. 1308. MAJOR INVESTMENT STUDY INTEGRATION

House bill

Section 503 requires the Secretary to issue new regulations to eliminate the major investment study (MIS) requirement as a separate requirement and integrate this requirement, which is a requirement in the planning regulations, into the environmental review process for transportation projects. The two processes are currently not integrated, although many of their requirements and purposes overlap and are similar.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification to require that the new regulations promulgated under this section integrate the MIS requirement as part of the analyses required to be undertaken pursuant to the planning provisions of title 23 and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 for Federal-aid highway and transit projects. The Conference provision also specifically limits the scope of such regulations; they shall be no broader than the scope of the current MIS requirement in 23 CFR 450.318.

SEC. 1309. ENVIRONMENTAL STREAMLINING

House bill

Section 502 establishes a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency are conducted concurrently and within cooperatively established time periods. The time periods must be consistent with those established by the Council on Environmental Quality (CEQ) in implementing the National Environmental Policy Act (NEPA). Agreed upon time periods may be extended by the Secretary, if, upon good cause shown, the Secretary and the Federal agency determine that an extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established. In the event that an agency fails to complete its review or analysis within an agreed upon time period, the Secretary may close the record.

The House bill further directs the Secretary, in consultation with CEQ, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing NEPA for highway projects. The pilot program is authorized for three years.

Senate amendment

Section 1225 requires the Secretary to develop an integrated decisionmaking process for surface transportation projects. Using the environmental review process under NEPA, the section establishes a mechanism to coordinate the permitting process for surface transportation projects, encouraging consolidation of Federal, State, local and Tribal decisionmaking to maximum extent practicable, and early consideration of environmental impacts. The section further encourages the use of collaborative, problem solving and consensus building approaches to implement the integrated process.

Conference substitute

The Conference adopts the House language with the following three modifications. First, the provisions establishing a pilot program to delegate responsibility for compliance with the requirements of NEPA to up to eight States is deleted. Second, the language directing agencies to provide due consideration to the determination of the Secretary with respect to the purpose and need of a highway project is deleted. Third, the conference substitute clarifies that the authority of the Secretary to close the record in the event that another agency fails to meet an agreed-upon deadline for completing its environmental review of a proposed project is limited to the record with respect to the matter before the Secretary.

Both the House and Senate bills seek to address the same concerns: the delays, unnecessary duplication of effort, and added costs often associated with the current process for reviewing and approving surface transportation projects. The U.S. Department of Transportation has, through its administrative initiatives, attempted to address some of these problems. Legislation is appropriate, however, to further improve the integration and coordination of decisions relating to highway projects. Better and earlier coordination among the agencies involved in the decisionmaking process for highway projects should help reduce conflicts and their associated delays and costs.

The fundamental goals of the environmental streamlining provisions are to establish an integrated review and permitting process that identifies key decision points and potential conflicts as early as possible; integrates the NEPA process as early as possible; encourages full and early participation by all relevant agencies that must review a highway construction project or issue a permit, license, approval or opinion relating to the project; and establishes coordinated time schedules for agencies to act on a project.

To accomplish these goals, the Conference substitute adopts the House provision encouraging the Secretary to enter into memoranda of agreement (MOAs) with the agencies responsible for reviewing the environmental documents prepared under NEPA or for conducting other environmental review, analyses, opinions or issuing any license, permits or approvals relating to a project. It is expected that Federal, State and other agencies involved in reviewing and approving a project, or components of a project, will use the MOA process to establish cooperatively determined time periods to complete their work and, more generally, to describe how, and the extent to which, the various permitting requirements and environmental reviews relating to the project will be integrated. MOAs may include a variety of interagency agreements. In order to avoid subsequent conflicts and delays on a project, agencies are encouraged to solicit early public input in the development of an MOA.

The Conference substitute retains the House provisions regarding the joint development of time periods for each agency involved in the review and approval of a project to complete its review. The language further provides that any environmental review, including those required under NEPA, conducted with respect to a project shall generally be done concurrently unless conducting a concurrent review would result in a significant adverse effect on the environment, would substantively alter Federal law, or would not be possible without information developed during the review process. This last exception is intended to ensure that agencies are not put in the position of having to complete environmental reviews before they have sufficient information to conduct a meaningful review.

The provisions relating to the Secretary's authority to close the record have been modified to clarify the extent of the Secretary's authority to issue a record of decision for a project in the event that another agency fails to meet the agreed upon deadline for completing its review of any environmental documents required for the project under NEPA. The Secretary's authority to close the record authority does not extend to reviews, analyses, opinions or decisions conducted by another agency on any permit, license or approval issued by that agency. For example, if a project requires the Corps of Engineers to issue a permit under section 404 of the Clean Water Act, the Secretary may not restrict the Corps' review with respect to its decision to issue the 404 permit, even if the Corps fails to meet a deadline set forth in a MOA with the Secretary. Therefore, the conference substitute includes language affirming that the Secretary's authority to close the record is limited to the record on the matter pending before the Secretary. This still allows the Secretary to issue a record of decision on a highway project, even if other agencies have not completed their review of the environmental documents required under NEPA for the project.

The conference substitute allows the additional costs associated with Federal agencies complying with this streamlined process to be considered eligible project expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

For purposes of this section, the term Federal agency includes any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

These provisions make a number of significant procedural changes and improvements to the process for reviewing and approving highway projects. It is expected that the Secretary will publish regulations, after public notice and comment, to implement these new procedures.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS

House bill

Section 505 creates a new uniform transferability of Federal-aid highway funds and codifies this provision at 23 U.S.C. 110. (This creates a second section 110 in title 23, because section 1105 of this Act codified the revenue aligned budget authority provision at 23 U.S.C. 110.)

Subsection 505(a) applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds.

Subsection 505(b) sets rules for the transferability of certain funds set aside within the Surface Transportation Program. STP funds set aside at the 1991 funding levels for the hazard elimination and rail-highway grade crossing programs, metropolitan planning funds, and the sub-State suballocation may not be transferred. For funds set aside for transportation enhancements, up to 50 percent of the difference between the amount set aside for enhancements for the fiscal year and the amount of the sub-State suballocation in fiscal year 1996 can be transferred. For funds apportioned for the CMAQ program, a State may transfer up to 50 percent of the difference between its CMAQ funding for the fiscal year and its fiscal year 1997 CMAQ apportionment.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. The conference substitute provides that the maximum amount a State may transfer of its STP enhancements and safety set-aside flexible funds is 25 percent of the difference between the increase in each such set-aside over the fiscal year 1997 amount of each such set-aside. This modification (1) reduces the maximum percent a State may transfer from 50 to 25, (2) permits flexible safety set-aside funds to be transferred, but retains the prohibition against transferring hazard elimination and rail-road highway grade crossing funds, and (3) changes the comparison year from fiscal year 1996 to fiscal year 1997. The Conference substitute also changes the comparison year for determining CMAQ transferability; under this provision, a State may transfer 50 percent of the difference between the amount of its CMAQ apportionment for the fiscal year and the amount such apportionment would be had the CMAQ program been funded at $1.35 billion.

SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS

House bill

Section 506 requires that the Secretary establish and publish the criteria used for the awarding of discretionary grants, that such criteria conform to Executive Order 12893 (relating to infrastructure investment) to the extent practicable, and that preference be given to donor States when considering equal applications for grants. It also requires that the Secretary submit to Congress 14 days before awarding a discretionary grant an explanation of how the selected projects conform to the published guidelines.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. First, the Conference provision does not include the requirement that preference be given to donor States. Second, rather than requiring explanations to be submitted 14 days before awards of discretionary grants, the Conference provision requires the Secretary to submit to Congress at least quarterly a list of the projects selected under the discretionary grant projects for programs listed in subsection (c) of this section, along with an explanation of how such projects were selected using the criteria required under this section. Third, the Conference provision modifies the list of the programs covered by this provision.

DESIGN FLEXIBILITY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1236 clarifies 23 U.S.C. 109 regarding the Secretary's responsibilities regarding planned future traffic needs and the Secretary's responsibilities in reviewing State plans for proposed highway projects. This modification eliminates the requirement that the Secretary ensure that a State plan for a highway project must accompany future traffic demands. As revised, subsection 109(a) only requires that the Secretary ensure that future traffic needs were considered.

Conference substitute

The Conference does not adopt the Senate provision.

MIDCOURSE CORRECTION

House bill

Section 508 directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding distribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Subtitle D—Safety

SEC. 1401. HAZARD ELIMINATION PROGRAM

House bill

Section 138 amends 23 U.S.C. 152 to require that hazards to bicyclists be included in the hazardous locations inventory. This section also directs States to carry out hazard elimination projects so as to minimize any negative impact on safety and access for bicyclists and pedestrians. This section also authorizes the Secretary to approve any safety improvement project described in 23 U.S.C. 152(a) and makes conforming amendments to subsections 152(f) and (g).

Senate amendment

Section 1404 expands the eligibility of the current hazard elimination program to include a full range of safety improvements for bicyclists and pedestrians, including multimodal and community safety programs; spot improvement programs for rapid-response of low costs hazards such as potholes, roadway and trail debris, and unsafe drainage gates are eligible for funding under this program. This section also makes traffic calming measures eligible for hazard elimination funds. The prohibition on States using hazard elimination funds to correct hazards on routes on the Interstate system is eliminated. This section also revises the reference to ''Highway safety improvement project'' in subsection 152(b) to read ''safety improvement project'' to reflect the multimodal focus of the hazard elimination program.

Conference substitute

The Conference adopts the Senate provision with modifications. It clarifies that to be eligible under this section, a project must be related to a public surface transportation facility. The Conference substitute does not adopt the Senate language making public transportation vehicles and any public transportation facility that the Secretary determines to be appropriate eligible for hazard elimination funds. The Conference provision also makes technical and conforming amendments to 23 U.S.C. 152. In carrying out this section, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES

House bill

Subsection 126(a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such crash cushions and whether the cushions or other safety appurtenances should be installed at specific highway locations.

Subsection 126(b) requires the Secretary to (1) study the means of improving safety and road capacity through the use of movable road barrier (positive separation) technologies, (2) report to Congress within one year after the date of enactment of this Act on the results of such study, and (3) provide the report to States for their use on appropriate projects on Federal-aid highways.

Senate amendment

Section 3107 requires the Secretary to issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions. States are required to use this guidance in evaluating the safety and cost-effectiveness of using different crash cushion designs or other safety appurtenances.

Conference substitute

The Conference adopts the House provision with a modification to extend the report deadline to 18 months after enactment, rather than one year.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1406 establishes a new program to encourage States to promote and increase seat belt usage in passenger motor vehicles. This new program provides incentive grants to States that either obtain a State seat belt use rate above the national average, or increase the State seat belt usage. The Secretary shall determine annually: (1) those States that achieved a usage rate higher than the national average, and the amount of Federal government budget savings from Federal medical insurance programs associated with the higher seat belt usage rate; and (2) those States that realized an increase in the seat belt rate compared with the State's base rate, and the resulting Federal government budget savings from Federal medical insurance programs.

Under this section, the Secretary is required to allocate to each State in fiscal years 1999 through 2003, the amount of Federal medical savings that resulted from either increases in seat belt usage over the national average or increases over the State's base rate. States may use such funds for any project eligible for assistance under title 23, United States Code. This section provides $60 million for fiscal year 1998; $70 million for fiscal year 1999; $80 million for fiscal year 2000; $90 million for fiscal year 2001; and $100 million for fiscal years 2002 and 2003.

Conference substitute

The Conference adopts the Senate provision, with modifications increasing authorizations for the programs and providing that, for fiscal year 1999, any unallocated funds under this section shall be apportioned to the States as STP funds, and for fiscal years 2000 through 2003, the Secretary shall use any unallocated funds authorized under this section to make allocations to States that have developed plans to carry out innovative projects to promote increased seat belt use rates.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

House bill

Section 209 directs the Comptroller General to conduct a study to evaluate the effectiveness of State 0.08 and 0.02 blood alcohol content (BAC) laws in reducing the number and severity of alcohol-related crashes. This section requires the Comptroller General to report to the Congress within two years with the results of the BAC study.

Senate amendment

Section 1408 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State has failed to enact and enforce a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle has committed the offense of driving while intoxicated. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

In section 1404, the Conference adopts a substitute provision authorizing a total of $500 million for incentive grants. The Conference substitute directs the Secretary to apportion the funds authorized to carry out this section to any State that has enacted and is enforcing a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to have committed a per se offense of driving while intoxicated. States may obligate funds apportioned under this section for any project eligible for assistance under title 23, United States Code, and the Federal share of such project shall be 100 percent.

The Conference adopts the House provision in title II of the Act.

SEC. 1405. OPEN CONTAINER LAWS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1409 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State fails to have in effect a law prohibiting any open alcoholic beverage container or the consumption of any alcoholic beverage in the passenger area of a motor vehicle located on a public highway. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

The Conference adopts the Senate provision, with a modification providing for the transfer, rather than the withholding, of a State's IM, NHS, and/or STP funds. For fiscal years 2001 and 2002, States that have failed to enact or enforce an open container law shall have 1½ percent of their IM, NHS, and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. In addition, the State may elect to use all or a portion of the transferred funds for the State's hazard elimination program. For fiscal year 2003 and thereafter, States that have failed to enact or enforce an open container law shall have 3 percent of their IM, NHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures or law enforcement activities to prevent drunk driving, with the State able to use all or a portion of the transferred funds for the State's hazard elimination program.

SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1405 establishes a new program to address the growing problem of repeat, hard core drunk drivers with high alcohol concentrations by requiring States to enact repeat intoxicated driver laws or else have a percentage of their highway construction funds transferred to their Section 402 highway safety program. The section requires States to enact and enforce penalties for drunk drivers who have an alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk driving offense within 5 years. Minimum penalties shall include a license suspension of not less than 1 year, an assessment of the individual's abuse of alcohol and recommended treatment regimes as appropriate, and either an assignment of 30 days community service or 5 days imprisonment.

For fiscal years 2001 and 2002, States failing to enact or enforce the described minimum penalties for repeat drunk drivers with high alcohol concentrations shall have 1½ percent of their INHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. For fiscal year 2003 and thereafter, States that have failed to enact or enforce a repeat intoxicated driver law will have 3 percent of their INHS and STP funds transferred to their Section 402 program.

Conference substitute

The Conference adopts the Senate provision with a modification to provide that States may use all or a part of the transferred funds for the State's hazard elimination program.

RAILWAY-HIGHWAY CROSSINGS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1403 amends 23 U.S.C. 130 to expand the eligibility of railway-highway funds to include trespassing countermeasures in the vicinity of the crossing, safety education, enforcement of traffic laws and publicly sponsored projects at privately owned railway-highway crossings. States are required to report to the Department on completed crossing projects funded under this subsection for inclusion in the DOT/American Association of Railroads National Grade Crossing Inventory.

This section eliminates the requirement that half the funds authorized under section 130 be available for installation of protective devices at railway-highway crossings. These activities, however, remain eligible for funding under this section.

Conference substitute

The Conference does not adopt the Senate provision.

FLEXIBILITY OF SAFETY PROGRAMS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1233 gives States additional flexibility with respect to safety set-aside requirements. This provision requires each State to set aside 2 percent of its surface transportation program apportionment for railway-highway crossings; 2 percent of its STP funds for hazard elimination activities; and 6 percent of its STP funds for railway-highway crossings or hazard elimination activities.

Additional discretion is given to each State to transfer up to 100 percent of its 6 percent STP safety set-aside funds to its section 402 safety program or to its motor carrier safety program allocation. The requirement that half the funds authorized and expended under section 130 be available for installation of protective devices at railway-highway crossings is eliminated. The revised section, however, retains this use as an eligible activity.

Conference substitute

The Conference does not adopt the Senate provision.

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE AND INNOVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle C, Chapter 2, establishes a Federal credit assistance program for major surface transportation projects under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA).

Conference substitute

In sections 1501 through 1504, the Conference adopts the Senate provision, with certain modifications. The TIFIA program is designed to assist major surface transportation projects with their own revenue streams, which can attract substantial private capital with a limited Federal investment. This program offers the sponsors of large transportation projects a new tool to leverage limited Federal resources, stimulate additional investment in our Nation's infrastructure, and encourage greater private sector participation in meeting our transportation needs.

Eligible projects for TIFIA assistance include any projects eligible under title 23 (highway and transit capital projects) as well as international bridges and tunnels, inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems), and publicly-owned intermodal freight facilities. Examples of the types of projects which may benefit from this program are the Woodrow Wilson Bridge, the Farley/Pennsylvania Station project in New York City and the State of Florida's proposed high-speed rail project between Miami, Orlando and Tampa. Project sponsors may be governmental units, private entities, or public-private partnerships. The Conferees wish to reiterate language concerning the Florida high-speed rail project in the Senate committee report section on TIFIA. This project represents an effort by the State of Florida to bring a new technology to the United States by using an innovative public-private partnership that does not rely on Federal grant support. The State of Florida's request for a Federal loan equal to 1/3 of project costs should receive favorable consideration from the Department of Transportation, provided it meets the program criteria.

To be eligible for credit assistance, a project must meet certain threshold criteria. It must cost at least $100 million or 50 percent of a State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30 million, due to the substantial capacity enhancements attainable

with but a limited investment.) The project also must have the potential to be self-supporting from user charges or other non-Federal dedicated funding sources, be on a State's transportation plan and, at the time of funding, be on a fiscally-constrained State transportation improvement program. An application for credit assistance may be submitted by a State or local government or other entity. The Secretary will select among potential candidates based on various criteria, including the project's regional or national significance, its potential economic benefits, its credit-worthiness, the degree of private sector participation, and other factors.

Forms of assistance that can be provided under this program consist of direct loans, loan guarantees, and lines of credit. In all cases the Federal role will be that of a minority investor, with Federal participation limited to not more than 33 percent of total project costs. The Secretary is authorized to enter into agreements with project sponsors of containing terms and conditions designed to assist the projects in leveraging additional funds, while ensuring that the program operates in a fiscally-prudent manner. The State in which a project is located may identify a State or local government entity to assist the Secretary in servicing the Federal credit instrument.

The Secretary may provide credit assistance to demonstrate to the capital markets the viability of making transportation infrastructure investments where returns depend on residual project cash flows after serving senior municipal revenue bonds or other capital markets debt. An objective of the program is to help the financial markets develop the capability ultimately to supplant the role of the Federal government in helping finance the costs of large projects of national significance. That is why loan guarantees are limited to major institutional lenders, such as defined benefit pension funds, which may be potential providers in the future of supplemental and subordinate capital for projects. The Conference would like the Secretary to encourage Federal borrowers to prepay their direct loans or guaranteed loans as soon as practicable from excess revenues or the proceeds of municipal or other capital market debt obligations. The Secretary also may sell off direct loans to third parties or into the capital markets, if such transactions can be arranged upon favorable terms.

The Conference recognizes that the Congress enacted the Deficit Reduction Act of 1984 provision prohibiting the combination of Federal guarantees with tax-exempt debt, because of concerns that such a double-subsidy could result in the creation of an ''AAA'' rated security superior to U.S. Treasury obligations. Accordingly, any project loan backed by a loan guarantee as provided in TIFIA must be issued on a taxable basis.

The Conference wants to ensure that projects receiving TIFIA assistance are financially sound. Each project, at the time of its application for assistance, is required to furnish a preliminary rating opinion letter from one of the bond rating agencies identified by the Securities and Exchange Commission as a ''Nationally Recognized Statistical Rating Organization,'' indicating that the project's senior debt obligations have the potential to achieve an investment-grade bond rating. The Secretary shall consult with the Office of Management and Budget, each rating agency providing such an opinion letter, and any other financial experts the Secretary deems necessary, in order to determine the credit instrument's appropriate subsidy cost (capital reserve) pursuant to the Federal Credit Reform Act of 1990. Until such time as a formal investment-grade rating is assigned, the Secretary shall not extend credit in an amount exceeding the estimated subsidy cost. The Conference believes that analytical techniques that are widely-accepted by the capital markets, such as those used by the rating agencies to evaluate the financial stability of municipal bond insurance companies, should be drawn upon to estimate the appropriate subsidy cost.

TIFIA expressly requires that projects adhere to Title VI of the Civil Rights Act, the National Environmental Policy Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The Conference also recognizes that highway and transit capital projects assisted under TIFIA will retain adequate protections for labor in terms of prevailing wages, as required under title 23 provisions.

The bill provides $530 million of contract authority, funded from the Highway Trust Fund, to fund the budgetary or subsidy costs of the Federal credit instruments between fiscal years 1999–2003: $80 million in fiscal year 1999; $90 million in fiscal year 2000; $110 million in fiscal year 2001; $120 million in fiscal year 2002; and $130 million in fiscal year 2003. (As with other Federal credit programs, the non-budgetary or financing costs of the Federal credit instruments will be funded from the General Fund.) The bill caps the nominal amount of credit instruments supported by this contract authority at $1.2 billion for each of fiscal years 1998 and 1999; $1.8 billion for fiscal years 2000 and 2001; and $2.3 billion for each of fiscal years 2002 and 2003.

The Conferees are aware that present Federal income tax law prohibits the use of direct or indirect Federal guarantees in combination with tax-exempt debt (section 149(b)) of the Internal Revenue Code of 1986. The TIFIA provisions of the conference agreement do not override or otherwise modify this provision of the Code.

The Conference finds that developing, implementing, and evaluating financial assistance programs such as TIFIA is a critical mission of the Department of Transportation. To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial assistance activities and programs can be closely coordinated and monitored.

In order to evaluate the effectiveness of this program, the Secretary is required to submit a report to Congress within four years of the date of enactment of this bill. The report should summarize the program's financial performance to date and recommend whether the objectives of the program would be best met by continuing the program under the authority of the Secretary, establishing a Government corporation or Government-sponsored enterprise to administer the program, or by relying upon the capital markets to fund projects of regional and national significance without Federal participation.

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1301 codifies the State Infrastructure Bank (SIB) Pilot Program authorized in the NHS Designation Act of 1995. This section includes modifications to increase the flexibility of the SIB program. The current 10-State limit on the number of participants in the SIB program is eliminated, thus enabling any State to establish a State Infrastructure Bank. The percentage limitation regarding funds a State can transfer to use in State infrastructure banks is eliminated. The 10-State limit unnecessarily restricted States from pursuing this financial mechanism and the percentage limitation unnecessarily limits the States' use of this mechanism. The need to maintain separate highway and transit accounts also imposed an accounting burden on States that was inconsistent with financial flexibility desired in a financing entity such as a State Infrastructure Bank and was therefore eliminated.

Conference substitute

In section 1511, the Conference adopts a substitute provision, retaining most of the Senate provision, but with some significant modifications. First, the Conference adopts a four-State pilot program. Rather than permitting every State to establish a SIB under this section, the Conference provision states that the participating States under this section are California, Florida, Missouri, and Rhode Island. Second, the Conference provision modifies the Senate language by expressly providing, in paragraph 1511(i)(2), that the requirements of titles 23 and 49, United States Code, shall apply to repayments from non-Federal sources to a SIB from projects assisted by the SIB, and that such repayments shall be considered to the Federal funds.

Subtitle F—High Priority Projects

SEC. 1601. HIGH PRIORITY PROJECTS

House bill

Subsection 127(b) authorizes the high priority projects program as subsection (j) of section 104 of title 23. Funds for this program are exempt from the obligation limitation imposed on the Federal-aid highway program. Subsection 127(b)(2) authorizes a State in carrying out a project with Federal funds to divide or segment the project provided that the division or segmentation complies with the requirements of the National Environmental Policy Act of 1969.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications. Subsection 1601(a) establishes the program of high priority projects in section 117 of title 23. The provision is very clear that it is establishing a program of projects, not a series of individual programs. In fact, 23 U.S.C. 117(a) provides that any unallocated funds are available to the Secretary. Although this program is now subject to an overall obligation limitation, it is the intent of the Conference that this program functionally operate, to the extent possible, as if this program were exempt from the obligation limitation.

In subsection (h) of section 117, it provides that ''[f]unds allocated to a State in accordance with this section shall be treated as amounts in addition to amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes.'' (emphasis added) The aim of this provision is to ensure that high priority project funding is treated as additive to the National Highway System, Interstate maintenance, surface transportation program, congestion mitigation and air quality improvement, bridge, and minimum guarantee funds that the State would otherwise receive. In fact, this provision was specifically added to give guidance to states with internal formulas for the distribution of federal-aid funds.

In addition, section 1601 provides, in new 23 U.S.C. 117(g), that ''[o]bligation authority attributable to funds made available to carry out this section shall only be available for

the purposes of this section and shall remain available until obligated . . . .'' This means that the obligation authority provided for high priority projects is reserved solely for such project funds and cannot be used for any other Federal-aid highway program or project. Further, section 1102 of TEA 21, which directs the distribution of obligation authority for all Federal-aid highway programs, provides in subsection 1102(g) that obligation authority distributed for a fiscal year for high priority projects ''shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.'' The treatment of obligation authority for high priority projects under these two provisions further articulates the intent of Congress that high priority project funds and obligation authority shall be separate from and in addition to a State's regular Federal-aid highway apportionments.

Furthermore, including high priority projects in the minimum guarantee calculation serves the separate purpose of ensuring that the distribution of Federal-aid highway funds between the States is as equitable as possible. It does not mean that each State's high priority projects were funded from what would have been the State's regular formula apportionments, and therefore provides no support for the position that project funds should be offset from a district's allocation of Federal-aid highway formula funds. This interpretation is contrary to the express language of section 1601, as cited above.

Subsection 1601(b) clarifies that by listing high priority projects in section 1602 of this Act and similar projects in previous legislation, Congress is establishing the limits of the projects for purposes of eligibility for associated Federal-aid highway funding. The listing or identification of a project is not intended to define the scope of the project for purposes of complying with all Federal requirements, including those of the National Environmental Policy Act (NEPA). As the associated Federal-aid highway funding for these projects typically is not sufficient to finance the Federal share of all improvements within the project limits, Congress recognizes that a State needs the flexibility to advance logical segments of the overall project. Any segment of a project must still have to connect logical termini, have independent utility, and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This provision does not waive safety or contracting requirements for the underlying segment.

In the case of the South Lawrence Trafficway in Kansas, the State may advance the segment between U.S. 59 and Kansas Route 10 as a non-Federally funded project without triggering NEPA.

Subsection 1601(c) makes conforming amendments to the table of contents for title 23.

SEC. 1602. HIGH PRIORITY PROJECTS

House bill

Subsection 127(c) establishes the high priority projects for 1998 through 2003.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1602 establishes the high priority projects for 1998 through 2003.

SEC. 1603. SPECIAL RULE

House bill

Contains no comparable provision.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1603 provides how projects are included in certain calculations.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

SECTION 5001. AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 2201 of the Senate bill provides contract authority for fiscal years 1998 through 2003 to carry out the research and technology programs, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subparagraphs 127(a)(3)(F),(G), and (H) authorize funding for discretionary highway research programs; transportation education, professional training, and technology deployment; and the transportation technology innovation and demonstration program for fiscal years 1998 through 2003.

Section 625 of the House bill allocates the funds made available under subparagraph 127(a)(3)(G) of the bill for the National Highway Institute, the local technical assistance program, the Eisenhower Fellowship Program, the national technology deployment initiative program, and university transportation centers.

Conference substitute

Subsection 5001(a) and (b) of the Conference substitute provide contract authority for fiscal years 1998 through 2003 for the following research programs: surface transportation research under 23 U.S.C. 502, 506, 507, and 508, and section 5112 of this Act; the technology deployment program; training and education; the Bureau of Transportation Statistics; and university transportation research.

Subsection 5001(c) suballocates certain research funds for specific projects and programs, such as long term pavement performance, innovative bridge research and construction, the National Highway Institute, and commercial vehicle ITS infrastructure.

Subsection 5001(d) authorizes the Secretary to transfer up to 10 percent of the funds allocated within each paragraph of subsection (c) for any other project or program within that paragraph.

SECTION 5002. OBLIGATION CEILING

Senate bill

Subsection 2201(c) of the Senate bill establishes a limitation on obligations for the research and technology program, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subsection 103(e) of the House bill provides that the general obligation limitation for Federal-aid highway programs established in subsection 103(a) applies to transportation research programs carried out under chapter 3 of title 23, United States Code, and title VI of the House bill.

Conference substitute

Section 5002 of the Conference substitute establishes, for each of fiscal years 1998 through 2003, an annual limitation on obligations of amounts made available under subsection 5001(a) for research programs.

SECTION 5003. NOTICE

Senate bill

The Senate bill contains no similar provision.

House bill

Whenever funds authorized under this title or amendments thereto are subject to a reprogramming notice the House and Senate Committees on Appropriations, Section 604 requires concurrent notice to the Committees on Transportation and Infrastructure and on Science of the House of Representatives and to the Committees on Environment and Public Works and on Commerce, Science, and Transportation of the Senate. The section also requires the Secretary to provide notice to these committees of any major reorganization of programs, projects, or activities of the Department for which funds are authorized by this Title at least 15 days prior to the reorganization's effective date.

Conference substitute

The Conference adopts the House provision with a modification to strike reference to the Senate Committee on Commerce, Science, and Transportation.

Subtitle B—Research and Technology

SECTION 5101. RESEARCH AND TECHNOLOGY PROGRAM

Senate bill

Section 2005 amends the table of chapters in title 23 by adding a new chapter, ''Chapter 5—Research and Technology,'' and provides definitions for their terms ''safety'' and ''federal laboratory''.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts this Senate provision.

SECTION 5102. SURFACE TRANSPORTATION RESEARCH

Senate bill

Section 2005 revises and recodifies 23 U.S.C. 307 at 23 U.S.C. 502 and authorizes the Secretary to carry out research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development. It requires the Secretary to develop and carry out programs to facilitate the application of products that will improve the safety, efficiency, and effectiveness of the Nation's transportation system. Mandatory elements of the research program are delineated and appropriate reporting requirements are specified. Section 2006 establishes an advanced research program, Section 2007 requires the Secretary to continue the long-term pavement performance program (LTPP), and Section 2012 requires the Secretary to make a report to Congress on the Nation's infrastructure investment needs.

House bill

Section 611 amends 23 U.S.C. 307 by requiring the Secretary to continue research on the long term performance of pavements (LTPP) and advanced long term highway research. The section changes the existing seismic research program to include all surface transportation modes and requires a biennial report on the condition of the Nation's highways and bridges. The section also requires research into several specific areas, including research on the use of recycle materials such as paper and plastic fiber reinforcement systems.

Conference substitute

The Conference adopts the House provision after blending a number of Senate provisions into the final text including the provision from Section 2005 recodifying the general research provision in Chapter 5 of title 23 U.S.C. and provisions from Sections 2006, 2007 and 2012.

SECTION 5103. TECHNOLOGY DEPLOYMENT

Senate bill

Section 2011 directs the Secretary to develop and administer a national technology

deployment initiatives (NTDI) program to significantly accelerate the adoption of innovative technologies by the surface transportation community to increase the efficiency and durability and improve the safety of the Nation's transportation system. The Secretary shall continue deployment partnerships established through the strategic highway research program (SHRP). Section 2013 requires the Secretary to establish and carryout an innovative bridge research and construction program.

House bill

Section 622 establishes a new national technology deployment initiative. The initiative's purpose is to increase the use of research results by the transportation community. The initiative is to be conducted in cooperation with interested parties and coordinated with other technology transfer activities.

Conference substitute

The Conference substitute blends the House and Senate provisions and includes the innovative bridge program within the technology deployment initiative. The provision also includes a directive that the Secretary integrate programs under this section with other technology transfer efforts.

SECTION 5104. TRAINING AND EDUCATION

Senate bill

Section 2009 moves the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23 and requires the Secretary to continue to operate the National Highway Institute (NHI) within the FHWA along with the Local Technical Assistance Program (LTAP) and the Eisenhower Fellowship Program.

House bill

Section 621 continues the NHI while Section 623 continues the Eisenhower Fellowship Program and the LTAP program. The LTAP program is modified to include industry advancements in the area of concrete and concrete structures in LTAP program activities.

Conference substitute

The Conference adopts the Senate provision, but does not move the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23. The substitute increases the percentage of certain Federal-aid highway funds a State may use for education and training of State and local transportation agency employees.

SECTION 5105. STATE PLANNING AND RESEARCH

Senate bill

Section 2008 continues the provision under current law that directs 2 percent of certain categories of funds apportioned to the States for each fiscal year to be available to fund state planning and research, including statewide planning under Section 135 of title 23, U.S.C.

House bill

Section 612 continues the provision under current law and adds a new Highway Noise Research Center.

Conference Substitute

The Conference adopts the House provision.

SECTION 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM

Senate bill

Section 2010 continues the current activities aimed at improving U.S. firms access to foreign markets. This section also adds a new provision to enable States to use their State Planning and Research Program funds for international highway transportation activities.

House bill

Section 613 expands and broadens the purposes of this program to include the promotion of U.S.highway transportation goods and services and expands the list of eligible activities to include the gathering and dissemination of information on foreign transportation markets and industries. The section allows the Secretary to accept funds from cooperating organizations to reimburse the FHWA for salaries and expenses and allows States to use their State planning and research funds to participate in the International program.

Conference substitute

The Conference incorporates both the House and Senate provisions.

SECTION 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM

Senate bill

Section 2017 establishes in Title 23 a Transportation and Environment Cooperative Research Program as well as an advisory board to recommend environmental and energy conservation research, technology and technology transfer activities related to surface transportation. The Secretary of Transportation may contract or make grants to the National Academy of Sciences to carryout the research and technology activities of this program. The section also calls for the Secretary to conduct a study and prepare a report on the relationship between highway density and ecosystem integrity.

House bill

Section 633(a) of the House bill establishes the program in Title 49 and requires that the program include research designed to develop more accurate models for evaluating transportation measures as well as transportation system designs which are usable by State and local governments, to better understand factors contributing to demand for transportation, and to develop indicators of economic, social and environmental performance of transportation systems to facilitate analysis of potential alternatives.

Conference substitute

The Conference adopts the House language as 23 U.S.C. 507, adding the Senate study of the relationship between highway density and ecosystem integrity and additional priorities as determined by the Advisory Board to the research program under this section.

SECTION 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING

Senate bill

Section 2001 requires the Secretary to establish a strategic planning process to determine national priorities for transportation research and development, coordinate federal activities in the area, and evaluate the impact of Federal investment in research. The Secretary is also required to submit to Congress a report on strategic plans, goals and milestones to help guide research, development and technology transfer activities during a five year period.

House bill

Seciton 633 requires the Secretary to establish a performance-based strategic planning process consistent with the Government Performance and Results Act of 1993. The strategic planning process shall address deficiencies in the current program, as identified by the General Accounting Office, Transportation Research Board, and other transportation research and development stakeholders, by setting a strategic direction, defining national priorities, coordinating federal efforts and evaluating the impact of the federal investment in surface transportation R&D. As envisioned by the Results Act, a strategic plan shall be developed to include review and comment from outside sources, the National Research Council and other advisory boards. The plan shall be submitted and updated as required by the Results Act. Under this section, the Secretary is also required to submit a report describing the Department's efforts to establish competitive merit review procedures for programs covered by the strategic plan required under this section. It is the Conferees' expectation, in the absence of more specific legislative instructions, that applications for research and development funding from the Department will be evaluated, to the extent feasible, by academic peers and that strict procedures to ensure that only the most meritorious of applicants will be funded. Consistent with the Results Act, the Secretary is also expected to develop performance measurement procedures for evaluating the programs so that programs are designed with specific goals in mind and evaluated on how well those goals are achieved.

Conference substitute

The conference adopts the House provision.

SECTION 5109. BUREAU OF TRANSPORTATION STATISTICS

Senate bill

Section 2004 expands the list of topics to be covered by the Bureau of Transportation Statistics (BTS) to include transportation related variables influencing global competitiveness, the impact of international trade on the nation's economy and on domestic transportation facilities and services, and transportation's impact on the ability of domestic U.S. businesses to reach foreign markets. This section also requires the BTS Director to coordinate responsibilities for long-term data collection with other efforts to implement the Government Performance and Results Act (GPRA). This section codifies the following existing BTS initiatives: (1) the BTS' Transportation Data Base, including various data on competing and complementary modes of transportation, intermodal combinations, international movement, and local and intercity movements; (2) the BTS' National Transportation Library; and (3) the general content of the BTS' National Transportation Atlas Data Base (NTAD). This section requires the Director of BTS to study freight factors, such as diesel fuel data and miles of international trade traffic. The BTS Director also is required to recommend to Congress what improvements are needed in such data collection for use in the highway apportionment formula. This section authorizes the BTS to establish grants and enter into cooperative agreements with public and nonprofit organizations to conduct research and development for BTS' major activities.

House bill

Section 631 makes certain changes to the purposes and authorities of the Bureau of Transportation statistics and provides funding for the Bureau. It requires the establishment of a national transportation library, an atlas database, and an intermodal transportation data base. The Bureau is authorized to make research and development grants. Provisions are included ensuring that certain proprietary or private information that is gathered by the Bureau in the course of its work is not disclosed. The Bureau is given certain responsibilities under the Government Performance and Results Act of 1993.

Conference substitute

The Conference adopts the Senate provisions without the study requirements and all related provisions.

SECTION 5110. UNIVERSITY TRANSPORTATION RESEARCH

Senate bill

Section 2003 directs the Secretary to make grants to or contract with non-profit institutions of higher learning to establish one university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary Systems. This section also directs the Secretary to make grants to not more than 4 additional university transportation centers to address advanced transportation issues. It outlines the selection criterion and eligibility requirements for the above grants, and limits the Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section to not more than 50 percent.

House bill

Subsection 624(a) establishes the University Transportation Research program in Chapter 55 of Title 49 consolidating the existing University Transportation Centers and University Research Institutes. The program consists of ten center representing each Federal region and an additional ten centers selected at large. The selection criteria, objectives of the program, and other requirements are established. Any university receiving a grant under this program for FY 1997 will receive grants in FY 1998 and FY 1999. The subsection lists universities and consortia the Secretary shall consider along with other applicants, when selecting grant recipients.

Subsection 624(b) conforms the table of sections for chapter 55 of Title 49.

Subsection 624(c) establishes and funds the Appalachian Transportation Institute.

Subsection 624(d) continues and funds the ITS Institute.

Conference substitute

The Conference finds that the House and Senate provisions are similar and adopts the House provisions with modifications. In section 5110, the conference continues the 10 regional university transportation centers (designated as group A) and establishes a new program to fund additional centers (designated as groups B, C, and D). The institutions in each category are enumerated in 49 U.S.C. 5505(j). All institutions listed in groups A through D receive a grant in fiscal years 1998 and 1999. Beginning in fiscal year 2000, special rules apply for making grants within each group based on specified selection criteria. The conference includes the requirement contained in both bills that establishes the Federal match as 50 percent.

SECTION 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM

Senate bill

Section 2016 directs the Secretary to encourage and promote the research, development and deployment of transportation technologies that will use technological advances in multmodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system. It defines the term ''eligible consortium'' and the conditions that need to be fulfilled in order to receive assistance under this section. It requires the Secretary to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

House bill

Seciton 312(b) enables the Secretary to make grants and enter into contracts and cooperative agreements to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. It defines the eligibility criteria for funding under this section as well as ''eligible consortium''. This section limits the Federal share of costs from these programs to 50 percent of the net project costs.

Conference substitute

The Conference adopts the Senate provision with the modification that the Secretary include the House Committee on Science to the list of legislative committees receiving the report.

SECTION 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM

Senate bill

Section 2015 directs the Secretary to enter into a cooperative agreement with the Transportation Research Board of the National Academy of Sciences (referred to as the 'Board' in this section) to conduct a study to determine the goals purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under 23 U.S.C. section 307(d). It directs the Board to consult with the American Association of State Highway and Transportation Officials in the implementation of this study. This section instructs the Board to submit a final report on the results of this study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

House bill

Section 611(e) is substantially the same as the Senate version but requires the results of the study additionally to be sent to the Committee on Science of the House of Representatives.

Conference substitute

The Conferees adopt the House provision.

SECTION 5113. COMMERCIAL REMOTE SENSING PROJECTS AND SPATIAL INFORMATION TECHNOLOGIES

Senate bill

Section 2020 authorizes $10 million each year from FY 1999–2004 for the Secretary to establish a remote sensing program to optimize highway routing through favorable terrain. The Secretary is to carry out this section in cooperation with the National Aeronautic and Space Administration and a consortium of university research centers.

House bill

Section 611 encourages the Secretary to develop a program to study the use of remove sensing and spatial information systems. The Secretary is to consult with other federal agencies and universities experienced in this area to carry out the program.

Conference substitute

The Conference adopts the Senate provision as modified to specify that the program should utilize commercial remote sensing products. This is consistent with long-standing space policy of utilizing commercial resources wherever possible, both to save taxpayer money and to support the burgeoning commercial remove sensing industry.

SECTION 5114. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 605 expresses a sense of Congress that the Department of Transportation should give high priority to making sure that all of its computer systems are reprogrammed to ensure effective operation in the year 2000 and beyond. The Department needs to assess immediately the risk of year 2000 problem present for its systems and to develop a plan and a budget to correct Year 2000 problems for its mission-critical programs. The Department also need to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

Conference substitute

The Conference adopts the House provision.

SECTION 5115. INTERNATIONAL TRADE TRAFFIC

Senate bill

Section 2004 of the Senate bill includes a provision directly the Bureau of Transportation Statistics to conduct a study of international trade traffic, including measures of international trade that could be used as formula factors, and to submit the results of this study to Congress within 3 years of the date of the enactment of this Act.

House bill

The House bill contains no comparable provision.

Conference substitute

The conference adopts the Senate study provision in section 5115.

SECTION 5116. UNIVERSITY GRANTS

Senate bill

The Senate bill contains no comparable provision

House bill

Subsection 211(a) of the House bill directs the Secretary to make grants to establish and maintain a center for transportation injury research at the State University of New York at Buffalo. $2 million in each of fiscal years 1998 through 2003 is authorized for this research. This funding shall be use by the Calspan University of Buffalo Research Center to conduct research and testing of invehicle systems and infrastructure-based technology to improve emergency notification, crash characterization, dispatching and delivery of medical and other services to crash victims.

Subsection 211(b) directs the Secretary to make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development relating to head and spinal cord injuries. $500,000 in each of fiscal years 1999 through 2003 is authorized for this research.

Conference substitute

Subsection 5116(a) directs the Secretary to make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University and authorizes $1 million for each of fiscal years 1999 through 2002 for such grants.

Subsection 5116(b) directs the Secretary to make grants to the University of Alabama at Huntsville for global climate research and authorizes $200,000 for each of fiscal years 1999 through 2003 of such grants.

Subsection 5116(c) directs the Secretary to make grants to Auburn University for asphalt research and authorizes $250,000 for each of fiscal years 1999 and 2000 for such grants.

Subsection 5116(d) directs the Secretary to make grants to the University of Alabama at Tuscaloosa for advanced vehicle research and authorizes $400,000 for each of fiscal years 1999 through 2003 for such grants.

Subsection 5116(e) directs the Secretary to make grants to Oklahoma State University for the Geothermal Heat Pump Smart Bridge Program, and authorizes $1 million for each

of fiscal years 1999 through 2001 and $500,000 for fiscal year 2002 for such grants.

Subsection 5116(f) directs the Secretary to make grants to the University of Oklahoma for the Intelligent Stiffener for Bridge Stress Reduction and authorizes $1 million for each of fiscal years 1999 and 2000 and $500,000 for fiscal year 2001 for such grants.

Subsection 5116(g) directs the Secretary to make grants to the University of Alabama for the study of advanced trauma care and authorizes $750,000 for each of fiscal years 1999 through 2003 for such grants.

In subsection 5116(h), the Conference adopts the House provision on the center for transportation injury research.

In subsection 5116(i), the Conference adopts the House provision on head and spinal cord injury research.

SECTION 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM

Senate bill

The Senate bill contains no similar provision.

House bill

Section 632 directs the Secretary to carry out a transportation technology innovation and demonstration program. This section directs the program to develop or improve systems for the use of concrete pavement, motor vehicle safety, asphalt pavement, hazardous materials monitoring, motor carrier advanced sensor control, outreach and technology transfer activities, transportation economic and land use system, intelligent transportation infrastructure, and corrosion control and prevention. It directs the Secretary to make grants to the Texas Transportation Institute to continue the Translink Research program and to continue research into the fundamental properties of asphalts and modified asphalts. It establishes a national center for transportation management and research and development, as well as an infrasture technology institute.

Conference substitute

The Conference adopts the House provision with modifications such that the Secretary is directed to study corrosion control and prevention and develop transportation economic and land use systems. The Secretary is further directed to continue research into the fundamental properties of asphalts and asphalts. This section also establishes an Advanced Traffic Monitoring and Response Center, and a Recycled Materials Resource Center.

SECTION 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE

Senate bill

The Senate bill contains no similar provision.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts a provision to establish the Intelligent Infrastructure Institute at Drexel University in Pennsylvania to advance infrastructure research.

SECTION 5119. CONFORMING AMENDMENTS

Senate bill

Section 2019 of the Senate bill contains a series of amendments to title 23 U.S.C. to conform the title to the changes made by this act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the conforming amendments.

MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

Senate bill

Section 2002 establishes the program to conduct research and technology development for intermodal and multimodal projects. The Secretary shall consult among the Administrators of the operating administrations of the Department and other federal officials with research responsibilities to establish program priorities.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS 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 Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 Ohio (Mr. KASICH) is recognized for 5 minutes.

(Mr. KASICH 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 Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

(Mr. ABERCROMBIE 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 Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DIXON) is recognized for 5 minutes.

(Mr. DIXON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY 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 gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. BLAGOJEVICH) is recognized for 5 minutes.

(Mr. BLAGOJEVICH 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 gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. TAUSCHER) is recognized for 5 minutes.

(Mrs. TAUSCHER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NOT ABOUT POLITICS

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, as Congress approaches the conclusion of what history will surely judge among the most solemn week in the history of Congress, I rise to address my colleagues tonight in this special order and in this great Chamber. For it was on this very floor that we all swore allegiance by the same oath, to the same Constitution, to one mighty Nation before the one true God.

In the hallways and passages beyond, this Congress has found itself consumed by the events leading up to a regrettable decision. Speculation of impending elections, national budgets, the economy, and the fate of legislation have all been proffered and examined through the prism of the President's uncertain fate.

Today, my remarks are not about politics. They concern things having nothing to do with party, power, or influence. Today I would like to send a strong message to my daughters, Jennifer, Emily, and Sara. They do not care about politics, they do not care about it any way. And at their young ages, they should not have to.

In fact, I am troubled as a father that they are now asking as many questions as they do about our President, broaching subjects that young girls should not have to consider, and about which no father in America should ever have to endure. But I want them to care very much about what I am about to say.

Tonight, I speak as much as I can, no matter whether I am in Washington or in Colorado, no matter if I am too busy or not, no matter how many fund-raising calls I have to return, I try to teach them everything I know about what is important in life; and I try to show them by words and by my actions what I believe to be from the bottom of my heart what I am telling them. It is a huge responsibility, bigger than I ever imagined, because I know that they look up to me.

Jennifer and Emily and Sara, I would never want to let you down. I think about that a lot. And whenever I think about the difficulties of setting a good example, I wonder if I am up to the challenge, but then I think about the example of my own father and the one he set for me. I feel guilty for even thinking about taking the easy way out.

I am so proud of my father, and I want you to be proud of me. Although I talk to you often, I know that words rarely have the same impact that actions have, but today, all I have are words.

I have always taught my children that America is a great country; in fact, the greatest country in the world. I know that they understand that, because they know that what their mother and I feel about the American flag and what we think about the Star Spangled Banner, the Pledge of Allegiance and what the word patriotism means are of paramount importance.

I think they also know that I love America not because I happen to be born in America and because I am an American, but because America stands for certain things. To be proud to be an American also means to be proud of what America stands for, and I want them to be proud as Americans. I want them to stand for what America stands for.

For the last several months, they have been becoming more and more aware of various controversies concerning the President, questions about the truth and words that they have never heard before, like impeachment.

My daughters, this controversy matters. It matters a lot. And it affects you and it will affect everyone in America.

America faces a moral crisis today, and as of this very moment, no one knows what the outcome will be. Americans are confused and divided about moral issues as they have rarely been before, and our moral confusion affects almost every aspect of our life, even if one does not care about politics. Even the word ''moral'' is confusing to people, and ''values'' is a word used endlessly by politicians, its meaning lost among the other slogans and buzzwords of the day.

''Moral'' means it is about right and wrong. ''Moral'' means it is about good and bad. I try to teach my children about right and wrong every day, and their mother does too. It is the most important thing we teach. I want them to grow up with a clear sense of right and wrong. I do not want them to suffer from the same confusion that many others are suffering right at this moment.

Many people say that I have no right to tell anyone what is right and what is wrong, even though I am a father. Given the many times I have tried to teach my children right from wrong, they might find that to be pretty strange. But many people do not even believe that there is right and wrong anymore.

Jenny, Emily and Sara, in time, you will come to your own conclusions about all this, but in the meantime you will hear us talk about right and wrong more than you would like. Again, because it is the most important thing we can give you, and because it is a sign that we care about what kind of people you grow up to be. It is a sign that we love you very, very much.

One thing we teach you is that it is wrong to lie. When we ask you a question, we expect you to tell the truth, no matter how much it hurts. Even if it means that you might get in big trouble, we know that telling the truth is habit forming.

People who get in the habit of lying just seem to have a hard time telling the truth about anything. Some people are such habitual liars that they never break out of the habit, and when you do not tell the truth, people no longer believe you. They will not trust you, and people you respect will not want to have anything to do with you.

My wife and I try to teach our children many other things, in addition to telling the truth, that are very important. Kindness to those who are suffering, or who are in need is another thing that we want our children to learn.

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Taking advantage of a person who is weaker than you is wrong. Failing to extend kindness to a person in need is in the same category. Loyalty to your family and friends is right. Betrayal of those you love is wrong.

Loyalty is important because it is about trust. Your friends, your family know you and come to trust you. When you break that trust, you hurt the people you have been counting on and who have been counting on your loyalty and your trust.

Many of these simple things are not more than common decency. The kinds of qualities you find in people whom you admire because they are honest, good-hearted souls that make life a truly special gift.

It is true that life is not always so simple and there are times when anyone will find themselves torn between two terrible choices. But the basics of right and wrong should never be in doubt. And one's integrity, one's worth as an honorable person is always something that everyone should care a lot about. It is also something that no one can ever take away. Only you can abandon it. You can lose your house, your job, your loved ones, but only you decide whether or not you will be able to keep your integrity.

Mr. Speaker, if my daughters were here in front of me today, I would tell them that only you can decide whether or not you will be able to keep your integrity. To my daughters I would say my message to you today concerns not only you, but the people you will meet in life, the people in our neighborhood, the families you will marry into, the State in which you live and the country that we all love.

I want you to care about the honesty and integrity of our country. I want you to care about other people in your lives, and I want those people to care about you too. I want you to cherish other people who care about honesty and integrity. I want you to avoid those who do not. That means you must judge. You must be able to say with firm conviction what is right and what is wrong. You must not be afraid to ever do so, no matter what anyone else says.

I do not want to live in a country where people are afraid to make judgments or who could not even make them if they wanted to. I do not want to live in a country where people are indifferent to the truth, where lies are told and accepted as easily as the truth is. I do not want to live in a country where people are so morally confused that they have to ask why it all matters. I do not want to live in a country where wrongdoing, lies, deceit and betrayal are dismissed with the comment that ''everyone else does it.''

My daughters, I want you to know that, by God, everyone else does not do it. Everyone else does not do it. I do not care what the polls say. I do not care what sophisticated people living in New York or Washington, D.C. think. I do not care if the people who belong to exclusive clubs have something to say about it.

To each of my daughters, I do not care if you are the last person on this

planet. I want you to be a person of honesty and integrity who knows right from wrong and who is not afraid to say so. I want you to think that honoring the promises you make to other people are promises that must not be broken. I want you to think that the promises you make to God are promises that matter even more.

Most of all, I want you to know that these are the things that matter most. And that is my message today from your father who loves you very, very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will remind the visitors in the gallery that they should not display approval or disapproval.

CONSERVATIVE GOVERNMENT REFLECTS VALUES THAT MAKE AMERICA GREAT

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

Mr. GIBBONS. Mr. Speaker, allow me to restate what President Eisenhower said a long time ago, and I quote: ''In all those things which deal with people, be human. In all those things which deal with people's money, or their economy, or their form of government, be conservative and do not be afraid to use the word.''

And so today, Republicans come forward with programs in which there are such words as ''balanced budgets,'' and ''cutting expenditures,'' and all the kind of things that mean this economy must be conservative, it must be solvent.

But they also come forward and say we are concerned with every American's health, with a decent house for him, and we are concerned that he will have a chance for health and his children for education. We are going to see that he has power available to him. We are going to see that everything takes place that will enrich his life and let him as an individual, hard-working American citizen have full opportunity to do for his children and his family what any decent American should want to do.

These remarks were made by President Eisenhower in 1954, and they are still ringing true today for the American people and the Republican party.

Let the other side stop their demagoguing and begin supporting a conservative government that reflects rather than undermines the values that have made America great: Faith, family, personal freedom and responsibility.

DON'T WAG THE DOG

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, he is ''wagging the dog.'' To those who think the White House scandal is a private matter having no effect on the country, just ask America's farmers and ranchers.

On the eve of the impeachment vote, President Clinton vetoed the agriculture appropriations bill. Without warning, without compassion, and without logic, the President pulled the rug out from underneath America's farmers and ranches.

In the movie ''Wag the Dog,'' a fictional President created a make-believe war in another country. But today, the real President has declared real war on real farmers and real ranchers, real Americans with real families.

Mr. Speaker, this President's escapade to move the crisis he created from the White House to the farmhouse is an outrage. Do not attack America's farmers, Mr. President. Do not insult the ranchers. Do not destroy the farm economy. Do not do it, Mr. President. Do not wag the dog.

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. MILLER of California) to revise and extend their remarks and include extraneous material:

Mr. BLUMENAUER, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BLAGOJEVICH, for 5 minutes, today.

Mrs. CARSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. TAUSCHER, for 5 minutes, today.

The following Members (at the request of Mr. Saxton) to revise and extend their remarks and include extraneous material:

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes each day, today and on October 11.

Mr. MICA, for 5 minutes, on October 11.

Mr. WELLER, for 5 minutes, on October 11.

Mr. JONES, for 5 minutes, on October 11.

Mrs. CHENOWETH, for 5 minutes, on October 11.

Mr. GIBBONS, for 5 minutes, on October 11.

Mr. BOB SCHAFFER of Colorado, for 5 minutes, on October 11.

Mr. SOLOMON, for 5 minutes, on October 11.

Mr. STEARNS, for 5 minutes, on October 11.

Mr. SALMON, for 5 minutes, on October 11.

Mr. MANZULLO, for 5 minutes, on October 11.

Mrs. CUBIN, for 5 minutes, on October 11.

Mr. REDMOND, for 5 minutes, on October 11.

Mr. KOLBE, for 5 minutes, on October 11.

Mr. FOLEY, for 5 minutes, on October 11.

Mr. HAYWORTH, for 5 minutes, on October 11.

Mr. BILBRAY, for 5 minutes, on October 11.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $9,376.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1752. An act to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Resources.

S. 2087. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Resources.

S. 2133. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Resources.

S. 2401. An act to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; to the Committee on Resources.

S. 2402. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Resources.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Resources.

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on Government Reform and Oversight.

ADJOURNMENT

Mr. GIBBONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, October 11, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

11630. A letter from the Under Secretary of Defense for Acquisition and Technology, Department of Defense, transmitting a report to Congress containing a plan to reduce overhead costs of the supply management activities of the Defense Logistics Agency and the military departments so that the overhead costs for each fiscal year after fiscal year 2000 do not exceed eight percent of net sales at standard price by Inventory Control Points during that year; to the Committee on National Security.

11631. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Ginnie Mae MBS Program: Book Entry Securities [Docket No. FR–4331–1–01] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11632. A letter from the Acting Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendment to the Bank Secrecy Act Regulations——Exemptions from the Requirements to Report Transactions in Currency—Phase II (RIN: 1506–AA12) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11633. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on appropriations legislation within seven days of enactment; to the Committee on the Budget.

11634. A letter from the Secretary of Education, transmitting Final regulations—Federal Work-Study Programs (RIN: 1840–AC56), pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

11635. A letter from the Secretary of Health and Human Services, transmitting a Consolidated Report to Congress on the Community Services Block Grant (CSBG) Program Implementation Assessments (PIAs) for Fiscal Years 1992–1997; to the Committee on Education and the Workforce.

11636. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6176–1] received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11637. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6176–7] received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11638. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei for defense articles and services (Transmittal No. 99–02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11639. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification that an emergency exists which requires that consent to the proposed transfer, of electronic counter-measure pods, on a temporary basis to the Governement of Norway, become effective immediately in the national security interests of the United States; to the Committee on International Relations.

11640. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act from October 1, 1997 to September 30, 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

11641. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11642. A letter from the Director of Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule— Audit Requirements for Institutions of Higher Education and Other Non-Profit Organization [Docket No. 980925248–8248–01] (RIN: 0605–AA12) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11643. A letter from the Secretary of Transportation, transmitting the Department of Transportation's first annual Performance Plan under the Government Performance and Results Act of 1993; to the Committee on Government Reform and Oversight.

11644. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Geothermal Resources Leasing and Operations [AA–610–08–4141–02] (RIN: 1004–AB18) received October 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11645. A letter from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule— Bulletproof Vest Partnership Grant Act of 1998 [OJP (BJA)-1192] (RIN: 1121–AA48) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11646. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents, members of their families, and for other purposes; to the Committee on the Judiciary.

11647. A letter from the Secretary of Transportation, transmitting a report with recommendations on the feasibility and environmental benefits of requiring tank vessels to carry oil spill prevention and response equipment; to the Committee on Transportation and Infrastructure.

11648. A letter from the Secretary of Labor and Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the 23nd Annual Report of the Corporation, which includes the Corporation's financial statements as of September 30, 1997, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce and Ways and Means.

11649. A letter from the Administrator, Department of Health and Human Services, transmitting a report on the agencies plan for achieving a drug-free workplace, pursuant to Public Law 102—321, 101(a) (106 Stat. 327); jointly to the Committees on Government Reform and Oversight and Appropriations.

11650. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Hospice Wage Index [HCFA–1039–N] (RIN: 0938–AI87) received October 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. SAXTON: Report of the Joint Economic Committee on the 1998 Economic Report of the President (Rept. 105–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3529. A bill to establish a national policy against State and local interference with interstate commerce on the Internet or online services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; with an amendment (Rept. 105–808 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2526. A bill to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes (Rept. 105–809). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Rules and Ways and Means discharged from further consideration. H.R. 3529 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3529. Referral to the Committees on Rules and Ways and Means extended for a period ending not later than October 10, 1998.

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:

[Omitted from the Record of October 7, 1998]

By Mr. STARK (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, and Mr. MCGOVERN):

H.R. 4727. A bill to amend title XVIII of the Social Security Act to delay the 15% reduction and to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted October 10, 1998]

By Mr. HYDE (for himself and Mr. MORAN of Virginia):

H.R. 4785. A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 4786. A bill to amend the Federal Election Campaign Act of 1971 to require the deposit of certain contributions and donations to be returned to donors in a special account, and for other purposes; to the Committee on House Oversight.

By Mr. RUSH (for himself, Mr. DAVIS of Illinois, Mr. FAWELL, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. PORTER, Mr. POSHARD, Mr. WELLER, Mr. GUTIERREZ, Mr. SHIMKUS, and Mr. YATES):

H.R. 4787. A bill to designate the facility of the United States Postal Service at 7748 South Cottage Grove Avenue in Chicago, Illinois, as the ''John H. Sengstacke Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. LAFALCE:

H.R. 4788. A bill to amend the Consumer Credit Protection Act to enhance the advertising of the terms and costs of consumer automobile leases, to permit consumer comparison of advertised lease offerings, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WELLER (for himself and Mr. NEY):

H.R. 4789. A bill to require criminal and abusive work history background checks for direct care employees in nursing facilities, home health agencies, and hospice programs under the Medicare and Medicaid Programs, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 4790. A bill to amend the Federal Election Campaign Act of 1971 to ban the acceptance of cash contributions greater than $100 in campaigns for election for Federal office; to the Committee on House Oversight.

By Mr. BARTON of Texas:

H.R. 4791. A bill to establish rules for the payment of damage awards for furture losses in certain health care liability actions; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 4792. A bill to improve the adoption system of the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. BLILEY (for himself and Mr. OBERSTAR):

H.R. 4793. A bill to amend title 5, United States Code, to allow Federal agencies to reimburse their employees for certain adoption expenses; to the Committee on Government Reform and Oversight.

By Mr. CRAMER:

H.R. 4794. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY of Connecticut, Mr. RAMSTAD, and Mr. WELLER):

H.R. 4795. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. ENSIGN:

H.R. 4796. A bill to amend the Housing and Community Development Act of 1974 to prohibit the use of funds for any facility a primary purpose of which is the distribution or use of tobacco products; to the Committee on Banking and Financial Services.

By Mr. GOSS:

H.R. 4797. A bill to amend the Coastal Zone Management Act of 1972 to require that a State having an approved coastal zone management program must be provided a copy of an environmental impact statement to enable its review under that Act of any plan for exploration or development of, or production from, any area in the coastal zone of the State; to the Committee on Resources.

By Mr. KUCINICH:

H.R. 4798. A bill to provide for the restructuring of the electric power industry; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 4799. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself and Mr. GREENWOOD):

H.R. 4800. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. OXLEY, Mr. BOUCHER, Mr. ROGAN, Mr. BONIOR, Mr. GOODLATTE, Mr. KLINK, Mr. HASTERT, Mr. WYNN, and Mr. BURR of North Carolina):

H.R. 4801. A bill to ensure the restoration and preservation of State authority over intrastate telecommunications; to the Committee on Commerce.

By Mr. TAUZIN:

H.R. 4802. A bill to ensure that digital data services are made widely available to the American people; to the Committee on Commerce.

By Mr. TAUZIN:

H.R. 4803. A bill to authorize electronic issuance and recognition of migratory bird hunting and conservation stamps; to the Committee on Resources.

By Mr. TOWNS:

H.R. 4804. A bill to amend titles XI, XVIII, and XIX of the Social Security Act to permit paid staff other than nurse aides and licensed health professionals to provide feeding and hydration assistance to residents in nursing facilities participating in the Medicare and Medicaid Programs and to provide special training requirements for such staff, and to establish a program to ensure that such facilities do not employ individuals who have a history of patient or resident abuse or have been covicted of certain crimes; 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. SMITH of Michigan (for himself and Mr. PETERSON of Minnesota):

H. Con. Res. 348. Concurrent resolution urging the President and Chile to engage in negotiations to conclude a free trade agreement between the United States and Chile, in the absence of fast track authority; to the Committee on Ways and Means.

By Mr. TOWNS:

H. Con. Res. 349. Concurrent resolution expressing the sense of Congress that the United States strongly supports any assistance that can be provided to the Government and people of Turkmenistan to build pipelines or take any other measures that will lead to the resumption of natural gas exports; to the Committee on International Relations.

By Mr. STUMP:

H. Res. 592. A resolution providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110; considered and agreed to.

By Mr. BLILEY (for himself and Mr. OBERSTAR):

H. Res. 593. A resolution permitting payments to be made by the House of Representatives to reimburse Members, officers, and employees for qualified adoption expenses; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 158: Mr. JOHN.

H.R. 326: Mr. BALLENGER.

H.R. 900: Mr. CUMMINGS, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Ms. MILLENDER-MCDONALD, and Ms. HARMAN.

H.R. 1126: Mr. PORTMAN.

H.R. 1215: Mr. BURR of North Carolina.

H.R. 1525: Mr. PETERSON of Minnesota and Mr. TURNER.

H.R. 2275: Ms. SLAUGHTER.

H.R. 2333: Mr. METCALF.

H.R. 2346: Mrs. MYRICK, Mr. NEY, and Mr. SANDLIN.

H.R. 2708: Mr. KIND of Wisconsin and Mr. REDMOND.

H.R. 2754: Ms. MILLENDER-MCDONALD and Mr. GEJDENSON.

H.R. 3157: Mr. ADERHOLT.

H.R. 3514: Mr. PASTOR.

H.R. 3634: Mr. SHIMKUS and Mr. BURR of North Carolina.

H.R. 3780: Mr. NEAL of Massachusetts, Ms. DUNN of Washington, Mr. SHAW, and Mr. HULSHOF.

H.R. 3792: Mrs. MYRICK, Mr. LOBIONDO, and Mr. LIPINSKI.

H.R. 3855: Mr. YATES.

H.R. 3899: Mr. DOYLE, Mr. CASTLE, Mr. BOUCHER, and Mr. DAVIS of Florida.

H.R. 3949: Mr. STUPAK.

H.R. 4358: Mr. SCHUMER.

H.R. 4383: Mr. HASTERT.

H.R. 4477: Mr. NEY, Ms. SLAUGHTER, Mr. SERRANO, Mr. POMEROY, Mrs. MORELLA, Ms. FURSE, and Ms. PELOSI.

H.R. 4552: Mr. REYES.

H.R. 4609: Mr. HOBSON and Mrs. ROUKEMA.

H.R. 4627: Ms. CARSON, Ms. DELAURO, and Mr. GEJDENSON.

H.R. 4646: Ms. MILLENDER-MCDONALD, Ms. DELAURO, and Mr. SANDERS.

H.R. 4654: Ms. SLAUGHTER.

H.R. 4674: Mrs. CAPPS, Mr. VISCLOSKY, and Mr. BALDACCI.

H.R. 4675: Mr. LEWIS of California.

H.R. 4683: Mrs. WILSON and Ms. DUNN of Washington.

H.R. 4689: Mr. MASCARA, Mr. NEAL of Massachusetts, Mr. MCHUGH, Mr. WAXMAN, Mr. LATHAM, Mr. HAYWORTH, and Mr. BOEHLERT.

H. Con. Res. 126: Mr. FOWLER and Mr. SPRATT.

H. Con. Res. 258: Mr. BRADY of Pennsylvania.

H. Con. Res. 328: Mr. LAHOOD and Mr. METCALF.

H. Res. 519: Mr. HOEKSTRA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 859: Mr. HALL of Texas.

H.R. 3014: Ms. WATERS.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, SATURDAY, OCTOBER 10, 1998 *No. 142*

Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, help us to put into action what we believe. We believe in You as sovereign of this Nation. Strengthen our wills to seek to do Your will. Our motto is, ''In God we trust.'' Help us to trust You in the specific decisions that must be made.

We believe You have called us here to serve. Help us to be servant leaders, distinguished for diligence. Make this a ''do it now'' quality of day in which we live life to the fullest.

We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

NOTICE

If the 105th Congress adjourns sine die on or before October 12, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or ST–41 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through October 27. The final issue will be dated October 28, 1998, and will be delivered on Thursday, October 29.

If the 105th Congress does not adjourn until a later date in 1998, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically on a disk to accompany the signed statement and delivered to the Official Reporter's office in room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

NOTICE

Effective January 1, 1999, the subscription price of the Congressional Record will be $325 per year, or $165 for 6 months. Individual issues may be purchased for $2.75 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, *Public Printer.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HAGEL). The Senate majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will be in a period for morning business until 12:30 p.m. Following morning business, the Senate can be expected to consider any legislative or Executive Calendar items cleared for action, although I don't expect any items to be cleared today. Votes are not anticipated during Saturday's session of the Senate, and it is expected that the Senate will not be in on Sunday, but we will be in Monday afternoon at a time we will discuss with the Democratic leadership.

During Friday's session, the Senate passed a continuing resolution allowing Government to operate until midnight Monday. So it will be anticipated that by Monday afternoon, we will have agreement on an omnibus appropriations bill or we need to consider another short-term continuing resolution.

Negotiations are ongoing at this time with regard to a number of issues, including the tax extender issue, a number of authorizations and appropriations issues, all of which could end up in the omnibus appropriations bill. Of course, there is a possibility on Monday, or at some point, some of the bills that are being discussed in connection with the omnibus appropriations bill might move separately. One example is the Treasury-Postal Service conference report. If we can get an agreement in the omnibus bill on some of the issues involved in that bill, that became controversial, if we get that worked out, we can move the bill freestanding, but all of that is in the process of being discussed right now.

We will update our colleagues as progress is being made. I think that progress is occurring. A lot of negotiations are going on this morning and will continue throughout the afternoon. We have had meetings between the congressional leadership and the White House this morning. We expect to meet again at 5 o'clock this afternoon to get an assessment of where we are. We are getting Senators and House Members, Democrats and Republicans, involved in all those negotiations.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 872 through 885 and all nominations on the Secretary's desk in the Army, Marine Corps and Navy.

I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James C. Burdick, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Walter R. Ernst, II, 0000
Brig. Gen. Bruce W. MacLane, 0000
Brig. Gen. Paul A. Pochmara, 0000
Brig. Gen. Mason C. Whitney, 0000

To be brigadier general

Col. John H. Bubar, 0000
Col. Verna D. Fairchild, 0000
Col. Robert I. Gruber, 0000
Col. Michael J. Haugen, 0000
Col. Walter L. Hodgen, 0000
Col. Larry V. Lunt, 0000
Col. William J. Lutz, 0000
Col. Stanley L. Pruett, 0000
Col. William K. Richardson, 0000
Col. Ravindraa F. Shah, 0000
Col. Harry A. Sieben, Jr., 0000
Col. Edward N. Stevens, 0000
Col. Merle S. Thomas, 0000
Col. Steven W. Thu, 0000
Col. Frank E. Tobel, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Harry A. Curry, 0000

The following named officer for appointment in the United States Army 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. Michael A. Canavan, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John M. Schuster, 0000

The following named officer for appointment in the United States Army to the grade indicated while serving as the Director, National Imagery and Mapping Agency designated as a position of importance and responsibility under title 10, U.S.C., section 441 and 601:

To be lieutenant general

Maj. Gen. James C. King, 0000

The following named officer for appointment in the United States Army 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. Edwin P. Smith, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Anthony R. Jones, 0000

The following named officer for appointment in the United States Army 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. Michael L. Dodson, 0000

The following named officer for appointment in the United States Army 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. Randall L. Rigby, Jr., 0000

The following named officers for appointment in the Reserves of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jerald N. Albrecht, 0000
Brig. Gen. Wesley A. Beal, 0000
Brig. Gen. William N. Kiefer, 0000
Brig. Gen. William B. Raines, Jr., 0000
Brig. Gen. John L. Scott, 0000
Brig. Gen. Richard O. Wightman, Jr., 0000

To be brigadier general

Col. Anthony D. DiCorleto, 0000
Col. Gerald D. Griffin, 0000
Col. Timothy M. Haake, 0000
Col. Joseph C. Joyce, 0000
Col. Carlos D. Pair, 0000
Col. Paul D. Patrick, 0000
Col. George W. Petty, Jr., 0000
Col. George W.S. Read, 0000
Col. John W. Weiss, 0000

IN THE NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Marianne B. Drew, 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. Scott A. Fry, 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. Patricia A. Tracey, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY, MARINE CORPS, NAVY

Army nominations beginning Michael C. Aaron, and ending Richard G *Zoller, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 1998.

Army nominations beginning Matthew L. Kambic, and ending James G. Pierce, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 1998.

Marine Corps nomination of Jeffrey M. Dunn, which was received by the Senate and appeared in the Congressional Record of September 29, 1998.

Navy nomination of Michael C. Gard, which was received by the Senate and appeared in the Congressional Record of September 11, 1998.

Navy nomination of Thomas E. Katana, which was received by the Senate and appeared in the Congressional Record of September 16, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 12, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, October 12. I further ask unanimous consent that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that there then be a period for the transaction of morning business until 3 p.m.—that will be on Monday—with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, we will come in at 2 p.m., unless there is some need to change it on Monday. We will be in a period for morning business until 3 p.m., and the Senate will then proceed to any legislative or Executive Calendar items that may be cleared for action, and particularly when we do get to the final day, it is my hope and my expectation that some conference reports or some bills that may be available can be cleared for action. I know there is a possibility of that being available, and also nominations still continue to be a possibility, although all of that depends on how the negotiations go. We can't be tied up trying to work through nominations and conference reports while also being involved in negotiations on the omnibus bill. Senators will be advised of the voting situation as long as possible, hopefully 24 hours in advance of any recorded vote.

EDUCATION

Mr. LOTT. Mr. President, let me just say briefly, Mr. President, on the education issue, it is very difficult to deal with these negotiations fairly and honestly and productively when you have the President and the Democratic leadership coming out and bashing negotiators on issues like education. It also makes it difficult, when you have that happen, to be able to work with people with whom you disagree philosophically, although you try to work in good faith, but also it begins to diminish respect and trust.

That is one of the biggest problems we have right now. It is so difficult to maintain a sufficient level of trust to be able to get your work done. I think most people who know me—Senators on both sides of the aisle—know that is very important to me. I strive to be trustworthy myself and to keep my word, and I find it very hard to work with people who I don't have that same feeling about.

When it comes to education, I will stand aside to nobody, especially a bunch of people who went to private schools and then holler and scream about what ought to happen in public schools. I went to public schools from the first grade right through college. I went to Duck Hill Elementary and Grenada Elementary and Pascagoula Junior High School. My wife went to public schools. My children went to public schools.

I believe and care about education and public schools. I worked for the University of Mississippi. My mother was a former schoolteacher. She taught school for 19 years.

For the President to get up down there and demagog this issue about how he is not getting his principles in education is very hard for me to accept, Mr. President. What he wants is a Federal education program. He wants it dictated from Washington. He wants it run by Washington bureaucrats, and he wants it his way.

I don't have faith in Washington bureaucrats. When the money comes to Washington and it trickles down through the Atlanta bureaucracy and trickles down to the Jackson bureaucracy, by the time it gets to the teachers and the kids, half of it is gone. And they are told, you must spend it this way or that way, when it may not be the way it is needed.

I have faith in local school administrators, local teachers, parents, and, yes, the children, to make the decisions about what is needed for reading, what is needed in remedial math, what is needed to fight the drug problem. And so that is the basic difference for the American people. I ask you, who do you trust on education? The local officials, the local school officials, the parents, or Washington bureaucrats? That is the choice.

President Clinton and his bureaucrats, the liberals in Washington, they want to run education and manipulate education from Washington, DC. The Republicans say we should return the money to the local level. If the schools want to use it for reading, fine. If they want to use it for extra teachers, great. If they want to use it for more school construction, that is their choice. If they want to use it for a drug-free school program, great; do that.

That is the difference. Who do you trust? Local officials or national officials? Who do you trust on education? The son of a schoolteacher and people who went to public education, or pampered people who went to private schools and then stand on their mounts and look down their noses and tell us what ought to happen in public education?

I have about had it on this issue, and I am sending a warning to the President of the United States: I am not going to tolerate a whole lot more demagoguery on this subject.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able majority leader for his remarks on just what he said. Are the local people going to control education or the people in Washington going to control it? I am in thorough, thorough agreement with the able majority leader in what he has had to say.

ORDER FOR RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order.

I withhold that for one second.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 2617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order.

The PRESIDING OFFICER. The question is on the motion.

All those in favor——

Mr. DORGAN. I object.

The PRESIDING OFFICER. This is not a unanimous consent.

The question is on the motion.

Mr. DORGAN. 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. FRIST. 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. FRIST. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. If the Senator from Tennessee would suspend, there is a motion to recess pending.

Mr. LOTT. Mr. President, I ask unanimous consent to withdraw the motion to recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

REGARDING THE MEDICARE+CHOICE PROGRAM

Mr. FRIST. Mr. President, the Medicare+Choice program was created as part of the Balanced Budget Act of 1997 to provide Medicare beneficiaries with high quality, cost effective options, in addition to the continuing option of traditional fee-for-service Medicare. When fully implemented, Medicare+Choice will provide seniors with one stop shopping for health care; including hospital and physician coverage, prescription drugs, and even preventive benefits, at a savings.

This change in Medicare is monumental. It is dramatic. And it is essential to preserving and strengthening Medicare for our seniors and individuals with disabilities. This change breeds challenges—some that can be predicted but many which cannot. The potential for these challenges to hurt and harm is very real. The senior, so relieved to finally find a health plan that covers the cost of his prescription drugs because of Medicare+Choice, hears this week that he might not have that plan—or that coverage next year. Who to call? What to do? We as a government must respond. This Administration must move decisively to respond and to mend flaws in the system.

We on the National Bipartisan Commission on the Future of Medicare are working hard to address ways to strengthen the security provided by Medicare. And the red flags raised by the announcements this week underscore the importance of this work. No longer can we be satisfied with an outdated, 30 year old bureaucracy as the best way to care for our nation's seniors. A typical 65 year old senior who retires moves from a private sector health care system—with a variety of quality, low cost options, including prescription drug coverage, and out-of-pocket protections—to a more limited, antiquated government program, without any limits on how much you are required to pay and no drug coverage. By updating Medicare, we not only ensure its continued existence past the current bankruptcy date 10 years from now, but we provide continuity of care, limited out of pocket expenses, and a mechanism for improving quality of care that you the patient receive.

As of October 8, forty-three of the current health care plans participating in Medicare announced their intention not to renew their Medicare contracts in 1999. Another 52 plans are reducing service areas. The net result is that 414,292 beneficiaries in 371 counties face the daunting task of securing alternative coverage provided by Medicare by January 1, 1999. Although this represents a small number of total beneficiaries, about one percent, those who have relied on their health plan to bridge the traditional gap between Medicare and Medigap now must either find another HMO (which means switching doctors in many cases), or move back to traditional fee-for-service Medicare which frequently means more personal expense. Should these individuals choose the traditional Medicare option, they will probably also scramble to find a supplementary Medigap policy, with likely higher premiums than their original Medigap policy and perhaps fewer benefits. 10% of the disadvantaged beneficiaries live in areas where no alternative Medicare HMO plans are offered. However, traditional Medicare remains an option for every beneficiary, and by law, seniors may return to that program.

In addition to the serious dilemmas this disruption has caused for those seniors, the extent to which HMOs pulled out sent shock waves throughout the Federal government and health care industry. There are many profound questions provoked by this announcement. Why are insurance companies, hospital systems, and physicians who once applauded the Medicare+Choice program, now seemingly hesitant to participate? Are the pullouts the beginning of a trend which will ultimately undermine the Medicare+Choice program, which was specifically designed to restore Medicare's fiscal health and give seniors more options? To what extent are insurance companies and health plans over-reacting to natural ''growing pains'' associated with the implementation of new policies? What actions, if any, should HCFA and Congress take in response to what President Clinton characterized as HMO's breaking ''their commitment to Medicare beneficiaries?'' The President now vows to initiate ''abandonment'' legislation to punish those plans leaving and prevent a further exodus, but will he only succeed in discouraging new Medicare participating contracts? How can we avoid a short-sighted political response and create realistic incentives to provide seamless continuous coverage across geographic boundaries? How can we more adequately risk adjust payments to encourage health plans to accept, rather than avoid the most seriously ill? How can we incentivize health plans, who have little experience in caring for the chronically ill, to develop systems that appropriately address the very unique and specific needs of the older population?

The insurance industry is responding defensively to charges that they have ''abandoned beneficiaries.'' They contend that in many regions Medicare's payments to HMOs fall far short of even covering the cost of care for beneficiaries. Furthermore, they argue at the very time a fledgling market structure most needs flexibility, the Administration has instead placed such rigid bureaucratic burdens that their hands are tied and they have no choice but to opt out of certain regions. Some believe the recent pullouts may simply reflect an effort on the part of insurance companies to bide time in the hopes that Congress will eventually ease requirements and make further progress with plan payments.

Seeing what has happened to their HMO competitors, provider-sponsored plans, or PSO's, have also been wary of Medicare+Choice contracts. Their uneasiness over the Administration's treatment of new participants, however, is secondary to their concern that private sector plans may boycott their facilities, viewing them as competing insurers, rather than providers. PSOs face an uphill battle with state regulatory agencies. They fear that other insurers will use them as a ''dumping ground'' for the expensive, chronically ill cases many insurers are tempted to avoid.

Both HMOs and PSOs complain loudly about the high administrative costs inherent in new Medicare contracts. By participating with the government, they agree to submit large amounts of data, pay for extensive education campaigns for their enrollees, participate in government sponsored health fairs, and keep up with all the regulatory rules and regulations. Mayo Clinic estimates that the rules governing their participation in Medicare are spelled out in 586 pages of law and accompanied by 111,088 pages of regulation, guidance, and supporting documents. We in government should listen to this call for simplification, streamlining the regulatory burden, demanding accountability without trying to micromanage.

The Health Care Financing Administration (HCFA), the government agency in charge of Medicare, is surprisingly optimistic and upbeat about the long term feasibility of Medicare+Choice. They urge skeptics to remember that the program is in its infancy. They point to data on Medicare HMO participation, which after a rocky start in the mid 1980s, now boasts one in six Medicare beneficiaries. They anticipate increased enrollment as more Medicare recipients have a greater understanding of their options and of how the opportunity to have a plan that meets specific needs meaning better care with greater security, not less. To date, full scale educational efforts have only occurred in five states. The beneficiary education program, which includes a booklet and hotline campaign, is slated for nationwide expansion by August, 1999. Most seniors are still unaware of their options in their regions. Many associate expanded choice with insecurity. Only education will change this. And that is a government responsibility.

HCFA also takes issue with the HMOs' assertion that it is underpaying managed care plans. They cite evidence obtained by the Physician Payment Review Commission in 1997 that Medicare has been paying $2 billion a year too much to managed care plans. This observation led to HCFA's September decision to reject the insurance companies' proposal to resubmit their cost projections, to obtain additional reimbursement. HCFA did not intend to raise reimbursement levels, and feared that such an opportunity would allow plans to hike beneficiary premiums and decrease benefits. In addition, HCFA points to reluctance on the part of HMOs to pay their fair share of marketing and education costs. But, despite HCFA's point that, in the aggregate, they overpay HMOs, the agency governing Medicare may not be adequately considering the fact that within that average there may well be plans with a disproportionate number of older and sicker beneficiaries who are indeed underpaid. We must be committed to fair and just payment to these plans for the service we are asking them to deliver. Because of the tendency, at the federal level, to look at

averages, rather than individuals, and the reality of where people live, we must commit to address reasonable compensation in greater detail. The reality is: the reimbursement system for health care plans is surprisingly disassociated with the actual costs of delivering care. We must invest today in designing and implementing a realistic, scientifically based reimbursement structure.

A key component of the Balanced Budget Act was the move toward equity in payment across the country. Many HMOs were counting on receiving additional funds, following review by HCFA on the vast geographic disparities in payment. However, HCFA decided to postpone this adjustment until 2000, based on inadequate funds following an across-the-board 2% update. Thus, the so-called ''blended rates'' will not be applied until 2000. HCFA plans to incorporate risk adjustment in 2000 to reduce selective enrollment by plans and reduce total overpayments to managed care plans. HCFA has also recognized the adjustments necessary in implementing new plans, and has thus allowed leeway with quality improvement plans. There are some who feel that recent developments could have been avoided if HCFA acted more rapidly and more responsibly in carrying out Congress' mandate. Congressman Bilirakis, chairman of the House Commerce Subcommittee on Health and the Environment, stated that federal health officials were ''guided by a rigid bureaucratic mentality which led to ossification rather than modernization of the Medicare program.''

The decision of so many managed care plans to withdraw and downsize their Medicare contracts raises a red flag. We must first resolve the immediate coverage disruptions facing many of our elderly, and then we—this Congress, this President, HCFA, the insurance industry and seniors—must pledge to work together to make this program a success. Not only in the short term, but with an eye to the future. To survive, Medicare must change. Medicare needs the flexibility to respond to the changing health care environment, not only for our generation, but for our children and grandchildren. Now is the time for commitment and compassion, rather than overreaction or prematurely concluding failure of changes made to date. Knee jerk reactions, rather than thoughtfully moving to solve the problems, will only wreak further havoc on this evolving program. A commitment to education, and a more rational, responsive administrative and oversight structure must be pursued to meet future needs in Medicare and the care of our seniors. On a positive note, there are 48 pending applications of private plans wishing to enter the Medicare Market; 25 plans have requested to expand their current service areas. By working with HCFA, the insurance industry, hospitals, health care providers, and beneficiaries, we can assure that the Medicare+Choice program will reach its full potential of better and more secure care for seniors and individuals with disabilities.

Also embedded within my remarks is a challenge to the Congress. Although we just passed, last year, the Balanced Budget Act that stretched the solvency of Medicare until 2008, it is clear that the Congress must promptly revisit Medicare once the National Bipartisan Commission on the Future of Medicare files its report by March 1, 1999. The dynamics of American health care, and the rapid changes in care for the nation's seniors, will not allow for maintenance of the status quo for the next decade. It is my hope that the current focus on Medicare+Choice serves as a catalyst for renewed discussion on the future of Medicare once we have the Medicare Commission's recommendations in hand. We will be remiss in our responsibility if we do not again next year continue our efforts to insure the solvency and improve the quality of the Medicare program—for our seniors, our parents and grandparents, today—and for all Americans—including our children—tomorrow.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AND THE FEDERAL GOVERNMENT

Mr. DORGAN. Mr. President, I would like to respond briefly to the comments made by the majority leader earlier this morning on the subject of education.

I have great respect for our Senate majority leader. He and I agree on some things and disagree on others, but I always have great respect for his opinion. But on the issue of schools and what kind of, if any, involvement the Federal Government shall have on this issue, I think we have a very substantial disagreement.

State and local governments, especially local school boards, will always run our school system, and that is how it should be. I don't suggest, and would never suggest, that we change that.

However, there are some things that we can and should aspire to as a nation in dealing with education. One is to improve and invest in the infrastructure of our schools. I have spoken on the floor a good number of times about the condition of some of the schools in this country. I won't go into that at great length, but let me just describe a couple of them.

At the Cannon Ball Elementary School in Cannon Ball, ND, most of the children going to that school are Indian children. There are about 150 students who must share only two bathrooms and one water fountain. Part of the school has been condemned. Some of those students spend time in a room down in the older part of the school that can only be used during certain days of the week because the stench of leaking sewer gas frequently fills that room with noxious fumes that requires it to be evacuated.

They can't connect that school to the Internet because the wiring in that 90-year-old facility will not support technology. The young children who go through those schoolroom doors are not getting the best of what this country has to offer. And that school district simply does not have the funds on its own to repair that school or build a new one.

I challenge anyone in this Congress to go into that school building and say no to young Rosie in third grade who asked me, ''Mr. Senator, can you buy us a new school?'' I would challenge anyone to go into that school, and decide whether that is the kind of school you want your children to go to. Can you say that your children are entering a classroom that you are proud of? I don't think so.

That school district doesn't have the capacity to repair that school on its own. It has a very small tax base that will not support a bonding initiative for building a new school. There are schools like that—the Cannon Ball Elementary School, or the Ojibwa Indian School on the Turtle Mountain Reservation—all over this country, and we ought to do something about it. We can do something about it we enacted a number of proposals on school construction. That ought to be a priority for this Senate. So, too, ought this Senate have as its priority trying to help State and local governments and school districts reduce class size. It makes a difference.

I have two children in public schools, in grade school. One goes to school in a trailer, a portable classroom. The other is in a class with 28 or 29 students. And it has almost always been that way. Would it be better if they were in schools with class sizes of 15, 16 or 18 students? Of course, it would. Does a teacher have more time to devote to each student with smaller classrooms? Of course. Of course. Can we do something about that? Only if this U.S. Senate determines that education is a priority. Only if we decide to do something about it. I am not suggesting that we decide that we ought to run the local school systems; that is not

the case at all. But we should decide that we as a nation have the capability and the will to modernize and help construct the kind of schools that all of us would be proud to send our children to.

NEED FOR URGENT ACTION ON HOME HEALTH CARE

Mr. DORGAN. Mr. President, as we reach the conclusion of this 105th Congress, I note that there are a good many issues yet to be discussed and resolved. I wanted to come to the floor to talk about one issue that is very important, the issue of home health care. It is vitally important that Congress take action on this issue before adjourning.

I am very familiar with home health care. This is not theory to me. It is not an issue that I just read about and only understand from books and manuals and rules and regulations.

One snowing Wednesday evening in January a number of years ago, my mother was killed in a tragic manslaughter incident in North Dakota. She had gone to the hospital to visit a friend and on her drive home, four blocks from home, a drunk driver going 80 to 100 miles an hour and being chased by the police hit her and killed her instantly.

During this same period, my father was having significant health problems, and as so often is the case, my mother was providing the bulk of his care at home in Bismarck, ND. I will perhaps never forget the moment of having to wake my father up and tell him that my mother had lost her life.

In addition to the shock of losing our mother, my family understood that we were also going to have to struggle to make sure my father got the care he needed. In the days ahead, we began talking about what we could do to help my father in his fragile state of health. One of the things we discovered was that there is in this country a system of home health care. Through this system, skilled health care providers will come into the home on a routine basis to help to meet the health care needs of those who desperately need it.

My family used the home health care system and the services of wonderful nurses and others who worked in home health to care for my father. It allowed us to keep my father out of a nursing home and in the home that he had lived in for so many years with my mother.

Was that important? Yes. It was very important and made life much, much better for him. And it occurred because we have a home health care system that could provide the routine health care needed to allow my father to continue to live at home. My father is gone now, but I still remember how important that home health care was and still is to millions of families all across this country.

Home health care is a wonderful Medicare benefit because it allows older Americans to remain at home and to be independent where they are most comfortable, rather than having to go into more costly hospitals or nursing homes.

But at this time, we have in our country a very serious financing problem with home health care that is jeopardizing this Medicare benefit. Before we end this session of the Congress, we need to do something to address it. I would like to describe just for a moment what that problem is.

Congress, last year, passed the Balanced Budget Act, something I supported. This legislation made a lot of changes to Medicare and to the home health care program. Some of those changes were warranted because the home health care program had mushroomed, and we had to constrain the rate of growth of home health care spending, which had more than tripled in the early 1990s.

But Congress went too far and, in my judgment, made a mistake in the way it implemented what is called the interim payment system, which is now having a devastating impact on home health care agencies and Medicare beneficiaries. The current interim payment system penalizes the very home health care agencies that have operated most efficiently in the past, and it locks in the payment inequities that currently exist. The result is that 1,100 home health agencies nationwide have closed their doors.

Unfortunately, the very Medicare beneficiaries who are being harmed the most by this interim payment system that is so unfair are those Americans who need home health care the most. That is because, under this interim payment system, more than 80 percent of home health agencies will be paid a capped amount called the ''per-beneficiary limit.''

In my home State, the average per-beneficiary limit is $2,247, not nearly enough to cover the cost of care needed by the sickest and the most frail of Medicare beneficiaries.

The home health care folks have a Hobson's choice. They can close their doors, or they can start a kind of cherry-picking with respect to those who need home health care service. In other words, they can choose to serve only the less ill or less sick Medicare beneficiaries whom they know will not exceed the per-beneficiary cap.

I am told cherry-picking is not yet occurring in my home State. But I am afraid it is only a matter of time before home health agencies have no choice and begin to do that.

I don't believe it was Congress' intention to cause efficient home health agencies to close or to stop caring for sicker patients, and I think it is imperative that this Congress solve this problem.

In the negotiations on the budget, I hope very much that will happen. If we wait until next year, it is going to be too late. Hundreds of agencies will probably not be there and a good many of the sickest and the most frail health care beneficiaries who need home health care will not get it.

I have cosponsored a bill introduced by Senator COLLINS and others, the Medicare Home Health Equity Act, that would make the home health payment system more fair to the historically efficient providers, and reduce the incentive for dropping sick patients.

Let me emphasize again that the purpose is to make the home health care system more fair to the historically efficient home health care providers.

There have been dozens of bills introduced to solve the problem, and to date more than two-thirds of the Senate from both political parties have cosponsored one or more of these bills, or have gone on record in support of efforts to address the problem.

With nearly 70 Senators cosponsoring or supporting legislation of this type, I think we ought to, before Monday evening or whenever we adjourn, fix this home health care payment system.

I know my colleagues on the Senate Finance Committee have been working to develop legislation that will at least deal with the most pressing problems in this interim payment system and to tide the home health agencies over until permanent changes can be implemented.

One of the challenges they face is to do this in a fiscally responsible way that will not harm other areas of Medicare.

It is also important, I think, not to be asking older Americans, especially those who have reached the age of declining income, to shoulder the cost for this change through a new copayment on home health services.

I know that the Congress can meet this challenge if it decides this is a priority between now and perhaps Monday evening. Congress must, in my judgment, begin to select the right priorities.

We seem to be at loggerheads here in negotiations between the House and the Senate, the Congress and the President, Democrats and Republicans. Between now and when we complete the final omnibus spending bill, we must make choices about what our priorities are, what is more important, and what is less important.

I ask that we decide that dealing with the home health care payment system is more important. That it be one of the priorities.

This is something we can do. It is not something that is terribly difficult. It is simply a choice that we will make—Democrats, Republicans, liberals, conservatives, all of us deciding together how we spend limited resources on nearly unlimited wants in this country.

Mr. President, I know others wish to speak, and I would say to the majority leader that this will be an interesting couple of days. He, I am sure, will have a significant challenge working with all of us to try to figure out what the priorities will be in the closing hours of

this session. It is my fervent hope that one of those priorities will be to address the interim payment system in home health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous consent agreement with respect to morning business on Monday, October 12, be amended so that 30 minutes are under the control of Senator Bob KERREY, 15 minutes under the control of Senator FORD, and the remaining 15 minutes under the control of Senator LOTT, or my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m., with Senators permitted to speak for up to 10 minutes each for debate only with no motions in order, and at 3 p.m. the Senate automatically stand in recess under the previous order.

I further ask that during morning business the following Senators be recognized: Senator John KERRY for 15 minutes, Senator DASCHLE for 30 minutes, Senator KENNEDY for 20 minutes, Senator ENZI, Senator KEMPTHORNE, Senator GRAMS for 20 minutes, and Senator DOMENICI for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I would like to inquire of the Senator from Mississippi, is that the only morning business leadership would intend to have on Monday? I would like to have 15 minutes in morning business on Monday as well.

Mr. LOTT. I think we will be able to extend that. It was just we had specific requests. Senator Bob KERREY was here. He needs 30 minutes on intelligence. We had thought we would have at least an hour just in general, but we are getting specific requests. I am sure we will extend it. On Monday, hopefully, we will be able to do some business and, hopefully, even do the omnibus appropriations bill. But there is no need to limit it just to that. We will extend it.

Mr. DORGAN. Would the Senator be willing to add me for 15 minutes on Monday?

Mr. LOTT. I certainly will. I ask unanimous consent that Senator DORGAN have 15 minutes in morning business as well on Monday, October 12.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to make a similar request on my behalf?

Mr. LOTT. Why don't I just ask for 15 minutes every morning for Senator KENNEDY for the remainder of the year.

The PRESIDING OFFICER. Is that the Senator's request?

Mr. LOTT. No.

Mr. KENNEDY. And a happy birthday to you.

Mr. LOTT. I amend that request to include 15 minutes for Senator KENNEDY on Monday morning, also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. KENNEDY. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I hope my friend, our majority leader, had a joyous and happy birthday.

Mr. LOTT. Thank you very much.

Mr. KENNEDY. Maybe it is spilling over to today. But we wish to thank him.

FUNDING EDUCATION

Mr. KENNEDY. Mr. President, I appreciate the opportunity to speak on the Senate floor this afternoon about matters which I am very hopeful can be addressed and will be addressed and I think should be addressed in the remaining hours before the Congress actually recesses. And this is in the area of education and what we are going to do finally in trying to meet the responsibilities that we have to assure a smaller class size for the 53 million Americans who will be attending and are attending schools across this country, which means an expansion in terms of the total number of teachers.

I am very hopeful that in the ultimate and final budget agreement there will be an agreement on the President's recommendation of 100,000 teachers over the period of the next 5 years, and that we will also embrace the very, very important and, I think, essential school modernization program which effectively would provide about $22 billion in interest-free bonds to local communities all over this country in order to modernize their schools.

What we have seen now is a rather dramatic change in the demography and the growth in the total number of children who are going into the school systems all across this country, and at the same time you have seen a continued deterioration in many of the school buildings across the country. That is certainly true in my State, which has many of the oldest school buildings in the country, but it is also true in many of the other States across this country, and even in a number of the rural communities.

As a matter of fact, the General Accounting Office did a study in terms of what would be necessary in our country in order to make sure that we are going to have good classrooms for the students, and it was estimated to be $110 billion. That is what the need is according to a nonpartisan evaluation of what the conditions are in our school buildings across the country.

Therefore, the recommendation the President has made for $122 billion is a very modest recommendation. We have not embraced that recommendation at the present time. The urging of the President of the United States is that before we move out from this Congress, we ought to be about the business of addressing that particular education need. Education is of prime importance to every family in this country. It is of essential importance to every young person in this Nation, and it is a matter of enormous importance in terms of our country being able to compete in a global economy.

So the urgency of these proposals—one is to have a reduced class size and the second is to be able to modernize our classrooms—is enormously important. If we look over the amount of resources we devote to education in the budget of this country, we will find that it is only about 2 percent. It is only 2 percent of our national budget.

This is the 1998 Federal budget, and you can see from this pie chart the allocations of resources. The area of education is only 2 percent. If you ask people what percent of a dollar they believe goes to education, I think most Americans would think 10 or 12 percent, or 10 or 12 cents should be going to education. If you ask what they believe they would like to be the number, it would be even higher.

We are only talking about 2 percent. So the real question is, in a time now when our appropriators and negotiators are meeting to have final resolution on what will be a $1.7 billion budget, will we be able to find the resources to provide for the reduced class size for K through 3—$1 billion for fiscal 1999, $7 billion over the next 5 years—to see a dramatic reduction in the number of students per class in K through 3, that is what we are trying to do, and to modernize our school buildings all across this country.

Those are two priorities. I must say I strongly agree with the President, with Senator DASCHLE, and with Leader GEPHARDT who said we should not leave this city until we respond in a positive way to make sure those requirements are fulfilled, because there is nothing that is more important than meeting the needs of the children of this country.

Finally, Mr. President, I think this is important to do for a number of reasons. Every day that children go into the school systems of this country, they go into dilapidated schools, they go into old schools, they go to classrooms with windows broken or with poor heating or poor air-conditioning in the course of the early fall and the late spring and early summer in many other parts of the country, or where the pipes are leaking, or where some schools are actually closed in the wintertime because of the failure of the heating system, we are sending a very powerful message to those children.

On the one hand, we as parents are saying that education counts, that we believe it ought to be a priority, that we think the future of this Nation is

our children and we ought to be about the business of looking out for the interests of these children to make sure they are going to have a well-qualified teacher in every classroom in this country. That ought to be our hope, that ought to be our challenge, and that is what we are working for. And that ought to be an effort made in the local community. It ought to be an effort made at the State level. But we should not say we are going to abandon our national interest by saying we are not going to interfere if there are inadequate capabilities, or an inability, which is too often the case, to help and assist local communities, particularly when so many local communities such as we have seen in the recent times in Chicago and many other communities—my own city of Boston—are making this extraordinary effort to enhance the academic achievement for the children of this country and in those communities.

We ought to be able to say we will be a partner with you, we are willing to be a partner with the local community, we are willing be a partner with the State, and we are going to be a partner in helping to modernize our facilities. Otherwise, the promise that we are going to convince this next generation that we are serious about their education is going to be a hollow one. No child will go into a classroom and see that it is in a deteriorated condition and then be exposed to other areas where everything is bright and shiny and new because of greater expenditures and not say, ''What is really important? What do our parents really think is important? Where they are spending the money is what is bright and shiny and new.''

When we are not expending the resources in the classrooms, we send a very powerful message—it may be a subtle message but it is a powerful one—that we are not prepared as a nation to do what needs to be done to upgrade the classrooms in this country.

I hope in the remaining hours of this process, as our leaders, our appropriators and leaders, members of those committees, get together to work out the final budget, as we are starting over for the next year, that the education budget is going to have the priority that every American family wants it to have, and that is priority No. 1. I hope when we come to that No. 1 we are going to say, ''The size of our classes is of enormous importance and consequence in terms of the ability of the teacher to relate to the children.''

We have just heard an eloquent statement to that effect from some wonderful teachers from the State of South Dakota, as well as from Missouri, talking about the relationship between the teacher and the student and how it is enhanced to such an extraordinary degree when we have smaller class sizes. It ought to be self-evident and it ought to be intuitive. It is, in fact, true.

I am not taking the time this morning—although I have at other times and will again—to talk about the progress that has been made in academic achievement in a number of communities when they have seen the significant reduction in the number of students per teacher that has taken place in communities and States across this country. The evidence is overwhelming that it has an enormously important positive impact.

So let's get about doing what we know works, and that is to increase the number of teachers that we need in our schools. Even with the expansion of the number of students in our schools, let us increase the number of teachers, and let us enhance the quality of those teachers to make sure we are going to have good, qualified teachers in every classroom. Let's make sure the number of students in those classrooms will be such that the teacher is going to be able to identify and spend some moments with each child in that classroom. That is the hope and desire of the teachers who have committed themselves to excellence, to trying to enhance that academic achievement and accomplishment. Let's be a partner with the local communities and the States that are embarking on that effort.

Let us, as we are going through the final days now—let's not leave town. Let's not say we will take whatever is served up to us in the budget. Let us say education is important. We can go about the business of trying to make a difference in the classrooms and in the quality of the people who will be in those classrooms. Let us resolve that we will do that before we leave this town. That is, I think, an important responsibility that we have. We should not fail our children.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. GRAMS. Mr. President, I rise today to recognize the work of domestic violence shelters and centers in my home state of Minnesota. As my colleagues may know, October is recognized as ''National Domestic Violence Awareness Month.'' This is a time to strengthen our resolve to end domestic violence and sexual assault. More importantly, it is also a time to remember those who have suffered and died as a result of these terrible crimes.

I am very concerned about the number of domestic violence incidents in our society. Americans should not have to live in fear of being abused by anyone, let alone a family member.

In my view, community-based domestic violence shelters and centers should be commended for their support for victims of physical, emotional, and sexual abuse. Their efforts to provide shelter, counseling, and assistance to battered women and children have helped families and communities escape domestic violence.

I ask unanimous consent the names of these Minnesota organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Advocates For Family Peace.
African American Family Services.
Aitkin County Advocates Against Domestic Abuse.
Alexandra House.
Anishinable Circle of Peace.
Anne Pierce Rogers Home.
Asian Women United of Minnesota.
B. Robert Lewis Intervention Project.
B. Robert Lewis House Shelter.
Battered Women's Legal Advocacy Project.
Big Stone County Outreach.
Bois Forte Battered Women's Program.
Breaking Free.
Brian Coyle Community Center.
Brown County Victim Services.
Casa de Esperanza.
Cass County Family Safety Network.
Center for Family Crisis.
Chisago County Victim's Assistance Program.
Citizen's Council Victim Services.
Committee Against Domestic Abuse.
Community University Health Care Center.
Cornerstone Advocacy Services.
Crime Victims Resource Center.
Division of Indian Work.
Domestic Violence Abuse Advocates of Wabasha County.
Domestic Abuse Intervention Project.
Domestic Abuse Project.
Domestic Abuse Project of Goodhue County.
Eastside Neighborhood Service.
Family Help Center.
Family Safety Network.
Family Services.
Family Violence Intervention Project.
Family Violence Network.
Family Violence Program.
Fillmore Family Resources, Inc.
Fond du Lac Reservation Business Committee.
Forest Lake Area New Beginnings.
Freeborn County Victim's Crisis Center.
Friends Against Abuse.
Gay and Lesbian Community Action Council.
Gender Violence Institute.
Grand Portage Reservation ''Wil Dooka Wada''.
Grant County Outreach.
Hands of Hope Resource Center.
Hands of Hope.
Harriet Tubman Center, Inc.
Harriet Tubman Pilot City Outreach Program.
Headwaters Intervention Center, Inc.
Health Start.
Health System Minnesota AdvoCare.
Hennepin County Legal Advocacy Project.
Hill Home.
Home Free Domestic Assault Intervention Project.
Home Free Shelter—Missions, Inc.
Houston County Mediation & Victims Services.
Houston County Women's Resource.
Lakes Crisis Center.
Leech Lake Family Violence Prevention/Intervention Program.
LeSeuer/Sibley Violence Project.
Listening Ear Crisis Center.
Lyon County Violence Intervention Project.
McLeod Alliance for Victims of Domestic Violence, Inc.
Methodist Hospital AdvoCare Program.
Midway Family Service and Abuse Center.
Migrant Health Service.

Mille Lacs Women's Project.
Minneapolis Intervention Project.
Mujeres Unidas/Los Ninos.
North Memorial Women's Center.
North Shore Horizons Women's Resource Center.
Northwoods Coalition for Battered Women.
OtterTail County Crisis Center.
PEARL: Battered Women's Resource Center.
Phyllis Wheatley Community Center.
Pillsbury Neighborhood Services.
Pope County Outreach PRIDE (Women Used In Prostitution).
Project P.E.A.C.E.
Ramsey Intervention Project.
Range Women's Advocates.
Rape and Abuse Crisis Center.
Refuge.
Refuge East.
Refuge North.
Region IV Council on Domestic Violence.
Rivers of Hope—Buffalo.
Rivers of Hope—Elk River.
Safe Journey.
SAFE, Inc.
St. Cloud Intervention Project.
St. Paul Intervention Project.
Sheller House/Woodland Centers.
Sojourner Project.
Sojourner Project intervention.
Southern Minnesota Crisis Support Center.
Southern Valley Alliance for Battered Women.
Southern Valley Intervention Project.
Southwest Crisis Center.
Stevens County Outreach.
Traverse County Outreach.
Tuning Point for Victims of Domestic Abuse.
Unity/Waite House.
Victim's Crisis Center.
Violence Intervention Project (CADA).
Violence Intervention Project—Ada.
Violence Intervention Project—Crookston.
Violence Intervention Project—Hallock.
Violence Intervention Project—Rouseau.
Violence Intervention Project—Thief River Falls.
Waseca Area Violence Intervention Project.
Washington County Intervention Services.
Wilkin County Outreach.
W.I.N.D.O.W.
Wilder Community Assistance Program.
Wilder Domestic Abuse Program.
Winona Domestic Assault Intervention Project.
Woman House.
Woman House advocates at St. Cloud hospital.
WomanKind (Fairview Ridges).
WomanKind (Fairview Southdale).
WomanKind (Fairview University).
WomanSafe.
Women Alive Crisis Center ''Equay Be Mah De See Win''
Women of Nations Eagles' Nest Shelter.
Women of Nallons Community Advocacy Project.
Women's Advocates.
Women's Center, Inc.
Women's Center of Mid-Minnesota.
Women's Coalition.
Women's Resource Center of Steele County.
Women's Resource Center.
WRAP of Cottonwood County.
WRAP of Lincoln County.
WRAP of Redwood Co.
Women's Shelter.
Women's Shelter intervention Project.
Womenspace.
Yellow Medicine Women's Center.
African American Family Service.
Battered Women's Programs.
Battered Women's Justice Project.
Battered Women's Legal Advocacy Project.
Black, Indian, Hispanic & Asian Women In Action.
BrotherPeace.
Minnesota Coalition for Battered Women.
Minnesota Indian Women's Resource Center.

Mr. President, we should also note that this year marks the fourth anniversary of the Violence Against Women Act. Through increased sentences, grants to State governments for prevention programs and other services, and the new national domestic abuse hotline, the Violence Against Women Act has contributed significantly toward protecting individuals from sexual offenses and domestic abuse. I am proud to have supported this landmark legislation as a member of the House of Representatives during the 103rd Congress.

Since the passage of the Violence Against Women Act, funding provided for these programs has led to the further development of policies to prevent and respond to domestic abuse incidents. This includes specialized domestic violence court advocates who obtain protection orders, in conjunction with greater support to enhance the ability of prosecutors and law enforcement to punish those who commit these crimes.

Despite these important achievements, the number of siblings, spouses, and children subjected to domestic abuse remains too high. Regrettably, most victims of domestic violence are women.

According to the Minnesota Coalition for Battered Women, 210 Minnesota women died from domestic abuse between 1988 and 1997. Sadly, this loss of life underscores the importance of increasing public awareness regarding domestic violence and the community-based organizations that are working to prevent others from falling victim to this violence.

Mr. President, domestic abuse is not limited to the privacy of households. In many places of businesses, battered individuals are subjected to emotional abuse in the form of threatening phone calls and harassment.

Fortunately, companies have begun to recognize that employees who are subject to domestic violence at home are more likely to be absent from work and less productive at their jobs.

In fact, a recent survey of corporate senior executives by Roper Starch Worldwide on behalf of Liz Claiborne, Inc. found that: Fifty-seven percent of those surveyed believe that domestic violence is a major problem in society; thirty-three percent feel that domestic abuse had a negative impact on their bottom lines; and four out of ten executives surveyed were personally aware of employees and other individuals affected by domestic violence.

I commend efforts by private sector employers who have responded to this problem by establishing Employee Assistance Programs and other services that will safely protect employees who have become domestic violence victims.

Mr. President, Minnesotans will have the opportunity this month to participate in a variety of National Domestic Violence Awareness Month initiatives. Throughout October, citizens will raise public awareness through candlelight vigils, rallies, and marches throughout our communities.

One of the more creative programs will be an art exhibit honoring 30 Minneapolis public high school students who are finalists in the ''Speak Up'' domestic violence awareness poster contest.

This initiative, co-sponsored by the Harriet Tubman Center and Intermedia Arts in Minneapolis, will encourage students to increase public awareness and prevention of family violence. The competition will award scholarships to twelve individuals who present various domestic violence themes in their artwork.

Next fall, these works will be part of the Annual Domestic Violence Art exhibit in the Russell Senate Office Building sponsored by my colleague, Senator Paul WELLSTONE.

I am certain many Members of Congress will visit this exhibit to admire the important contributions of these young Minnesotans toward raising the consciousness of our communities about the issue of domestic abuse.

Domestic violence is not an insurmountable problem facing our society. We must work together to curb this problem that crosses over economical, cultural, and political boundaries.

Through the efforts of community groups, families, and law enforcement, Americans can take meaningful steps toward eradicating the presence of this crime in their daily lives.

PRINCIPLE, COURAGE, AND TAX CUTS

Mr. GRAMS. Mr. President, I want to take the remaining part of my time this morning to talk about a subject I have worked on for the 6 years I have been in Congress, and that is trying to raise the awareness of the issue of taxes in this country, that we are now taxed at an all-time high, and that Americans need and deserve some form of tax relief.

So, Mr. President, I wanted to take time to rise today to express my disappointment over the Senate's failure to fulfill its obligations to the taxpayers to consider and to pass any kind of tax relief bill this year.

Fiscally, socially, morally, this is a tremendous mistake, and I believe my colleagues are wrong. I am equally disappointed at President Clinton's threats to veto this important legislation had it passed. It is the same case as last year when, in the State of Virginia, when then-candidate for Governor Gilmore was pledging a tax cut of his own. The President said at that time that Virginians would be ''selfish'' to vote for tax relief. This year he says ''to squander money on a tax cut''—again, that is how President

Clinton is describing our attempt this year to let working Americans keep more of their money—''to squander money on a tax cut.''

Unfortunately, there is a pattern here, and apparently neither President Clinton nor the rest of Washington has changed their mind. Both want as much money as they can get from the taxpayers, so they can spend it the way they think is best.

According to Webster's Dictionary, the definition of ''squander'' is ''to spend extravagantly or foolishly.'' I say to President Clinton that I am shocked that you actually believe taxpayers squander their salaries in this way and that only Washington can spend the money wisely. With such highly placed disregard for the fiscal abilities of the American people, I believe it is no wonder that Washington has been unwilling to give the taxpayers more control over their own dollars.

Let me focus first this morning, Mr. President, on the budget surplus. In a recent series of high-profile celebrations, folks here in Washington could hardly wait to rush to the cameras to claim credit for the $70 billion budget surplus, watching them slap their own backs with their hands. Politicians have been humming happy ditties all around this town while approving big-ticket spending items right and left. Meanwhile, those same politicians pontificate about preserving the surplus to ''save Social Security first.''

The truth is, the White House didn't generate this surplus, nor did the U.S. House or the Senate. The politicians have no rightful claim to the surplus. Washington should not be allowed to sit around and dream up ways to spend even more money because a surplus has arrived. Working Americans are responsible for propelling our economy forward and generating this budget surplus, and they deserve to get it back as tax relief. There should be no debate. Taxpayers have overpaid, and, like any other time a person overpays for anything, they ought to get it back. If you go into a store and pay too much for an item, you expect to get the change back. But somehow in Washington, if you overpay, that is just too bad, Washington wants to pocket your money.

The surplus is the product of the recent revenue surge—a surge, I believe, generated directly by increased productivity and increased individual income tax payments, including the payment of capital gains taxes as investors took advantage of the lower capital gains rate—again, proving that reducing the tax rates can actually increase revenues, because the economy will grow. Very little of the surplus comes from policy changes, however, related to deficit reduction.

On the other hand, there are others in this Chamber who claim there is no surplus, that if we subtract the dollars Washington has routinely raided from the Social Security trust fund, the Government is still in the red. Therefore, they oppose using the unified budget surplus for any kind of tax relief.

Mr. President, they are right on the facts, but I believe they are dead wrong about the conclusion. Washington's big spenders are the ones who have exhausted every penny of the Social Security surplus. They have already exhausted every penny of the Social Security surplus on other Government programs. They have wish lists. The taxpayers shouldn't be denied relief from a stifling tax burden just because Washington has managed to juggle the Nation's bank accounts.

I urge my colleagues to review the CBO's ''August Economic and Budget Outlook,'' which shows precisely where revenues will come from in the next 10 years. The data shows that the greatest share of the projected budget surplus comes directly from income taxes paid by the taxpayers, not the FICA taxes. In 1998, individual income, corporate, and estate taxes make up nearly 80 percent of total tax revenue growth, while the share of FICA tax is about 20 percent. General tax revenues are expected to grow by $723 billion, or 60 percent, over the next 10 years.

What I am saying, Mr. President, is that the taxpayers generated the surplus, outside the money earmarked for Social Security, and the Government has no right to absorb it. It is only moral and fair to return at least a part of it to the taxpayers.

If we don't return at least a portion of the surplus to the taxpayers, and do it soon, Washington is going to spend it, leaving nothing then for tax relief for the vitally important task of actually trying to preserve and save Social Security. Such spending will only enlarge the Government, and if the Government is enlarged today, it will make it even more expensive to support it in the future.

Mr. President, the situation we find ourselves in today reflects two very fundamentally different principles of government: Are we going to embrace tax cuts for working Americans, or are we going to embrace more spending for social engineering?

I am proud to serve here as a member of the Republican Party—a party which, since its creation, has firmly held that a person owns himself, a person owns his labor, and a person owns the fruits of his labor. We believe the pursuit of individual and States rights and a restricted role for the Federal Government create economic growth and prosperity.

The two parties have traditionally offered a marked choice—a choice between the Democratic Party belief that people should work for the Government or our vision of a Government that works for the people. One party believes that it has a right to spend every penny that it can take from working Americans—again echoing the President's words that people are ''selfish'' to want to cut taxes or to ''squander money on a tax cut.''

The Republican Party, on the other hand, believes Government should be limited only to that amount needed for necessary services, and this is, indeed, a choice between two futures: a choice between small Government or big Government, a choice between fiscal discipline or irresponsibility, a choice between individual freedom or servitude to a bigger Government, responsibility or dependency, long-term economic prosperity for the Nation or some short-term benefits for the special interest groups and the politicians who feed them.

Mr. President, that is exactly why the American taxpayers ushered in an era of Republican congressional leadership in 1994, a new majority that pledged to provide fiscal discipline, individual freedom, personal responsibility, and prosperity for all people.

Unfortunately, Congress has so far delivered on only a small portion of that pledge, blocked by the competing forces of tax-and-spend versus tax relief and personal empowerment. The choice I spoke of a moment ago has become blurred as both parties fight in a misguided effort to purchase some measure of the people's trust.

They think you can run out and with their own money buy the trust of the American people. But in doing so, Congress has allowed annual Federal spending to increase from $1.5 trillion in 1994 to $1.73 trillion today. In fact, Federal spending has never been higher. During the same period, the national debt has grown from $4.9 trillion to $5.7 trillion, an $810 billion increase in our national debt.

Mr. President, take a look at the current debate over the supplemental spending to be included in the omnibus appropriations bill. A week ago, we were hearing encouraging words that much of this would be offset by cuts in other programs. Now, as we careen toward adjournment, it appears there will be as much as $20 billion in emergency spending—out of the surplus, of course—and the report this morning is that there could be even more as we work and maybe have to give in to the administration demands for more money to be spent in order to avoid a Government shutdown.

Mr. President, despite a $70 billion budget surplus, total taxation is at an all-time high. The tax relief Congress enacted last year does not go nearly far enough. I am proud we had the courage to enact the $500 per-child tax credit, which I authored in 1993, but when our tax bill overall returns to the taxpayers only one cent for every dollar they send to Washington—especially now, during a time of surpluses—I believe we have failed them miserably.

Working Americans see their earnings taxed, and then re-taxed repeatedly. Washington taxes their income when they first earn it. It is then subject to excise taxes when they spend it. And their savings and investments are also taxed. And when they die, the Government is the first to put their hands into the estate.

Farmers and small business owners cannot easily pass their businesses on to their families because the huge estate and gift taxes still exist. The government imposes a 43 percent tax on all American couples simply because they are married. Even seniors—retired people in our country, our senior citizens—they have their earned benefits taxed.

If the 105th Congress was supposed to be about cutting taxes and forever reforming the tax system—and I believe that was our mandate—the 105th Congress did not complete the job.

Our progress has fizzled not because our efforts have lost the support of the people—in fact, two thirds of the American people supported tax relief during the 1996 elections, and broad tax relief still enjoys overwhelming support today—but because some in Congress have lost their backbones. They have lost the courage to make a stand on principle and not abandon their moral compass at the first sign of resistance.

In too many instances, this Congress has become a willing collaborator of President Clinton's tax-and-spend policies. We have helped to build a bigger, more expensive government, and in doing so have abandoned our promise of tax relief for working Americans.

Mr. President, each time Congress makes a promise to the taxpayers—and then deserts them—Congress comforts itself by saying it would come back next year and enact an even larger tax cut. This is self-deceiving at best.

If we do not take a stand today, what is going to happen to make us more courageous a year from now? Besides, each year we wait, the Government takes an ever-greater bite of the earnings of working Americans and the Government gets bigger and becomes harder to trim in the future.

Another point I would like to make, Mr. President, is that a tax cut is not spending. Only in convoluted bookkeeping practices of Washington would we consider a cut in tax rates to be spending. The reason is simple: first, it is the taxpayers' money that supports and keeps the Government running; second, tax relief not only ensures a healthy and strong economy, but also generates more revenues for the Government.

In a recent study, economists at the Institute for Policy Innovation concluded that the House-passed tax relief bill of $80 billion—an unforgivably moderate tax relief measure, in my view—would add an additional $300 billion to our GDP and create more than 135,000 jobs. This economic growth would in turn generate about $80 billion in additional revenues to the Federal Government.

Mr. President, when it comes to federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to the government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax relief, Washington is always reluctant to act.

Oh, they say it is easy to give an election year tax cut. That is impossible around here. It is hard to get a tax cut. It is easy to spend; it is very hard to give tax relief. Congress even goes so far as to compel tax cut advocates to pay for any tax relief via Washington's PAYGO rule. That is a rule that requires increasing taxes on some or lowering entitlement benefits in order to cut tax relief to others. Nothing is more ridiculous than the requirement of the PAYGO rule. We must repeal it so we can do the job of shrinking the size of the Government and let working families keep more of the money, the money they earn in order to spend it on their priorities—not Washington priorities.

One major reason for the failure of this year's tax relief bill is that Washington's spin doctors took full advantage of Americans' anxiety about Social Security. ''Save Social Security first'' is just another Washington lie. Mark my word, Mr. President, Social Security crisis or not, Washington has spent, and will continue to spend, surplus dollars whenever it can for its pet programs.

Since 1983, Washington has raided more than $700 billion from the trust funds for non-Social Security programs, and Congress approved that spending every time. In the next 5 years, the Federal Government will raid another $600 billion from the Social Security trust funds. Those politicians who insist on using the surplus for Social Security have voted for most, if not all, of those spending bills, and so it is those politicians who in the last 15 years have stripped the trust funds of any surplus.

Mr. President, despite the rhetoric about saving Social Security, few have come up with a concrete plan to save it. The problem is that by law, the Social Security surplus has to be put into Treasury securities. That means Washington can legally use the money to fund its favorite non-Social Security programs, rendering these ''assets'' little more than Treasury IOUs. Unless we change the law, Washington will continue to abuse Social Security until it goes broke.

I agree that reforming Social Security to ensure its solvency is vitally important. Any projected budget surplus should be used partly for that purpose. In fact, I have introduced a bill to just do that. Yet, I believe strongly that the surplus alone will not save Social Security and therefore fundamental reform is needed to change it from a pay-as-you-go system to a fully funded one.

Mr. President, the States offer us an excellent model of how we should use the budget surplus. In recent years, many Governors have cut taxes and shrunk the size of their governments, and in the process have turned budget deficits into surpluses. They are now using those surpluses to provide even further tax relief. Some States, such as Missouri and Florida, even have constitutional or statutory requirements to return to taxpayers any revenues that exceed income growth.

The States have proved that if government performs only legitimate and necessary functions, and does so without waste, it can leave much more money in the pockets of the people. And it is the people who can best spend their money, whether it is for their children's health care, saving for a college education, giving more to their church and charities, or just helping to set something aside for their retirement.

Now, Mr. President, back to the question of the budget surplus and who should spend this money—the Government or the workers who earned it?

In conclusion, Washington's tax and spending policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. In answer to my own question, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

It is their money. Let us give it back.

Thank you very much, Mr. President. I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

ORDER FOR RECORD TO REMAIN OPEN FOR INTRODUCTION OF A BILL

Mr. ENZI. Mr. President, I ask unanimous consent that the Senators from Mexico, Mr. DOMENICI and Mr. BINGAMAN, have until 6 p.m. tonight to file the Valles Caldera Preservation Act for purposes of introducing the bill.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

OSHA LEGISLATION DURING THE 105TH CONGRESS

Mr. ENZI. Mr. President, I can think of few issues that are more important to the average American than the safety and health of our Nation's workers. During the last 2 years, Congress stepped up to the plate and confronted this important issue head-on. The end result was three separate bills becoming law that amended the Occupational Safety and Health Act of 1970. Until this year, in 28 years, the act was amended one time—in 1990—and that was to increase fines. The American workplace has changed quite a bit over the last three decades and I'm pleased that Congress in now changing, too.

During the first session of the 105th Congress, I introduced a comprehensive piece of legislation with the support of

Senator GREGG and FRIST and 20 other Senate cosponsors, entitled the Safety Advancement for Employees Act or SAFE Act. At the same time, my good friend, JIM TALENT, introduced similar legislation in the House which received strong, bipartisan support—a rarity for such a polarized issue.

It is important to understand that both the Senate and House versions did not attempt to reinvent OSHA's wheel, just change its tires. Treading water for 27 years, OSHA has never seriously attempted to encourage employers and employees in their efforts to create safe and healthful workplaces. Instead, OSHA chose to operate according to a command and control mentality. This approach has lead to burdensome and often incomprehensible regulations which do not relate to worker safety and health and are, quite often, only sporadically enforced.

The AFL–CIO publically acknowledges that with only 2,450 State and Federal inspectors regulating 6.2 million American worksites, an employer can expect to see an inspector once every 167 years. In addition to this enormous time lapse, the sheer diversity of safety and health concerns stemming from restaurants to funeral homes across America prohibits an inspector from fully understanding each worker's needs and concerns.

OSHA seems more concerned about collecting fines each year than it is about improving worker safety. OSHA proposes over $140 million in fines to be paid by the regulated public each year—over $100 million of that total gets assessed. Even more troubling is that OSHA's existing voluntary and cooperative compliance programs impact a mere fraction of worksites and consume only a small share of the agency's annual budget. Despite OSHA's claim that it is ''putting a lot of resources into compliance assistance and partnership initiatives,'' only 22 percent of OSHA's 1997 fiscal appropriation was spent on federal and state plan compliance assistance. It is difficult for anyone to say that current initiatives are having an impact on the number of workplace fatalities and injuries when OSHA spends so little of its annual funds on preventive measures.

It is important to point out that the SAFE Act would not have dismantled OSHA's enforcement capabilities. It was that approach that kept Congress from amending the 1970 statute for so long. Enforcement alone, though, will never ensure the safety of our nation's workplaces and the health of our working population. By encouraging employers to seek individualized compliance assistance from OSHA qualified third party consultants, the SAFE Act would ensure that more American workplaces are in compliance with existing law while allowing OSHA to concentrate its enforcement resources on those worksites that truly need immediate attention. America would be better served by an OSHA that manages its resources more wisely and the SAFE Act was crafted to strike that balance.

In addition to establishing OSHA qualified third party consultations, the SAFE Act included additional voluntary and technical compliance initiatives to assist employers in deeming their worksites ''safe'' for their employees. I firmly believe that it is this approach that will ultimately bring a greater number of workplaces into compliance with existing law and help prevent more workers from being injured or killed on the job.

The SAFE Act would ensure that federal occupational safety and health standards are based on sound, scientific data that all vested parties can live with. By injecting independent scientific peer review into the rule-making process, future regulations would reflect greater clarity and simplicity—helping businesses to better understand what they are required to do. I also believe that scientific peer review will help speed up the implementation process for OSHA's rules by eliminating conflicts of interest. Under the present system, draft rules can idle in the process for more than 15 years, because no one agrees on the rule's scientific validity. At the same time, annual funding continues to be channeled toward research at the expense of the taxpayer. That must change.

Last October, we marked up the SAFE Act in the Senate Committee on Labor and Human Resources and favorably reported the bill out of committee. In the following months, I continued to work with Senators KENNEDY, DODD, WELLSTONE, and REED—as well as with Assistant Secretary of Labor, Charles Jeffress, to find common ground that would result in a bill that would pass the House and Senate and be signed by the President into law. A number of good suggestions were made to improve the bill, but remaining differences and the lack of floor time quickly became an insurmountable obstacle.

I was pleased to have the opportunity to testify at a hearing chaired by Chairman TALENT in the House Small Business Committee. As the House author of the SAFE Act, Representative TALENT understood the importance of third party consultations. He invited specialists in occupational safety and health to share their candid opinions of the bill. Having witnessed the testimony firsthand, I was pleased that safety and health professionals—those who have the most education, training, and field experience in abating occupational hazards—embraced this bill so enthusiastically.

In both Chambers, the SAFE Act gained considerable momentum after its introduction. The bill stuck to a theme—advancing safety and health in the workplace. Maintaining this spirit of cooperation, it is my intention to promote this theme well into the 106th Congress. Until each of the SAFE Act's provisions become law, this debate is far from over.

Despite the Senate's inability to complete its consideration of the SAFE Act, legislative successes were still abundant. Last June, I was pleased to have had the opportunity to pass two bills in the Senate that were authored by Representative BALLENGER. One was the Occupational Safety and Health Administration Compliance Assistance Authorization Act, and the other was H.R. 2877, which eliminated the imposition of quotas in the context of OSHA's enforcement activities. Both bills are now law and have already been implemented by OSHA.

Following the same lines as the SAFE Act, these two bills were written to increase the joint cooperation of employees, employers, and OSHA in the effort to ensure safe and healthful working conditions. It will never be productive to threaten employers with fines for non-compliance when millions of safety conscious employers don't know how they are supposed to comply. Nor is it effective to burden employers with more compliance materials than they can possibly digest or understand, many of which have no application to their business. To achieve a new, cooperative approach, the vast majority of employers who are concerned about worker safety and health must have compliance assistance programs made more accessible to them and more related to their actual operation. Passage of H.R. 2864 was a good, first step in providing employers just that.

H.R. 2877 eliminated enforcement quotas for OSHA compliance inspectors. This bill prohibits OSHA from establishing a specific number of citations issued, or the amount of penalties collected. I believe that inspectors must not face institutional pressure to issue citations or collect fines, but rather they should work to identify potential hazards and assist the employer in abating them. OSHA's success must depend upon whether the nation's workforce is safer and healthier, and not upon meeting or surpassing goals for inspections, citations, or penalties.

In July, both the Senate Committee on Labor and Human Resources and full Senate unanimously passed S. 2112, the Postal Employees Safety Enhancement Act. The bill was written to bring the Postal Service and its more than 800,000 employees under the full jurisdiction of OSHA. Government must play by its own rules. Although all federal agencies must comply with the 1970 Occupational Safety and Health statute, they are not required to pay penalties issued to them by OSHA. The lack of any enforcement tool renders compliance requirements for the public sector ineffective at best.

My first look at this issue occurred when Yellowstone National Park was cited by OSHA last February for 600 violations—92 of them serious. One of those serious violations was the park's failure to report an employee's death to OSHA. In fact, Yellowstone posted five employee deaths in the past three

and one-half years. Although there are these and other serious problems noted in the park's safety and health record, overall federal injury, illness, lost work-time, fatality and workers's compensation rates show the United States Postal Service leading the pack in almost every category.

Postal workers injuries and illnesses represent 42 percent of the government's lost-time cases. From 1992 to 1997, the Postal Service paid an annual average of $505 million in workers' compensation costs and its annual contribution accounted for almost one-third of the federal program's $1.8 billion price tag. These alarming statistics made my decision to slowly bring the federal government into compliance rather easy.

In 1982, the Postal Service became fiscally self-sufficient—depending entirely on market-driven revenues rather than taxpayer dollars. They should be congratulated for that. Today, the United States Postal Service handles over 43 percent of the world's mail—delivering more mail in one week than Federal Express and the United Parcel Service combined deliver in an entire year. With annual profits that exceed $1.5 billion, if the Postal Service were a private company, it would be the 9th largest business in the United States and 29th in the entire world.

Realistically speaking, the Postal Service is hardly a federal agency. It's better characterized as a self-sufficient, quasi-government entity. It is the only federal agency where its employees can collectively bargain under the 1935 National Labor Relations Act. It's the only federal agency that posts annual profits exceeding $1.5 billion. In fact, the Postal Service exhibits almost every characteristic of a private business, yet it never had to fully comply with federal occupational safety and health law—until now. Last month, Representative GREENWOOD, author of the House bill, took the initiative to pass the Postal Employees Safety Enhancement Act in the House and sent it on to the President.

Since the bill's enactment, I learned that OSHA and the National Park Service, have entered into safety pact. I commend both agencies for this commitment to workplace safety and health. It is my understanding that other federal agencies could do the same. I hope that such agreements with OSHA represent a way to introduce third party consultations as a means of bringing a greater number of federal worksites into compliance.

The enactment of S. 2112 and the previous two bills marks the first significant step toward modernizing the nation's 28 year-old occupational safety and health law. I believe that these incremental accomplishment were achieved because this Congress is committed to improving conditions for America's workers. We have a long road ahead of us and that road, so far, had been too slow to save American lives. This debate will not end when Congress completes its work this year. I fully intent to press forward—well into the 106th Congress. More hearings on this important issue are necessary. We need a bipartisan effort—making headway in every area we can reach agreement. We need to dedicate some time to reaching that agreement. This will not happen by accident! Good legislation will ultimately be achieved and increased compliance will undoubtedly result if we simply remain committed to it.

I want to conclude my remarks by thanking members and staff for making occupational safety and health such a successful issue during the last two years. I want to first thank my House colleague and friend JIM TALENT. His impressive knowledge of labor law, complemented by his labor counsel, Jennifer Woodbury, helped bring the SAFE Act to the attention of all House members. I look forward to work on many more bills with JIM TALENT in the coming years. I would also like to thank Congressmen BALLENGER, GREENWOOD, and MCHUGH and their staff. They, too, should be complimented for their efforts. Senators GREGG, FRIST, and JEFFORDS also deserve tremendous thanks. Their staffs spent many hours considering OSHA legislation. Finally, I want to thank my Democratic colleagues on the Senate Labor Committee. Senator KENNEDY was especially considerate in listening to my concerns and I want to extend my appreciation to him and his staff. I am confident that this relationship will pick up next year where it left off.

PASSAGE OF COALBED METHANE LEGISLATION

Mr. ENZI. Mr. President, I want to take a minute before the Senate adjourns to thank a few Members who have been very helpful on an issue of critical importance to my state.

Yesterday evening, the Senate adopted by unanimous consent, S. 2500, a bill to preserve the sanctity of existing leases and contracts for production of methane gas from coal beds. An affirmative U.S. Government policy has been the legal basis for these contracts for nearly eighteen years and it was the intent of this bill to preserve the existing rights of all the parties in light of legal uncertainties cast by a July 20, 1998, 10th Circuit Court of Appeals decision.

On September 18, I introduced the bill to protect these people, with my colleagues, Senator JEFF BINGAMAN of New Mexico and Senator CRAIG THOMAS of Wyoming. The affected people live all across America, but most of the actual lands are in the western states, primarily New Mexico, Utah, Colorado, Wyoming, and Montana.

The circumstances faced by interest owners would be severe. Personal and corporate bankruptcies would have led to local bank insolvencies and the multiplying effect on unemployment and loss of confidence in western states would have been devastating. In this time when Congress is working to offer a $4–7 billion aid package to provide certainty for crop farmers, I am pleased that we have been able to reach agreement to provide some certainty for people in the oil patch—and we did it without spending a single federal dime.

The 1998 Circuit Court decision has clouded all existing lease and royalty agreements for production of gas out of coal where the ownership of the oil and gas estate differs from ownership of the coal estate. This uncertainty jeopardizes the expected income of all royalty owners and the planned investment and development of all existing lessees.

The legislation we passed yesterday addresses that problem faced by owners and lessees by preserving the policy status quo for valid contracts in effect on or before the date of enactment. The legislation applies only to leases and contracts for ''coalbed methane'' production out of federally-owned coal. It does not apply to leases and contracts for gas production out of coal that has been conveyed, restored, or transferred to a third party, including to a federally recognized Indian tribe.

It is important to note that many older leases and contracts for gas production on coal lands were negotiated prior to ''coalbed methane'' becoming a term of art. It is, therefore, necessary to clarify that we do not mean to exclude those valid leases and contracts that convey rights to explore for, extract and sell ''natural gas'' from applicable lands simply because they do not include the term ''coalbed methane.'' That is a possible ambiguity that arose very late in the process, after the time when we could have reasonably perfected the bill, but it is important to note because before this year, ''coalbed methane'' has been considered in the field, to be part of the gas estate. We chose the term ''coalbed methane'' because using the term ''natural gas from the coalbed,'' left uncertainty about the gas rights in light of the 10th Circuit ruling. The Department of Interior suggested we use ''coalbed methane'' so as to be very clear regardless of whether the Courts rule ''coalbed methane'' to be part of the coal estate or part of the natural gas estate in the future.

While the bill has yet to be completed in the House, I want to thank some of the members who have helped us craft legislation that addresses what we intended to cover. Without any of them, we would not have been able to go forward. Because of very limited time, we had to expedite the process, and we could not have done it without an enormous amount of help. Senator CAMPBELL, and his Indian Affairs Committee staff, were supportive in working out the provisions covering the tribes. Senator MURKOWSKI, and his Energy Committee staff, were very helpful in working out the details of the bill and moving it through that Committee. Senator BUMPERS, and his com-

mittee staff, were very cooperative and provided many helpful suggestions.

The Department of Interior Solicitor's office provided good counsel and worked with us through the process. And the people out in the field, the coal companies, who have valid concerns about their existing and future leases to main federal coal, were great to work with. Nothing in this bill should be construed to limit their ability to mine federal coal under valid leases, nor should anything be construed to expand their liabilities to coalbed methane owners covered by the bill. The gas producers and land owners really came together and proposed reasonable solutions to solve the problems. Without their cooperative effort, this bill would not have happened.

So again, my appreciation goes out to all the people who helped us remove the possibility of devastating situation—extensive private property takings, retroactive liabilities, and mountains of combative litigation. On behalf of thousands of Wyomingites, thank you.

Mr. President, I yield the floor.

ROLE OF THE SENATE SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I want to take this time to recognize the important role and work of the Senate's Subcommittee on Communications this Congress and emphasize the challenges that lie ahead.

The communications world encompasses so many areas that personally touch the lives of practically every person in America—from the telephone to the television to the computer. The ways we interact is a fitting reflection of the fast times in which we live and the constant evolution of technologies. Traditional systems are changing. Options are expanding. Companies continue to shift gears and take the necessary risks to bring fruition of the landmark 1996 Telecommunications Act to the marketplace and to consumers.

Enacting policies to encourage, and not hinder, such activity is Congress' challenge. Mr. President, I believe the members of this subcommittee are ready and willing to embrace that challenge.

I want to express my sincere gratitude to my colleague and friend, Senator CONRAD BURNS of Montana, for his yeoman's work as chairman of the subcommittee during the course of this Congress. His guidance has been instrumental in bringing focus to the many issues that merit attention. His inclusive and enthusiastic approach has engaged all who work with him, and I appreciate that.

Mr. President, many contentious policy areas were considered by the subcommittee during the 105th, and consensus proved elusive. I am confident, though, that the stage has been set for several productive debates in the first session of the 106th—from Federal Communications Commission reauthorization, to international satellite privatization, to transition to digital, to competition issues, to Internet privacy and content.

Speaking of the Internet, let me take this opportunity to mention my deep admiration for the contributions made by retiring Senator DAN COATS in this area. Although not a member of the Commerce Committee, he has tirelessly advocated against the Internet becoming a dirty book for our children, while responsibly taking into account first amendment concerns. I have the utmost respect for his efforts, and will truly miss his wisdom and his counsel.

Mr. President, I appreciate the contributions of each of my subcommittee colleagues this Congress, and look forward to working with them next year in tackling some tough issues and ushering in a truly new era of communications.

NATIONAL BIBLE WEEK

Mr. LOTT. Mr. President, one of our country's most important observances is National Bible Week sponsored by the National Bible Association. This year, as in the past, it will be observed by houses of worship and individuals of all faiths during the week in which Thanksgiving Day falls. That will be from Sunday, November 22 through Sunday, November 29.

It is my great and underserved honor to be this year's congressional co-chair of that observance. In that capacity, I would like to recommend to all my colleagues, and to the American people, that, in this season of strife and division we look to National Bible Week as an opportunity to join together in prayerful reflection.

The German poet Heinrich Heine called the Bible ''that great medicine chest of humanity,'' the greatest cure for the worst ills of mankind. And he observed how—during the great fire that destroyed the Second Temple of ancient Israel—the Jewish people rushed to save, not the gold and silver vessels of sacrifice, not the bejeweled breastplate of the High Priest, but their Scriptures. For the Word of God was the greatest treasure they had.

It remains our greatest treasure today. The lessons it teaches, and the morality it commands, are the foundation on which a free people build self-government. In that sense, the Bible is the charter of our liberties. Daniel Webster put it this way: ''If we abide by the principles taught by the Bible, our country will go on prospering.''

That has never been a partisan sentiment, and neither should it be so today. Two great political rivals of the early twentieth century, both of whom achieved the Presidency and attained world leadership, agreed on this one point.

Teddy Roosevelt said, ''A thorough knowledge of the Bible is worth more than a college education.'' And Woodrow Wilson, a university president at Princeton before reaching the White House, counselled, ''When you have read the Bible, you will know it is the word of God, because you will have found in it the key to your own heart, your own happiness and your own duty.''

Here in the Senate, as in the House of Representatives, there are several small Bible study groups. Members of all faiths regularly come together, away from the public spotlight, to learn from one another and seek inspiration from sacred Scripture.

For my part, I find in those sessions both enlightenment and challenge. For any time we read the Bible with an open heart, we may find ourselves falling short, in some way, of the standard it sets for us and the promise it offers us.

In that way, reading the Bible can be like a spiritual work-out. And if, in the process, we feel the spiritual equivalent of a few sore muscles, we can remember the saying, ''No pain, no gain.'' And the gain that Scripture offers lasts a lifetime—and even longer.

For that reason, it is especially appropriate that Thanksgiving Day comes during National Bible Week, for the Bible itself is something for which we should give thanks, on that day and every day.

TITLE BRANDING LEGISLATION

Mr. CAMPBELL. Today I express my appreciation to the majority leader, Senator FORD, Senator GORTON, and Senator MCCAIN for their hard work and efforts on S. 852, the National Salvage Motor Vehicle Consumer Protection Act. I believe S. 852 will deter automobile theft and protect consumers by providing them with notice of severely damaged vehicles. I would like to emphasize one provision contained in the bill. It is my understanding that the process of reducing salvage and nonrepairable vehicles to parts cannot begin before receipt of a salvage title, nonrepairable vehicle certificate, or other appropriate ownership documentation under state law. If a vehicle could be dismantled prior to the receipt of the appropriate ownership documents, then the parts from a severely damaged vehicle could skirt the titling system which this bill has put in place to deter automobile theft. Is my understanding correct?

Mr. LOTT. Yes, that is correct. A vehicle that would qualify as a nonrepairable or as salvage vehicle cannot be taken apart for its parts before appropriate ownership documentation has been received for that vehicle.

Mr. President, I appreciate that the Senator from Colorado has taken the time to address this important issue.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. HATCH. Mr. President, as we begin to wrap-up the 105th Congress,

there remains one essential item of business which I strongly believe warrants Senate action before we adjourn for the year.

Over the past year, numerous concerns have been raised by home health care agency officials and Medicare beneficiaries over the new Medicare payment system established in the Balanced Budget Act of 1997.

As a strong home health care advocate in the Senate for virtually my entire career, I am well aware of the importance home health care is for Medicare beneficiaries with acute needs such as recovering from joint replacements and chronic conditions such as heart failure.

Utahns have consistently told me they prefer to receive care in their homes rather than in institutional settings such as hospitals and nursing homes.

In fact, patients actually do better in their recovery while at home than in a nursing home or hospital. And, clearly, the costs associated with home care are far less than what is charged in an institutional setting.

As a member of the Finance Committee, which has jurisdiction over the Medicare program, I am also well aware of the impending financial crisis Medicare was facing last year. Home health care was the fastest growing component in Medicare.

Between 1989 and 1996, Medicare spending for home health services rose from $2.5 billion to $16.8 billion. Concurrently, according to the GAO, the number of home health agencies grew from 5,700 in 1989 to more than 10,000 in 1997.

Indeed, home health care spending threatened to consume more and more of the limited Medicare dollars.

Last year, Congress was faced with an extraordinary and daunting task—namely, the financial survival of the Medicare program.

No less than President Clinton's own advisors who serve as his appointed Trustees for the Medicare Trust Fund warned Congress that absent immediate action Medicare Part A would be insolvent by the year 2001.

Clearly something had to be done. The status quo was unacceptable.

To control the rapid cost growth in all components of Medicare, Congress passed the Balanced Budget Act of 1997, or the BBA, which required the Health Care Financing Administration (HCFA), the agency responsible for administering the Medicare program, to implement a Prospective Payment System that sets fixed, predetermined payments for home health services.

Until that system could be developed and implemented, agencies would be paid through an Interim Payment System, or IPS, which imposes limits on agencies' cost-based payments. These limits were designed to provide incentives to control per visit costs and the number and mix of visits for each user.

Since the implementation of the IPS on October 1, 1997, numerous concerns have been raised about severe equity issues in the payment limit levels.

For instance, wide disparities exist in reimbursement levels ranging from $760 to $53,000 on average per beneficiary. The payment limits are further exacerbated by a major distinction in the payment rules between the so-called ''new'' verses ''old'' agencies.

The impact of the IPS has caused comparable home health agencies providing comparable home health services to receive very different reimbursement payments. The payment limit issues are further exacerbated by the imposition of a 15% across the board cut in payment rates which is scheduled to take effect in October 1999.

According to a September 1998 report from the General Accounting Office, at least 12 home health agencies in my state of Utah have been forced to close their doors since the implementation of the IPS.

This leaves just 75 agencies to serve the entire estimated home health care population of 22,000 home health beneficiaries throughout my state.

And, I note for my colleagues who have not had the pleasure of visiting Utah, with its spectacular vistas and magnificent mountains, essentially is a rural state with population centers far apart.

So if you live in Panguitch or Vernal, and your home health agency closes its doors, you will be very lucky if there is any other service option available.

Home health care is particularly vital in improving efforts to deliver health care in rural areas where quality, long term care has been deficient for too long.

As my colleagues recall last year, there was no disagreement on the need to move to the PPS. The home health care industry was supportive of the new system—and remains supportive to this day.

The problem is with moving to the PPS from the current cost-based payment system. Data which was not available to accurately develop the PPS would be needed before such a system could be put into place.

Accordingly, the IPS was proposed as a mechanism to provide HCFA was the necessary baseline information to develop the PPS.

As we now know, the IPS has resulted in new cost limits causing many home health agencies to close and resulted in beneficiaries, particularly those with high-cost needs, to have difficulty in obtaining care.

I am especially mindful of the situation in my state of Utah where many of my constituents have talked to me about the problem.

I have met with officials from Utah's home health agencies from around the state as well as with beneficiaries who depend on the services performed by these agencies.

Moreover, the Senate Small Business Committee held a hearing on July 15, 1998 on the impact of the IPS on small home health businesses. One of my constituents, Mr. Marty Hoelscher, CEO of Superior Home Care in Salt Lake City testified at the hearing. He stated:

> The IPS provides a flat payment to agencies for each patient, regardless of the amount of care the patient medically requires. What happens to the really sick patients? What happens to the agencies who don't turn their backs on them? In Utah, the patients of the 18 free standing agencies which have recently ceased operations are filling our emergency rooms, intensive care units, nursing homes or morgues.

I have been working concertedly with my Senate colleagues to resolve these problems. For example, in July, I joined with 20 of my colleagues in the Senate on July 16, 1998 to cosponsor S. 2323, the ''Home Health Access Preservation Act of 1998.''

This legislation was designed to alleviate the problems created by the IPS, and specifically, to address the problems associated with the high costs of caring for the sickest patients and those who need care on a long term basis.

After Senator GRASSLEY introduced S. 2323, it became evident that the budget neutrality provision—which necessitated that S. 2323 incur no new spending—was requiring us to reallocate resources in a way that disadvantaged some home health providers in order to assist others.

Many members expressed concerns that because of the problems inherent in such a reallocation, we should just repeal the IPS totally. I was extremely sympathetic to those concerns, but unfortunately, the Congressional Budget Office advised us that such a repeal was very costly; in fact, it was so costly that a total repeal was clearly out of question if we are to maintain the balanced budget which is so important to our country.

I am pleased that as a result of several months work by the Chairman and ranking minority member of the Finance Committee, Senator ROTH and Senator MOYNIHAN along with those of us on the committee have developed this bipartisan proposal which is supported by the home health industry.

The legislation we are introducing today, while not a perfect measure, is a responsible bill that will improve problems inherent in the current law and which will work to the benefit of thousands of Americans who rely on very valuable home health care services.

Under this legislation, several steps will be taken to improve the IPS.

First, the bill will reduce the extreme variations in payment limits applicable to old agencies within states and across state lines.

The bill also provides for a reduction in the payment level differences between ''old'' and ''new'' agencies. Such provider distinctions exist nowhere else in the Medicare system and contribute to the arbitrary nature of the payment system for health care services.

Moreover, the bill delays for one year the 15% across the board cut in payment limits for all agencies that was to

take effect in October 1999. Home health agencies in my state tell me this is perhaps the most significant and important feature of the bill.

The bill further directs the Health Care Financing Administration to take all feasible steps necessary to minimize the delay in the implementation of the PPS. Specifically, HCFA will be required to accelerate data collection efforts necessary to develop the case-mix system which is at the heart of the PPS model.

Mr. President, I am pleased to add my name as an original cosponsor to this vitally needed legislation.

As we are all too painfully aware, our budget rules require that any legislation such as this which proposes ''new'' Medicare spending be accompanied by a reduction in spending to offset the costs.

While I understand the need to maintain budget neutrality, I am concerned about the offsets in the Roth bill, but I am pleased Senator ROTH has agreed to consider other offsets in order to address my concerns. We cannot move forward without an offset since the Congressional Budget Office has scored the bill at a cost of $1 billion.

With the assurance that I now have received from the Chairman of the Finance Committee, I am lending my support to this important bill.

Our overriding objective at this late time with only hours left in the 105th Congress is to get this bill passed by the Senate and into conference with the House.

I am pleased that the House approved its version of the legislation just moments ago, and while the House legislation is not the measure I would want, its passage does move us substantially closer toward enactment of a final bill prior to adjournment.

I can assure my constituents in Utah who depend on home health care services that I will continue to pursue legislative resolution of these financing issues to preserve the home health care benefit for all Medicare beneficiaries.

And finally, let me also assure the dedicated and hard working people of Utah who provide home health care services that I will continue to work with them to bring some logic to the new Medicare payment system.

I especially want to thank Marty Hoelscher, Steve Hansen, Grant Howarth, Vaughn McDonald, Dee Bangerter and the many others in Utah, especially the Utah Association of Home Health Agencies, for their counsel and leadership over the past year in working on this very complex issue.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for such time as I may consume.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, there are two subjects that I wish to bring to my colleagues' attention this afternoon. First, I want to talk about an issue of enormous international consequence—the situation with respect to Iraq. For the last 2 months, as we know, Saddam Hussein has been testing, yet again, the full measure of the international community's resolve to force Iraq to eliminate its weapons of mass destruction. That has been the fundamental goal of our policy toward Iraq since the end of the gulf war and is reflected in the U.N. agreements reached in the aftermath of the war.

Two months ago, on August 5, Saddam Hussein, formally adopting a recommendation that had been made by the Iraqi parliament 2 days earlier, announced that Iraq would no longer permit U.N. weapons inspectors to conduct random searches in defiance of its obligations under those U.N. resolutions that were adopted at the end of the war, and also in violation, I might add, of its agreement last February with U.N. Secretary General Kofi Annan, to give UNSCOM teams, accompanied by diplomatic overseers, unconditional access to all sites where UNSCOM believed that Iraq may be stockpiling weapons or agents to make those weapons.

Let's understand very clearly that ever since the end of the war, it has been the clear, declared, accepted, and implemented policy of the United States of America and its allies to prevent Saddam Hussein from building weapons of mass destruction. And as part of that agreed-upon policy, we were to be permitted unlimited, unfettered, unconditional, immediate access to the sites that we needed to inspect in order to be able to make that policy real.

Iraq's defiance and the low-key—some would say weak—response of the United States and the United Nations initially went unnoticed, in part because of other events, including the dual bombings of our embassies in Kenya and Tanzania, as well as the obvious fascination with domestic events that have dominated the headlines now for so many months. Those events, frankly, have continued to obscure the reality of what is happening in Iraq; and, accordingly, the reality of the potential threat to the region—a region where, obviously, the United States, for 50 years or more, has invested enormous amounts of our diplomatic and even our domestic energy.

Press reports of the administration's efforts to intervene in, or at minimum, to influence UNSCOM's inspection process and the resignation of American UNSCOM inspector, Scott Ritter, focused the spotlight briefly on our Iraqi policy and raised some serious and troubling questions about our efforts to eliminate Iraq's weapons of mass destruction. The principal question raised was a very simple one: Are those efforts still intact, or has our policy changed?

Last month, press reports suggested that administration officials had secretly tried to quash aggressive U.N. inspections at various times over the last year, most recently in August, in order to avoid a confrontation with Iraq—this despite repeatedly demanding the unconditional, unfettered accesses that I referred to earlier for the inspection teams. Scott Ritter, the longest serving American inspector in UNSCOM, charged at the time that the administration had intervened at least six or seven times since last November when Iraq tried to thwart UNSCOM's work by refusing to allow Ritter and other Americans to participate on the teams, in an effort to delay or postpone or cancel certain UNSCOM operations out of fear of confrontation with Iraq.

Those were serious charges. We held an open hearing, a joint hearing between the Armed Services Committee and Foreign Relations Committee on these charges. There were some protestations to the contrary by the administration and a subsequent effort to ensure that the Security Council would maintain the sanctions against Iraq, but, frankly, nothing more.

In explaining his reasons for resigning, Scott Ritter stated that the policy shift in the Security Council supported ''at least implicitly'' by the United States, away from an aggressive inspections policy is a surrender to Iraqi leadership that makes a ''farce'' of the commission's efforts to prove that Iraq is still concealing its chemical, biological, and nuclear weapons programs.

Administration officials have categorically rejected the notion that U.S. policy has shifted, either in terms of our willingness to use force or support for UNSCOM. They have also disputed Ritter's charges of repeated U.S. efforts to limit UNSCOM's work. Writing in the New York Times on August 17, Secretary Albright stated that the administration has ''ruled nothing out, including the use of force'' in determining how to respond to Iraqi actions, and that supporting UNSCOM is ''at the heart of U.S. efforts to prevent Saddam Hussein from threatening his neighborhood.'' While acknowledging that she did consult with UNSCOM's Chairman, Richard Butler, after Iraq suspended inspections last month, she argued that he ''came to his own conclusion that it was wiser to keep the focus on Iraq's open defiance of the Security Council.'' Attempting to proceed with the inspections, in her view, would have ''allowed some in the Security Council to muddy the waters by claiming again that UNSCOM had provoked Iraq,'' whereas, not proceeding would give us a ''free hand to use other means'' if Iraq does not ''resume cooperation'' with the Security Council. At that time, she also stressed the importance of maintaining the comprehensive sanctions in place to deny Saddam Hussein the ability to rearm Iraq and thus threaten his neighbors.

I appreciate the Secretary's efforts to set the record straight. But, Mr. President, I have to say, in all candor, that

I don't think that her op-ed or subsequent statements by the administration have put to rest legitimate questions —legitimate questions or concerns about what our policy is and where it is headed—not just our policy alone, I might add, but the policy of the United Nations itself, and the policy of our allies in Europe.

The fact of the matter is, in my judgment, the U.S. response and that of the Security Council to Saddam Hussein's latest provocations are different in tone and substance from responses to earlier Iraqi provocations.

Three times in the last 11 months Saddam Hussein has launched increasingly bolder challenges to UNSCOM's authority and work. In November, he refused to allow American inspectors to participate on the teams. Although that crisis ultimately was resolved through Russian intervention, the United States and Britain were leading the effort to push the Security Council to respond strongly. In subsequent weeks, Saddam Hussein refused to grant UNSCOM access to Presidential palaces and other sensitive cites, kicked out the team that was led by Scott Ritter, charging at the time that he was a CIA spy, and threatened to expel all inspectors unless sanctions were removed by mid-May.

By February, the United States had an armada of forces positioned in the gulf, and administration officials from our President on down had declared our intention to use military force if necessary to reduce Iraq's capacity to manufacture, stockpile or reconstitute its weapons of mass destruction, or to threaten its neighbors.

Ultimately diplomacy succeeded again. In a sense, it succeeded again. It averted the immediate crisis. One can certainly raise serious questions about how effective it was with respect to the longer-term choices we face. But certainly in the short term, Secretary General Kofi Annan successfully struck an agreement with Iraq to provide UNSCOM inspectors, accompanied by diplomatic representatives, full and unfettered access to all sites. There is little doubt that this agreement would not have been concluded successfully without the Security Council's strong calls for Iraqi compliance combined with the specter of the potential use of American force.

Saddam's latest provocation, however, Mr. President, strikes at the heart of our policy, and at the capacity of UNSCOM to do its job effectively. As long as the U.N. inspectors are prevented, as they are, from undertaking random no-notice inspections, they will never be able to confirm the fundamentals of our policy. They will never be able to confirm what weapons Iraq still has or what it is doing to maintain its capability to produce weapons of mass destruction.

Yet, when confronted with what may be the most serious challenge to UNSCOM to date, the administration's response, and that of our allies and the United Nations, has been to assiduously avoid brandishing the sword and to make a concerted effort to downplay the offense to avoid confrontation at all costs, even if it means implicit and even explicit backing down on our stated position as well as that of the Security Council. That stated position is clear: That Iraq must provide the U.N. inspectors with unconditional and unfettered access to all sites.

Secretary Albright may well be correct in arguing that this course helps keep the focus on Iraq's defiance. It may well do that. But it is also true that the U.N.-imposed limits on UNSCOM operations, especially if they are at the behest of the United States, work completely to Saddam Hussein's advantage.

They raise questions of the most serious nature about the preparedness of the international community to keep its own commitment to force Iraq to destroy its weapons of mass destruction, and the much larger question of our overall proliferation commitment itself. They undermine the credibility of the United States and the United Nations position that Iraq comply with the Security Council's demands to provide unconditional and unfettered access to those inspectors. And, obviously, every single one of our colleagues ought to be deeply concerned about the fact that by keeping the inspectors out of the very places that Saddam Hussein wants to prevent them from entering, they substantially weaken UNSCOM's ability to make any accurate determination of Iraq's nuclear, chemical or biological weapons inventory or capability. And in so doing, they open the door for Iraq's allies on the Security Council to waffle on the question of sanctions.

I recognize that the Security Council recently voted to keep the sanctions in place and to suspend the sanctions review process. But, Mr. President, notwithstanding that, the less than maximum level of international concern and focus on the underlying fact that no inspections take place, the continuation of Iraq's weapons of mass destruction program, and the fact that Saddam Hussein is in complete contravention of his own agreements and of the U.N. requirements—that continues to be the real crisis. And Saddam Hussein continues to refuse to comply.

Since the end of the gulf war, the international community has sought to isolate and weaken Iraq through a dual policy of sanctions and weapons inspections. Or, as one administration official said, to put him in a ''box.'' In order to get the sanctions relief, Iraq has to eliminate its weapons of mass destruction and submit to inspections. But it has become painfully apparent over the last 11 months that there are deep divisions within the Security Council particularly among the Permanent 5 members over how to deal with Saddam Hussein's aggressive efforts to break out of the box.

Russia, France and China have consistently been more sympathetic to Iraq's call for sanctions relief than the United States and Britain. We, on the other hand, have steadfastly insisted that sanctions remain in place until he complies. These differences over how to deal with Iraq reflect the fact that there is a superficial consensus, at best, among the Perm 5 on the degree to which Iraq poses a threat and the priority to be placed on dismantling Iraq's weapons capability. For the United States and Britain, an Iraq equipped with nuclear, chemical or biological weapons under the leadership of Saddam Hussein is a threat that almost goes without description, although our current activities seem to call into question whether or not one needs to be reminded of some of that description. Both of these countries have demonstrated a willingness to expend men, material and money to curb that threat.

France, on the other hand, has long established economic and political relationships within the Arab world, and has had a different approach. Russia also has a working relationship with Iraq, and China, whose commitment to nuclear nonproliferation has been less than stellar, has a very different calculus that comes into play. Iraq may be a threat and nonproliferation may be the obvious, most desirable goal, but whether any of these countries are legitimately prepared to sacrifice other interests to bring Iraq to heel remains questionable today, and is precisely part of the calculus that Saddam Hussein has used as he tweaks the Security Council and the international community simultaneously.

Given the difference of views within the Security Council, and no doubt the fears of our Arab allies, who are the potential targets of Iraqi aggression, it is really not surprising, or shouldn't be to any of us, that the administration has privately tried to influence the inspection process in a way that might avoid confrontation while other efforts were being made to forge a consensus. But now we have to make a judgment about the failure to reinstate the inspection process and ask ourselves whether or not that will destroy the original ''box'' that the administration has defined as so essential to carrying out our policy.

Is it possible that there is a sufficient lack of consensus and a lack of will that will permit Saddam Hussein to exploit the differences among the members of the Security Council and to create a sufficient level of sanctions fatigue that we would in fact move further away from the policy we originally had?

To the extent that his efforts are successful, we will find ourselves increasingly isolated within the Security Council. In fact, it is already clear that some of our allies in the Security Council are very open to the Iraqi idea of a comprehensive review of its performance in dismantling all of its nuclear, biological, and chemical weapons—a review which Iraq hopes will

lead to a lifting of some if not all of the sanctions.

I think the question needs to be asked as to how long we can sustain our insistence on the maintenance of sanctions if support for sanctions continues to erode within the Security Council. If it is indeed true that support is eroding—and there are great indicators that, given the current lack of confrontation, it is true—then the question remains, How will our original policy be affected or in fact is our original policy still in place?

In April, Secretary Albright stated that, ''It took a threat of force to persuade Saddam Hussein to let the U.N. inspectors back in. We must maintain that threat if the inspectors are to do their jobs.''

That was the policy in April. Whether the administration is still prepared to use force to compel Iraqi compliance is now an enormous question. The Secretary says it is, but the recent revelations raise questions about that.

In addition, it seems to me that there are clear questions about whether or not the international community at this point in time is as committed as it was previously to the question of keeping Iraq from developing that capacity to rob its neighbors of tranquility through its unilateral development of a secret weapon program.

In May, India and Pakistan, despite all of our exhortations, conducted nuclear tests. In August, U.S. intelligence reports indicated that North Korea is building a secret underground nuclear facility, and last month North Korea tested a new 1,250-mile-range ballistic missile which landed in the Sea of Japan. Each and every one of these events raises the ante on international proliferation efforts and should cause the Senate and the Congress as a whole and the administration, in my judgment, to place far greater emphasis and energy on this subject.

If the United States and the United Nations retreat in any way on Iraq, if we are prepared to accept something less than their full compliance with the international inspection requirement that has been in place now for 7 years, it will be difficult to understand how we will have advanced the cause of proliferation in any of those other areas that I just mentioned.

Mr. President, over the years, a consensus has developed within the international community that the production and use of weapons of mass destruction has to be halted. We and others worked hard to develop arms control regimes toward that end, but obviously Saddam Hussein's goal is to do otherwise. Iraq and North Korea and others have made it clear that they are still trying, secretly and otherwise, to develop those weapons.

The international consensus on the need to curb the production and use of weapons of mass destruction is widespread, but it is far from unanimous, and, as the divisions within the Security Council over Iraq indicate, some of our key allies simply don't place the same priority on proliferation as we do.

The proliferation of weapons, be they conventional or of mass destruction, remains one of the most significant issues on the international agenda. Obviously, solutions won't come easily. But I am convinced that in the case of Iraq, our failure would set the international community's nonproliferations efforts back enormously.

Our allies need to understand that the ramifications of letting Saddam Hussein out of the box that we put him in with respect to inspections would be serious and far-reaching. So I believe we need to keep the pressure on them to stand firm, to stand firm with us, and unless we reassert our leadership and insist that Iraq allow those inspectors to do their job, we will have destroyed a number of years of our effort in ways, Mr. President, that we will regret in our policy for the long haul.

I would point out also that there are experts on Iraq, those in the inspections team, those at the U.N. and elsewhere in our international community, who are very clear that Saddam Hussein's first objective is not to lift the sanctions. His first objective is to keep Iraq's weapons of mass destruction program—that will come ahead of all else.

The situation is really far more serious than the United Nations, the Congress or the administration have made clear to the American people or demonstrated through the level of diplomacy and focus that is currently being placed on this issue. It is not simply about eliminating Saddam Hussein's capacity to threaten his neighbors. It is about eliminating Iraq's weapons of mass destruction—chemical, biological, and nuclear. Failure to achieve this goal will have a profound impact, I believe, on our efforts with respect to our other nonproliferation efforts including completion of our talks with Russia and the ultimate ratification of the START II treaty by the Duma.

In recent conversations that I had with Chairman Butler, he confirmed that Saddam Hussein has only this one goal—keeping his weapons of mass destruction capability—and he further stated with clarity that Iraq is well out of compliance with U.N. resolutions requiring it to eliminate those weapons and submit to inspections and out of compliance with the agreement that he signed up to in February with Kofi Annan.

Mr. President, I believe there are a number of things we could do, a number of things both in covert as well as overt fashion. There is more policy energy that ought to be placed on this effort, and I believe that, as I have set forth in my comments, it is critical for us to engage in that effort, to hold him accountable.

In February, when we had an armada positioned in the gulf, President Clinton said that ''one way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line.''

The fact is, Mr. President, over these last months there has been precious little to prevent Saddam Hussein from developing that capacity without the inspectors there and without the unwavering determination of the United Nations to hold him accountable. So the question still stands, What is our policy and what are we prepared to do about it?

Mr. President, I had asked to speak also on another topic for a moment. I see my colleague from New Mexico is here. Let me ask him what his intentions might be now and maybe we can work out an agreement.

Mr. DOMENICI. Mr. President, I am on the list for 20 minutes, and I have a 2:30 beginning on the budget process working with the White House on some offsets. How much longer did the Senator need?

Mr. KERRY. Mr. President, under those circumstances, I know that the chairman needs to get to those talks. I was going to speak for a longer period of time. What I will do is just proceed for another 5 minutes, to summarize my thoughts, if it is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION CRISIS

Mr. KERRY. Mr. President, we appear to be, obviously, stuck on the issue of education in the Senate as in the country. We have been talking about the crisis for a long time now. The fact is that there isn't a community in the country that isn't struggling with its public school system. Vouchers gain in popularity notwithstanding the fact that they are only going to solve the problem for a few of our kids. And the truth is that too many of our schools have a diminished tax base and an inability through the property tax to be able to do what they need to do.

We also know that too many of our students are graduating from high school and given a degree by a principal even though principals in this country know that too many of those kids can't even read or write properly. Of 2.6 million kids who graduated from high school a year and a half ago, fewer than a third graduated with a proficient reading level. One-third were below basic reading, one third were at basic reading level, and only 100,000 of them had a world-class reading level. Thirty percent of our kids need remedial reading, writing, and arithmetic in the first days when they go to college. The truth is, we also have a crisis of teachers and their availability in our school system. We need some 2 million new teachers in the course of the next 10 years. We will need to hire 60 percent of them in the course of the next 5 years. This year alone, 61,000 new teachers went into our school systems. But the fact is, we are not able to draw from the best universities, the best colleges, and the best students because we barely pay enough for subsistence as

starting salary and because too many kids come out of college today with loan payments due and with other opportunities that draw them away from the prospect of teaching.

We really do have a major set of choices in front of us about our education system. There is a great struggle here in Washington. A lot of people argue the Federal Government has no role whatsoever, there is nothing the Federal Government can do with respect to this. After all, only 7 percent of the budget comes from the Federal Government, and as we all know, it is a cherished notion in America that schools are run locally. And that is the way we want it. I agree with that. There is nothing in what I propose that would suggest the Federal Government ought to increase its relationship. In fact, it can decrease it. But we have to acknowledge the reality that there are too many communities that simply cannot do it on their own. There is a whole new set of relationships that need to be created in our education system between teachers and the principals, the school boards and the layers of bureaucracy that have been created for all of these years.

So I suggest we ought to undo the bureaucracy, think differently, think out of the box and not be locked into a traditional debate between Democrats and Republicans, conservatives and liberals. We ought to look at a way that we can take the best practices, what works best in a parochial school, in a private school—or in a wonderful public school. The truth is, there are some incredible public schools in this country where teaching is going on and kids are going on to the best colleges in the country. When you go to those schools, you will invariably find a principal, above all, who is energized, respected, creative, visionary; who has the respect of the community, who is able to move the school into new curricula, into a new relationship with the school board, into a new relationship with the students and with the teachers and they have worked out their own hybrid relationships with the teachers' unions and with the layers of bureaucracy. They have liberated themselves in many ways from what stifles creativity in too many of our schools. In essence, they have become a charter school within the public school system.

I believe what we ought to strive to do is to allow every school within the public school system to effectively become a charter school within the public school system, allow those schools to be able to have principals who run the school on a local basis, hiring teachers from any walk of life, being responsible for the quality of that teaching. It does not make sense in America that someone who can teach at a college might not be allowed to teach in a high school or in a secondary or elementary school simply because they have not gone through the structure of the education system that is now licensed to provide teachers in most of our communities.

How is it that you can have a professor in a college who would not be able, on a long-term basis—yes, maybe on a provisional basis—but on a long-term basis to teach in the public school system? We need to provide choice and competition within the public school system. We need to have accountability in those systems in ways that parents and children and the community as a whole will be more involved in the life and breadth of that school.

I am going to be introducing legislation together with some Republican colleagues later in the year. I will be putting it in now as an outline, for purposes of the Record. I look forward, I hope in the next Congress, to our opportunity to engage in a stronger and more lively debate about real solutions to the crisis of education in America.

I yield the floor and ask unanimous consent the outline be printed in the RECORD.

There being no objection, the outline was ordered to printed in the RECORD, as follows:

A PLAN TO EDUCATE AMERICA'S CHILDREN

(By Senator John F. Kerry)

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

If education reform is to succeed in America's public schools, we must demand nothing less than comprehensive reform effort. The best public school districts are simultaneously embracing a host of approaches to educating our children; high standards and accountability, sufficient resources, small class sizes, quality teachers, motivated students, effective principals, and engaged parents and community leaders. We must not be half-hearted in our efforts to make reform feasible for every school in this country. We cannot address only one challenge in education and ignore the rest. We must make available the tools for real comprehensive reform so that every aspect of public education functions better and every element of our system is stronger.

So let us now turn to a bold answer: Let's make every public school in this country essentially a charter school within the public school system. Let's give every school the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and real accountability.

Several schools across the country have devised ways to accomplish this by raising standards to improve student achievement, lowering class size, improving on-going education for teachers, and reducing unnecessary middle-level bureaucracy. Numerous high-performance school designs have also been created such as the Modern Red Schoolhouse program, the Success for All program, and the New American Schools program. The results of extensive evaluations of these programs have shown that these designs are successful in raising student achievement. Studies show that these many of these successful programs cost less than the national median of basic education revenues per pupil for K–12 school districts. If we brought all schools up to the spending level of the national median, all schools could finance these high-performance school designs. Therefore, we should raise spending to the state or the national median, whichever is higher, thereby allowing every school district to finance and implement comprehensive reform based on proven high-performance models and teach students to the highest standards (58 percent of school districts are below either the national or their state median). Although money alone will not solve the problems in poor school districts, it is impossible to solve without adequate resources. Rather than piecemeal, fragmented approaches to reform, the Comprehensive School Reform program is intended to foster coherent schoolwide improvements that cover virtually all aspects of a school's operations.

To ensure that the vast majority of school districts could engage in comprehensive school reform, Title I of the Elementary and Secondary Education Act (ESEA) should also be fully funded. Title I is the primary federal help for local districts to provide assistance to poor students in basic math and reading skills. Title I currently provides help to local school districts for additional staff and resources for reading and math, curriculum improvements, smaller classes, and training poor students' parents to help their children learn to read and do math. However, Title I only reaches two-thirds of poor students because of inadequate funding. Since 90 percent of school districts receive at least some Title I funds, fully funding Title I and allowing school districts to use these additional funds for comprehensive reforms would give schools the ability to implement comprehensive reforms so that all students reach the highest academic standards.

Most poor school districts lack the resources to meet the vital educational needs of all of their students. A well-crafted program with the federal and state governments working in close cooperation with one another could make major strides in closing these gaps and improving student performance.

Comprehensive school reform will help raise student achievement by assisting public schools across the country to implement effective, comprehensive school reforms that are based on proven, research-based models. No new federal bureaucracy would be established—the program would be implemented at the state level. Furthermore, no funds could be used to increase the school bureaucracy. School districts would implement a comprehensive school reform program and evaluate and measure results achieved. Schools would also provide high-quality and continuous teacher and staff professional development and training, have measurable goals for student performance and benchmarks for meeting those goals, provide for meaningful involvement of parents and the local community in planning and implementing school improvement, and identify how other available federal, state, local, or private resources will be utilized to coordinate services to support and sustain the school reform effort.

The funding for the program would move towards the goal of providing every school district in the country enough funds to implement a high quality, performance-based model of comprehensive school reform at a cost of $4,270. This would mean providing enough funds to bring every district up to the state or the national median, whichever is higher (it is estimated that $30 billion annually would be needed to bring the per-pupil expenditure of every school district up to the national or state average). To move towards this goal, the federal government would provide funds and states would match this money (states would provide 10 to 20 percent with poorer states providing a smaller match). To receive these funds, states would have to provide a minimum spending effort based on state and local school spending relative to the state's per capita income. Funding would be $250 million in FY99, $500 million in FY2000, $750 million in FY2001, $1 billion in FY2002, and $4 billion in FY2002.

Fully fund Title I so almost all school districts would receive some funds to implement comprehensive school reform (90 percent of all local school districts receive Title I funds). Funding would be $200 million in FY99, $400 million in FY2000, $600 million in FY2001, $1 billion in FY2002, and $4 billion in FY2002.

TITLE II—ENSURE THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Recent scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits. Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children. We must enhance private, local, and state early successful support programs for young children by providing resources to expand and/or initiate successful efforts for at-risk children from birth to age six.

Provide funds to States to make grants to local early childhood development collaboratives. States would fund parent education and home visting classes and have great flexibility to decide whether to also support quality child care, helping schools stay open later for early childhood development activities, or health services for young children. Communities would be required to document their unmet needs and how they would use the funds to improve outcomes for young childen so they begin school ready to learn. Funding would be $100 million in FY99, $200 million in FY2000, $300 million in FY2001, $400 million in FY2002, and $1 billion in FY2002.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Principals face long hours, high stress, and too little pay. To overcome these obstacles, principals in successful schools must have effective leadership skills. However, too few principals get the training they need in management skills to ensure their school provides an excellent education for every child. Attracting, training, and retaining excellent principals is essential to helping every local school district become world class.

Establish a grant program to states to provide funds to local school districts to attract and to provide professional development for elementary and secondary school principals. Activities would include developing management and business skills, knowledge of effective instructional skills and practices, learning about educational technology, etc. Funding would be $20 million per year. States and local school districts would contribute 25 percent of the total although poor school districts would be exempt from the match.

TITLE IV—ESTABLISH ''SECONE CHANCE'' SCHOOLS FOR TROUBLED STUDENTS

Parents, students, and educators know that serious school reform cannot succeed without an orderly and safe learning environment. The few students who are unwilling or unable to comply with discipline codes and make learning impossible for the other students need behavior management programs and high quality alternative placements. Suspending or expelling chronically disruptive or violent students is not effective in the long run since these students will fall behind in school and may cause additional trouble since they are frequently completely. unsupervised; these students need alternative placements that provide supervision, remediation of behavior and maintenance of academic progress. Although some may resist this program for fear that it will be used to isolate disabled students, the purpose is to provide additional interventions for troubled students, not to change disciplinary actions against disabled students.

Add a new title to the Elementary and Secondary Education Act (ESEA) to establish a competitive state grant program for school districts to establish ''Second Chance'' programs. To receive the funds school districts must enact district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools may use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Funding would be $100 million per year and distributed to states through the Title I formula.

TITLE V—TEACHER RECRUITMENT AND ON-GOING EDUCATION INCENTIVE GRANT

Approximately 61,000 first-time teachers begin in our nation's public schools each year. Since the average starting salary for teachers is a little more than $21,000 per year, we need to raise their compensation to attract a larger group of qualified people into the teaching profession. Since the average student loan debt of students graduating college who borrowed money for college is $9,068, the most effective way to provide federal assistance to states to raise teachers' salaries is to provide loan forgiveness. In addition, scholarships ought to be available to the most talented high school students in every state in return for a commitment to teach in our public schools (North Carolina has successfully recruited future teachers from within public high schools with the lure of college scholarships).

States would be given funds to provide poor school districts the ability to raise teacher salaries to attract and retain the best teachers. Funding would be provided through the Title I ''targeted grant'' formula (the minimum threshold would be 20% poor children or 20,000 poor children). Funding would be $500 million for FY 99, $500 million in FY 2000, $1 billion in FY 2001, $1 billion in FY 2002, and $2 billion in FY 2003. Additionally, full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs would have 20 percent of their student loans forgiven after two years of teaching, an additional 20 percent after three years, an additional 30 percent after four years, and the remaining 30 percent after five years. The program would be funded at $50 million each year. Finally, an additional $10 million would be provided as grants to states that wish to provide signing bonuses for first-time teachers who teach in low-income areas or areas with teacher shortages.

Provide $10 million in grants for states to establish a program to provide college scholarships to the top 20 percent of SAT achievers or grade point average in each state's high school graduating class in return for a commitment to become a state certified teacher for five years. States would contribute 20 percent of the funds for the scholarships. Five percent of the total funds could be used by local school districts to hire staff to recruit at the top liberal arts, education, and technical colleges (districts would be encouraged to establish a central regional recruiting office to pool their resources). One percent of the total funds would be used by the Secretary of Education to create a national hotline for potential teachers to receive information on a career in teaching.

TITLE VI—TEACHER QUALITY ENHANCEMENT GRANTS

We need to provide on-going education in teaching skills and academic content knowledge, establish or expand alternative routes to state certification, and establish or expand mentoring programs for prospective teachers by veteran teachers (according to the National Commission on Teaching and America's Future, beginning teachers who have had the continuous support of a skilled mentor are more likely to stay in the profession).

Establish Teacher Quality Enhancement Grants, a competitive grant awarded to states to improve teaching. The grants would have a matching requirement and must be used to institute state-level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas they are assigned to teach. In addition, establish Teacher Training Partnership Grants, designed to encourage reform at the local level to improve teacher training. One of the uses of these funds would be for states to establish, expand, or improve alternative routes to state certification for highly qualified individuals from other occupations such as business executives and recent college graduates with records of academic distinction. Another use would be to mentor prospective teachers by veteran teachers. Provide $100 million per year for these new teachers training programs so that states can improve teacher quality, establish or expand alternative routes to state certification for new teachers, and mentor new teachers by veteran teachers.

TITLE VII—INVEST IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

As many as five million children are home alone after school each week. Most juvenile involvement in crime—either committing crime or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, however, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behavior. Expansion of both school-based and community-based after school programs will provide safe developmentally appropriate environments for children and help communities reduce the incidents of juvenile delinquency and crime. In addition, many states and localities such as Maryland and the Chicago public school system require high school students to perform community service to receive a high school diploma. The real world experience helps prepare students for work and instills a sense of civic duty.

Expand the 21st Century Learning Centers Act by providing $400 million each fiscal year to help communities provide after-school care. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used by school districts to provide: literacy programs; integrated education, health, social service, recreational or cultural programs; summer and weekend school programs; nutrition and health programs; expanded library services, telecommunications and technology education programs; services for individuals with disabilities, job skills assistance; mentoring; academic assistance; and drug, alcohol, and gang prevention activities.

Provide $10 million in grants to states that have established or chose to establish a state-wide or a district-wide program that requires high school students to preform

community service to receive a high school diploma. States would determine what constitutes community service, the number of hours required, and whether to exempt some low-income students who hold full-time jobs while attending school full-time. The grants would be matched dollar for dollar with half of the match coming from the state and local education agencies and half coming from the private sector.

TITLE VIII—EXPAND THE NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

The National Board for Professional Teaching Standards, which is headed by Gov. Jim Hunt, established rigorous standards and assessments for certifying accomplished teaching. To pass the exam and be certified, teachers must demonstrate their knowledge and skills through a series of performance-based assessments which include teaching portfolios, student work samples, videotapes and rigorous analyses of their classroom teaching and student learning. Additionally, teachers must take written tests of their subject-matter knowledge and their understanding of how to teach those subjects to their students. The National Board certification is offered to teachers on a voluntary basis and complements but does not replace state licensing. The National Commission on Teaching for America's Future called for a goal of 105,000 board certified teachers by the year 2006 (since the exam began recently, only about 2,000 teachers are currently board certified). Since the exam costs $2,000, many teachers are currently unable to afford it.

Provide $189 million over five years so that states have enough money to provide a 90% subsidy for the National Board certification of 105,000 teachers across the country.

TITLE IX—HELP COMMUNITIES TO MODERNIZE AMERICA'S SCHOOLS

More than 14 million children in America attend schools in need of extensive repair or replacement. According to a comprehensive survey by the General Accounting Office (GAO) requested by Senator Moseley-Braun, Senator Kerry and others, the repair backlog totals $112 billion. Researchers at Georgetown University found that the performance of students assigned to schools in poor condition fall by 10.9 percentage points below those in buildings in excellent condition.

To help rebuild, modernize, and build over 5,000 public schools, provide federal tax credits to school districts to pay interest on nearly $22 billion in bonds at a cost of $5 billion over five years.

TITLE X—ENCOURAGE PUBLIC SCHOOL CHOICE

Many public schools have implemented public school choice programs where students may enroll at any public school in the public school system. In contrast to vouchers for private schools, public school choice increases options for students but does not use public funds to finance private schools which remain entirely unaccountable to taxpayers.

Provide $20 million annually in grants to states that choose to implement public school choice programs. School districts could spend the funds on transportation and other services to implement a successful public school choice program. Up to 10 percent of the funds may be spent by a school district to improve low performing school districts that lose students due to the public school choice program.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from New Mexico for up to 20 minutes.

Mr. DOMENICI. Mr. President, I thank Senator SESSIONS from Alabama. He was here ahead of me and, frankly, had a more legitimate right to speak now than I, and I appreciate his permitting me to proceed.

SENATOR DALE BUMPERS

Mr. DOMENICI. First let me talk for a moment, since he is present on the floor, of Senator BUMPERS, the senior Senator from Arkansas. Let me use a couple of minutes of my time to say a few words about him before I proceed to talk about the budget and a few other matters.

First, I want to say to Senator BUMPERS, I don't think he needs me to repeat again what I have said in committee. He is going to be missed. He has been a real credit to this place called the U.S. Senate. I have never known him to behave, act, or in any way conduct himself as to demean this place. He has held it in respect, and that makes it a better place when we do that.

But I also want to remind the Senate, since it has not been stated here on the floor as I know of, that in the energy and water appropriations bill it was my privilege, at the behest of some of Dale BUMPERS' good friends here in the Senate, with the help of his staff and others, to include a resolution honoring him for his diligent and hard work on behalf of the public domain in the United States—the forest lands, the wilderness, the parks. In that bill, the resolution says we want him to be known for as long as there is an Arkansas. Thus, we took eight wilderness areas that are in his State that he had a lot to do with, and for name purposes we made all of them part of one wilderness called the Dale Bumpers Wilderness Area.

That is now 91,000 acres in total that will bear your name. I know many other things could be done to indicate our esteem for you, but many of us thought that this might just be one that would strike you as quite appropriate. And we hope so. It is now the law of the land. The President signed it about 22 hours ago. Thus, I am here saying it in your presence.

I thank you personally on behalf of our side of the aisle for everything you have done.

Mr. BUMPERS. Mr. President, if the Senator will yield just a moment for me to say: I want that to be my legacy, Senator. You couldn't have done anything that would please me more. I have had a few accolades in my 24 years in the Senate. I have had several things named after me. But I can tell you that what you did in that Energy and Water Committee gives me unbelievable satisfaction. The reason I sponsored that legislation and fought so hard for it several years ago is because I wanted my children and my grandchildren to know what my values were. I was trying to save something for them.

I thank you very much.

Mr. DOMENICI. Then, might I say to Senator BUMPERS, that aisle, from your podium on down here to the first step into the well, is going to get a deserved rest when you leave. That aisle and the carpet there is going to take a new breath and say there is nobody walking up and down on top of us, because Dale BUMPERS is not walking, walking the floor there as he delivers his eloquent speeches on the Senate floor. I only say that by way of the great respect we have for the way you talk to us, and talk to the American people. I am very pleased that you used that little 30 feet of carpet and hall as your place to talk.

Mr. BUMPERS. Thank you, Senator.

ADDRESSING PRESIDENT CLINTON

Mr. DOMENICI. Mr. President, I want to talk about three or four things. I am going to try my very, very best to be factual. I am concerned that here, in these waning days, considering the situation that exists on Pennsylvania Avenue, that the President finds himself in a very supercharged political environment. I don't think I had to say that. I think everybody knows that. But I want to suggest that yesterday afternoon, or whatever time of day it was that the President had a quickly called press conference to talk about the Congress of the United States and what we have and haven't done, and particularly to say that we aren't taking care of his education programs, and unless we do, he is going to keep us here.

Normally, when I say ''Mr. President,'' I am addressing the Chair, because that is what we are supposed to do. If we care to address anyone here, we do it through ''Mr. President.''

Permit me to address the Mr. President on Pennsylvania Avenue, President Bill Clinton.

President Clinton, you have been known to have a fantastic memory. As a matter of fact, I think you acknowledged that at one point recently, although, as with many of us who grow older, you did indicate that with the passage of time and the pressure of many things to do, that that great memory fails every now and then.

Now, Mr. President—Bill Clinton—I am suggesting that maybe your memory failed you when you gave that speech yesterday. So let me tell you what I remember about your education programs that you claim we have not funded.

I want everybody to know that on many things regarding budgets and programs, you can look to the budget that the President sends up here to see what it asks for and what we are giving him. This is the budget for the year we are now appropriating, which started technically on October 1. Here it is.

I had occasion, shortly after it was issued, to have the education parts of this reviewed. I remember coming to the floor of the U.S. Senate to say to the President, which OMB agreed to, ''Mr. President, the official scorekeeper and official evaluator of budgets for the U.S. Congress says that

your request for money for two education programs—interest reduction so that schools can afford buildings they need and so-called 100,000 teachers so we can lower the classroom ratio—those two programs were found by the official budget analysts to not properly have been placed in this budget. What they said is, they break the budget that you just signed, Mr. President.'' Point No. 1.

Point No. 2: If they are so important—and I am not denying that the President feels they are, and maybe many Senators feel they are—do you know what the President did in asking us to pay for them? He didn't provide the money to pay for them. He did not. It is not in this budget. He said, ''When you pass the cigarette tax, I would like you to use some of it for education.''

Let me just say, that sort of says to me, ''I couldn't find room in the budget for these things that I am telling you are very important. So if we get a cigarette tax, we'll pay for them.''

Do you know what happened? After weeks of debate, we didn't get a cigarette tax.

Mr. President, what I know is that the appropriators in the U.S. Senate, in the bill that takes care of education—so there will be no misunderstanding, in this regular budget you asked for $31.4 billion for education. Look at the appropriations bill, Mr. President. Ask OMB, your official people who look at it. See how much the Senate gave you for education funding for the year you are complaining about. Interesting, $31.4 billion—exactly what you asked for. Now, Mr. President, you tell the American people you are going to keep us here until we do this, as if we are the ones to blame for it not being done—that is, those two programs.

I am living in a different world, or the President's memory has failed him, because do you understand, I say to my fellow Senators, that the President is asking for that money now for these two programs—and for many Senators it is doubtful whether that is the way to help education, but, nonetheless, let's just follow it. He is now saying he is going to keep us here until we do it. But guess what. He knows, his helpers know, that he has to find programs within the Government to cut, which are called offsets, in order to pay for those two programs. He knows that, because this budget says he didn't have room for it in here. He was making room through a cigarette tax that never happened.

As of right now, 2:25 p.m., I am not aware that the President has submitted a means to pay for those programs. I am not aware that the President has told us how to pay for them if we wanted to adopt them. All I am asking is that we depoliticize a few of these issues, or at least state the facts correctly. We do not deserve blame for not including two programs, which, I repeat, are not paid for in this budget, when as of today, 11 days into the fiscal year, we don't know how the President intends to pay for them. All right? That is the first point I would like to make today.

Second point: There has been a lot of discussion this morning on the floor of the Senate by some Senators about this issue of a Patients' Bill of Rights. I think the country understands, but just so it won't be left unaddressed here this morning, let me again refresh our collective memories. With everything that we have to do, we took 3½ weeks to debate the Patients' Bill of Rights on the floor of the Senate.

The minority can say we didn't let it pass, but, Mr. President, the majority can say, they didn't let it pass. They had a bill; we had a bill. We had more than 50 votes; they did not. They kept our bill from passing which had more than sufficient votes. So I ask, who is to blame for a bill not passing? Again, I want to be practical, I can't say it is all their fault, the minority's fault, but clearly it is certainly not all the Republicans' fault.

What was the really big issue between the two parties? And I leave this one to the American people. The principal issue that divided us was the lawyers of the United States. They support the minority heavily—not all of them, not all of them, but those who litigate. What did they want in the bill that we didn't want in the bill? We didn't want a new right to go to court to sue managed care entities, HMOs. We left the right to sue the doctors and the professionals, but we didn't want to create a new right to sue the HMOs in courts of law for damages.

We, on this side, for the most part—not unanimously, but for the most part—have adopted a sense about health care, and it says lawyers and lawsuits don't deliver health care; lawyers and lawsuits make health care cost more. We could not see why, if the minority and the President think it is such an enormous new status and set of rights that we should adopt—and we tend to agree—why would the minority that didn't have the votes to pass here but we had the votes to pass ours—why would they deny a bill's passage based upon, they want lawyers back in the loop and we don't want lawyers back in the loop? I leave it to those listening and those who will look at the RECORD. See if I am correct that that was the biggest stumbling block, and see whether the President and the minority caused the Patients' Bill of Rights bill to fail or not.

Those are two points, and I want to make a third.

Mr. President, in the election past, two things worked for the President. He is probably the best public relations President we have ever had. Two things worked for him as certain—as certain—as when you write a name in ink on a piece of paper with indelible ink; it will be there. And those two things that he has used over and over—you need not think; they will pop into your mind—Social Security and education. Right?

What we have seen, I say to my friend from Alabama, we have seen the Social Security card played. How? ''No tax cuts out of the surplus because it jeopardizes Social Security.'' That is the typical every 2-year issue. It is raised again.

Let me suggest to Mr. President, Bill Clinton, you know, Mr. President, that we are about, in the next 72 hours, to pass a very big appropriations bill. Maybe Pennsylvania Avenue does not know this, but here is the best estimate I have. We are about to spend—spend; not tax, spend—$18 billion of the surplus that was supposed to be saved for Social Security. Got it? The same pot that the President says, ''Don't touch it. It's for Social Security,'' we are about to spend $18 billion of it for so-called ''emergencies.'' And I will get to that in a moment.

Friends here in the Senate and those listening, you cannot have it both ways. You cannot say to Republicans, ''You can't use the surplus to give back to the American people in taxes, even if it's a tiny amount, but you can spend the surplus for bigger Government.'' You know, it just does not wash. Both are diminishing, to some extent, the surplus of $1.6 trillion that we expect in the next decade.

I do not think it will be that much. In fact, the year we are in right now is supposed to have an $80 billion surplus. I think it will be $20 billion off because of economics. And then we will spend $18–, $20 billion of it that we did not plan to spend. Then we will have something for defense next year that we need, and there will probably be none left for tax cuts. That is what it looks like.

So I want to just talk about one of the emergencies.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. One of the ''emergencies'' is a real emergency. That is to help agriculture in the United States. But let me suggest, to help agriculture in the United States, we sent the President a bill. We had $4 billion in the emergency funding for the farmers of the United States.

When the President of the United States asked us for emergency money—which he knew people like Senator DOMENICI would start adding up to see how much more you are spending of the surplus than the Republicans planned to use in tax cuts—the President asked for $2.3 billion for agriculture. We gave him $4 billion.

But in the meantime, a distinguished Senator on the minority side, whom I have great respect for, the minority leader, Senator DASCHLE, introduced a bill saying, ''We want $7.2 billion as an emergency for agriculture. And we want to wipe out the new law which is only 18 months old called Freedom to Farm because we currently have an emergency''—$7.2 billion. The President asked for $2.3 billion. Now we get a communication from the President that says, ''I asked you for $2.3 billion,

but essentially I want DASCHLE's bill, too.'' Now, believe it or not, we sent him a bill with $4 billion. He vetoed it and said, ''Now you've got to give me what Senator DASCHLE's bill has.''

Mr. President, we have had the best people in this body working on agriculture who put this emergency package together. And believe me, the $4 billion package would make the American agriculture whole. There would be no net loss of income to the agriculture community. They know it. The experts know it. But because it is an election year, and because of the turmoil that exists that I have alluded to earlier in my conversation with the Senate here, the President now holds agriculture programs hostage. If we do not do it his way, we will close down the Department of Agriculture. Frankly, if we did, it would be the President's—it would be on his shoulders, not ours. But you know, it will get worked out. I just thought everybody ought to know how these things work.

Now, should it matter? We have worked for 20 years to get a balanced budget and a balanced budget agreement. The result has been nothing but good news for America. Almost everybody that even touched the issue lays claim to having done it all, including the President who claims the entire economic well-being of the country is because he is President. He can do that. That is fine.

The truth of the matter is, there are plenty—plenty—who deserve credit, including the Federal Reserve, including Republicans in the Senate, Democrats in the Senate, the same in the House. But it really started happening, in terms of restraining the budget, when both bodies became Republican. And we can go back and trace that. That is when we fixed welfare to save money, that is when we changed Medicaid to save big dollars, and on and on.

Let's go home, let's wrap this up in the next few days, but let's remember the facts. And let's not let this superheavy, politically charged environment color things such that we are going to take that surplus we take so much pride in, and find out in 3 or 4 months that there is only 25, 30, 40 percent of it left, even though we were told, ''You're going to really use it up if you cut taxes.'' What happened? We did not cut taxes, and it got used up. Interesting.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

FAREWELL SPEECH

Mr. BUMPERS. Mr. President, I rise this afternoon to speak, for what may be the last time, on the floor of the Senate. It is a very bittersweet time for me, after 24 years, most of which have been spent at this very desk. I might say at this moment that I have been blessed by having Senator KENNEDY as my seatmate these many years, and before him Senator GORE—both truly outstanding men.

In order to deliver a speech such as I am about to deliver, Mr. President, I do not think there is anything wrong with listing some of the defining moments in my life, because this speech is really more for the benefit of my children and grandchildren than it is for my colleagues or the people of America.

First of all, I was blessed by my parents. I remind my brother from time to time that everybody was not so lucky in choosing their parents as he and I were. And that really is the reason that I stand here as one of 1,843 men and women ever to serve in the U.S. Senate. We were taught when we were children that when we died we were ''going to Franklin Roosevelt''. And the reason we were taught that is because we were very poor. Most people do not realize that the South, from 1865 until about the time Franklin Roosevelt became President, was still living almost as a conquered nation. National politicians paid very little attention to the South.

In our household, we were poor during the Great Depression. And I might say, the Great Depression is certainly one of the most important defining moments of my life. But it was during the Great Depression that Franklin Roosevelt began to provide all kinds of things for people in the South that they had previously thought unthinkable.

We didn't have indoor plumbing. We didn't have running water. We didn't have paved streets. We didn't have much of anything. The people in our community died of typhoid fever in the summertime because the outhouse was just a few steps away from the well from which we drew our drinking water. Then Franklin Roosevelt began to provide immunizations for children against smallpox and typhoid. It was free. We got those shots at school.

We had then what we called hobos or tramps; today we call them homeless people. My mother always saved a few scraps after breakfast knowing that some tramp was going to knock on the back door and ask for food. That was back before welfare came into existence. So we were very poor.

I remember when I was 12 years old my father heard that Franklin Roosevelt was coming to Arkansas. He was a great believer in America and the political system and public service. He wanted my brother and me to see Franklin Roosevelt. So we drove over a gravel road 20 miles to Booneville, AR, and when the train on the Rock Island line pulled in, Franklin Roosevelt came out on the back platform, obviously being held up by a couple of Secret Service men. I tugged on my father's arm and I said, ''Dad, what's wrong with him?'' He said, ''I will tell you later.'' On the way home, he told us that Franklin Roosevelt had contracted polio when he was 37 years old, he couldn't walk, and he carried 12 pounds of steel braces on his legs.

Then he told my brother and me that if Franklin Roosevelt could become President and couldn't even walk, there was no reason why my brother and I, with strong minds and bodies, couldn't become President, too. I never took my eye off that goal until many, many years later.

In the following year, my father was president of the Arkansas Retail Hardware Association. They gave our family $300 to go to Los Angeles to the national convention. I can remember the big party at the Biltmore Hotel in Los Angeles in 1937. I had never stepped on a carpet before in my life, and the Biltmore was filled with thick carpet. We just loved it. We didn't stay at the Biltmore. We were staying at the $2-a-night cabin.

But the night of the big party, everybody was in tuxedos and long dresses, except my parents. And all the children were dressed in tuxedos, too, even in that Depression year of 1937. But I can remember my brother and I had on long pants and white shirts, no tie, no coat. We were terribly embarrassed. My father sensed that, and so the next day he told us that he knew we were embarrassed but he reminded us that the most important thing was that we were clean, our clothes were clean, our bodies were clean, and the kind of clothes you wore really were not all that important. He made it OK.

When I was 15 years old, I had a high school English and literature teacher named Miss Doll. Every member of the U.S. Senate has been influenced by a college professor or high school teacher, maybe a preacher or somebody else. She was my influence.

I remember my mother, who had a tendency—not to denigrate my mother—to not build our self-esteem. My father was working against that, trying to teach us self-esteem, not ego, but esteem.

We were reading Beowulf in English, a great piece of literature. We would read a paragraph and discuss it. One time it came my time to read. I started reading, and all of a sudden—I read about 2 pages and Miss Doll still hadn't stopped me—I looked up and she was standing there. She looked at me and she looked at the class and she said, ''Doesn't he read beautifully?'' ''Doesn't he have a nice voice?'' And she said, ''And wouldn't it be tragic if he didn't use that talent.'' At first I thought she was making fun of me, but she did more for my self-esteem in 10 seconds than anybody, except my father, ever did. Some of my political detractors think she overdid it.

And then just out of high school, but only after 6 months at the University of Arkansas, I went into the Marine Corps. World War II was raging. It was a terrifying time. I fully expected to be killed in that war. The Marines were taking terrible casualties in the South Pacific. Happily, I survived that. The best part of it was when I got home there was a caring, generous, compassionate Federal Government, waiting with the GI bill.

While my father would have stolen to make sure we had a good education, my brother went to Harvard Law School and I went to the University of Arkansas and later Northwestern University Law School—both expensive schools my father could never afford. I studied political science and law. The reason I did that is because my father wanted me to go into public service. He wanted me and my brother to be politicians. He may be the last man who ever lived who encouraged his sons to go into politics.

In my first year in law school, he and my mother were killed in a car wreck. They were tragically killed by a drunken driver. Neither of them had ever had a drink in their life. That is what made it so bizarre. The big disappointment of my life was that my father didn't live to see me Governor or Senator.

The next defining moment of my life is when our children were born—first Brent, then Bill and then Brooke.

The next defining moment was when I was practicing law in a little town of 1,200 people and decided to run for Governor. The day I filed, a poll was taken statewide. It was the last day of the filing deadline. I found that of the eight Democrats in the primary, I had 1-percent name recognition. It was probably the most foolhardy thing I had ever done in my life. But I was trying to keep faith with my father, and I believe strongly in our country and I believe in public service.

The next defining moment in my life was shortly after I was elected Governor I got an invitation to go to Kansas City to speak at a Truman Day dinner. I told them I couldn't go, the legislature was in session. I just assumed those legislators would screw the dome off the capital if I left town. They came back and said, ''If you will agree to do this, we will let you spend an hour with President and Mrs. Truman,'' and that was more than I could resist. So I went and spent that hour with President Truman and he asked me how I liked being Governor. I said, ''I don't like it, it's a real pressure cooker. I am just a country lawyer. This is all new to me and the press is driving me crazy.''

I was telling him what a terrible job being Governor of Arkansas was, and it suddenly dawned on me I was talking to a man who had to make the decision to drop the atomic bomb that ended World War II. And so I shut up. And then he told me, as I left, ''Son, while you are looking at the ceiling every night in the Governor's mansion, wondering what you are going to do, remember one thing: The people elected you to do what you think is right and that is all they expect out of you. They have busy lives. So, remember, always tell people the truth; they can handle it.''

That didn't sound like very profound advice to me at the time. But indeed it was. I have thought about it every day of my life since then.

Secondly, he said, ''When you are debating in your own mind the issues that you have to confront, you think about this: Get the best advice you can get on both sides of the issue, make up your mind which one is right, and then you do it. That is all the people of the State expect of you—to do what you think is right.''

So when I drove off the mansion grounds 4 years later, coming to the Senate, as I told my Democratic colleagues the other night, most of whom know this, I came here with the full intention of running for President. I had a very successful 4 years as Governor. I thought the world was my oyster and I fully intended, as I say, to run. The reason I didn't run is because after I had been here for a year, I realized that this whole apparatus was much more complex than I thought it was.

I told my children, if I had three lives to live, at the end of the last one, I would look back prior to 10 years at the end of it and realize how dumb I was. I was so smart when I graduated from high school, I could hardly bear it. When I got out of law school, the problem was compounded. When I drove off the mansion grounds, I was quite sure I was ready to be king of the world.

The other night I told Senator SARBANES I really regret that I have not been as effective a legislator as I should have been. He said, ''Everybody feels that way.'' What I was really saying, I suppose, is I wish I had known then what I know now. In my dying breath I will look back and think about, really, how I was not as smart this Saturday afternoon as I thought I was. That is what a living, learning experience is.

So I chose not to run for President. By the time I felt that I was qualified to be President, I decided that it demanded a price that I was not willing to pay. Not to be purely apocalyptic about our future, because I am not, I must say, in all candor, partisanship has reached a point in this country, and the demands for political money have become so great—two very insidious things—that good men and women are opting out of public service, and not to enter public service. Money is corrupting the political process and it threatens our very democracy.

Since I announced that I would not run last year, I confess to you, Mr. President and colleagues, that I have voted in ways that I would not have if I were running. I think of the few times when I would have had to worry about what kind of a 30-second spot that vote would generate.

I have cast my share of courageous votes since I have been here, as Harry Truman admonished me to do. I have always tried to use simple tests as to how I voted; How would my children and grandchildren judge me? Did it make me stronger or the Nation stronger? Did it do any irreversible damage to the environment? Is it fair to the less fortunate among us? Does it comport with the thrust of our Constitution, the greatest document ever conceived by the mind of man? Or does it simply make me stronger politically because it satisfies the political whims of the moment? Or does it simply keep the political money supply flowing?

Speaking of courageous votes, I voted for the Panama Canal Treaties in 1978 and, in all fairness, in 1980, had I had a strong opponent, I would not be standing here right now. I lucked out. But I can tell you, people were absolutely livid about my vote on the Panama Canal Treaties—a fabricated political issue. I ask the American people and my colleagues, who today has been inconvenienced by the Panama Canal Treaties? Is this country any weaker? The truth is that it is stronger. Our relationship with Panama is much stronger. It was the Quemoy and Matsu issue of 1978.

Incidentally, Henry Bellmon of Oklahoma voted against the Panama Canal Treaties and made a minute-and-a-half speech in doing it, while the rest of us were pontificating for hours trying to justify our positions. He announced he would not run again because, coming from the conservative State of Oklahoma, he knew he didn't have a prayer of being reelected, so hot was that issue.

When I voted against Ronald Reagan's prayer in school amendment—the only southern Senator to do so, my opponent tried to take advantage of it. But the American people and the people of my State—once you explained what was involved to them, where the school prayers would be written or adopted by the school board and required saying in the schools—came to understand the perils of the amendment. I always tell youngsters, and college groups particularly, when you think about that, you tell me which country that has an official state religion you want to live in.

Mr. President, one of the greatest moments of my life was when I was Governor and a man came into my office wanting me to talk to the highway department about a late penalty they were going to assess him for being 60 days late in completing a highway job. To shorten the story, I said, ''If I do this for you, how do I explain to the next guy who walks in the door why I can't do it for him? I don't want to start down that road.'' After a long conversation, when he started to walk out after I told him I could not, under any circumstances, comply with the request, he said, ''Governor, that's the reason I voted for you.''

This institution is a great place. It is supposed to be the deliberative body. The Founding Fathers intended the lower House, the House of Representatives, to be the House of the people. They expected this place to be the deliberative body. It is a curious thing—and the minority leader here knows this—every amendment, every bill that comes up, we immediately start trying to figure out, how stringently can we limit the debate on this issue? There are times when that is fully justified,

and there are times when only if you fully air something do the Senate Members really come here well enough informed to vote on it.

We are still the oldest democracy on Earth. We are still living under the oldest Constitution on Earth, and without men and women of goodwill being willing to offer themselves for service, there is absolutely no assurance that that will always be. Thomas Jefferson said, ''The price of liberty is eternal vigilance.'' He was not just talking about military vigilance. We are still woefully inadequate in this country in the field of education. If I were the President of the United States and I were looking at a $70 billion surplus, I would make sure the first thing we did was to pass a bill that said no child in this Nation shall be deprived of a college education for lack of money. Look at all the statistics where we rank among the developed nations in education. And look at the state of health care. It is good for those who can afford it. And 45 million who have no health insurance and no health care do the best they can.

Mr. President, I have been richly blessed in my life, as I said, mostly by devoted parents, and good Methodist Sunday school teaching. My mother wanted me to be a Methodist preacher and my father wanted me to be a politician. Think about growing up with that pressure. I am personally blessed with a great family. If I died tomorrow, the people of Arkansas would take note of it, and there would be headlines in all of the papers in the State. But if Betty died tomorrow the people of our State would grieve. She has founded two organizations.

When Ronald Reagan announced to this country that we might just fire one across the Soviet Union's bow to get their attention, he terrified her. She and a group of congressional wives met around my kitchen table for about 6 months. Finally, I came home one night, and she said, ''We are forming an organization. And we feel so strongly about it that we are going to put 'peace' in the name. We are going to call it Peace Links''. Ultimately, she had almost 250 congressional wives conscripted into that organization.

I told her ''you are going to get your husband beat.'' We are from a conservative State. People in Arkansas believe in a strong defense. People across this Nation believe in a strong defense. She said, ''You men are going to get my children killed.''

She had already spent all of her public life, from the time I was Governor until this day trying to immunize all of the children in this country. And I am not going to go through all of the successes that she has had, which have been staggering.

The Western Hemisphere is free of polio. Africa will be free of polio by the year 2002. Asia will be free of polio by the year 2004. And measles is next.

I tell you, she deserves a lot of credit for the virtual elimination of childhood diseases in this country. She went to see President Carter when he first came to power. She said, ''I tell you something you can do that will have a lasting effect on the health of this Nation, and it will help you a lot when you run again.'' He put Joe Califano at her disposal. And today she and Rosalynn Carter have an organization called ''Every Child By Two.'' She is still going at it—peace and children.

I have three beautiful children, and six beautiful, healthy grandchildren. I have been blessed with exceptional staff members, most of whom are more than staff members. They are very good friends. I have been blessed with the support of the people of my State in winning almost every election by 60 percent or more of the vote. I was much more liberal than my constituents. I like to believe that they respected me because they knew what I stood for is what I believed instead of what was politically expedient at any given time. But, for whatever reason, I will always be grateful to them.

Our State does not deserve to have been torn apart for the past 6 years. I know so many innocent people who have been destroyed, financially and mentally, by a criminal justice system gone awry. You would have to go back to the Salem witchcraft trials to find anything comparable.

I do not, nor does any Senator, condone the President's conduct. Call it whatever you want—reprehensible, indefensible, unconscionable. Call it anything you want. But most of us take pride in President Clinton's Presidency. And the American people are still saying they like him. But completely aside from that, as I say, I weep sometimes for the unfair treatment to my State, and so many innocent people in it.

I have been blessed by unbelievable friendships of colleagues. Those friendships will probably wane. It is almost impossible to maintain a relationship with a colleague once you leave here. That is really tragic. But I am realistic. And I know that is what it will be. I know we will have a difficult time having the same kind of relationship, if any at all. But I want them to know that I value their friendship. I value my service with them. I have served with some truly great men and women. And, as Senator BYRD likes to say, only 1,843 men and women have ever been so privileged to serve in this body.

I am already nostalgic about this Chamber—24 years in this Chamber, the Cloakroom, the hearing rooms, the Capitol itself. For 24 years, the first 20 of which I went home almost every weekend and came back on Sunday night, I never failed, as we flew by the Washington Monument, to get goose bumps. And I hope I never do. So, colleagues, I thank you for being my friend. To the people of my State, I thank you for allowing me to serve here.

I want to teach, in order to teach children that politics is a noble profession. My father said it long before Bobby Kennedy did. It is a noble calling. And the minute it becomes what so many people think it is, who do you think suffers? All of us do. So I want to inspire this oncoming generation, as my father did me, to get involved in the political process and public service. You have a duty and a responsibility.

So, to the U.S. Senate, to all of my colleagues, God bless and Godspeed.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New Jersey.

SENATOR DALE BUMPERS

Mr. LAUTENBERG. Mr. President, this is one of those moments that one feels a bit overwhelmed—to follow DALE BUMPERS in a discourse that he gives here on the floor. This is a task that I never liked—to get on the floor after DALE BUMPERS moved us with his oratory and described his feelings for this institution and our responsibility. But there is another reason that I am really feeling uneasy; that is, the prospect that this place will be without DALE'S voice, without his wit, his humor, but more importantly, his commitment to the people of this country.

I want you to know, DALE, what a sacrifice I make today. I decided to stay here rather than to go to a budget conference down the hall trying to wrestle with the issues of the day. So I sacrificed that time just so I could stand on this floor to hear your terminal speech. That is devotion and friendship, I assume.

I have to say that one could see the position that DALE has earned over the years, because people were as generous and as warm and as friendly from the other side of the aisle. That doesn't mean that we always agree, and it doesn't mean that we always share a similar direction for our country.

But DALE has succeeded in winning friends, in making sure that we never forgot about who it is we are here to serve. We could make lots of jokes, but one never wants to compete with DALE's humor. I think about the only close match was with DALE BUMPERS and Alan Simpson. That was a good team. The jokes were always better when we were off the floor somehow. But beyond the wit, beyond the humor, beyond the jokes was always this incredible pursuit of what is right for our country and what is right for our people.

I have submitted a written statement without the kind of eloquence I wish I could have borrowed from DALE. He was right, he was accurate when he said his impression of his IQ was overblown. All of us agree with that.

We know DALE well. We love him. We love to tease him a little bit. There were very few times on this floor when DALE could not get attention from others, and it wasn't just the volume; it

was the substance of his mission that we all paid attention to. They kid him about stretching the cord that holds our microphones, but everybody was anxious to hear what DALE had to say or read what was in the RECORD.

So I just wanted to have a chance to say how pleased I am for the opportunity to be here at the last speech Senator DALE BUMPERS was going to make in this Chamber. It has been an honor to serve with DALE as well as to serve with people such as JOHN GLENN. JOHN GLENN is one of the finest people who, it is fair to say, has ever left this Earth. But we are going to see JOHN GLENN at the end of the month and witness his heroic and incredible mission into the sky. JOHN GLENN was with me when I was sworn into the Senate. We happened to be in Colorado on a vacation just 16 years ago, and he stood while I found a magistrate to swear me in because there was an opportunity based on the resignation of the then-appointed Senator.

At the same time we are saying goodbye to WENDELL FORD. WENDELL is someone who you could fight with, get your blood pressure up, more often than not you would lose the argument and lose the debate. But WENDELL FORD got things done. And I want to tell you, if I had to be served by a Senator, I would want that Senator to have the same concern about my State and my well-being and my family and my future as did WENDELL FORD. He never let an opportunity go by without defending his people and the State of Kentucky. Although we disagreed on lots of occasions, I always walked away with a high degree of affection and respect for WENDELL FORD.

So when I listen to DALE BUMPERS summarize his life, I think about where we are, because too often the arguments here overtake the purpose of our functioning. But DALE BUMPERS, Senator DALE BUMPERS reminds us that the mission is almost a holy one and that we have to step back and take a deep breath and get down to the business of the American people.

I wish to thank the Democratic leader for giving me these few minutes. I also wanted to take an opportunity to say so long to Senator DAN COATS. DAN COATS was a formidable opponent for me when New Jersey persisted in sending its trash out to Indiana where it was welcomed by the communities that had the certified landfills and all that. But DAN COATS didn't object when New Jersey sent its All-American football players to Notre Dame or to the University of Indiana. But serving with DAN also has been a privilege.

Mr. President, I wrap up just by saying that DALE BUMPERS, if you listened to his words, arrived here encouraged by a father who saw the value of Government service, and it is an interesting and touching explanation of what it is that provided his motivation. My father also motivated me to engage in whatever enterprise I could to serve the public. But he didn't know it then. He worked. He tried to survive with his family during the lean and tough years, ashamed that he had to resort to a job with the WPA. I will never forget how discouraged he was when he came home, but, he said, he needed the job; he had to feed his family. My father died at the age of 43, after a year of illness with cancer. I had already enlisted in the Army. He disintegrated in front of our eyes, leaving not only an empty house but an empty wallet. My mother had to work. I had to send home my allotment to help pay the bills that were accumulated during that period of time.

But we both got here because we were encouraged by things that occurred in our families, messages that were sent by our parents, mine perhaps less articulate than the one I heard DALE BUMPERS describe. But we are here because they were able to give us that opportunity and we are here because we want to serve, to do something, to give something back as a result of having that opportunity.

To Senator DALE BUMPERS and the others, we say farewell. This place will be a lesser place without your presence, but because of your presence this place will continue to gain strength and to do what we have to do for the future. Rest assured that America will be strong. It will be different forces and different faces, but the work will continue to be done here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If the Senator will suspend for just a minute, I am going to stretch the prerogatives of the Chair to say I came over to talk about Senator BUMPERS, whom I have gotten to know recently. We worked on park bills. I know no one more committed nor more easy to work with and who keeps his word any better.

I am sorry to say that, but I needed to.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I don't think anyone could say it any better than that, and I appreciate the Presiding Officer's comments. They are certainly well spoken and very appropriate. I join my colleague from New Jersey in expressing feelings that are very hard to express in public. Senator BUMPERS and I have some things in common. I am not as eloquent as he is, but I feel at times such as this probably as emotional.

I love his sense of humor. I have used more Bumpers material in my public career than anybody else in this Chamber. I don't think this is his story, but I might as well start with it. There was a time when Senator BUMPERS was at a dinner. We all go to these banquets over and over and over. We all drag our wives along. And they are so good to come with us so often. Betty was at this particular dinner with Senator BUMPERS, sitting, as she always does, at his side supportive and smiling.

The emcee introduced Senator BUMPERS as one who is a model legislator, a model politician, a model spokesperson for Arkansas, just a model person all the way around. On the way home, DALE commented to Betty about what a wonderful introduction that was. They got home; Betty brought the dictionary to DALE, sitting now in his own study, and read to him the word ''model,'' as it is defined in Webster's. There it is defined as ''a small replica of the real thing.''

Senator BUMPERS is a model in the truest sense of the word. In many respects I call him my model, for how he speaks, for what he stands for, for how he interacts with his colleagues, for how he represents his State, for all of the courageous positions he has taken. I don't know how you do better than that. I don't know who it was who once said, ''If we are to see farther into the future, we must stand on the shoulders of giants.'' DALE BUMPERS is a giant. And it is upon his shoulders that we have stood many, many, many times to see into the future, as I have seen. He persuades us, he cajoles us, he humors us, he always enlightens us.

As I heard Senator DOMENICI, the senior Senator from New Mexico, say earlier: ''He does it in a way that is not in fashion perhaps, not in keeping with what the normal rules of the body are.'' The normal rules are, you are supposed to stay at your desk. Not Senator BUMPERS. Senator BUMPERS has the longest cord in Senate history. I joked the other night, when we finally see Senator BUMPERS depart, we are going to cut up his cord and give 10 feet to every Senator and save 10 more for the next. He goes up and down that aisle.

Since, as we are prone to do in this body, we name things after our colleagues—I happen to be fortunate enough to reside in the Byrd suite—I am going to start referring to that as the Bumpers corridor. And I am pointing, for the record, to my left. For anybody who has served with DALE, I don't have to point at all. We all know what the Bumpers corridor is.

So it is a bittersweet moment. We recognize the time comes for all of us to depart, to say goodbye. As others have noted, and I am sure more will note before the end of the session, we say goodbye not only to our dear, wonderful friend DALE, but to his wife Betty as well. There is no question, as we all know, he over-married. There is no question who the real force in the family is. There is no question who the visionary and the giant is. As Senator Bumpers so capably noted, there is no question who is beloved in the State of Arkansas. We will miss Betty Bumpers and her vision and her humor and all of her contributions.

I asked my staff to put some thoughts together and I really want to share some of them because I think, for the record and for our colleagues and for those who may be watching, it is important to remember who it was we just have heard from.

We heard from a Marine. We heard from a man who volunteered to serve

during World War II. We heard from a person who grew up in a small town, Charleston, AR—I don't have a clue where it is—where he worked as a smalltown lawyer and taught Sunday school. He may not have been a Methodist preacher, but he was a Sunday school teacher. He told us about his decision, in 1970, to run for Governor. What he did not say is that he was one of eight candidates vying for the Democratic nomination. He did indicate that polls taken at the start of the race gave him a 1-percent approval rating. That is half of what it is right now. He sold a herd of Angus cattle for $95,000 to finance his TV ad campaign. You couldn't get that much for Angus cattle today.

He finished the primary in second place, behind someone whose name we all know, Orville Faubus, whose racebaiting brand of politics still dominated much of Arkansas Democratic politics. He beat Orville Faubus in a runoff and went on to beat the incumbent Republican, Governor Winthrop Rockefeller, in a general election by a margin of 2 to 1.

After being elected Governor, DALE BUMPERS was asked by Tom Wicker, then a reporter for the New York Times, to explain how a man would come from obscurity to beat two living legends. He answered simply, ''I tried to appeal to the best in people in my campaign.'' And that is what he has done his entire public career; he has appealed to the best of people.

As Governor, he worked aggressively and successfully to modernize the State government. He put a tremendous emphasis on improving education and expanding health services. Then, in 1973, with 1 year remaining in his term, he made the decision to challenge another living legend, William J. Fulbright, for the Democratic nomination for the U.S. Senate. Senator Fulbright was, at that time, a 30-year incumbent Senator. It probably did not come as any surprise to people in Arkansas, but it must have to the Nation, because when all the votes were counted, DALE won that race too, 2 to 1.

In the Senate, there is not a colleague in this Chamber who has not been affected by his eloquence and his reasoning on everything from arms control to the environment. He has been a champion for rural America. He has been a consistent advocate for fiscal discipline. In the 1980s he voted against the tax cuts, arguing that they would explode the Federal deficit. In the 1990s he took the tough votes needed to eliminate those deficits.

He has been a tireless defender of the U.S. Constitution and the separation of powers it guarantees. He did not mention this, but he should have. In 1982 he was the only Senator from the Deep South to vote against a proposal stripping the Federal courts of their right to order school busing. He said at the time, while he opposed the use of busing to achieve racial balance, he opposed even more ''this sinister and devious attack on the Constitution . . . [this] erosion of the only document that stands between the people and tyranny.''

This past July, shortly before launching the last of his annual attempts to kill the international space station, Senator BUMPERS told a reporter that he expected to lose again but he would try anyway because he thought it was the right thing to do. Then he added, ''I probably lost as many battles as anybody who ever served in the U.S. Senate.''

I want to tell my friend as he prepares to end his Senate career, if you did in fact lose more battles than someone else who may have served here, it is only because you chose tougher and more important battles. Even more than the outcome of your battles, you have earned your place in history for the dignity and the courage and the eloquence with which you have waged those battles.

I remember, having just arrived—I was elected in 1986, sworn in in 1987—by the end of the year, in 1987, I had already decided who my man for President was. I remember the conversation as if it took place yesterday. I was reminded again, as our colleague spoke on the Senate floor, about his ambition. That was the ambition for many of us as well. He would have been the same kind of outstanding President that he has been the outstanding Governor and Senator we know today. That was not to be. But in the eyes of all of us, DALE BUMPERS will always stand as the giant we knew, as the respected legislator we trust, and as the friend we love.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I compliment my colleagues on their fine remarks about our colleague, Senator BUMPERS. I already made a speech complimenting him for his service to the Senate. I noticed my speech had several things in common with the speech of Senator DASCHLE. I alluded to the fact of Senator BUMPERS' sense of humor, which all of us have enjoyed, Democrats and Republicans, and I also referred to the fact that he had the longest microphone cord in the Senate. He has used it extensively, and we have all enjoyed that as well.

BUDGET NEGOTIATIONS

Mr. NICKLES. Mr. President, I want to make several comments concerning some of the negotiations that are going forward. I remind my colleagues in the Congress that the Constitution gives the Congress, not the President, the authority and the responsibility to appropriate money, to pass bills. As a matter of fact, article I of the Constitution says:

> All legislative Powers herein granted shall be vested in a Congress of the United States. . . .

Not in the executive branch, in the Congress, in the people's body.

It also says under article I, section 9:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Again, made by Congress. I think some people in the administration think that they are Congress now, that they can write appropriations bills. That is not constitutional. The President has his constitutional authority, and if he wants to veto appropriations bills, he has a right to do so. Let him exercise that right. He doesn't have a right to write appropriations bills.

For some reason, some people have gotten this idea that the administration is an equal partner. They are an equal branch of Government, but we have different functions in Government. The executive branch can submit a budget, they can confer, they can consult, but Congress passes the appropriations bills, and we need to do so.

Now we have the President making ever-extending demands: ''Well, I'm not going to sign that bill if you don't spend so much money.'' Fine. Very good. He vetoed the Agriculture Department appropriations bill because he said we didn't spend enough money and didn't spend enough money under the guise of emergency agriculture assistance.

He requested $2.3 billion for emergency assistance. We appropriated $4.2 billion, and he vetoed it and said, ''We want to spend $7 billion.'' In a period of a couple of weeks, he more than doubled his demands. He has a right to veto the bill; fine. He doesn't have a right to write the bill.

Many people in his administration, maybe the President himself, seem to think, ''We are going to write the bill; we're just not going to sign it; if they don't give us more money, we are going to shut down the Government.'' Fine, he can shut down the Government.

I stated to the press, and I will state it again, this Congress will pass as many continuing resolutions as necessary, and it may last all year. We may be operating under continuing resolutions all year long. I personally don't have any desire, any intention of funding all of the Presidential requests that are coming down the pike, for which, all of a sudden, he is making demands. I hope that our colleagues will support me in that effort.

I am not in that big a hurry to get out of town. I heard the President allude to that in a very partisan statement that he made yesterday with Members of Congress: ''We need to keep Congress in.'' Mr. President, we will stay in. We will pass resolutions continuing Government operations at 1998 levels, this year's levels. We will pass that as long as necessary.

We passed one for a week. We passed one for 3 days. We may have to pass another one. We may have to pass it for the balance of this year, maybe into next year, whatever is necessary. But I do not intend on being held hostage. The President said, ''Well, give me more money; I want to spend the surplus, whether it be for education, whether it be for Head Start.'' He has a whole laundry list. He calls them investments, but, frankly, they are a lot of new social spending. I don't have any desire to spend that money.

I am quite happy and willing to stay here all year, all year next year, if necessary, but I don't want us to succumb to his demands. I have no intention of succumbing to his demands. I am, frankly, bothered by the fact that at this stage in time, the President is really ratcheting up the partisan rhetoric. Frankly, that is not the right thing to do if he wants to work together.

It is interesting, the President made a very nice bipartisan speech saying, ''Yes, I compliment the Congress, they worked together and we passed the International Religious Freedom Act.'' I was involved with that. We worked with the administration. We did do bipartisan work. It took bipartisan work. But you don't get that kind of cooperation on the budget when you have the President making all kinds of partisan statements. I will give you an example.

In his radio address given to the Nation today, the President said:

> This week, unfortunately, we saw partisanship defeat progress, as 51 Republican Senators joined together to kill the HMO Patients' Bill of Rights.

One, I just disagree with that. The majority of Republican Senators—as a matter of fact, unanimous Republican Senators—said, ''We are willing to pass a Patients' Bill of Rights,'' not defeat one. ''We are willing to pass one.''

We made that offer to our colleagues on the Democratic side. We made it several times in June and several times in July. We said we were willing to pass this bill. As a matter of fact, we wanted to pass it before the August break. We made unanimous consent requests and said, ''We will pass either your bill or our bill. You have the best bill that you can put together. You worked on yours for months; we worked on our bill for months. Let's vote, let's pass it, let's go to conference with the House.''

But, no, the Democrats wouldn't agree with it. The Democrats kept us from passing a Patients' Bill of Rights. You don't pass a bill this complicated the last day of the session. Senator DASCHLE offered some amendment and said, ''Oh, let's run this through.'' That was nothing but for show.

Yet we even find an e-mail from the House Democrat events coordinator that said, ''Hey, let's put on a real show; let's have everybody get together; Senator DASCHLE can orchestrate this; we will have a bunch of colleagues.''

Sure enough, they had a bunch of colleagues go over in some show of support on the last day of the session. Bingo.

If they wanted to pass a Patients' Bill of Rights, they should have said ''Yea, we agree, we will pass them, find out where the votes are.'' The Democrats would never agree to a unanimous consent request to pass Patients' Bill of Rights.

They are the ones who killed the bill. When the President said, ''. . . we saw partisanship defeat progress . . .'' he forgot to say the Democrats wouldn't agree to a process to pass the bill, which we offered in June and several times in July. He forgot to mention that. It kind of bothers me because, again, he says, ''We want bipartisanship,'' and he makes a partisan statement on a national radio address.

I have also heard the President state, ''We can't have a tax cut because we're going to reserve every dime of the surplus to protect Social Security.'' All the while—he knows it and we know it—he has his staff members running around the Congress saying, ''We want more money and we want to declare everything an emergency so it won't count on the budget, so it won't be part of the budget agreement'' that he adopted and agreed to in 1997. ''We want more money.''

The totals are right in the $18 billion, $20 billion-plus range. ''We want more money for a lot of things and, oh, yes, it is all off budget; it doesn't count; it's an emergency.'' What a great game.

Again, I remind my colleagues that the Congress is responsible for passing appropriations bills, and we need to pass them. If he vetoes them, fine, he can shut down the Government. We can pass continuing resolutions, and we can do that as much as necessary.

The President in his weekly radio address said:

> Our Nation needs 100,000 new, highly qualified teachers to reduce class size in early grades.

He said, ''We need more teachers, more buildings.''

The President said:

> So again today, I call on Congress to help communities build or modernize 5,000 schools with targeted tax credits.

Mr. President, I want more money for education. I want a lot better education, but I really don't want the President of the United States or some bureaucrat in the Department of Education deciding which school in Oklahoma gets a new teacher or which building in Oklahoma is going to be rebuilt or which classroom is going to be modernized or updated.

Why should we have that decision made in Washington, DC? Why should Federal bureaucrats be involved? Maybe our schools in Oklahoma need more teachers or maybe they need new buildings or maybe they need new computers. Why don't we trust Oklahomans to make that decision? Why don't we trust the parents and the teachers and the school boards? No, this administration does not trust local school boards, local teachers, parents, Governors to be making that decision.

He wants to mandate it from Washington, DC. This is a new demand. Guess what? We have had votes on these issues. He did not win. The President's program did not win. We had two or three votes earlier this year. He did not win on the school building program; did not win on the 100,000 new teachers. But yet this is a new demand, that he is going to try to get it, he is not going to sign the bill unless we fund it.

I am going to tell you right now, at least as far as this Senator is concerned—and maybe I do not control the conferences—but I do not have any intention to ever fund those programs. I think decisions on hiring teachers and building school buildings should be made in the local school districts, by the local school boards, by the parent/teacher associations, by the Governors—not by those of us in Congress or, frankly, by some bureaucrat in the Department of Education.

So maybe we will be here for a long time. Again, the President has the right to veto the bill. Fine. Let him veto the bill. Maybe we will be operating on continuing resolutions for the rest of the year. If that is what happens, that is what happens. I will, again, repeat that we will pass enough continuing resolutions as necessary to keep Government open.

Maybe we will have to pass one every day. Maybe we will have to pass one every week. Maybe we will have to pass one every month. But we are not going to shut Government down. We are not going to demand anything. We will pass the continuing resolutions to keep Government operating at fiscal year 1998 levels as long as necessary. We will stay here. We are happy to stay next week. We are happy to stay the following week. We are happy to stay all year, if that is necessary. But I hope, and I believe, we are not going to succumb to this last-minute politicization of, ''We want more money. Let's spend the surplus.''

I have even heard, in the President's radio or in his speech yesterday—''We've got the first balanced budget in 29 years. Our economy is prosperous. This budget is purely a simple test of whether or not, after 9 months of doing nothing, we're going to do the right thing about our children's future.''

''We want more money'' is basically what he is saying. I also heard him say we should save the surplus for Social Security. Now he is talking about new investments. In his speech yesterday, he said we need new investments for everything I have mentioned, but he also runs through a whole list of other new spending, social spending, that he is trying to crowd through in the last minute.

I do not have any intentions of succumbing to these demands. I hope my colleagues will not. I just say this, with all respect, how the President

could demagog that we cannot have a tax cut because of the Social Security surplus and then in the next minute, propose to spend the so-called surplus on all these investments is beyond me. I just have no intention whatsoever of going along with that.

I think we should abide by the budget. I do not think we should squander the surplus with new Federal spending. Some of us were interested in tax cuts because we knew that if we did not allow taxpayers to keep their money, that Congress and/or the administration would say, ''Well, let's have more spending.'' There is a real propensity around the place to spend money.

I just hope that our colleagues will resist that temptation. I hope that they will resist these new overtures by the administration that seems to think they should be an equal body with Congress in writing appropriations bills. I think we should have legitimate negotiations but, frankly, that does not make people equal partners.

We have equal branches of Government with divisions of powers. Again, the Constitution says that Congress shall write the laws and Congress shall appropriate the money. We need to get on with our business and do that, send the appropriations bills to the President. If he vetoes them, fine, then let's pass a continuing resolution to keep Government open.

TRIBUTE TO SENATOR WENDELL FORD

Mr. NICKLES. Mr. President, I have given accolades to a couple of my colleagues for their service in the Senate, including Senator BUMPERS. I see Senator FORD is on the floor. I have had the pleasure of serving with Senator FORD for 18 years on the Energy Committee. We worked together on a lot of things. And, in my opinion, some of the most significant legislation that passed Congress, in my tenure, we have worked together on.

One was the Natural Gas Deregulation Act that President Bush signed after about 6 years of negotiations and hard work, but probably one of the most difficult pieces of legislation that we have passed.

And if you go back on the history of natural gas regulation and deregulation, it was a very, very difficult task. It was a pleasure for me to work with Senator FORD in that respect. We worked together on other issues as well.

I compliment him for his 24 years of service in the Senate. Anyone that spends almost a quarter of a century of service in the Senate, I think, is to be complimented. I compliment him for his leadership and for his representation of the people of Kentucky. Again, it was a pleasure and honor for me to serve with him. I compliment him and wish him every best wish as he returns to his State of Kentucky.

I yield the floor.

TRIBUTE TO UNITED STATES SENATOR DALE BUMPERS

Mr. BYRD. Mr. President, in the bustling commotion of the ending days of the 105th Congress, members are preoccupied with efforts to enact sought after objectives important to their constituents. We are busy tying up loose ends, putting the finishing touches on projects, and looking forward to going home to our constituents and to a break in the hectic schedule of the United States Senate. Regrettably, as this session of Congress adjourns, we are also faced with the difficult task of saying goodbye to colleagues who have chosen to follow a new path in life.

As I reflect on my years in Congress and on my association with its many members and their various personalities, their goals and, yes, sometimes, their eccentricities, I am reminded of some very important milestones in history made possible by these fine Americans. I am reminded of my good fortune to have been associated with men and women representing the American people from all walks of life and from all corners of the United States.

In my reflections, I have thanked my Creator for allowing me to serve my country with such fine men and women, and I am, indeed, sorrowful at the upcoming loss of some of the finest men I have ever known.

I pay tribute today to an exceptional United States Senator, a man with whom it has been my honor to serve and to have been associated with—a man of unusual conviction, passion, and resolve. He has been called the last Southern liberal, and he is proud of it. He often quotes from ''To Kill a Mocking Bird.'' He is THE commanding foe against the space station.

The above discourse clearly references the actions of only one man—Senator DALE BUMPERS, Democrat from Arkansas. He is the United States Senator responsible for ''right-turn-on-red,'' his first legislative victory and one for which, I am told, he received devilish teasing from a colleague who warned that ''many people might want to drive straight!''

I will miss my friend, who is retiring following twenty-four years of service. He leaves a legacy that has made a difference, not only to the people of Arkansas, but to all Americans. His tireless efforts to end federal policies that he believes give away resources that belong to the taxpayer will long be remembered by certain mining and ranching interests out West. And more than a few NASA space station contractors will continue to run when they hear his name! Contractors who worked on the now-terminated Superconducting Super Collider can only wish that Senator BUMPERS had chosen to retire earlier.

While many a press story covered his crusades against alleged lost causes, Senator DALE BUMPERS is a man that leaves this Senate with a triumphant record for the American people. In particular, Senator BUMPERS has been a national leader in protecting the health of children. In fact, along with his wife, Betty, Senator BUMPERS has long promoted childhood immunizations, known safeguards in protecting the health of millions of children.

As the ranking Democrat on the Senate Appropriations Subcommittee on Agriculture, formerly the Chairman, DALE BUMPERS has represented the rural heart of America. He has fought for policies to help rural families, including securing funding for basic infrastructure projects that provide water and sewer facilities to small towns throughout the nation. I personally wish to thank Senator BUMPERS for being a leading advocate for funding on these vital projects, and I share his concern for the millions of Americans who do not have access to a clean, ample supply of drinking water.

Senator BUMPERS has further made a significant mark on efforts to protect family farmers. In particular, we owe our gratitude to DALE BUMPERS for his efforts to initiate programs to help young Americans become this nation's next generation of family farmers, a dwindling breed at risk of extinction. In honor of his service to rural America, I am proud that this Congress, in the Fiscal Year 1999 Agriculture Appropriations Bill, is formally paying tribute to his work by designating an Agricultural Research Service facility as the Dale BUMPERS National Rice Research Center. This action follows the recognition by the people of Arkansas in dedicating the Dale Bumpers College of Agricultural, Food, and Life Sciences at the University of Arkansas.

Senator BUMPERS' noteworthy record also extends to many other constituencies. Through his ranking membership on the Senate Small Business Committee, he has fought to help self-employed people obtain health care. He has also been an advocate of funding for rural hospitals; for Medicaid; for the Women, Infants and Children feeding program. The list goes on and on.

DALE BUMPERS' legislative skills and record are clear. He is a modern hero to the underdog. But there is yet another side of the Senator from Arkansas that deserves recognition—the DALE BUMPERS who is a husband, a father, and a grandfather. Married to Betty Lou Flanagen, DALE's ''Secretary of Peace,'' for 49 years, he is devoted to his marriage and his family. DALE and Betty have three children and six grandchildren, and DALE often speaks affectionately of his family and of their influence on his consideration of legislative issues. Yes, Senator DALE BUMPERS of Arkansas has a personal record of which he can be proud.

It is with regret that I bid farewell to my friend and colleague, who is now departing the United States Senate. I believe that the Senate has deeply benefited from the work of U.S. Senator DALE BUMPERS. As I say my farewell to DALE BUMPERS, I want him to know that when the 106th Congress convenes, I will remember his thoughtful recital

of the fictional Atticus Finch in ''To Kill a Mocking Bird,'' ''For God's sake, do your duty.''

TRIBUTE TO JOHN GLENN

Mr. LAUTENBERG. Mr. President, I rise today to bid farewell to an American hero, a great Senator and a wonderful friend—Senator JOHN GLENN. Senator GLENN is retiring after serving the people of Ohio for four terms.

But his service to our country did not begin in the Senate, nor will it end here. Senator GLENN served in the Marine Corps during World War II and fought in combat in the South Pacific. He also fought with valor in the Korean conflict and ended up flying 149 missions in both wars. He has received numerous honors including six Distinguished Flying Cross and the Air Medal with 18 clusters.

He later became a test pilot and set a transcontinental speed record in 1957 for this first flight to average supersonic speed from Los Angeles to New York. In 1959, he was selected to be one of seven astronauts in the space program. Three years later, he made history as the first American to orbit the earth, completing a 5 hour, three orbit flight.

His heroism inspired me and all of the American people. He received the Space Congressional Medal of Honor for his service.

After 23 years in military service, he retired in 1965 and went into the private sector. Despite his outstanding service to his country, it was not enough for JOHN GLENN. He ran for the Senate in 1974 and is now completing his 24th year.

Despite his fame, Senator GLENN was a workhorse, not a showhorse in the Senate. He took on complicated issues like nuclear proliferation, troop readiness, government ethics, civil service reform and campaign finance reform. He did his work with great diligence and thoroughness, with his eye on accomplishment not partisanship.

If you add his 23 years of military service to his 24 years of Service to the people of Ohio, that is 47 years of dedication to our nation.

But even this is not enough for JOHN GLENN. On October 29th of this year, he will return to space on a shuttle mission. He will be the oldest person ever to travel in space but even then his journey will not be over.

He will continue to represent the best of the American spirit and be an informal ambassador for scientific exploration.

I wish him, his wife Annie, his children and grandchildren the very best for the future.

RETIREMENT OF DALE BUMPERS

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to an extraordinary person, a respected and honorable man, a true friend, and one whom I am truly saddened to see leave the Senate—Senator DALE BUMPERS.

Mr. President, Senator BUMPERS is, more than most, a true advocate for the citizens of the United States. I know of no better person who embraces issues with the passion and intellect that he demonstrates. His oratory skills are well-known and rarely matched. DALE is a true champion of the public's interests, and particularly when that clashes with special interests.

Throughout his decades of public service, as Governor of Arkansas and United States Senator, Senator BUMPERS has carried with him a strong, unyielding belief in a few basic ideas, ideas that have driven him in his tireless efforts to make our country—and the world—a better place.

Senator BUMPERS believes in ensuring equal opportunities for all, including the poor and indigent. He believes in providing high quality, comprehensive education and health care. He believes in the sanctity of our Constitution. He believes in the value of the arts and humanities in developing human creativity and a national culture. He believes in the importance of environmental conservation and preserving our natural resources. He believes in eliminating needless corporate subsidies and reducing wasteful defense spending. And he believes in the need to slow the growing gap between the rich and the poor.

Senator BUMPERS has never shied away from taking on the powerful special interests, year after year, even when he knows the odds are stacked against him and he is often disappointed with the results. But he has kept on trying.

We have all been witnesses to his eloquent and powerful discourses on a number of subjects. Every one of his presentations before us and before the country have been grounded in personal experience and intellectual strength. When Senator BUMPERS speaks, we know that he speaks from his heart.

Mr. President, in 1995, the Senate debated an amendment that would require zero tolerance for youth who had any amount of alcohol in their blood. Senator BUMPERS revealed his personal story about his parents and their friend who were killed by a drunk driver while returning from their small farm, just across the Arkansas River. Senator BUMPERS was in law school at the time, far away in Chicago.

DALE, more than most, has the power to sway with his words. That amendment was swiftly adopted.

Mr. President, also three years ago, the Senate was considering an amendment to add funds to the National Endowment for the Humanities. Now, the NEH is a small agency that can, and does, often come under the budget knife as an insignificant agency. Not to Senator BUMPERS. Senator BUMPERS took to the Senate floor, and told all of us about his high school English teacher, Miss Doll Means. He touched us with a personal story that was a turning point in his life. When he was a sophomore, Miss Doll Means told him, after he had read a page of ''Beowulf'' that he had a nice voice and he read beautifully. That one statement, from an English teacher in a town of 1,000 people, did more for his self-esteem than anybody, except, he said, his father. Not only does he indeed have a nice voice and he reads beautifully, he is among the best orators this Senate has ever seen.

Mr. President, earlier this year during the Appropriations Committee passed an amendment naming a vaccine center at NIH after DALE and Betty Bumpers. For almost 30 years, the two of them have worked tirelessly on a crusade to vaccinate all children—and because of their efforts and others, we have made great progress toward that goal.

Mr. President, when the Senior Senator from Arkansas leaves this body in a few weeks, there will be a noticeable void. We will lose a tireless champion for the underserved; a champion for the public's interest; a champion for responsible spending, not wasteful spending; and a champion for equal opportunity, for our environment, and for the arts and humanities. Senator BUMPERS has our respect, and he has the people's respect. We will miss him.

Mr. President, I wish my friend and his wife Betty, their children and grandchildren the very best for the future.

TRIBUTE TO WENDELL H. FORD

Mr. LAUTENBERG. Mr. President I rise today to pay tribute to our esteemed colleague from Kentucky, the Minority Whip, Senator WENDELL H. FORD. I wish him well. All of us know that we have not heard the last from this dedicated and effective public servant.

His retirement from the Senate will end a formal career of public service to the Commonwealth of Kentucky and the United States which has lasted over three decades. After first serving in the Kentucky Senate, he was elected Lieutenant Governor in 1967 and then Governor of Kentucky in 1971. In 1974, he was elected to serve in the United States Senate.

Mr. President, in the history of this body, few Senators have protected the interests of his or her state as doggedly as WENDELL FORD.

Whether the issue was aviation, tobacco, telecommunications or farm legislation, Senator FORD has always put the people of Kentucky first. And even though we have disagreed on a key issue or two, I know that he is guided by what he believes is best for the people of his state.

As the senior Senator from Kentucky put it himself: ''If it ain't good for Kentucky, it ain't good for WENDELL FORD.''

And the people of Kentucky have shown their deep appreciation to Senator FORD in return. In 1992, he received the largest number of votes ever

recorded by a candidate for elected office in the Commonwealth.

In March of this year, he became the longest serving United States Senator from Kentucky in history.

Mr. President, although New Jersey and Kentucky are very different states, Senator FORD and I share many things in common. First of all, our vintage—we were born in the same year. We both fought for our country in World War II. We both ran businesses before we entered public life.

These common experiences helped make WENDELL FORD an instant friend and mentor to me when I arrived in the Senate. His extensive knowledge and public service experience has made him an invaluable asset to our caucus' leadership.

And he has been quite a leader, now as Minority Whip, first as Chairman and then Ranking Member of the Rules Committee, and in prior years, the Chairman of the Democratic Senatorial Campaign Committee.

Mr. President, Senator FORD has left a formidable legacy to the nation as a whole, in addition to his legendary status in Kentucky. He was the chief sponsor of the National Voter Registration Act, also known as the ''motor voter'' law.

This law helps ensure that more of our citizens are officially registered to participate in our democracy. He was also instrumental in the enactment of the Family and Medical Leave Act, the Age Discrimination in Employment Act Amendments of 1986, and many other landmark aviation and energy laws.

The Senior Senator from Kentucky will be greatly missed here in the United States Senate. We will miss his leadership, his experience and also his great wit. But our personal loss will be the Commonwealth of Kentucky's gain.

I wish him, his wife Jean, their children and grandchildren Godspeed as he returns to Owensboro.

TRIBUTE TO SENATOR DAN COATS

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the distinguished Senator from Indiana, DAN COATS. While he has only been in the Senate ten years, he has made an important contribution. One example is the work he put into developing the historic, bipartisan Family and Medical Leave Act.

Mr. President, believe it or not, even though I am a Democrat from the Northeast and Senator COATS is a Republican from the Midwest, we have worked together on legislation. Senator COATS has consistently fought to improve the lives of our nation's children. This commitment led him to join me in support of the Juvenile Mentoring Program—otherwise know as JUMP. This program supports mentoring programs across the country, including Big Brothers and Big Sisters. We have fought together for funding and reauthorizing the program because we share the belief that all children can succeed if we lend a helping hand.

Senator COATS also became a leading expert in the Senate on military issues as a member of the Armed Services Committee. He also worked hard on education and poverty legislation as a member of the Senate Labor and Human Resources Committee.

Mr. President, during Senator COATS' tenure in the Senate, we did have disagreements over policy issues. One environmental issue consistently put the State of Indiana at odds with the State of New Jersey. We always had a vigorous debate when this issue came to the floor. Despite our differences, he showed me great respect and courtesy during these deliberations. I left these debates with a great respect for his energy and determination to help his state.

Mr. President, I wish Senator COATS, his wife Marcia, and their children and grandchildren the very best for the future.

I yield the floor.

A GOOD SENATOR DEPARTS

Mr. BYRD. Mr. President, first appointed to the United States Senate in 1989 by Governor Robert Orr to succeed Vice President Dan Quayle, Senator COATS subsequently won reelection and has served this body during these past nine years with knowledge, skill, and a true dedication to his Senatorial duties. As he departs this great institution to pursue future endeavors, we bid him farewell and best wishes.

Prior to joining the United States Senate, Senator COATS made his mark in several arenas. In his early years, he served as a staff sergeant in the U.S. Army, experience he drew on as a member of the Armed Services Committee. With a passion for law and politics, he worked full-time as a legal intern while attending the Indiana University School of Law at night and serving as Associate Editor of the Law Review. Later, in an effort to gain business experience, he switched tunes from barrister to become a vice president for an Indiana life insurance company, all before embarking on his legislative career in the House of Representatives, where he was elected in 1980 to represent Indiana's Fourth District.

During his tenure in the Senate, Senator COATS has served on three powerful and influential Senate Committees—Armed Services, Intelligence, and Labor and Human Resources, and has crafted sound education, health care, and national security policy for the nation. I have had the pleasure of working with Senator COATS on the Armed Services Committee, where he has served on the Personnel, Readiness, and the Airland Forces Subcommittees. There have been a variety of national defense issues on which we have concurred, always keeping in mind the best interests of our national security and the importance of a strong and well equipped line of defense. Just this year, I appreciated his insight and support of my amendment to the Department of Defense Authorization bill to require separate training units for male and female recruits during basic training.

And, of course, there have been the issues on which we have not seen eye-to-eye. I distinctly remember tangling this year on the Senate floor over Constitutional issues relating to the deployment of troops in Bosnia and Herzegovina. And, on the balanced budget amendment and the line item veto, we have been on opposite sides of the coin as well. Yet, Senator COATS always carries himself well, demonstrating the utmost respect for his colleagues on both sides of the aisle. For this, I hold him in high regard.

Perhaps, Senator COATS' greatest contribution to the United States Senate has been as a member of the Labor and Human Resources Committee. His dedication to strengthening families began long before his political career. He is a longstanding member of Big Brothers/Big Sisters of America, and was recently elected national president of that organization. His service in the House included serving as a leading member of the Select Committee on Children, Youth, and Families. On appointment to the Senate, he became Ranking Member of the Subcommittee on Children and Families, where he has served as Chairman since 1995. He has been the author of the ''Project for American Renewal'' to revive civil society and America's character-forming institutions, and he is a passionate advocate for school choice, unpaid leave for family and medical emergencies, and prayer in schools.

Most recently, Senator COATS shepherded legislation through Congress to reauthorize the Head Start and Low Income Home Energy Assistance program. In appreciation of his efforts and compassion for our nation's children and families, it was only fitting that this piece of legislation was named in his honor. The Coats Human Service Reauthorization Act is but just one example of his fine work here in the United States Senate.

In speaking of his ''Project for American Renewal,'' he says, ''The goal of public policy should be to revive the institutions of civil society that build character. Arguably, it is the erosion of those institutions—the family, community organizations, and private and religious charities—that has led to the most severe pathologies we now suffer.'' I commend Senator COATS for his tireless efforts in behalf of these fundamental institutions, and, as he departs this body, I wish him well.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I understand we are under an order that the Senate go into recess.

The PRESIDING OFFICER. Yes. We were going to go into recess at 3 o'clock. However——

Mr. BURNS. I ask unanimous consent that I be able to make some remarks about our departing colleagues at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FIVE SENATORS LEAVING THE SENATE: SENATORS DIRK KEMPTHORNE, JOHN GLENN, DAN COATS, WENDELL FORD, AND DALE BUMPERS

Mr. BURNS. Mr. President, five Senators will move on at the closing of this session of the 105th Congress. And they are Senators that have, with the exception of one, been here ever since I joined this body back in 1989.

DIRK KEMPTHORNE from Idaho was elected after I was. And now after one term he has elected to go back to his home State of Idaho.

It seems like it becomes more and more difficult, as time goes by, to attract men and women to public service, and especially to public service when there are elections.

He brought a certain quality to this Senate. On his work on the Environment and Public Works Committee, he was sensitive to the environment and all the public infrastructure that we enjoy across this country. It just seemed to fit, because he had come here after being the mayor of Boise, ID. And his very first objective was to tackle this business of unfunded mandates. He took that issue on and provided the leadership, and finally we passed a law that unfunded mandates must be adhered to whenever we tell local government, State government that it is going to take some of your money to comply with the laws as passed by the Federal Government.

He, like me, had come out of local government. He knew the stresses and the pains of city councilmen and mayors and county commissioners every time they struggle with their budget in order to provide the services for their people, when it comes to schools and roads and public safety—all the demands that we enjoy down to our neighborhoods.

We shall miss him in this body.

To my friend, JOHN GLENN of Ohio, who has already made his mark in history that shall live forever, he has left his tracks in this body. And not many know—and maybe not even him—but I was a lowly corporal in the U.S. Marine Corps when he was flying in the Marine Corps. So my memory of JOHN GLENN goes back more than 40 years to El Toro Marine Corps Air Station in Santa Anna, CA.

As he goes into space again at the end of this month, we wish him Godspeed. He gave this country pride as he lifted off and became the first American to orbit the Earth. And he carried with him all of the wishes of the American people.

To DAN COATS of Indiana, a classmate, we came to this body together in 1989. Our routes were a little different, but yet almost the same—he coming from the House of Representatives and me coming from local government.

He is a living example of a person dedicated to public service. But it never affected his solid core values. He has not changed one iota since I first met him back in 1989.

The other principal is on the floor today. It is WENDELL FORD of Kentucky. I was fortunate to serve on two of the most fascinating and hard-working committees in the U.S. Senate with Senator FORD: The Commerce Committee and the Energy Committee. Those committees, folks, touch every life in America every day.

We flip on our lights at home or in our businesses. We pick up the telephone, listen to our radio, watch our televisions, move ourselves from point A to point B, no matter what the mode—whether it is auto, train or plane. Yes, all of the great scientific advances this country has made, and research and the improvement of everyday life and, yes, even our venture into space comes under the auspices of the Commerce, Science and Transportation Committee and the Energy Committee. Those two committees play such a major role in the everyday workings of America.

WENDELL FORD was one great champion and one of the true principals in formulating policies that we enjoy today. He played a major role in each and every one of them.

Again, it was my good fortune to work with Senator BUMPERS on two committees: The Small Business Committee and the Energy Committee. There is no one in this body that has been more true to his deeply held beliefs than Senator BUMPERS. Our views did not always mesh—and that is true with Senator FORD. It was their wisdom and the way they dealt with their fellow Senators that we worked our way through difficult issues and hard times with a sense of humor. I always say if you come from Arkansas you have to have a pretty good sense of humor. My roots go back to Missouri; I know we had to develop humor very early. Nonetheless, it was the integrity and the honesty that allowed us to settle our differences, even though we were 180 degrees off plumb.

I think I have taken from them much more than I have given back to them. This body has gained more than it can repay. This Nation is a better Nation for all of them serving in the U.S. Senate.

In our country we don't say goodbye, we just say so long. But we say so long to these Senators from our everyday activities on the floor of the U.S. Senate. I am sure our trails will cross many times in the future. Should they not, I will be the most disappointed of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my distinguished friend from Montana for his kind remarks. I understand Montana a little bit. My mother's brother married a lady from Montana and she persuaded him to move there. So I have been to Montana on many occasions and have enjoyed the friendship, the rugged mountains, the pristine areas and the big blue sky. I have enjoyed it very much—and the trout are not bad when you catch them and have a shore dinner. I understand Montana and I can understand why you love it. I can understand why anything we might copy from you would make our State a little bit better.

I say to my friend from Montana, I thank him for his kind remarks. I thank him for his friendship. I thank him for his ability to sit down and talk things through where we might move forward and help the country and talk about those things we couldn't agree upon at a later date. I thank him for his friendship.

SENATE BUSINESS

Mr. FORD. Mr. President, a few moments ago the distinguished assistant Republican leader was on the floor chastising the President, chastising Democrats, chastising people that were trying to be helpful or influential, and I heard him say more than once, ''Get on with our business.''

Mr. President, this is October 10th and the budget for next year should have been completed April 15 of this year. April, May, June, July, August, September, October—we still don't have a budget. We are running on last year's budget. Somehow or another, this train hasn't been running as efficiently and as effectively as some think it should.

If you haven't had a budget, it makes it difficult to set the levels for next year's spending. We are already into the next fiscal year by 10 days and we only had one appropriations bill on the President's desk.

The distinguished Senator from Oklahoma says let's get on with our business; then he says that the President should not be involved in negotiations. Mr. President, I have been around here 24 years. I have never gone through any negotiations involved with the White House that they didn't call me. I have gone to the White House to talk with President Reagan; I have gone to the White House to talk with President Bush in order to try to find a way to be helpful, and they were trying to find a way to persuade me to be helpful. I don't see anything wrong with that. And I don't believe the President wants to veto bills. That is one reason that everybody agreed to the group—if that is a good term, or the Members of the group—so they might be able to work out bills that can be signed. I don't see anything wrong with the administration playing a part in what they believe is the proper course.

We talk about a budget. Going back to 1993, there wasn't a Republican that

voted for President Clinton's budget at that time. I wonder how those now who are saying we have a great surplus can be breaking their arm patting themselves on the back for that great vote that they didn't cast in 1993.

The President has every right to be part of the negotiations. I wanted to say to my colleague who had to leave, what is wrong with wanting more for education? What is wrong with wanting to improve our school system? What is wrong with having smaller classes? What is wrong with having more teachers? I don't see anything wrong.

What is wrong with seeing that every child that leaves the third grade can read? What is wrong with that? The 21st century will be full of technology and we have to have educated children. So what is wrong with trying to improve education in this country? Public education teaches 90 percent of all of our children. It has to be the best educational system we can give them. We need to be able to improve education all across this country.

How in the world can the Senator from Oklahoma say that the Federal Government will appoint their teachers? We give money to the States. The States, then, make the selection. The States, then, set the criteria. The States, then, have the vacancy. The States do that. I have never known a Federal Government to hire a teacher in my State. I have been Governor. I understand writing a budget. I understand what we do. I still understand it. But I don't believe the Federal Education Department hires teachers in my State or any State. So we are not telling them who to hire and who not to hire.

That is just a straw man, or whatever, to try to say we don't want Big Brother involved. We sure want Big Brother's money, we sure want Big Brother to pay it, but we don't want them to have anything to do with any kind of guidelines.

So, when we come out on the floor and chastise the President and the administration for wanting to work out pieces of legislation, you talk to the farmers in the Midwest, talk to farmers in my State; they have had a tough several years. Sure, it may have been less a year ago than it is now and times have changed. We have had a bad summer. We have had real problems. So why not help our farmers?

So, Mr. President, I suggest to those who want to come to the floor and have press conferences saying that the administration ought to stay out of our business and we will pass the legislation, well, where is it? Where is the legislation? What have we passed? The Patients' Bill of Rights? No; that was killed yesterday. Education? No. Where are the bills they were supposed to pass? ''Let us get on with our business,'' the Senator from Oklahoma said. Well, let's get on with our business.

Here we are on Saturday, and we are lucky we are not in on Sunday afternoon. We will be here Monday. That is a holiday. They set a sine die date of October 9, and we don't even have the appropriations bills done. So let's not be too harsh on the administration for wanting to try to get it done.

I regret that I am here. I wish all 13 appropriations bills had been on the President's desk and signed before October 1, which begins the fiscal year. I remember how hard Senator ROBERT BYRD, when he was chairman of the Appropriations Committee, worked to be sure that all 13 of the appropriations bills were on the President's desk by September 30. And they were. That is what we are supposed to do. Those are the rules.

So, Mr. President, I hope that over the weekend we can find some way that those who are responsible for the appropriations bills can bring them together, that they will find a way that we can say we have worked together, that we have used Henry Clay's advice and we have compromised. Henry Clay said, ''Compromise is negotiated hurt.'' Negotiated hurt. Clay said, ''You have to give up something and it hurts, and I have to give up something and it hurts. Once we agree, then I am willing to sign a social contract.''

Clay was saying he was willing to support legislation to move the country forward and on another day we will argue the things we had to give up. So that is what we are all about here —the Henry Clay era of compromise, and the ability to sign a social contract and move forward in the best interest of this country. I hope that we can see the light at the end of the tunnel by the end of the week. I hope to be here to cast a vote in favor of a compromise and agreement that will make this country a better country. It is my last one, Mr. President. I would like to see as good a piece of legislation in all areas passed, so that when we look back on this session, we will have said we did a good job.

I yield the floor.

A GOOD SENATOR RETURNS TO THE HILLS OF HOME

Mr. BYRD. Mr. President, over the next few days, as the Senate concludes its legislative business, one of the finest individuals it has been my privilege to know will bring to a close yet another chapter in what has been, by any measure, an extraordinary public service career. When that time comes—when the senior Senator from the Commonwealth of Kentucky walks out of this chamber for the last time as a United States Senator—this institution, and all who serve in it, will feel a great and lasting loss.

When WENDELL FORD came to this body on December 28, 1974, thus becoming the 1,685th individual to have served in the Senate, he did so not as a political neophyte but as an accomplished entrepreneur and a dedicated and seasoned public servant. Following service in World War II, our friend from Kentucky returned to his home state and launched a successful insurance business. But it was the call of public service, the chance to reach out and help all of his fellow Kentuckians, that meant the most to this young executive.

And, so, in 1964, WENDELL FORD began what was to become a successful political career by winning election to the Kentucky State Senate. Two years later, in 1966, he successfully ran for the position of Lieutenant Governor, and, in 1970, against all odds, he became Kentucky's Governor, a position from which he served with distinction as the chairman of the National Democratic Governors Caucus.

Mr. President, despite his selfless service within his state, it is, of course, the near quarter-century he has spent here in the United States Senate that has earned WENDELL FORD the admiration, the respect, and the undying affection of his colleagues. And, having been elected to four terms in the Senate, it is obvious that the good people of Kentucky also understand and appreciate the skill, the dedication, and the flawless integrity that WENDELL FORD brings to his work. He serves Kentucky and the Nation with a wit and candor that are as timely and as refreshing as a cool Kentucky breeze on a hot summer day.

In fact, in 1992, he began a string of historical achievements when he received the largest number of votes ever recorded by a candidate for elected office in the state of Kentucky. On November 14, 1996, WENDELL FORD broke Alben Barlkey's record for the longest consecutive service in the United States Senate as a Senator from the Commonwealth, while becoming the overall longest serving Senator from Kentucky in March of this year.

Mr. President, such milestones are not just proud, personal moments, although they are that. Rather, they speak to the immense respect, and the tremendous trust that the citizens of Kentucky have for their distinguished senior Senator. Of course, to those of us who know WENDELL FORD, such respect and trust are not unfounded.

As a Member of this body, Senator FORD has become a recognized leader in such diverse areas as aviation, federal campaign finance reform, and energy. He has, through dedication and hard work, shaped such important legislation as the National Voter Registration Act, the Federal Aviation Administration Authorization Act of 1994, the Family and Medical Leave Act, the National Energy Security Act of 1992, and the Energy Security Act of 1977.

The commitment shown by our colleague from Kentucky in working on these and other profound and troubling problems that face this Nation is emblematic of the devoted public servant that WENDELL FORD has shown himself to be. There will be few who will match the accomplishments of our friend; few who will bring to this body a deeper passion; and few who will legislate with greater skill.

Mr. President, as he prepares to leave the Senate, I offer my sincere gratitude to Senator WENDELL FORD for his professionalism, for his friendship, for his leadership, for his candor, and for his many years of dedicated service to our Nation. I would also like to express my admiration, and that of my wife, Erma, to WENDELL's gracious and dedicated wife, Jean. Few know, of course, of the tremendous sacrifices made by our spouses. But those of us who serve in this body understand the price paid by these selfless, silent partners. None has done so with greater dignity, or with more grace, than has Jean Ford.

And, so, I say to my friend from the Commonwealth of Kentucky, I have treasured the time we have worked together, and I wish him good luck and God's speed. He is coming home.

Weep no more, my lady,
Oh! weep no more to-day!
We will sing one song for the Old Kentucky Home,
For the old Kentucky Home far away.

''My Old Kentucky Home,'' Stephen Collins Foster, 1826–1864.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

TRIBUTE TO DEPARTING SENATORS AND SENATOR KEMPTHORNE'S STAFF

Mr. KEMPTHORNE. Mr. President, I appreciate you presiding as you do in such a class fashion. I would like to make a few comments here. I have been touched and impressed by the fact of colleagues coming to the floor and paying tribute to those Members who are departing. I have listened because, as one of those Members who are departing, I know personally how much it means to hear those kind comments that are made.

Senator FORD, who just spoke, is leaving after a very illustrious career. I remember when the Republican Party took over the majority 4 years ago and I was new to the position of Presiding Officer, it was not unusual for WENDELL FORD, who knows many of the ropes around here, to come and pull me aside and give me a few of the tips of how I could be effective as a Presiding Officer. I think probably one of the highest tributes you can pay to an individual is the fact that you see their family and the success they have had. I remember when WENDELL FORD's grandson, Clay, was a page here. I think Clay is probably one of the greatest tributes paid to a grandfather.

DALE BUMPERS, often mentioned here on the floor about his great sense of humor, is an outstanding gentlemen. He is someone whom I remember before I ever became involved in politics. I watched him as a Governor of Arkansas and thought, there is a man who has great integrity, someone you can look up to. And then to have the opportunity to serve with him has been a great honor.

JOHN GLENN. Whenever any of the astronauts—the original seven—would blast off into space, my mother would get all the boys up so we could watch them. I remember when JOHN GLENN blasted off into space. Again, the idea that somehow a kid would end up here and would serve with JOHN GLENN is just something I never could dream of at the time. In fact, JOHN GLENN became a partner in our efforts to stop unfunded Federal mandates. You could not ask for a better partner.

Speaking of partners, he could not have a better partner than Annie. I had the great joy of traveling with them approximately a year ago when we went to Asia. That is when you get to know these people as couples. I remember that we happened to be flying over an ocean when it was the Marine Corps' birthday. On the airplane we had a cake and brought it out, to the surprise of JOHN GLENN. But you could see the emotion in his eyes. I know the Presiding Officer is a former U.S. Marine, so he knows what we are talking about.

DAN COATS. There is no more genuine a person than DAN—not only in the Senate but on the face of the Earth. He is a man of great sincerity, a man who can articulate his position so extremely well. He is a man who, when you look into his eyes, you know he is listening to you and he is going to do right by you and by the people of his State of Indiana, and he has done right by the people of the United States. He is a man who has great faith, a man to whom I think a number of us have looked for guidance.

When you look at the Senate through the eyes of a camera, you see just one dimension. But on the floor of the Senate we are just people. A lot of times we don't get home to our wives and kids and sometimes to the ball games or back-to-school nights. There are times when some of the issues don't go as we would like, and it gets tough. At these times, we hurt. There are people like DAN COATS to whom you can turn, who has said, ''Buddy, I have been there and I am with you now.'' So, again, he is an outstanding individual.

Also, Mr. President, I have been really fortunate with the quality of the staff I have had here in the U.S. Senate during the 6 years I have been here. As I have listened so many times to the Senate clerk call the roll of those Senators, they have answered that roll. I would like to just acknowledge this roll of those staff members whom I have had. This is probably the first and only time their names will be called in this august Chamber:

Cindy Agidius, Marcia Bain, Jeremy Chou, Camy Mills Cox, Laurette Davies, Michelle Dunn, Becky English, Gretchen Estess, Ryan Fitzgerald, Lance Giles.

Charles Grant, Ernie Guerra, Julie Harwood, Laura Hyneman, Meg Hunt, Catherine Josling, Ann Klee, Amy Manwaring, John McGee, Liz Mitchell.

Heather Muchow, Jay Parkinson, Phil Reberger, Rachel Riggs, Shawna Seiber Ward, Orrie Sinclair, Mark Snider, Glen Tait, Jim Tate, Kelly Teske.

Salle Uberuaga, Jennifer Wallace, Brian Whitlock, Suzanne Bacon, Becky Bale, Stan Clark, Tom Dayley, Tyler Dougherty, Carolyn Durant, George Enneking.

Buzz Fawcett, Margo Gaetz, Erin Givens, Jim Grant, Wendy Guisto, Jennifer Hayes, Al Henderson, Heather Irby, Steve Judy, Jeff Loveng.

Brian McCormack, Darrell McRoberts, Peter Moloney, Scott Muchow, Dan Ramirez, Dixie Richardson, Stephanie Schisler, Carrie Stach, Gary Smith, Michael Stinson, Sally Taniguchi, Julie Tensen, Mitchell Toryanski, Brian Waidmann, Vaughn Ward.

That is a lot of staff. But over 6 years, some of those have come and gone.

I have also received valuable assistance from interns who have worked in my state and Washington offices. I ask unanimous consent that the following list of interns for the past six years be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INTERNS

Angie Adams, Tara Anderson, Jennifer Beck, Matthew Blackburn, Emily Burton, Emilie Caron, Michelle Crapo, Matt Freeman, Amy Hall, Rick Hansen.

Michelle Hyde, Paul Jackson, Beth Ann Kerrick, Heather Lauer, Jennifer Ludders, Karen Marchant, Kendal McDevitt, Jan Nielsen, Bryan James Palmer, Tracy Pellechi.

Tyler Prout, James Rolig, Dallas Scholes, Robin Staker, Meghan Sullivan, Omar Valverde, Franciose Whitlock, James Williams, Curt Wozniak, Tim Young.

Kim Albers, Chris Bailey, Kevin Belew, David Booth, Matt Campbell, Stephen Cataldo, Pandi Ellison, Andrew Grutkowski, Chad Hansen, Sarah Heckel.

Laura Hyneman, Michael Jordan, Lisa Lance, Keith Lonergan, Lori Manzaneres, Wade Miller, Kate Montgomery, Rocky Owens, Kurt Pipal, Alan Poff.

Nichole Reinke, Don Schanz, Nathan Sierra, Jacob Steele, David Thomas, Curtis Wheeler, Brian Williams, Angie Willie, Darryl Wrights.

Mr. KEMPTHORNE. Mr. President, this will probably be the last time officially on this floor as a U.S. Senator that I look at the faces of these people that you and I have worked with—the clerks, and Parliamentarians, the staff. It is family. The young pages that we see here with that sparkle in their eye and the enthusiasm that they have for this process—it is fun to talk to you and to see your sense of enthusiasm for this. As I said, you are going to have a sense of the U.S. Senate like few citizens, because you have been here, you have experienced it, and you have been up close in person.

But to those of you that I see now as I look to the desk, those who have sat in your places that I have worked with through these years, I thank you. America is well served by you, by your professionalism and your dedication.

So I thank you. I thank the Cloakroom again; all of the family; the staff, from the police officers and the waiters and waitresses, and the folks who make this place work; the Senate Chaplain; and, Mr. President, again I thank you for your courtesy, and I bid you farewell.

I yield the floor.

The PRESIDING OFFICER. Thank you, Senator. The people of Idaho and the people of the country are very proud of your service. We wish you well.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that pursuant to the provisions of section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, the Speaker reappoints Ms. Jo Anne Barnhart of Virginia as a member from private life on the part of the House to the Security Advisory Board to fill the existing vacancy thereon.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 214. Concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people on the origins and development of Country Music, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2560. An act to authorize the President to award gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the ''Little Rock Nine,'' and for other purposes.

H.R. 4516. An act to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the ''Jacob Joseph Chestnut Post Office Building.''

The message also announced that the House has passed the following bills, without amendment:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 191. An act to throttle criminal use of guns.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, delivered by one of its reading clerks announced that the Speaker has signed the following enrolled Joint Resolution:

H.J. Res. 131. Joint resolution waiving certain enrolling requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7407. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''General Administration Letter No. 8–98'' received on October 6, 1998; to the Committee on Finance.

EC–7408. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated September 28, 1998; to the Committee on Governmental Affairs.

EC–7409. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Performance Ratings'' (RIN3206–AH77) received on October 6, 1998; to the Committee on Governmental Affairs.

EC–7410. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provision'' (RIN1901–AA81) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7411. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Personnel Assurance Program'' (RIN1992–AA14) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7412. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding energy conservation standards for electric cooking products (RIN1904–AA84) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7413. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations'' received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7414. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Ginnie Mae MBS Program: Book Entry Securities'' (Docket FR–4332–I–01) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7415. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Reporting Requirements Under the Wassenaar Arrangement'' (RIN0694–AB724) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7416. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Effects of Foreign Policy-Based Export Controls'' (Docket 980922243–8243–01) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7417. A communication from the Executive Director of the Air Force Sergeants Association, transmitting, pursuant to law, the Association's annual report and audit for fiscal year 1998; to the Committee on the Judiciary.

EC–7418. A communication from the Chairperson of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled ''Helping State and Local Governments Comply with the ADA''; to the Committee on the Judiciary.

EC–7419. A communication from the Chairperson of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled ''Helping Employers Comply with the ADA''; to the Committee on the Judiciary.

EC–7420. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the audit of the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–7421. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Development of Competition and Diversity in Video Programming Distribution and Carriage'' (Docket 97–248) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7422. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''U.S. Coast Guard Vessel Traffic Services (VTS) Systems in New Orleans, Louisiana'' (DA 98–1935) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7423. A communication from the Director of Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Audit Requirements for State and Local Governments; Audit Requirements for Institutions of Higher Education and Other Non-Profit Organizations'' (RIN0605–AA12) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7424. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of

a rule entitled ''Atlantic Tuna Fisheries; Atlantic Bluefin Tuna'' (I.D. 092298C) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7425. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of remote sensing satellite technical data to Greece (DTC 69–98); to the Committee on Foreign Relations.

EC–7426. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of circuit card assemblies for the T16–B Monolithic Ring Laser Gyro Inertial Navigation System in Mexico (DTC 96–98); to the Committee on Foreign Relations.

EC–7427. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of FLYER R–12D lightweight military vehicles in Singapore (DTC 104–98); to the Committee on Foreign Relations.

EC–7428. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of certain PATRIOT System components in Japan (DTC 106–98); to the Committee on Foreign Relations.

EC–7429. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of fire control radar accelerometers for end use on United Kingdom AH–64 Apache helicopters (DTC 108–98); to the Committee on Foreign Relations.

EC–7430. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed transfer of technical data and assistance to Spain relative to F100 AEGIS frigates (DTC 115–98); to the Committee on Foreign Relations.

EC–7431. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F–15 electrohydraulic flight control systems in Japan (DTC 117–98); to the Committee on Foreign Relations.

EC–7432. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the upgrading of Japanese F–15 Aircraft (DTC 120–98); to the Committee on Foreign Relations.

EC–7433. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of air surveillance systems to Algeria (DTC 124–98); to the Committee on Foreign Relations.

EC–7434. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of avionics in support of the U.S. Air Force T–38 Avionics Upgrade Program in Israel (DTC 126–98); to the Committee on Foreign Relations.

EC–7435. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of MK 41 Vertical Launch Systems to Japan (DTC 127–98); to the Committee on Foreign Relations.

EC–7436. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F100–PW–100 engines for use in Japanese F–15 aircraft (DTC 131–98); to the Committee on Foreign Relations.

EC–7437. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F100–PW–229/–229A engine parts in Norway (DTC 132–98); to the Committee on Foreign Relations.

EC–7438. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed transfer of three Hercules C–130E aircraft from the United Kingdom to the Government of Sri Lanka (RSAT 4–98); to the Committee on Foreign Relations.

EC–7439. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–150 to 98–154); to the Committee on Foreign Relations.

EC–7440. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification for fiscal year 1999 that no United Nations Agency or affiliate promotes or condones the legalization of pedophilia; to the Committee on Foreign Relations.

EC–7441. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of an emergency transfer of AN/ALQ–131 electronic counter-measure pods to the Government of Norway; to the Committee on Foreign Relations.

EC–7442. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule'' (FRL6174–3) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7443. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Individual Sources'' (FRL6166–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7444. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Minnesota'' (FRL6162–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7445. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds'' (FRL6169–6) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7446. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama'' (FRL6168–4) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7447. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyromazine; Extension of Tolerance for Emergency Exemptions'' (FRL6037–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7448. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL6035–2) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7449. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mancozeb; Pesticide Tolerances for Emergency Exemptions'' (FRL6029–5) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7450. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paraquat; Extension of Tolerance for Emergency Exemptions'' (FRL6032–5) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7451. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Extension of Tolerances for Emergency Exemptions'' (FRL6034–7) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7452. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Maleic Hydrazide; Extension of Tolerances for Emergency Exemptions'' (FRL6034–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7453. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan'' (FRL6170–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7454. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation'' (FRL6172–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7455. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone'' (FRL6171–2) received on October 5, 1998; to the Committee on Environment and Public Works.

EC–7456. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on operations of the Glen Canyon Dam for Water

Year 1997 and 1998; to the Committee on Energy and Natural Resources.

EC–7457. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report entitled ''Report on Alternative System for Availability of Funds''; to the Committee on Energy and Natural Resources.

EC–7458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on completed projects funded under the Community Services Block Grant Act for fiscal years 1991 through 1994; to the Committee on Labor and Human Resources.

EC–7459. A communication from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Experienced Miner and Supervisor Training'' (RIN1219–AB13) received on October 9, 1998; to the Committee on Labor and Human Resources.

EC–7460. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule regarding a clarification of reporting requirements under the Potato Research and Promotion Plan (Docket FV–96–703FR) received on October 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7461. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (I.D. 092598A) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Sea Scallop Fishery; Extension of Interim Final Rule Implementing Area Closure'' (RIN0648–AK68) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7463. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding pesticide tolerances for residues of a certain potatoe fungicide (FRL6036–7) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7464. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances for Emergency Exemptions'' (FRL6030–3) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7465. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a prospectus proposing the lease of space to house the Uniformed Division of the U.S. Secret Service; to the Committee on Environment and Public Works.

EC–7466. A communication from the Inspector General of the Department of Defense, transmitting, pursuant to law, the Department's report on Superfund Financial Transactions for fiscal year 1997; to the Committee on Environment and Public Works.

EC–7467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on the effectiveness of providing disease prevention and health promotion services to Medicare beneficiaries; to the Committee on Finance.

EC–7468. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, a draft of proposed legislation entitled ''The Fugitive Apprehension Act''; to the Committee on the Judiciary.

EC–7469. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the production of Air-to-Air Stinger launchers and related equipment in Turkey (DTC 88-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7470. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of M582A1 artillery shell fuses for export to Greece (DTC 91-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7471. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of certain military computer systems in Canada (DTC 103-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7472. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of technical data to Japan for the design and manufacture of a cryogenic upper stage launch vehicle engine (DTC 116-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7473. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of technical assistance to Singapore for maintanece of the T-55-L-714A engine on certain CH-47 Chinook helicopters (DTC 129-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7474. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of the Longbow Hellfire Missile Control Interface Group for use in the United Kingdom AH-64D Apache Program (DTC 137-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7475. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of transmissions for the K95 Howitzer and the K1A1 Main Battle Tank in South Korea (DTC 138-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7476. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of TOW 2 missile warheads in Switzerland (DTC 142-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7477. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export Model 139A Verticle Launch ASROC Missiles to Japan (DTC 143-98) received on October 9, 1998; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2086) to revise the boundaries of the George Washington Birthplace National Monument (Rept. No. 105–403).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2240) to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes (Rept. No. 105–404).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2246) to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary and for other purposes (Rept. No. 105–405).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2307) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–406).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2468) to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park (Rept. No. 105–407).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas (Rept. No. 105–408).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

D. Bambi Kraus, of the District of Columbia, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2004.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Treaty Doc. 105–1(A) Amended Mines Protocol (Exec. Rept. 105–21).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol)

to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to this paragraph are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a ''booby-trap'' under Article 2(4) of the Amended Mines Protocol and shall not be considered a ''mine'' or an ''anti-personnel mine'' under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE.—The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex and which constitutes an essential military capability for the United States Armed Forces.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term ''effective alternative'' does not mean a tactic or operational concept in and of itself.

(2) EXPORT MORATORIUM.—The Senate—

(A) recognizes the expressed intention of the President to negotiate a moratorium on the export of anti-personnel mines; and

(B) urges the President to negotiate a universal ban on the transfer of those mines that does not include any restriction on any mine that is primarily designed to be exploded by the presence, proximity, or contact of a vehicle, as opposed to a person and that is equipped with an anti-handling device, as defined in the Amended Mines Protocol, or a tilt rod or magnetic influence sensor, such mine not being considered an anti-personnel mine despite being so equipped.

(3) HUMANITARIAN DEMINING ASSISTANCE.—

(A) FINDINGS.—The Senate makes the following findings:

(i) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining effort, having expended more than $153,000,000 on such efforts since 1993.

(ii) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a substantial program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(iii) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have significantly expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(B) INTERNATIONAL SUPPORT FOR DEMINING INITIATIVES.—The Senate urges the international community to join the United States in providing significant financial and technical assistance to humanitarian demining programs, thereby making a concrete and effective contribution to the effort to reduce the grave problem posed by the indiscriminate use of non-self-destructing landmines.

(4) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(5) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(6) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that,

in negotiations on any treaty containing an arms control provision, United States negotiators should not agree to any provision that would have the effect of inhibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(7) PROHIBITION ON DE FACTO IMPLEMENTATION OF THE OTTAWA CONVENTION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the President will not limit the consideration of alternatives to United States anti-personnel mines or mixed anti-tank systems solely to those that comply with with the Ottawa Convention; and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(8) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, that the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(9) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(10) FINDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the indiscriminate use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(11) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(14) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms ''Amended Mines Protocol'' and ''Protocol'' mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105-1).

(2) CFE FLANK DOCUMENT.—The term ''CFE Flank Document'' means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, done at Vienna on May 31, 1996 (Treaty Document 105–5).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term ''Convention on Conventional Weapons'' means the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103–25).

(4) OTTAWA CONVENTION.—The term ''Ottawa Convention'' means the Convention on the Prohibition of the Use, Production, Stockpiling, and Transfer of Anti-Personnel Mines and on Their Destruction, opened for signature at Ottawa December 3–4, 1997 and at the United Nations Headquarters beginning December 5, 1997.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Amended Mines Protocol.

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. CHAFEE (for himself, Mr. MACK, and Mr. LIEBERMAN):

S. 2617. A bill to amend the Clean Air Act to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate greenhouse gas emissions; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 2618. A bill to require certain multilateral development banks and other lending institutions to implement independent third-party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE:

S. 2619. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. ROBB:

S. 2620. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2621. A bill to authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HATCH, Mr. BREAUX, Mr. D'AMATO, Mr. CONRAD, Mr. MURKOWSKI, Mr. GRAHAM, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. MACK, Mr. BRYAN, and Mr. KERREY):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ROTH, and Mr. STEVENS):

S. 2623. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 2624. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in the rural areas, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. MACK, and Mr. LIEBERMAN):

S. 2617. A bill to amend the Clean Air Act to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate greenhouse gas emissions; to the Committee on Environment and Public Works.

CREDIT FOR EARLY ACTION ACT OF 1998

Mr. CHAFEE. Mr. President, I am proud to join with Senators MACK and LIEBERMAN today to introduce the Credit for Early Action Act of 1998. This bipartisan legislation is designed to encourage voluntary, meaningful, and early efforts by industry to reduce their emissions of greenhouse gases. This is a bill to address the threat of global climate change.

Before I get into the details of this legislative proposal, let me spend a few moments discussing the science of climate change.

Human influence on the global climate in an extraordinarily complex matter that has undergone more than a century of research. Indeed, in an 1896 lecture delivered to the Stockholm Physics Society by the Nobel Prize-winning chemist, Svante Arrhenius, it was predicted that large increases in carbon dioxide (CO_2) would result in a corresponding warming of the globe.

Professor Arrhenius was the first to predict that large increases in CO_2 would result in a warming of the globe. What have the world's scientists told

us at different intervals over the last one hundred years, since Mr. Arrhenius identified the warming effects of CO_2?

In 1924, a U.S. physicist speculated that industrial activity would double atmospheric CO_2 in five hundred years, around the year 2424. Current projections, however, call for a doubling sometime before 2050—some four hundred years earlier than predicted just seventy years ago!

In 1957, scientists from the Scripps Institute of Oceanography reported for the first time that much of the CO_2 emitted into the atmosphere is not absorbed by the oceans as some had argued, leaving significant amounts in the atmosphere. They are said to have called carbon dioxide emissions ''a large-scale geophysical experiment'' with the Earth's climate.

In 1967, the first reliable computer simulation calculated that global average temperatures may increase by more than four degrees Fahrenheit when atmospheric CO_2 levels are double that of preindustrial times. In 1985, a conference sponsored by the United Nations Environment Program (UNEP), the World Meteorological Organization (WMO), and the International Council of Scientific Unions forged a consensus of the international scientific community on the issue of climate change. The conference report warned that some future warming appears inevitable due to past emissions, regardless of future actions, and recommended consideration of a global treaty to address climate change.

In 1987, an ice core from Antarctica, analyzed by French and Russian scientists, revealed an extremely close correlation between CO_2 and temperature going back more than one hundred thousand years. In 1990, an appeal signed by forty-nine Novel prize winners and seven hundred members of the National Academy of Science stated, ''There is broad agreement within the scientific community that amplification of the Earth's natural greenhouse effect by the buildup of various gases introduced by human activity has the potential to produce dramatic changes in climate . . . only by taking action now can be ensure that future generations will not be put at risk.''

Also in 1990, seven hundred and forty-seven participants from one hundred sixteen countries took part in the Second world Climate Conference. The conference statement reported that, ''. . . if the increase of greenhouse gas concentrations is not limited, the predicted climate change would place stresses on natural and social systems unprecedented in the past ten thousand years.''

Finally, Mr. President, in 1995, the Intergovernmental Panel on Climate Change, representing the consensus of climate scientists worldwide, concluded that ''. . . the balance of evidence suggests that there is a discernible human influence on global climate.''

This last development is significant, because the overwhelming majority of climate scientists concluded, for the first time, that man is influencing the global climate system. That conclusion, while controversial in some quarters, was endorsed unanimously by the governments of the ninety-six countries involved in the panel's efforts.

Are these forecasted outcomes a certainty? They are not. The predictions of climate change are indeed based on numerous variables. Although scientists are improving the state of their knowledge at a rapid pace, we still have a lot to learn about the role of the sun, clouds and oceans, for example.

The question is, will we ever have absolute certainty? Will we ever be able to eliminate all of the variables? The overwhelming majority of independent, peer-reviewed scientific studies indicate that we do not have such a luxury. By the time we finally attain absolute certainty, it would likely take centuries to reverse atmospheric damage and oceanic warming.

Mr. President, I am not alone in this thinking. There are an increasing number of business leaders in our country who have arrived at the same conclusion that we need to act swiftly.

In a ''dear colleague'' letter sent out this week under my signature, I repeated a remarkable statement issued by an impressive group of companies that have joined with the newly established Pew Center on Climate Change. American Electric Power, Boeing, BP America, Enron, Lockheed Martin, 3M, Sun, United Technologies, Toyota, Weyerhaeuser, and several others said that, ''we accept the views of most scientists that enough is known about the science and environmental impacts of climate change for us to take actions to address its consequences.''

The legislation to be introduced today by Senator MACK, Senator LIEBERMAN and I proposes an exciting framework that would appropriately recognize real and immediate action to combat climate change. While the climate debate will indeed continue over the next few years, we strongly believe that there is a voluntary, incentive-based approach which can be implemented now. Congressional approval of this approach, which the three of us and others will work for early next year, will provide the certainty necessary to encourage companies to move forward with practical, near-term emission reductions.

Specifically, this legislation would provide a mechanism by which the President can enter into binding greenhouse gas reduction agreements with entities operating in the United States. Once executed, these agreements will provide credits for voluntary greenhouse gas reductions effected by those entities before 2008, or whenever we might have an imposition of any domestic or international emission reduction requirements.

Importantly, this program is designed to work within the framework of whatever greenhouse gas control requirement may eventually become applicable within the United States. The credits would be usable beginning in the first five-year budget period (2008–2012) under the Kyoto Protocol, if the Kyoto Protocol is ratified. If the Protocol is not ratified, and we end up with a domestic program to regulate or otherwise control greenhouse gas emissions, the credits would be usable in that program.

This sort of approach makes sense for a wide variety of reasons. Encouraging early reductions can begin to slow the rate of buildup of greenhouse gases in the atmosphere, helping to minimize the potential environmental risks of continued warming. Given the longevity of many climate gases, which continue to trap heat in the atmosphere for a century or more, it just makes sense to encourage practical actions now.

By guaranteeing companies credit for voluntary early reductions, the bill would allow companies to protect themselves against the potential for steep reduction requirements or excessive costs in the future. For companies that want to reduce their greenhouse gas emissions, providing credit for action now adds years to any potential compliance schedule, allowing companies to spread costs over broader time periods. A focus on early reductions can help stimulate the American search for strategies an technologies that are needed worldwide. Development of such strategies and technologies can improve American competitiveness in the $300 billion dollar global environmental marketplace.

This ''credit'' program may also make the greenhouse gas reductions achieved before regulations are in place financially valuable to the companies who make such reductions. Given the likely inclusion of market based approaches to any eventual domestic regulatory requirements, similar to the successful acid rain program of the 1990 Clean Air Act, credit earned could be traded or sold to help other companies manage their own reduction efforts.

Under a ''no credit'' approach, the status quo, it is more likely that early reduction companies will be penalized if greenhouse gas reductions are ultimately required, because their competitors who wait to reduce will get credit for later reductions. Such a ''no credit'' approach could even create perverse incentives to delay investments until emissions reductions would be credited.

In anticipation of a potential global emissions market, decisions re being made now by entrepreneurial companies and countries. For example, Russia and Japan have already concluded a trade of greenhouse gas emission credits. Private companies such as Niagara-Mohawk and Canada-based Suncor are moving forward with cross-boundary trades. Aggressive global energy companies, such as British Petroleum, AEP, and PacifiCorp are already implementing agreements in Central and

South America—sequestering carbon and developing credits against emissions—by protecting rain forests.

Mr. President, America can and should reward companies that take such positive steps to position themselves, and the US, for the environmental and economic future.

On the international side, passage by the U.S. Congress of a program to help stimulate early action will be clear example of American leadership and responsibility. Developing countries currently argue that nations such as the United States, with huge advantages in quality of life and dramatically higher per capita emissions of green house gases, should take a leadership role in the reduction of greenhouse gas emissions. And they argue that developing countries should not be asked to take steps until the U.S. begins to move forward. This bill can work directly to change that situation, therefore removing a barrier to essential developing country progress.

There it is, Mr. President. We are here today because we believe that climate change presents a serious threat. We believe it makes sense to get started now. And, as many leading American companies do, we believe that there are sensible, fair and voluntary methods to get on the right track.

We encourage our colleagues to use the time between now and next January to review this legislation carefully. We are open to suggestions. Most importantly, we are looking for others to join us in this effort.

• Ms. MACK. Mr. President, as an original cosponsor of the Credit for Early Action Act, I rise to congratulate Senator CHAFEE on its introduction, as well as the other original cosponsor, Senator LIEBERMAN, and to make several points about the bill.

The purpose of the act is simple. It is to encourage and reward voluntary actions which businesses may take to reduce emissions of ''greenhouse gases'' such as carbon dioxide. It would not require actions, but it would provide encouragement in the form of credit, credit that could be used by companies to manage future regulatory requirements, or in a market-based approach, traded or sold to other companies as they worked to meet their own obligations.

Given the uncertainty that surrounds the discussion of greenhouse gases and global warming, I can understand why some may question the need for such a bill. As one who is not convinced that we understand this issue well enough, I can understand that question. In fact, it is precisely because of the uncertainty that I think such a bill makes sense.

Of course there is a great deal of uncertainty surrounding such possible results, and frankly, as I said, I am not convinced that we know enough yet. The complexities and uncertainties associated with trying to understand the vast interactions of our climate, our atmosphere and our human impact on both, are enormous. And the consequences of actions targeted at changing our patterns of energy use can be dramatic.

But uncertainty cuts two ways, and the possibility always exists that some of these projections about impacts could be more right than wrong. Perhaps then it makes sense to provide some appropriate encouragement, so that those who want to invest in improved efficiency, those who want to find ways to make cars and factories and power production cleaner, those companies can receive some encouragement, not based on government fiat or handout, but based on getting credit for their own initiative and actions. The environmental result will likely be some lessening of the potential problems associated with possible global warming, and that just makes sense.

There is, of course, another uncertainty that gives me pause as well, and that serves as another strong reason for my interest in this bill. It is clear to me today that there is no desire on the part of this Congress to legislate requirements on carbon dioxide or any of the other ''greenhouse gases.'' I think that is the correct position.

But we cannot know today what some future Congress, perhaps a decade away, might decide to do. Perhaps the science will become more compelling. Perhaps the majority will shift back to a more regulatory minded party. Perhaps a future Senate will decide to ratify the Kyoto Protocol. Perhaps a future administration and a future majority will combine to put a regulatory structure in place that will require substantial reductions of these gases. And while we may oppose such action today, we cannot know the outcome of this future debate.

Given this regulatory uncertainty, I think a compelling argument can be made to provide protection for companies today, so that they are protected against the possibility of future requirements. What this bill will do is just that. By allowing companies to earn credit for actions that they take over the next few years, the bill will make sure that if a regulator comes to see them in the future, they can say, ''I already did my part.'' Companies can make decisions based on their own best interest, they can work to improve efficiency and reduce waste. And if this bill becomes law, they can get credit for those actions against any future regulatory controls on greenhouse gases. That seems like a good idea to me.

In closing Mr. President, I again want to congratulate Senator CHAFEE, along with our other original co-sponsor Senator LIEBERMAN, for this thoughtful, balanced approach to the uncertainty presented by the climate change issue. I am proud to be an original cosponsor of this bill, and I want to urge my colleagues to take a good look at this approach so that we can begin to move forward in earnest in the next Congress.•

• Mr. LIEBERMAN. Mr. President, I am delighted to join today with my colleagues Senator CHAFEE, the chairman of the Environment and Public Works Committee, and Senator MACK in introducing this legislation. It will provide credit, under any future greenhouse gas reduction systems we may adopt, to companies who act now to reduce their emissions of greenhouse gases. This is a voluntary, market-based approach which is a win-win situation for both American businesses and the environment. Enactment of this legislation will provide the certainty necessary to encourage companies to move forward with emission reductions now. I'm particularly pleased that the legislation grows out of principles developed in a dialog between the Environmental Defense Fund and a number of major industries.

The point of this legislation is simple. Many companies want to move forward now to reduce their greenhouse gas emissions. They don't want to wait until legislation requires them to make these reductions. For some companies reducing greenhouse gases makes good economic sense because adopting cost-effective solutions can actually save them money by improving the efficiency of their operations. Companies recognize if they reduce their greenhouse gas emissions now they will be able to add years to any potential compliance schedule, allowing companies to spread their costs over broader time periods. Acting now can help U.S. companies protect themselves against the potential for significant reductions that may be required in the future. This bill ensures they will be credited in future reduction proposals for action now.

Early action by U.S. companies will also have an enormous benefit for the environment. Early reductions can begin to slow the rate of buildup of greenhouse gases in the atmosphere, helping to minimize the environmental risks of continued global warming. Given that once emitted, many climate change gases continue to trap head for a century or more in the atmosphere, it just makes sense to encourage practical action now.

Climate change is neither an abstraction nor the object of a science fiction writer's imagination. It is real and affects us all. More than 2,500 of the world's best scientific and technical experts have linked the increase of greenhouse gases to at least some of the increase in sea level, temperature and rainfall experienced worldwide in this century. Last year was the warmest year on record, and 9 of the last 11 years were among the warmest ever recorded.

The point of this legislation is to provide an incentive for companies that want to make voluntary early reduction in emissions of greenhouse gases by guaranteeing that these companies will receive credit, once binding requirements begin, for voluntary reductions they have made before 2008. These

credits will enable US companies to add years to any potential compliance schedule for reductions, allowing them to spread costs over broader time periods. These credits may also be financially valuable to companies who make the reductions. Credits earned likely could be traded or sold to help other companies manage their own reduction requirements. A focus on early reductions can also help stimulate the search for and use of new, innovative strategies and technologies that are needed to help companies both in this country and worldwide meet their reduction requirements in a cost-effective manner. Development of such strategies and technologies can improve American competitiveness in the more than $300 billion global environmental marketplace.

I'm pleased that this legislation builds on section 1605(b) of the Energy Policy Act which allowed companies to voluntarily record their emissions in greenhouse gas emissions, which I worked hard to include in the Energy Policy Act.

Mr. President, the debate about climate change is too often vested—and I believe wrongly so—in false choices between scientific findings, common sense, business investments and environmental awareness. The approach of this bill again demonstrates that these are not mutually exclusive choices, but highly compatible goals.●

By Mr. McCAIN.

S. 2618. a bill to require certain multilateral development banks and other leading institutions to implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

THE FAIR COMPETITION IN FOREIGN COMMERCE ACT OF 1998

● Mr. McCAIN. Mr. President, I am proud to introduce the Fair Competition in Foreign Commerce Act of 1998, to address the serious problem of waste, fraud and abuse, resulting from bribery and corruption in international development projects. This legislation will set conditions for U.S. funding through multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms, and independent third-party procurement monitoring of their international development projects.

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasure troves. Information technologies and the resulting global economy have transformed the world in which we live into a smaller and smaller community. For example, economic turmoil in Indonesia hits home on Wall Street. Allegations of misconduct in the White House negatively impact Wall Street, which causes capital flight to other nation's stock exchanges. In today's increasingly interdependent global economy, nations are ill-advised to ignore corruption and wrongdoing in neighboring countries.

The U.S. is a vital part of the global economy. We cannot afford to look the other way when we see bribery and corruption running rampant in other countries. Bribery and corruption abroad undermine the U.S. goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses. Developing nations desperately need foreign economic assistance to break the devastating cycle of poverty and dependence.

The United States is increasingly called upon to lead multilateral assistance efforts through its participation in various lending institutions. However, it is critical that we take steps to ensure that the American taxpayer dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1998 is designed to decrease the stifling effects of bribery and corruption in international development contracts. The Act will achieve this objective by mandating that multilateral lending institutions require that nations receiving U.S. economic assistance subject their international development projects to independent third-party procurement monitoring, and other substantive procurement reforms.

By decreasing bribery and corruption in international development procurements, this legislation will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption; (2) encourage additional direct investment to developing nations, thus increasing their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund. These contributions provide significant funding for major international development projects. Unfortunately, these international development projects are often plagued by fraud and corruption, waste and inefficiency, and other misuse of funding.

This inefficient use of valuable taxpayer dollars is bad for the U.S. and the nation receiving the economic assistance. When used for its intended purpose, foreign economic aid yields short and long term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets for U.S. businesses to export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy. Emerging economies of today become our trading partners of tomorrow. However, foreign economic assistance will only promote economic development if it is used for its intended purpose, and not to line the pockets of foreign bureaucrats and their well-connected political allies.

The current laws and procedures designed to detect and deter corruption after the fact are inadequate and meaningless. This bill seeks to ensure that U.S. taxpayers' hard-earned dollars contributed to international projects are used appropriately, by detecting and eliminating bribery and corruption before they can taint the integrity of these vital international projects. Past experience illustrates that it is ineffective to attempt to reverse waste, fraud, and abuse in large scale foreign infrastructure projects, once the abuse has already begun. Therefore, it is vital to detect the abuses before they occur.

The Fair Competition in Foreign Commerce Act of 1998 requires the United States Government, through its participation in the multilateral lending institutions and in its disbursement of non-humanitarian foreign assistance funds, to: (1) require the recipient international financial institution to adopt an anti-corruption plan that requires the aid recipient to use independent third-party procurement monitoring services, at each stage of the procurement process, to ensure openness and transparency in government procurements, and (2) to require the recipient nation to institute specific strategies for minimizing corruption and maximizing transparency in procurements at each stage of the procurement process.

If these criteria are not met, the legislation directs the Secretary of the Treasury to instruct the United States Executive Directors of the various International Development Banks to use the voice and vote of the United States to oppose the lending institution from providing the funds to the nations requesting economic aid which do not satisfy the procurement reforms criteria. This Act has two important exceptions. First, it does not apply to assistance to meet urgent humanitarian needs such as providing food, medicine, disaster, and refugee relief. Second, it also permits the President to waive the funding restrictions with respect to a particular country if making such funds available is important to the national security interest of the United States.

Independent third-party procurement monitoring is a system where an independent third-party conducts a program to eliminate bias, to promote transparency and open competition, and to minimize fraud and corruption, waste and inefficiency and other misuse of funds in international procurements. The system does this through an independent evaluation of the technical, financial, economic and legal aspects of each stage of a procurement, from the development and issuance of technical specifications, bidding documents, evaluation reports and contract preparation, to the delivery of goods and services. This monitoring will take place throughout the entire term of the international development project.

Mr. President, this system has worked for other governments. Procurement reforms and third-party procurement monitoring resulted in the governments of Kenya, Uganda, Colombia, and Guatemala experiencing significant cost savings in recent procurements. For instance, the Government of Guatemala experienced an overall savings of 48% when it adopted a third-party procurement monitoring system, and other procurement reform measures, in a recent procurement of pharmaceuticals.

Independent third-party procurement monitoring is effective because it monitors each stage of the procurement process during and prior to each stage's completion, as opposed to following completion of a particular stage of the procurement process. Independent third-party procurement monitoring also improves transparency and openness in the procurement process. Increased transparency helps to minimize fraud and corruption, waste and inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

Mr. President, bribery and corruption have many victims. Bribery and corruption hamper vital U.S. interests. Both harm consumers, taxpayers, and honest traders who lose contracts, production, and profits because they refuse to offer bribes to secure foreign contracts. Bribery and corruption have become a serious problem. A World Bank survey of 3,600 firms in 69 countries showed 40% of businesses paying bribes. More startling is that Germany still permits its companies to take a tax deduction for bribes. A recent comment by Commerce Secretary Daley sums up the serious impact of bribery and corruption upon American businesses ability to compete for foreign contracts:

> Since mid-1994, foreign firms have used bribery to win approximately 180 commercial contracts valued at nearly $80 billion. We estimate that over the past year, American companies have lost at least 50 of these contracts, valued at $15 billion. And since many of these contracts were for groundbreaking projects—the kind that produces exports for years to come—the ultimate cost could be much higher.''

Exports will continue to play an increasing role in our continued economic expansion. We can ill afford to allow any artificial impediments to our ability to export. Bribery and corruption, significantly hinder American businesses' ability to compete for lucrative overseas government contracts. American businesses are simply not competitive when bidding against foreign firms that have bribed government officials to secure overseas government contracts. Greater openness and fairness in government procurement will greatly enhance opportunities to compete in the rapidly expanding global economy. Exports equate to jobs. Jobs equate to more money in hard-working Americans' pockets. More money in Americans' pockets means more money for Americans to save and invest in their futures.

Bribery and corruption also harm the country receiving the aid because bribery and corruption often inflate the cost of international development projects. For example, state sponsorship of massive infrastructure projects that are deliberately beyond the required specification needed to meet the objective is a common example of waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of the bribe itself, but the inefficient use of resources the bribes encourage.

Bribery and corruption have short and long term negative effects upon the nation receiving aid. The short term effect is that bribery and corruption drive up the cost of the infrastructure project. Companies are forced to increase prices to cover the cost of bribes they are forced to pay. A 2% bribe on a contract is said to raise costs by 15%. The aggregate or long term effect of this type of corruption is that, over time, tax revenues will have to be raised or diverted from other more deserving projects to fund the excesses in these projects. Higher taxes and the inefficient use of resources both hinder growth.

The World Bank and the IMF both recognize the link between bribery and corruption, and decreased economic growth. Recent studies also indicate that high levels of corruption are associated with low levels of investment and growth. These studies illustrate that corruption discourages direct investment, which results in decreased economic growth. Furthermore, corruption lessens the effectiveness of industrial policies and encourages businesses to operate in the unofficial sector in violation of tax and regulatory laws. Most important, corruption begins a cycle where corruption breeds more corruption and discourages legitimate investment. In short, bribery and corruption create ''lose lose'' situation for the U.S. and developing nations.

The U.S. recognizes the damaging effects bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, waste, and abuse on many fronts: from prohibiting U.S. firms from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development (''OECD''). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign public officials in international and business transactions.

However, we must do more. Our current efforts must expand. The FCPA prevents U.S. nationals and corporations from bribing foreign officials. It does nothing to prevent foreign nationals and corporations from bribing foreign officials to obtain foreign contracts. Valuable taxpayer resources are often diverted or squandered because of corrupt officials or the use of non-transparent specifications, contract requirements and the like in international procurements for goods and services. Such corrupt practices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargained. In addition, despite the importance of international markets to U.S. goods and services providers, many U.S. companies refuse to participate in international procurements that may be corrupt.

This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of the U.S. contribution to the multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This bill will encourage and support the development of transparent government procurement capacity, which is vital for emerging democracies constructing a government procurement infrastructure that can sustain market economies in the developing world.

Mr. President, I am committed to combating the waste, fraud and abuse resulting from bribery and corruption in international development projects. Procurement reforms and independent procurement monitoring are key to policing complicated international procurements, which are often plagued by corruption, inefficiency and other problems. These problems thwart the economic development purpose of multilateral assistance and make it more difficult for U.S. companies to compete for valuable large-scale international development projects.

Mr. President, on behalf of the millions of Americans who will benefit from increased opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy

and the efficient use of American economic assistance.

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. 2618

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 ''Fair Competition in Foreign Commerce Act''.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The United States makes substantial contributions and provides significant funding for major international development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the African Development Fund, and other multilateral lending institutions.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, misuse, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments after they occur is inadequate and meaningless.

(5) Detection of impediments before they occur helps to ensure that valuable United States resources contributed to important international development projects are used appropriately.

(6) Independent third-party procurement monitoring is an important tool for detecting and preventing such impediments.

(7) Third-party procurement monitoring includes evaluations of each stage of the procurement process and assures the openness and transparency of the process.

(8) Improving transparency and openness in the procurement process helps to minimize fraud, corruption, waste, inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

(b) PURPOSE.—The purpose of this Act is to build on the excellent progress associated with the Organization on Economic Development and Cooperation Agreement on Bribery and Corruption, by requiring the use of independent third-party procurement monitoring as part of the United States participation in multilateral development banks and other lending institutions and in the disbursement of nonhumanitarian foreign assistance funds.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the Committee on Commerce, Science, and Technology of the Senate and the Committee on Commerce of the House of Representatives.

(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term ''independent third-party procurement monitoring'' means a program to—

(A) eliminate bias,

(B) promote transparency and open competition, and

(C) minimize fraud, corruption, waste, inefficiency, and other misuse of funds, in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) INDEPENDENT.—The term ''independent'' means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned or controlled by any government or government agency.

(4) EACH STAGE OF PROCUREMENT.—The term ''each stage of procurement'' means the development and issuance of technical specifications, bidding documents, evaluation reports, contract preparation, and the delivery of goods and services.

(5) MULTILATERAL DEVELOPMENT BANKS AND OTHER LENDING INSTITUTIONS.—The term ''multilateral development banks and other lending institutions'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the President and to appropriate committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reforms relating to the United States participation in multilateral development banks and other lending institutions.

(b) STRATEGIC PLAN.—The strategic plan shall include an instruction by the Secretary of the Treasury to the United States Executive Director of each multilateral development bank and lending institution to use the voice and vote of the United States to oppose the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) the recipient international financial institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

(2) the recipient country institutes specific strategies for minimizing corruption and maximizing transparency in each stage of the procurement process.

(c) ANNUAL REPORTS.—Not later than June 29th of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) RESTRICTIONS ON ASSISTANCE.—Notwithstanding any other provision of law, no funds appropriated or made available for nonhumanitarian foreign assistance programs, including the activities of the Agency for International Development, may be expended for those programs unless the recipient country, multilateral development bank or lending institution has demonstrated that—

(1) procurement practices are open, transparent, and free of corruption, fraud, inefficiency, and other misuse, and

(2) independent third-party procurement monitoring has been adopted and is being used by the recipient.

SEC. 5. EXCEPTIONS.

(a) NATIONAL SECURITY INTEREST.—Section 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(b) OTHER EXCEPTIONS.—Section 4 shall not apply with respect to assistance to—

(1) meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(2) facilitate democratic political reform and rule of law activities;

(3) create private sector and nongovernmental organizations that are independent of government control; and

(4) facilitate development of a free market economic system.●

By Mr. DASCHLE:

S. 2619. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

THE VETERANS' ACCESS TO EMERGENCY HEALTH CARE ACT OF 1998

Mr. DASCHLE. Mr. President, as we near the end of the 105th Congress, I would again like to voice my frustration about the fact that the United States Senate failed to consider and pass important legislation this year that could have greatly benefited the American people. Unfortunately, the highway leading to adjournment is littered with legislation that should have been considered, passed and enacted long ago, including efforts to prevent teen smoking, modernize our public schools, and increase the minimum wage.

I am particularly disappointed that my colleagues on the other side of the aisle prevented the United States Senate from considering managed care reform legislation. Yesterday, Senate Republicans even prevented us from proceeding to their own HMO reform bill. Time and again, the American people have said they want a comprehensive, enforceable Patients' Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced the Patients' Bill of Rights Act of 1998. That legislation addressed a growing concern among the American people about the quality of care delivered by health maintenance organizations. Despite enormous public support for HMO reform, Democratic efforts to consider the Patients' Bill of Rights were stymied at every turn.

For months, it has been my intention to offer an amendment to the HMO reform legislation regarding a serious deficiency in veterans' access to emergency health care. I was prepared to do so yesterday. Since the Senate was again precluded from debating managed care reform, however, I would like to call attention to this matter before the 105th Congress adjourns by introducing the Veterans' Access to Emergency Health Care Act of 1998 as a separate bill. I hope my colleagues will

support this legislation when I introduce it again in the 106th Congress, when I am confident the United States Senate will finally have the opportunity to consider meaningful HMO reform legislation.

The problem addressed in this bill stems from the fact that veterans who rely on the Department of Veterans Affairs (VA) for health care often do not receive reimbursement for emergency medical care they receive at non-VA facilities. According to the VA, veterans may only be reimbursed by the VA for emergency care at a non-VA facility that was not pre-authorized if all of the following criteria are met:

First, care must have been rendered for a medical emergency of such nature that any delay would have been life-threatening; second, the VA or other federal facilities must not have been feasibly available; and, third, the treatment must have been rendered for a service-connected disability, a condition associated with a service-connected disability, or for any disability of a veteran who has a 100-percent service-connected disability.

Many veterans who receive emergency health care at non-VA facilities are able to meet the first two criteria. Unless they are 100-percent disabled, however, they generally fail to meet the third criterion because they have suffered heart attacks or other medical emergencies that were unrelated to their service-connected disabilities. Considering the enormous costs associated with emergency health care, current law has been financially and emotionally devastating to countless veterans with limited income and no other health insurance. The bottom line is that veterans are forced to pay for emergency care out of their own pockets until they can be stabilized and transferred to VA facilities.

During medical emergencies, veterans often do not have a say about whether they should be taken to a VA or non-VA medical center. Even when they specifically ask to be taken to a VA facility, emergency medical personnel often transport them to a nearby hospital instead because it is the closest facility. In many emergencies, that is the only sound medical decision to make. It is simply unfair to penalize veterans for receiving emergency medical care at non-VA facilities. Veterans were asked to make enormous sacrifices for this county, and we should not turn our backs on them during their time of need.

There should be no misunderstanding. This is a widespread problem that affects countless veterans in South Dakota and throughout the country. I would like to cite just three examples of veterans being denied reimbursement for emergency care at non-VA facilities in western South Dakota.

The first involves Edward Sanders, who is a World War II veteran from Custer, South Dakota. On March 6, 1994, Edward was taken to the hospital in Custer because he was suffering chest pains. He was monitored for several hours before a doctor at the hospital called the VA Medical Center in Hot Springs and indicated that Edward was in need of emergency services. Although Edward asked repeatedly to be taken to a VA facility, he was transported by ambulance to Rapid City Regional Hospital, where he underwent a cardiac catheterization and coronary artery bypass grafting. Because the emergency did not meet the criteria I mentioned previously, the VA did not reimburse Edward for the care he received at Rapid City Regional. His medical bills totaled more than $50,000.

On May 17, 1997, John Lind suffered a heart attack while he was at work. John is a Vietnam veteran exposed to Agent Orange who served his country for 14 years until he was discharged in 1981. John lives in Rapid City, South Dakota, and he points out that he would have asked to be taken to the VA Medical Center in Fort Meade for care, but he was semi-unconscious, and emergency medical personnel transported him to Rapid City Regional. After 4 days in the non-VA facility, John incurred nearly $20,000 in medical bills. Although he filed a claim with the VA for reimbursement, he was turned down because the emergency was not related to his service-connected disability.

Just over one month later, Delmer Paulson, a veteran from Quinn, South Dakota, suffered a heart attack on June 26, 1997. Since he had no other health care insurance, he asked to be taken to the VA Medical Center in Fort Meade. Again, despite his request, the emergency medical personnel transported him to Rapid City Regional. Even though Delmer was there for just over a day before being transferred to Fort Meade, he was charged with almost a $20,000 medical bill. Again, the VA refused to reimburse Delmer for the unauthorized medical care because the emergency did not meet VA criteria.

The Veterans' Access to Emergency Health Care Act of 1998, which I am introducing today, would address this serious problem. It would authorize the VA to reimburse veterans enrolled in the VA health care system for the cost of emergency care or services received in non-VA facilities when there is ''a serious threat to the life or health of a veteran.'' Rep. LANE EVANS has introduced identical legislation in House of Representatives.

Although I am extremely disappointed that the United States Senate did not debate meaningful managed care reform legislation this year, I am hopeful the American people will continue to urge their elected representatives to pass a comprehensive, enforceable Patients' Bill of Rights early next year. I am equally hopeful that any meaningful HMO reform legislation will address this serious deficiency in veterans' access to emergency health care. I look forward to continuing to work with my colleagues on both sides of the aisle to ensure that veterans receive the health care they deserve.

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. 2619

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 ''Veterans' Access to Emergency Care Act of 1998''.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ENROLLMENT SYSTEM DECLARED TO BE A HEALTH CARE PLAN.

Section 1705 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) The enrollment system under subsection (a) is a health care plan, and the veterans enrolled in that system are enrollees and participants in a health care plan.''.

SEC. 3. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) CONTRACT CARE.—Section 1703(a)(3) of title 38, United States Code, is amended by inserting ''who is enrolled under section 1705 of this title or who is'' after ''health of a veteran''.

(b) DEFINITION OF MEDICAL SERVICES.—Section 1701(6) of such title is amended—

(1) by striking out ''and'' at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; and''; and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.''.

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) of such title is amended—

(1) by striking out ''or'' before ''(D)''; and

(2) by inserting before the semicolon at the end the following: '', or (E) for any medical emergency which poses a serious threat to the life or health of a veteran enrolled under section 1705 of this title''.

(d) PAYMENT PRIORITY.—Section 1705 of such title, as amended by section 2, is further amended by adding at the end the following new subsection:

''(e) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

By Mr. ROBB:

S. 2620. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States

from damage resulting from violations of that act, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL CLEAN WATER TRUST FUND ACT OF 1998

• Mr. ROBB. Mr. President, today I introduce a bill that will help clean up and restore our nation's waters. This bill, the National Clean Water Trust Fund Act of 1998, creates a trust fund from fines, penalties and other monies collected through enforcement of the Clean Water Act. The money deposited into the National Clean Water Trust Fund would be used to address the pollution problems that initiated those enforcement actions.

Last year, a highly publicized case in Virginia illustrated the need for this legislation. On August 8, 1997, U.S. District Court Judge Rebecca Smith issued a $12.6 million judgement, the largest fine ever levied for violations of the Clean Water Act, against Smithfield Foods, Isle of Wright County, Virginia, for polluting the James River. The Judge wrote in her opinion that the civil penalty imposed on Smithfield should be directed toward the restoration of the Pagan and James Rivers, tributaries of the Chesapeake Bay. Unfortunately, due to current federal budget laws, the court had no discretion over the damages, and the fine was deposited into the Treasury's general fund, defeating the very spirit of the Clean Water Act.

Today, there is no guarantee that fines or other money levied against parties who violate provisions in the Clean Water Act will be used to correct water problems. Instead, some, if not all, of the money is directed into the general fund of the U.S. Treasury with no provision that it be used to improve the quality of our water. While the Environmental Protection Agency's enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, we ignore the fundamental issue of how to pay for clean up and restoration of pollution problems for which the penalties were levied. To ensure the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up our nation's waters.

This legislation will establish a National Clean Water Trust Fund within the U.S. Treasury to earmark fines, penalties, and other funds, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into the Treasury's general fund. Within the provisions of the bill, the EPA Administrator would be authorized, with direct consultation from the states, to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. This legislation, however, would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects as part of settlements related to violations of the Clean Water Act and/or other legislation. The bill also provides court discretion over civil penalties from Clean Water Act violations to be used to carry out mitigation and restoration projects. With this legislation, we can avoid another predicament like the one faced in Virginia.

Mr. President, it only makes sense that fines occurring from violations of the Clean Water Act be used to clean up and restore the waters that were damaged. This bill provides a real opportunity to improve the quality of our nation's waters.

I recognize that no action can be taken on this legislation this session. I introduce it today in order to give my colleagues, the Administration and others an opportunity to examine the ideas contained in the legislation. I will introduce this legislation early in the next Congress and hope we can include it in the reauthorization of the Clean Water Act when it is taken up next year.

Mr. President, I ask unanimous consent that the full 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. 2620

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Clean Water Trust Fund Act of 1998''.

SEC. 2. NATIONAL CLEAN WATER TRUST FUND.

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) NATIONAL CLEAN WATER TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (referred to in this subsection as the 'Fund') consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

''(2) TRANSFER OF AMOUNTS.—For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section and section 505(a)(1), including any amounts obtained under consent decrees and excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a).

''(3) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals.

''(B) ADMINISTRATION.—The obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, the obligations shall be credited to the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

''(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—Amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damage resulting from violations of this Act that are subject to enforcement actions under this section and similar damage resulting from the discharge of pollutants into the waters of the United States.

''(5) SELECTION OF PROJECTS.—

''(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project to promote the recovery of waters of the United States from damage described in paragraph (4), if an enforcement action conducted pursuant to this section or section 505(a)(1) with respect to the violation, or another violation of this Act in the same administrative region of the Environmental Protection Agency as the violation, resulted in amounts being deposited in the general fund of the Treasury.

''(B) CONSULTATION WITH STATES.—In selecting projects to carry out under this section, the Administrator shall consult with States in which the Administrator is considering carrying out a project.

''(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation pursuant to this section or section 505(a)(1).

''(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

''(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.''.

SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.

(a) IN GENERAL.—Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: ''The court may order that a civil penalty be used for carrying out mitigation, restoration, or other projects that are consistent with the purposes of this Act and that enhance public health or the environment.''.

(b) CONFORMING AMENDMENT.—Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended in the last sentence by inserting before the period at the end of the following: '', including ordering the use of a civil penalty for carrying out mitigation, restoration, or other projects in accordance with section 309(d)''.•

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2621. A bill to authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for purposes; to the Committee on Energy and Natural Resources.

THE VALLES CALDERA PRESERVATION ACT

Mr. DOMENICI. Mr. President, the Valles Caldera in Northern New Mexico

is a place you visit for a day, and long to return to for a life time. It is nature at its most extraordinary—an almost perfectly round bowl formed by a collapsed volcano. It is a place with rolling meadows, crystal-clear streams, roaming elk, Ponderosa pines and quaking Aspen trees, and Golden eagles. This legislation guarantees that this very special place will be there for future generations to visit and remember.

I am very proud to be introducing legislation that will authorize the Secretary of the Interior to acquire a truly unique 95,000 acre ''working ranch'' in New Mexico, known alternatively as the Baca Ranch, the Valle Grande, and the Valles Caldera. Independently, but as importantly, this legislation also addresses longstanding problems encountered by Federal land managers in disposing of surplus federal property and the acquisition of private inholdings within federal management areas.

The former provides a unique solution to the management of a unique property, while the latter builds on existing laws and provides resources dedicated to the consolidation of federal agency land holdings.

In north-central New Mexico there is a truly unique working ranch on an historic Mexican land grant known as Baca Location No. 1. The Ranch is currently owned and managed by the Baca Land and Cattle Company, and it comprises most of a collapsed, extinct volcano known as the Valles Caldera. This ranch also contains innumerable significant cultural, historic, recreational, ecological, and productive resources.

The bill I introduce today is the result of months of negotiation with the Administration, Senator BINGAMAN, and Congressman REDMOND. We have incorporated ideas from groups interested in the acquisition of the truly unique Baca Ranch. Many Americans, especially New Mexicans have expressed a desire for the federal government to purchase the Ranch. After months of research and consideration, I met with President Clinton on Air Force One while we were both returning to Washington from New Mexico to discuss the possibility of this land acquisition. Because the nature of the property requires a unique operational program for appropriate development and preservation, I approached him with an innovative trust structure for the management of the Baca Ranch. This trust would manage the ranch with appropriate public input and governmental oversight. I indicated that I was not interested in having the ranch managed under current federal agency practices. The President expressed enthusiasm for making this concept a reality, and we agreed on a Statement of Principles to govern the acquisition of the Baca Ranch at the end of July.

This unique working ranch has been well maintained and preserved by the current owners. In fact, if ever there was an example of sterling stewardship of a piece of property, this is it.

The legislation introduced today certainly cannot pass this year: unfortunately, time has run out for the 105th Congress, but many concerns and ideas about federal purchase of the property will be discussed at hearings upon reintroduction in the 106th Congress. While there is consenus that this property should be acquired, we do not yet know the cost of the property. The Baca Ranch is estimated to be worth approximately $100 to $125 million, but the appraisal has not yet been given to the Forest Service or made public. Therefore, the exact cost of acquisition has yet to be determined.

This is the largest purchase of public land by the Forest Service in at least 25 years, therefore, it is imperative that careful consideration is given to not only the purchase, but to the management of the property as well.

In past years, federal land management agencies have been criticized for their stewardship of public lands. I find it ironic that many of the groups who wish to bring this ranch into government ownership are the same groups who, in recent years, have initiated relentless litigation against the Forest Service and BLM alleging poor management of federal lands. However, diverse interests have come together to reach agreement on the trust management of the Ranch, and Congressman REDMOND and I have worked hard in both Houses of Congress to obtain funding for purchase. Any funding at this point should be viewed as earnest money, and will be subject to this authorization and agreement on the fair market value for the property.

The parties have really worked hard in framing this legislation, and there are still a few issues we would like to work out. Not the least of which includes the interest expressed by the Santa Clara Pueblo in purchasing land outside the Caldera, but contains the headwaters of the Santa Clara Creek. Negotiations between the Pueblo, the Administration, the current owners of the property, and the congressional delegation on how to resolve this issue was not completed prior to today's introduction. However, all parties are interested in continuing discussion regarding a potential Santa Clara purchase of property adjacent to their pueblo. I also note that Congressman REDMOND has expressed specific interest in addressing other Native American issues regarding the Ranch acquisition.

I have visited the Baca Ranch, and I can tell you that it is one beautiful piece of property. The Valles Caldera is one of the world's largest resurgent lava domes with potential geothermal activity. The depression from a hugh volcanic eruption over a million years ago is more than a half-mile deep and fifteen miles across at its widest point. The land was originally granted to the heirs of Don Luis Maria Cabeza de Vaca under a settlement enacted by Congress in 1860. Since that time, the property has remained virtually intact as a single, large, tract of land.

Historical evidence in the form of old logging camps and other artifacts, and a review of the history of territorial New Mexico clearly show the importance of this land over many generations for the rearing of domesticated livestock, and as a timber supply for local inhabitants. Several film sets have been left standing on the property, representing a significant part of the history of the American film industry and its depiction of the American West.

The careful husbandry of the Ranch by the Dunigan family, the current owners, including selective harvesting of timber, limited grazing and hunting, and the use of proscribed fire, have preserved a mix of healthy range and timber land with significant species diversity providing a model for sustainable land development and use. The Ranch's natural beauty and abundant resources, and its proximity to large municipal populations could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting.

Mr. President, the Baca Location is a unique working ranch. It is not a wilderness area, as in the words of the Wilderness Act, ''untrammeled by man, where man is a visitor who does not remain.'' Man has been there for many generations, and will remain for many to come. Similarly, it is not a resource that could be run well as a national park. This ranch can best be protected for future generations by continuing its operation as a working asset through a unique management structure. This legislation provides unique management under a trust that may allow for its eventual operation to become financially self-sustaining.

Mr. President, recent indication by the current owners of the Baca Location that they wish to sell the ranch has created an opportunity for us to acquire it into public ownership and allow for appropriate public access and enjoyment of these lands for the first time since 1860. Because of the ranch's unique character, however, I am not interested in having it managed under the usual federal authorities, as is typical of the Forest Service, Bureau of Land Management, or the National Park Service. Under the current state of affairs on our public lands, Forest Service and BLM management is constantly hounded by litigation initiated by some of the same groups that wish to bring this ranch into government ownership. I do not want to take this property, put it in that situation, and then claim we have done a great thing.

This legislation represents an opportunity to experiment with a different kind of public land management scheme. Burdensome regulations, and litigation resulting therefrom, have brought federal land management practices rapidly towards gridlock. The Valles Caldera National Preserve will

serve as a model to explore alternative means of federal management and will provide the American people with opportunities to enjoy the Valles Caldera and its many resources for generations to come.

This trust idea, based on similar legislation for federal management of the Presidio in San Francisco, sets in motion a truly unique management scheme befitting this truly unique place. I am willing to take a chance on an innovative approach because I believe that the current quagmire of federal land management simply does not do justice to this very special place. The unique nature of the Valles Caldera, and its resources, requires a unique management program, dedicated to appropriate development and preservation under the principle of the highest and best use of the ranch in the interest of the public.

Mr. President, title I of this legislation provides the framework necessary to fulfil that objective. It authorizes the acquisition of the Baca ranch by the appropriate Federal agency. At the same time, it establishes a government-owned corporation, called the Valles Caldera Trust, whose sole responsibility is to ensure that the ranch is managed in a manner that will preserve its current unique character, and provide enumerable opportunities for the American people to enjoy its splendor. Most importantly to me, however, the legislation will allow for the ranch's continued operation as a working asset for the people of north-central New Mexico, without further drawing on the thinly-stretched resources of the Federal land management agencies.

I am looking forward to hearings on this legislation next year, and know that the legislative process shall enlighten us further as to the complex nature of the Ranch. I, personally, am greatly looking forward to seeing an value estimate of the land prior to authorization. While valued between $37 and $55 million in 1980, I have heard that the Baca ranch is currently estimated to be worth approximately $100 to $125 million. I do not know how such inflation will affect the likelihood of the location's federal acquisition. I do know that we have waited patiently for many months for a promised appraisal from the current owners, but an appraisal has not yet been complete nor have any other offers to purchase the land been made. Therefore, the exact cost of acquisition has yet to be determined. Before we commit large sums of federal taxpayer dollars to purchase new property, it seems prudent to provide a solution for the orderly disposal of surplus federal property and to meet our current obligations to those who hold lands within federal properties.

I would like to emphasize that while both portions of this bill are important to federal land management, both in New Mexico and nationwide, my intention is not to tie federal acquisition of the Baca upon disposition of surplus federal land. Instead, I feel this legislation independently addresses the acquisition of this unique property for public use and enjoyment, while solving current land management problems.

Currently, New Mexico has approximately one-third of its land in public ownership or management. I agree that these public lands are an important natural resource that require our most thoughtful management.

In order to conserve our existing National treasures for future use and enjoyment, we must devise, with the concurrence of other members of Congress and the President, a definite plan and timetable to dispose of surplus land through sale or exchange into private ownership.

Title II of this legislation addresses the orderly disposition of surplus federal property on a state by state basis. It also addresses the problem of what is known as ''inholdings'' within federally managed areas. There are currently more than 45 million acres of privately owned lands trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas. The location of these tracts, referred to as inholdings, makes the exercise of private property rights difficult for the land owner. In addition, management of the public lands is made more cumbersome for the federal land managers.

In many cases, inholders have been waiting generations for the federal government to set aside funding and prioritize the acquisition of their property. With rapidly growing public demand for the use of public lands, it is increasingly difficult for federal managers to address problems created by the existence of inholdings in many areas.

This legislation directs the Department of the Interior and the Department of Agriculture to survey inholdings existing within Federal land management units, and to establish a priority for their acquisition, on a willing seller basis, in the order of those which have existed as inholdings for the longest time to those most recently being incorporated into the Federal unit.

Closely related to the problem created by inholdings within Federal land management units, is the abundance of public domain land which the Bureau of Land Management (BLM) has determined it no longer needs to fulfil its mission. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM has identified an estimated four to six million acres of public domain lands for disposal, and the agency anticipates that additional public land will be similarly identified, with public input and consultation with State and local governments as required by law.

Mr. President, let me simply clarify that point—the BLM already has authority under an existing law, FLPMA, to exchange or sell lands out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain lands would be more useful to the public under private or local governmental control, it is already authorized to dispose of these lands, either by sale or exchange.

The sale or exchange of this land which I have often referred to as ''surplus,'' would be beneficial to local communities, adjoining land owners, and BLM land mangers, alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem, Mr. President, is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation addresses that problem by directing the BLM to fulfil all legal requirements for the transfer of these lands out of Federal ownership, and providing a dedicated source of funding generated from the sale of these lands to continue this process.

Additionally, this legislation authorizes the use of the proceeds generated from these lands to purchase inholdings from willing sellers. This will enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and with State and local governments, to consolidate the ownership of public and private land in a manner that would allow for better overall resource management.

Mr. President, I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the Bureau of Land Management should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of these lands, allowing for the least disruption of existing land and resource management programs.

Mr. President, this bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. In recent weeks, my staff and I have worked closely with the administration on this legislation. I feel comfortable in stating that by working together, we have

reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely; the acquisition and unique management plan for the Baca ranch in New Mexico, and just as importantly, the disposition of surplus public lands in combination with a program to address problems associated with inholdings within our Federal land management units.

Mr. President, I have committed to the administration to continue to work with them on three or four areas of this bill, where concerns remain. I have full confidence, however, that we can address these issues through the legislative process in the next Congress. For example, the need for additional roads, parking, visitor facilities, and water and mineral rights are also important issues that must be resolved. However, we are very luck to have the pleasure of a bipartisan, administration approved, legislative concept from which to work.

The Senate Energy and Natural Resources Committee will schedule hearings to address the many issues regarding Federal purchase of the Baca Ranch early in the 106th Congress. Hopefully, by that time, an appraisal will be available for review. Congress has tried to resolve the difficult challenges in acquiring this property before, and failed; cooperation among the parties may bring success this time around. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished two great and innovative things with this legislation.

Mr. President, I ask unanimous consent that the text of the bill and Statement of Principles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2621

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

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SECTION 101. SHORT TITLE.

This title may be cited as the ''Valles Caldera Preservation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch, owned and managed by the Baca Land and Cattle Company, comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence in the form of old logging camps, and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the Dunigan family, the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled ''Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico,'' as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scenic and natural values of the Baca ranch, associated rivers and ecosystems, and archaeological and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term ''Baca ranch'' means the lands and facilities described in section 104(a).

(2) BOARD OF TRUSTEES.—The terms ''Board of Trustees'' and ''Board'' mean the Board of Trustees as described in section 107.

(3) COMMITTEES OF CONGRESS.—The term ''Committees of Congress'' means the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term ''financially self-sustaining'' means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve established under section 105.

(6) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Agriculture.

(7) TRUST.—The term ''Trust'' means the Valles Caldera Trust established under section 106(a).

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In accordance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title and interests in and to approximately 94,812 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled ''Independent Resurvey of the Baca Location No. 1,'' made by L.A. Osterhoudt, W.V. Hall and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920—August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition pursuant to paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary and the Secretary of the Interior from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition pursuant to paragraph (1) shall be based on appraisal done in conformity with the *Uniform Appraisal Standards for Federal Land Acquisitions* and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—

(1) IN GENERAL.—Upon acquisition of the Baca ranch pursuant to subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over the approximately 845 acres of the land acquired within the Upper Alamo watershed as depicted on the Forest Service map entitled ''Proposed Boundary Expansion Map Bandelier National Monument'' dated October, 1998.

(2) MANAGEMENT.—Upon assumption of administrative jurisdiction pursuant to paragraph (1), the Secretary of the Interior shall manage the added land as a part of Bandelier National Monument, the boundaries of which

are hereby adjusted to encompass such addition. The Secretary of the Interior is authorized to utilize funds appropriated for the National Park Service to acquire on a willing seller basis, the Elk Meadows subdivision within such boundary adjustment.

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAILS.—In case of any conflict between the plat referred to in subsection (a)(1) and the map referred to in subsection (b)(1) and the acreages provided in such subsections, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in subsection (b)(1).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch pursuant to subsection (a), the Secretary and the Secretary of the Interior shall prepare and submit to the Committees of Congress a final map to the Valles Caldera National Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT STUDY.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) develop a study of management alternatives which may—

(A) provide more coordinated land management within the area known as the Lower Alamo watershed;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include a proposed boundary adjustment between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the study to the Committees of Congress within 120 days of the boundary adjustment pursuant to subsection (b)(2).

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for their appraised fair market value. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b)(1), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—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 Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch pursuant to section 104(a) there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interest in land acquired pursuant to subsection 104(a), except those lands and interests in land administered by the Secretary of the Interior pursuant to section 104(b)(1), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States pursuant to section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch pursuant to section 104(e), subject to valid existing rights, the lands comprising the Preserve shall be withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management authority by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where, and establish periods when no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that paid the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FOREST SERVICE EMPLOYEES UPON ESTABLISHMENT OF THE TRUST.—For the two year period from the date of the establishment of the Trust, and upon the request of the Trust, the Secretary may provide, on a nonreimbursable basis, Forest Service personnel and technical expertise as necessary or desirable to assist in the implementation of this title. Thereafter, Forest Service employees may be provided to the Trust as provided in paragraph (C).

(C) USE OF OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—The Trust shall submit, but not later than January 15 of each year, to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year. The report shall also include a section that describes the Trust's goals for the current year.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the Counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management authority by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other Department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding section 1341 of title 31 of the United States Code, all monies received by the Trust shall be retained by the Trust, and such monies shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled ''Valles Caldera Fund'' which shall be available, without further appropriation, to the Trust

for any purpose consistent with the purposes of this title. At the option of the Trust, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(j) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(k) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

SEC. 107. BOARD OF TRUSTEES.

(a) IN GENERAL.—The Trust shall be governed by a 7 member Board of trustees consisting of the following:

(1) VOTING TRUSTEES.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the Congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in all aspects of domesticated livestock management, production and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and non-game wildlife and fish populations, including hunting, fishing and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and non-commodity purposes;

(iv) one trustee shall be active in a non-profit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budgeting and programing;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch pursuant to section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of Chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided*, That any final decision of the Board to adopt or amend the comprehensive management program pursuant to section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by the title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve pursuant to subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation on governmental entity, including without limitation, entities of Federal, State and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of to any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, or lease or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminate.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations relate to Federal government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall develop a comprehensive program for the management of lands, resources, and facilities within the Preserve. Such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield, as defined under the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. 531), of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) preparation of an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a); and

(6) optimizing the generation of income based on existing market conditions, but without unreasonably diminishing the long-term scenic and natural values of the area, or diminishing the multiple use, sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of provide appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The

Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, cross country skiing, and snowmobiling. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided,* That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch pursuant to section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a federal agency for the purposes of compliance with federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to make lands available within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE SUPPRESSION.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. At the request of the Trust, the Secretary may provide fire suppression services: *Provided,* That the Trust shall reimburse the Secretary for salaries and expenses of fire suppression personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption by the Trust of management authority, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 5–10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders pursuant to and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U..S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire suppression services pursuant to section 108(h);

(6) at the request of the Trust, exchange or otherwise dispose of land or interests in land within the Preserve;

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found with the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, pursuant to section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) SECRETARIAL AUTHORITY.—the Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(c) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch pursuant to section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch pursuant to section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sufficent, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch pursuant to section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds pursuant to section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a).

(c) ANNUAL BUDGET REQUEST.—The Secretary shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Preserve.

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—ACQUISITION OF INHOLDINGS AND DISPOSAL OF SURPLUS LAND

SEC. 201. SHORT TITLE.

This title may be cited as the ''Acquisition of Inholdings and Disposal of Surplus Lands Facilitation Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) many private individuals own land within the boundaries of Federal land management units and wish to sell this land to the Federal government;

(2) these lands lie within national parks, national forests, national monuments, Bureau of Land Management special areas, and national wildlife refuges;

(3) in many cases, inholders on these lands and the Federal government would mutually benefit by acquiring on a priority basis these lands;

(4) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public lands, making it difficult for federal managers to address problems created by the existence of inholdings in many areas;

(5) through land use planning under the Federal Land Policy and Management Act of 1976 the Bureau of Land Management has identified certain public lands for disposal;

(6) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 to exchange or sell lands identified for disposal under its land use planning;

(7) a more expeditious process for disposition of public lands identified for disposal would benefit the public interest;

(8) the sale or exchange of land identified for disposal would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within the federal land management unit; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the agency;

(9) in certain locations, the sale of public land which has been identified for disposal is the best way for the public to receive a fair market value for the land;

(10) using proceeds generated from the disposal of public land to purchase inholdings from willing sellers would enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and State and local governments and promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings; and

(12) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval in accordance with the applicable appraisal standards.

SEC. 203. DEFINITIONS.

In this title:

(1) FEDERALLY DESIGNATED AREAS.—The term ''Federally designated areas'' means land in Alaska and the eleven contiguous Western States as defined in section 103(o) of the Federal Land Policy and Management Act (43 U.S.C. 1702(o)) that on the date of enactment of this title was within the boundary of—

(A) a unit of the National Park System;

(B) National Monuments, Areas of Critical Environmental Concern, National Conservation Areas, National Riparian Conservation Areas, Research Natural Areas, Outstanding Natural Areas, and National Natural Landmarks managed by the Bureau of Land Management.

(C) National Recreation Areas, National Scenic Areas, National Monuments, National Volcanic Areas, and other areas within the National Forest System designated for special management by an Act of Congress;

(D) a unit of the National Wildlife Refuge System; and

(E) a wilderness area designated under the Wilderness Act of 1964, as amended (16 U.S.C. 1131 et seq.); an area designated under the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271 et seq.); and an area designated under the National Trails System Act, as amended (16 U.S.C. 1241 et seq.).

(2) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land which lies within the boundary of a Federally designated area; the term ''inholding'' does not include lands or interests in lands for which clear title has not been established (except where waved by the Federal government), rights-of-way (including railroad rights-of-way), and existing easements; and

(3) PUBLIC LAND.—The term ''public land'' means public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

SEC. 204. IDENTIFICATION OF INHOLDINGS WITHIN FEDERALLY DESIGNATED AREAS.

(a) MULTI-AGENCY EVALUATION TEAM.—

(1) IN GENERAL.—Jointly, the Secretary of the Interior and the Secretary of Agriculture (the Secretaries) shall establish a multi-agency evaluation team composed of agency personnel to conduct a program to identify, by state, inholdings within Federally designated areas and establish the dates upon which the lands or interests therein became inholdings. Inholdings shall be identified using the means set forth under subsection (d). Inholdings shall be deemed established as of the latter of—

(A) the date the Federal land was withdrawn from the public domain, or established or designated for special management, whichever is earlier; or

(B) the date on which the inholding was acquired by the current owner.

(2) PUBLIC NOTICE.—The Secretaries shall provide notice to the public in the Federal Register (and through other such means as the Secretaries may determine to be appropriate) of a program of identification of inholdings within Federally designated areas by which any owner who wants to sell such an inholding to the United States shall provide to the Secretaries such information regarding that inholding as is required by the notice.

(b) COMPOSITION OF THE EVALUATION TEAM.—The team shall be composed of employees of the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Department of Agriculture, Forest Service, and other agencies as appropriate.

(c) TIMING.—The Secretaries shall establish the Evaluation Team within 90 days after the enactment of this title.

(d) DUTIES OF THE EVALUATION TEAM.—The team shall be charged with the identification of inholdings within Federally designated areas, by state, and by the date upon which the lands or interests therein became inholdings. Inholdings will be identified using—

(1) the list of inholdings identified by owners pursuant to subsection (a)(2); and

(2) tracts of land identified through existing agency planning processes.

(e) REPORT.—The Secretaries shall submit a report to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Resources and the Committee on Appropriations of the House of Representatives on the status of their evaluations within one year after the enactment of this title, and at the end of each 180 days increment thereafter until such time as reasonable efforts to identify inholdings have been made or the program established in section 205 terminates.

(f) FUNDING.—Funding to carry out this section shall be taken from operating funds of the agencies involved and shall be reimbursed from the account established under section 206.

SEC. 205. DISPOSAL OF SURPLUS PUBLIC LAND.

(a) IN GENERAL.—The Secretary of the Interior (in this section, the ''Secretary'') shall establish a program, utilizing funds available under section 207, to complete appraisals and other legal requirements for the sale or exchange of land identified for disposal under approved land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and in effect on the date of enactment of this title.

(b) SALE OF PUBLIC LAND.—The sale of public land so identified shall be conducted in accordance with section 203 and section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719). It is the intent of Congress that the exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f) apply under this title, where the Secretary of the Interior determines it necessary and proper.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities related to the program established under this section.

(d) TERMINATION OF PROGRAM.—The program established by this section shall terminate ten years from the date of enactment of this title.

SEC. 206. DISTRIBUTION OF RECEIPTS.

Notwithstanding any other Act, except that specifically providing for a proportion of the proceeds to be distributed to any trust funds of any States, gross proceeds generated by the sale or exchange of public land under this title shall be deposited in a separate account in the Treasury of the United States to be known as the ''Federal Land Disposal Account'', for use as provided under section 207.

SEC. 207. FEDERAL LAND DISPOSAL ACCOUNT.

(a) IN GENERAL.—Amounts in the Federal Land Disposal Account shall be available to the Secretary of the Interior and the Secretary of Agriculture, without further act of appropriation, to carry out this title.

(b) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—Funds deposited in the Federal Land Disposal Account may be expended as follows—

(1) except as authorized under paragraph (7), proceeds from the disposal of lands under this title shall be used to purchase inholdings contained within Federal designated areas;

(2) acquisition priority shall be given to those lands which have existed as inholdings for the longest period of time, except that the Secretaries may develop criteria for priority of acquisition considering the following additional factors—

(A) limits in size or cost in order to maximize the utilization of funds among eligible inholdings; and

(B) other relevant factors including, but not limited to, the condition of title and the existence of hazardous substances;

(3) acquisition of any inholding under this section shall be on a willing seller basis contingent upon the conveyance of title acceptable to the appropriate Secretary utilizing title standards of the Attorney General;

(4) all proceeds, including interest, from the disposal of lands under section 205 shall be expended within the state in which they were generated until a reasonable effort has been made to acquire all inholdings identified by the evaluation team pursuant to section 204 within that state;

(5) upon the acquisition of all inholdings under paragraph (4), proceeds may be expended in other states, and a priority shall be established in order of those states having the greatest inventory of unacquired inholdings as of the beginning of the fiscal year in which the excess proceeds become available;

(6) the acquisition of inholdings under this section shall be at fair market value;

(7) an amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 205;

(c) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the account established by section 206 shall not be used to purchase or lands or interests in lands which, as determined by the agency, contain hazardous substances or are otherwise contaminated, or which, because of their location or other characteristics, would be difficult or uneconomic to manage as Federal land.

(d) INVESTMENT OF PRINCIPAL.—Funds deposited as principal in the Federal Land Disposal Account shall earn interest in the amount determined by the Secretary of the Treasury based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–4 through 460*l*–6a, 460*l*–7 through 460*l*–10, 460*l*–10a–d, 460*l*–11).

(f) TERMINATION.—On termination of the program under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in such account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6).

SEC. 208. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title shall be construed as an exemption from any existing limitation on the acquisition of lands of interests therein under any Federal law.

(b) SANTINI-BURTON ACT.—The provisions of this title shall not apply to lands eligible for sale pursuant to the Santini-Burton Act (94 Stat. 3381).

(c) EXCHANGES.—Nothing in this title shall be construed as precluding, pre-empting, or limiting the authority to exchange lands under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), or the Federal Land Exchange Facilitation Act of 1988 (site).

(d) RIGHT OR BENEFIT.—This title is intended to provide direction regarding Federal land management. Nothing herein is intended to, or shall create a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

STATEMENT OF PRINCIPLES

I. BACA RANCH

The Baca ranch in New Mexico is a unique land area, with significant scientific, cultural, historic, recreational, ecological, and production values. Management of this working ranch by the current owners has included limited grazing, hunting, and timber harvesting, and it depicts a model for sustainable land development and use. It is our intention to continue to follow this model. The unique nature of the Baca ranch requires a unique program for appropriate preservation, operation and maintenance of the ranch.

Legislation to authorize the Federal acquisition and establish a unique management framework will:

(1) Provide for federal acquisition of the Baca Ranch property by the U.S. Forest Service, assuming agreement with the current owners on a fair price based on an objective appraisal;

(2) Provide for innovative management by a Trust, being a wholly owned government corporation comprised of individuals, (appointed by the President with New Mexican input), with appropriate and varied expertise relevant to the unique management issues. These individuals will administer the operation, maintenance, management, and use of the ranch, based on appropriate public input and with governmental oversight;

(3) Provide management principles including protection of the unique values of the property in all of the areas listed above, and demonstration of sustainable land use including recreational opportunities, selective timbering, limited grazing and hunting, and the use of appropriate range and silvicultural management with significant species diversity. Management shall be in furtherance of these goals and provide for the eventual financial self-sufficiency of the operation without violating other management goals;

(4) Provide an opportunity for the Trust, should it not achieve financial self-sufficiency by its ninth year of operation, to continue operating upon agreement between Congress and the President, after showing rationale for not attaining a financially self-sufficient operation; and

(5) Provide for an initial appropriation in an amount necessary for management of the property.

The parties further agree to work together to make available the $20 million appropriated in the 1998 Land and Water Conservation Fund, the $20 million in FY99 requested by the President for use to purchase the Baca ranch, and additional funds necessary to complete the purchase following an acceptable and reasonable appraisal and agreement on price between buyer and seller.

II. INHOLDER RELIEF AND SURPLUS LAND DISPOSAL

Millions of acres of private land lie within the boundaries of Federal land management units. BLM currently has authority to exchange or sell lands identified for disposal in its planning process. Using proceeds generated from the disposal of these public lands to purchase inholdings in federally designated areas from willing sellers would supplement funds appropriated under the Land and Water Conservation Fund. Legislation to address these interrelated land management problems will—

(1) Establish a program to conduct appraisals and other legal requirements for the disposal of public land identified in existing BLM management plans as surplus;

(2) Establish a special account for the receipts generated from the disposal of these lands, available to the Secretaries to acquire inholdings without further appropriation, provided—

The acquisition will be from willing sellers, with priority given to lands existing as inholdings for the longest time;

Proceeds from the sale of surplus lands must be spent within the state in which they were generated until all available inholdings are purchased;

The proceeds in the special account are to supplement, not supplant, appropriations to the Land and Water Conservation Fund; and

An appropriate amount of the proceeds will be used to conduct appraisal and other administrative steps necessary to complete the sale of surplus lands; and

(3) Terminates the land disposal program and account after ten years.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HATCH, Mr. BREAUX, Mr. D'AMATO, Mr. CONRAD, Mr. MURKOWSKI, Mr. GRAHAM, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. MACK, Mr. BRYAN, and Mr. KERREY):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

THE TAX RELIEF EXTENSION ACT OF 1998

Mr. ROTH. Mr. President, I rise to introduce the ''Tax Relief Extension Act of 1998''. I am pleased to have as my principal cosponsor my distinguished friend and Ranking Member of the Finance Committee, DANIEL PATRICK MOYNIHAN. Fifteen Finance Committee Members have joined Senator MOYNIHAN and myself on this bill.

Before I discuss the Finance Committee bill, I'd like to comment on the House bill.

Chairman ARCHER and I attempted to negotiate a bill that would address expiring tax and trade provisions.

Chairman ARCHER and I had many discussions and made a lot of progress in trying to resolve differences on extenders, but we were unable to reach agreement. Let me say the House bill has many worthwhile proposals that we in the Senate should support.

Mr. President, we find ourselves in a difficult situation. Although the House bill has many good proposals, it is unlikely the House bill will move by unanimous consent in the Senate in its present form. We will not be able to obtain unanimous consent because the House resisted negotiations on expiring provisions important to Members of the Senate.

I remain hopeful that the House and Senate can reach agreement on an extenders bill. I believe the Finance Committee is taking a step today that can lead us to that agreement.

Mr. President, this bill is the product of a Finance Committee meeting yesterday. At that meeting, a bi-partisan majority of the committee agreed on a package to address expiring tax and trade provisions—the so-called extenders. This bill is meant to be offered as a substitute to H.R. 4738, the House extender bill.

We expect to consider the House bill together with the Finance Committee bill shortly.

This Finance Committee bill follows three principles:

All non-controversial expiring provisions are covered;

No policy changes are made to the extenders—only date changes; and

The package is fully offset.

The purpose of this bill is to leave tax policy on the expiring provisions settled until the next Congress. At that time, hopefully, we will be considering a major tax cut bill. When we are considering that tax cut bill next year, we will be able to address the policy and long-term period of the various provisions.

This bill is necessarily narrow. There are no Member provisions in this bill, including some I am interested in. In order to expedite this bill, the Finance Committee Members on this bill agreed to forego Member issues.

This bill extends several important provisions in the tax and trade areas, including:

The research and development tax credit;

The work opportunity tax credit;

The welfare to work tax credit;

The full deductibility of contributions of appreciated stock to private foundations;

The active financing exception to Subpart F for financial services operations overseas;

The tax information reporting access for the Department of Education for the Federal student aid programs;

The Generalized System of Preferences (''GSP''); and

The trade adjustment assistance (''TAA'') program.

In addition to extenders, the Finance Committee bill speeds up the full deductibility of health insurance deduction for self-employed persons. This bill also addresses time sensitive farm-related issues.

The final provision in this bill would correct an upcoming problem for millions of middle income taxpayers. The Taxpayer Relief Act of 1997 included tax relief for America's working families in the form of the $500 per child tax credit and the Hope Scholarship tax credit, and other benefits. Taxpayers will expect to see these benefits when they file their returns on April 15th.

What some of these families will find is that the tax relief they expected will not materialize because of the alternative minimum tax (''AMT''). That is, these tax credits do not count against the alternative minimum tax. The final provision in the Finance Committee bill would provide that benefits such as the $500 per child tax credit would count against the alternative minimum tax.

This point deserves emphasis. We can correct this problem for millions of taxpayers in this bill. As Chairman of the Finance Committee, I consider it my responsibility to simplify the tax code whenever possible. This last provision provides us with that opportunity. I am pleased the Members of the Finance Committee back me in this effort.

Finally, I'd like return to the Senate's procedures, schedule, and the prospects for extender legislation.

It is important to recognize that the House and Senate are very different bodies governed by starkly different rules and traditions. Unlike the House, the Senate Rules and schedule do not allow us to move this bill at this point in any other way than by unanimous consent. If we are to address these tax and trade provisions, we will need the cooperation of every Senator.

If we can get every Senator's cooperation, and resolve our differences with the House, I believe we can deliver an extenders bill the President will sign.

I urge my colleagues to support this Finance Committee bill.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and revenue table of the legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2622

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief Extension Act of 1998''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

Sec. 101. Research credit.
Sec. 102. Work opportunity credit.
Sec. 103. Welfare-to-work credit.
Sec. 104. Contributions of stock to private foundations.
Sec. 105. Subpart F exemption for active financing income.
Sec. 106. Credit for producing fuel from a nonconventional source.
Sec. 107. Disclosure of return information on income contingent student loans.

Subtitle B—Trade Provisions

Sec. 111. Extension of duty-free treatment under General System of Preferences.
Sec. 112. Trade adjustment assistance.

TITLE II—OTHER TAX PROVISIONS

Sec. 201. 100-percent deduction for health insurance costs of self-employed individuals.
Sec. 202. Production flexibility contract payments.
Sec. 203. Income averaging for farmers made permanent.
Sec. 204. Nonrefundable personal credits fully allowed against regular tax liability during 1998.

TITLE III—REVENUE OFFSET

Sec. 301. Treatment of certain deductible liquidating distributions of regulated investment companies and real estate investment trusts.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Definitions; coordination with other titles.
Sec. 402. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 403. Amendments related to Taxpayer Relief Act of 1997.
Sec. 404. Amendments related to Tax Reform Act of 1984.
Sec. 405. Other amendments.
Sec. 406. Amendments related to Uruguay Round Agreements Act.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

SEC. 101. RESEARCH CREDIT.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Paragraph (1) of section 41(h) (relating to termination) is amended—

(A) by striking ''June 30, 1998'' and inserting ''June 30, 1999'',

(B) by striking ''24-month'' and inserting ''36-month'', and

(C) by striking ''24 months'' and inserting ''36 months''.

(2) TECHNICAL AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''June 30, 1998'' and inserting ''June 30, 1999''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 1998.

SEC. 102. WORK OPPORTUNITY CREDIT.

(a) TEMPORARY EXTENSION.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking ''June 30, 1998'' and inserting ''June 30, 1999''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after June 30, 1998.

SEC. 103. WELFARE-TO-WORK CREDIT.

Subsection (f) of section 51A (relating to termination) is amended by striking ''April 30, 1999'' and inserting ''June 30, 1999''.

SEC. 104. CONTRIBUTIONS OF STOCK TO PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Subparagraph (D)(ii) of section 170(e)(5) is amended by striking ''June 30, 1998'' and inserting ''June 30, 1999''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after June 30, 1998.

SEC. 105. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Paragraph (9) of section 954(h) (relating to application) is amended to read as follows:

''(9) APPLICATION.—This subsection shall apply to—

''(A)(i) the first full taxable year of a foreign corporation beginning after December 31, 1997, and before January 1, 1999, and the taxable year of such corporation immediately following such taxable year, or

''(ii) if a foreign corporation has no such first full taxable year, the first taxable year of such corporation beginning after December 31, 1998, and before January 1, 2000, and

''(B) taxable years of United States shareholders of a foreign corporation with or within which the corporation's taxable years described in subparagraph (A) end.''

(b) CONFORMING AMENDMENT.—Section 1175(c) of the Taxpayer Relief Act of 1997 is repealed.

SEC. 106. CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 29(g)(1)(A) is amended by striking ''July 1, 1998'' and inserting ''July 1, 1999''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after June 30, 1998.

SEC. 107. DISCLOSURE OF RETURN INFORMATION ON INCOME CONTINGENT STUDENT LOANS.

Subparagraph (D) of section 6103(l)(13) (relating to disclosure of return information to carry out income contingent repayment of student loans) is amended by striking ''September 30, 1998'' and inserting ''September 30, 2004''.

Subtitle B—Extension of Expired Trade Provisions

SEC. 111. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERAL SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''June 30, 1998'' and inserting ''December 31, 1999''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered on or after October 1, 1998.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other

provision of law and subject to paragraph (3), any article that was entered—

(i) after June 30, 1998, and

(ii) before October 1, 1998, and

to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on June 30, 1998, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) LIMITATIONS ON REFUNDS.—No refund shall be made pursuant to this paragraph before October 1, 1998.

(C) ENTRY.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 112. TRADE ADJUSTMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(A) in subsection (a), by striking ''1993, 1994, 1995, 1996, 1997, and 1998,'' and inserting ''1998 and 1999,''; and

(B) in subsection (b), by striking ''1994, 1995, 1996, 1997, and 1998,'' and inserting ''1998 and 1999,''.

(2) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''1993, 1994, 1995, 1996, 1997, and'' and inserting '', and 1999,'' after ''1998''.

(b) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended—

(1) in paragraph (1), by striking ''September 30, 1998'' and inserting ''June 30, 1999''; and

(2) in paragraph (2)(A), by striking ''the day that is'' and all that follows through ''effective'' and inserting ''June 30, 1999''.

TITLE II—OTHER TAX PROVISIONS

SEC. 201. 100-PERCENT DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (B) of section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) 45 percent for taxable years beginning in 1999 and 2000,

''(ii) 70 percent for taxable years beginning in 2001, and

''(iii) 100 percent for taxable years beginning after December 31, 2001.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 202. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.

(a) IN GENERAL.—The options under paragraphs (2) and (3) of section 112(d) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212(d) (2) and (3)), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which any payment under a production flexibility contract under subtitle B of title I of such Act (as so in effect) is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to taxable years ending after December 31, 1995.

SEC. 203. INCOME AVERAGING FOR FARMERS MADE PERMANENT.

Subsection (c) of section 933 of the Taxpayer Relief Act of 1997 is amended by striking '', and before January 1, 2001''.

SEC. 204. NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998.

(a) IN GENERAL.—Subsection (a) of section 26 is amended by adding at the end the following flush sentence:

''For purposes of paragraph (2), the taxpayer's tentative minimum tax for any taxable year beginning during 1998 shall be treated as being zero.''

(b) CONFORMING AMENDMENT.—Section 24(d)(2) is amended by striking ''The credit'' and ''For taxable years beginning after December 31, 1998, the credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

TITLE III—REVENUE OFFSET

SEC. 301. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

''(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.''

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) is amended by striking ''subsection (a)'' and inserting ''this section''.

(2) Paragraph (1) of section 334(b) is amended by striking ''section 332(a)'' and inserting ''section 332''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS; COORDINATION WITH OTHER TITLES.

(a) DEFINITIONS.—For purposes of this title—

(1) 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) 1998 ACT.—The term ''1998 Act'' means the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206).

(3) 1997 ACT.—The term ''1997 Act'' means the Taxpayer Relief Act of 1997 (Public Law 105–34).

(b) COORDINATION WITH OTHER TITLES.—For purposes of applying the amendments made by any title of this Act other than this title, the provisions of this title shall be treated as having been enacted immediately before the provisions of such other titles.

SEC. 402. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1101 OF 1998 ACT.—Paragraph (5) of section 6103(h) of the 1986 Code, as added by section 1101(b) of the 1998 Act, is redesignated as paragraph (6).

(b) AMENDMENT RELATED TO SECTION 3001 OF 1998 ACT.—Paragraph (2) of section 7491(a) of the 1986 Code is amended by adding at the end the following flush sentence:

''Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section 645(b)(1)) with respect to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable date (as defined in section 645(b)(2)).''.

(c) AMENDMENTS RELATED TO SECTION 3201 OF 1998 ACT.—

(1) Section 7421(a) of the 1986 Code is amended by striking ''6015(d)'' and inserting ''6015(e)''.

(2) Subparagraph (A) of section 6015(e)(3) is amended by striking ''of this section'' and inserting ''of subsection (b) or (f)''.

(d) AMENDMENT RELATED TO SECTION 3301 OF 1998 ACT.—Paragraph (2) of section 3301(c) of the 1998 Act is amended by striking ''The amendments'' and inserting ''Subject to any applicable statute of limitation not having expired with regard to either a tax underpayment or a tax overpayment, the amendments''.

(e) AMENDMENT RELATED TO SECTION 3401 OF 1998 ACT.—Section 3401(c) of the 1998 Act is amended—

(1) in paragraph (1), by striking ''7443(b)'' and inserting ''7443A(b)''; and

(2) in paragraph (2), by striking ''7443(c)'' and inserting ''7443A(c)''.

(f) AMENDMENT RELATED TO SECTION 3433 OF 1998 ACT.—Section 7421(a) of the 1986 Code is amended by inserting ''6331(i),'' after ''6246(b),''.

(g) AMENDMENT RELATED TO SECTION 3467 OF 1998 ACT.—The subsection (d) of section 6159 of the 1986 Code relating to cross reference is redesignated as subsection (e).

(h) AMENDMENT RELATED TO SECTION 3708 OF 1998 ACT.—Subparagraph (A) of section 6103(p)(3) of the 1986 Code is amended by inserting ''(f)(5),'' after ''(c), (e),''.

(i) AMENDMENTS RELATED TO SECTION 5001 OF 1998 ACT.—

(1) Subparagraph (B) of section 1(h)(13) of the 1986 Code is amended by striking ''paragraph (7)(A)'' and inserting ''paragraph (7)(A)(i)''.

(2)(A) Subparagraphs (A)(i)(II), (A)(ii)(II), and (B)(ii) of section 1(h)(13) of the 1986 Code shall not apply to any distribution after December 31, 1997, by a regulated investment company or a real estate investment trust with respect to—

(i) gains and losses recognized directly by such company or trust, and

(ii) amounts properly taken into account by such company or trust by reason of holding (directly or indirectly) an interest in another such company or trust to the extent that such subparagraphs did not apply to such other company or trust with respect to such amounts.

(B) Subparagraph (A) shall not apply to any distribution which is treated under section 852(b)(7) or 857(b)(8) of the 1986 Code as received on December 31, 1997.

(C) For purposes of subparagraph (A), any amount which is includible in gross income of its shareholders under section 852(b)(3)(D) or 857(b)(3)(D) of the 1986 Code after December 31, 1997, shall be treated as distributed after such date.

(D)(i) For purposes of subparagraph (A), in the case of a qualified partnership with respect to which a regulated investment company meets the holding requirement of clause (iii)—

(I) the subparagraphs referred to in subparagraph (A) shall not apply to gains and losses recognized directly by such partnership for purposes of determining such company's distributive share of such gains and losses, and

(II) such company's distributive share of such gains and losses (as so determined) shall be treated as recognized directly by such company.

The preceding sentence shall apply only if the qualified partnership provides the company with written documentation of such distributive share as so determined.

(ii) For purposes of clause (i), the term ''qualified partnership'' means, with respect to a regulated investment company, any partnership if—

(I) the partnership is an investment company registered under the Investment Company Act of 1940,

(II) the regulated investment company is permitted to invest in such partnership by reason of section 12(d)(1)(E) of such Act or an exemptive order of the Securities and Exchange Commission under such section, and

(III) the regulated investment company and the partnership have the same taxable year.

(iii) A regulated investment company meets the holding requirement of this clause with respect to a qualified partnership if (as of January 1, 1998)—

(I) the value of the interests of the regulated investment company in such partnership is 35 percent or more of the value of such company's total assets, or

(II) the value of the interests of the regulated investment company in such partnership and all other qualified partnerships is 90 percent or more of the value of such company's total assets.

(3) Paragraph (13) of section 1(h) of the 1986 Code is amended by adding at the end the following new subparagraph:

''(D) CHARITABLE REMAINDER TRUSTS.—Subparagraphs (A) and (B)(ii) shall not apply to any capital gain distribution made by a trust described in section 664.''

(j) AMENDMENT RELATED TO SECTION 7004 OF 1998 ACT.—Clause (i) of section 408A(c)(3)(C) of the 1986 Code, as amended by section 7004 of the 1998 Act, is amended by striking the period at the end of subclause (II) and inserting '', and''.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1998 Act to which they relate.

SEC. 403. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 202 OF 1997 ACT.—

(1) Paragraph (2) of section 163(h) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by adding at the end the following new subparagraph:

''(F) any interest allowable as a deduction under section 221 (relating to interest on educational loans).''

(2)(A) Subparagraph (C) of section 221(b)(2) of the 1986 Code is amended—

(i) by striking ''135, 137,'' in clause (i),

(ii) by inserting ''135, 137,'' after ''sections 86,'' in clause (ii), and

(iii) by striking the last sentence.

(B) Sections 86(b)(2)(A), 135(c)(4)(A), and 219(g)(3)(A)(ii) of the 1986 Code are each amended by inserting ''221,'' after ''137,''.

(C) Subparagraph (A) of section 137(b)(3) of the 1986 Code is amended by inserting ''221,'' before ''911,''.

(D) Clause (iii) of section 469(i)(3)(E) of the 1986 Code is amended to read as follows:

''(iii) the amounts allowable as a deduction under sections 219 and 221, and''.

(3) The last sentence of section 221(e)(1) of the 1986 Code is amended by inserting before the period ''or to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract referred to in section 72(p)(5)''.

(b) PROVISION RELATED TO SECTION 311 OF 1997 ACT.—In the case of any capital gain distribution made after 1997 by a trust to which section 664 of the 1986 Code applies with respect to amounts properly taken into account by such trust during 1997, paragraphs (5)(A)(i)(I), (5)(A)(ii)(I), and (13)(A) of section 1(h) of the 1986 Code (as in effect for taxable years ending on December 31, 1997) shall not apply.

(c) AMENDMENT RELATED TO SECTION 506 OF 1997 ACT.—Section 2001(f)(2) of the 1986 Code is amended by adding at the end the following:

''For purposes of subparagraph (A), the value of an item shall be treated as shown on a return if the item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature of such item.''.

(d) AMENDMENTS RELATED TO SECTION 904 OF 1997 ACT.—

(1) Paragraph (1) of section 9510(c) of the 1986 Code is amended to read as follows:

''(1) IN GENERAL.—Amounts in the Vaccine Injury Compensation Trust Fund shall be available, as provided in appropriation Acts, only for—

''(A) the payment of compensation under subtitle 2 of title XXI of the Public Health Service Act (as in effect on August 5, 1997) for vaccine-related injury or death with respect to any vaccine—

''(i) which is administered after September 30, 1988, and

''(ii) which is a taxable vaccine (as defined in section 4132(a)(1)) at the time compensation is paid under such subtitle 2, or

''(B) the payment of all expenses of administration (but not in excess of $9,500,000 for any fiscal year) incurred by the Federal Government in administering such subtitle.''.

(2) Section 9510(b) of the 1986 Code is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON TRANSFERS TO VACCINE INJURY COMPENSATION TRUST FUND.—No amount may be appropriated to the Vaccine Injury Compensation Trust Fund on and after the date of any expenditure from the Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.''.

(e) AMENDMENTS RELATED TO SECTION 915 OF 1997 ACT.—

(1) Section 915 of the 1997 Act is amended—

(A) in subsection (b), by inserting ''or 1998'' after ''1997'', and

(B) by amending subsection (d) to read as follows:

''(d) EFFECTIVE DATE.—This section shall apply to taxable years ending with or within calendar year 1997.''.

(2) Paragraph (2) of section 6404(h) of the 1986 Code is amended by inserting ''Robert T. Stafford'' before ''Disaster''.

(f) AMENDMENTS RELATED TO SECTION 1012 OF 1997 ACT.—

(1) Paragraph (2) of section 351(c) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting '', or the fact that the corporation whose stock was distributed issues additional stock,'' after ''dispose of part or all of the distributed stock''.

(2) Clause (ii) of section 368(a)(2)(H) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting '', or the fact that the corporation whose stock was distributed issues additional stock,'' after ''dispose of part or all of the distributed stock''.

(g) PROVISION RELATED TO SECTION 1042 OF 1997 ACT.—Rules similar to the rules of section 1.1502-75(d)(5) of the Treasury Regulations shall apply with respect to any organization described in section 1042(b) of the 1997 Act.

(h) AMENDMENT RELATED TO SECTION 1082 OF 1997 ACT.—Subparagraph (F) of section 172(b)(1) of the 1986 Code is amended by adding at the end the following new clause:

''(iv) COORDINATION WITH PARAGRAPH (2).—For purposes of applying paragraph (2), an eligible loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.''

(i) AMENDMENT RELATED TO SECTION 1084 OF 1997 ACT.—Paragraph (3) of section 264(f) of the 1986 Code is amended by adding at the end the following flush sentence:

''If the amount described in subparagraph (A) with respect to any policy or contract does not reasonably approximate its actual value, the amount taken into account under subparagraph (A) shall be the greater of the amount of the insurance company liability or the insurance company reserve with respect to such policy or contract (as determined for purposes of the annual statement approved by the National Association of Insurance Commissioners) or shall be such other amount as is determined by the Secretary.''

(j) AMENDMENT RELATED TO SECTION 1175 OF 1997 ACT.—Subparagraph (C) of section 954(e)(2) of the 1986 Code is amended by striking ''subsection (h)(8)'' and inserting ''subsection (h)(9)''.

(k) AMENDMENT RELATED TO SECTION 1205 OF 1997 ACT.—Paragraph (2) of section 6311(d) of the 1986 Code is amended by striking ''under such contracts'' in the last sentence and inserting ''under any such contract for the use of credit, debit, or charge cards for the payment of taxes imposed by subtitle A''.

(l) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1997 Act to which they relate.

SEC. 404. AMENDMENTS RELATED TO TAX REFORM ACT OF 1984.

(a) IN GENERAL.—Subparagraph (C) of section 172(d)(4) of the 1986 Code is amended to read as follows:

''(C) any deduction for casualty or theft losses allowable under paragraph (2) or (3) of section 165(c) shall be treated as attributable to the trade or business; and''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 67(b) of the 1986 Code is amended by striking ''for losses described in subsection (c)(3) or (d) of section 165'' and inserting ''for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)''.

(2) Paragraph (3) of section 68(c) of the 1986 Code is amended by striking ''for losses described in subsection (c)(3) or (d) of section 165'' and inserting ''for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)''.

(3) Paragraph (1) of section 873(b) is amended to read as follows:

''(1) LOSSES.—The deduction allowed by section 165 for casualty or theft losses described in paragraph (2) or (3) of section 165(c), but only if the loss is of property located within the United States.''

(c) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b)(3) shall apply to taxable years beginning after December 31, 1983.

(2) The amendment made by subsection (b)(1) shall apply to taxable years beginning after December 31, 1986.

(3) The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1990.

SEC. 405. OTHER AMENDMENTS.

(a) AMENDMENTS RELATED TO SECTION 6103 OF 1986 CODE.—

(1) Subsection (j) of section 6103 of the 1986 Code is amended by adding at the end the following new paragraph:

''(5) DEPARTMENT OF AGRICULTURE.—Upon request in writing by the Secretary of Agriculture, the Secretary shall furnish such returns, or return information reflected thereon, as the Secretary may prescribe by regulation to officers and employees of the Department of Agriculture whose official duties require access to such returns or information for the purpose of, but only to the extent necessary in, structuring, preparing, and conducting the census of agriculture pursuant to the Census of Agriculture Act of 1997 (Public Law 105–113).''.

(2) Paragraph (4) of section 6103(p) of the 1986 Code is amended by striking ''(j)(1) or (2)'' in the material preceding subparagraph (A) and in subparagraph (F) and inserting ''(j)(1), (2), or (5)''.

(3) The amendments made by this subsection shall apply to requests made on or after the date of the enactment of this Act.

(b) AMENDMENT RELATED TO SECTION 9004 OF TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—

(1) Paragraph (2) of section 9503(f) of the 1986 Code is amended to read as follows:

''(2) notwithstanding section 9602(b), obligations held by such Fund after September 30, 1998, shall be obligations of the United States which are not interest-bearing.''

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) AMENDMENT RELATED TO TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999.—

(1) The Treasury and General Government Appropriations Act, 1999 is amended by striking section 804 (relating to technical and clarifying amendments relating to judicial retirement program).

(2) The amendment made by paragraph (1) shall take effect as if such section 804 had never been enacted.

(d) CLERICAL AMENDMENTS.—

(1) Clause (i) of section 51(d)(6)(B) of the 1986 Code is amended by striking ''rehabilitation plan'' and inserting ''plan for employment''. The reference to ''plan for employment'' in such clause shall be treated as including a reference to the rehabilitation plan referred to in such clause as in effect before the amendment made by the preceding sentence.

(2) Paragraph (3) of section 56(a) of the 1986 Code is amended by striking ''section 460(b)(2)'' and inserting ''section 460(b)(1)'' and by striking ''section 460(b)(4)'' and inserting ''section 460(b)(3)''.

(3) Paragraph (10) of section 2031(c) of the 1986 Code is amended by striking ''section 2033A(e)(3)'' and inserting ''section 2057(e)(3)''.

(4) Subparagraphs (C) and (D) of section 6693(a)(2) of the 1986 Code are each amended by striking ''Section'' and inserting ''section''.

SEC. 406. AMENDMENTS RELATED TO URUGUAY ROUND AGREEMENTS ACT.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

''(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such person's representative payee.''.

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(2) by inserting before the period at the end of paragraph (1)(A) the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(3) in paragraph (1)(B)(i)(I), by striking ''subparagraph (A)),'' and inserting ''subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,'';

(4) in paragraph (1)(C)(iii), by inserting before the period the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(5) in paragraph (1)(D), by inserting after ''section 232'' the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)''; and

(6) in paragraph (4), by inserting after the first sentence the following: ''The Board of Trustees of such Trust Funds shall prescribe the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

DESCRIPTION OF PROVISIONS IN S. 2622, THE TAX RELIEF EXTENSION ACT OF 1998

(Prepared by the Staff of the Joint Committee on Taxation)

INTRODUCTION

S. 2622, the Tax (Relief) Extension Act of 1998 (''the Tax Extension Act''), was introduced by Senator WILLIAM V. ROTH, JR., Senator DANIEL PATRICK MOYNIHAN, and others on October 10, 1998.

This document,[1] prepared by the staff of the Joint Committee on Taxation, describes the proposals contained in the Tax Extension Act. Part I of this document contains the expiring provision proposals, Part II contains other proposals, Part III contains a revenue offset proposal, and Part IV contains tax technical corrections.

TITLE I. EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

A. EXTENSION OF RESEARCH TAX CREDIT (SEC. 101 OF THE BILL AND SEC. 41 OF THE CODE)

Present Law

General rule

Section 41 provides for a research tax credit equal to 20 percent of the amount by which a taxpayer's qualified research expenditures for a taxable year exceeded its base amount for that year. The research tax credit expired and generally does not apply to amounts paid or incurred after June 30, 1998.

A 20-percent research tax credit also applied to the excess of (1) 100 percent of corporate cash expenditures (including grants or contributions) paid for basic research conducted by universities (and certain nonprofit scientific research organizations) over (2) the sum of (a) the greater of two minimum basic research floors plus (b) an amount reflecting any decrease in nonresearch giving to universities by the corporation as compared to such giving during a fixed-base period, as adjusted for inflation. This separate credit computations is commonly referred to as the ''university basic research credit'' (see sec. 41(e)).

Computation of allowable credit

Except for certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualifed research expenditures for current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's ''fixed-base percentage'' by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenditures and had gross receipts during each of at least three years from 1984 through 1988, then its ''fixed-base percentage'' is the ratio that its total qualified research expenditures for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum ratio of .16). All other taxpayers (so-called ''start-up firms'') are assigned a fixed-base percentage of 3 percent.[2]

In computing the credit, a taxpayer's base amount may not be less than 50 percent of its current-year qualified research expenditures.

Alternative incremental research credit regime

Taxpayers are allowed to elect an alternative incremental research credit regime. If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced. Under the alternative credit regime, a credit rate of 1.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1 percent (i.e, the base amount equals 1 percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 2.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of 2 percent. A credit rate of 2.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 2 percent. An election to be subject to this alternative incremental credit regime may be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years (in the event that the credit subsequently is extended by Congress) unless revoked with the consent of the Secretary of the Treasury.

Eligible expenditures

Qualified research expenditures eligible for the research tax credit consist of: (1) ''in-

[1] Footnotes at end of article.

house'' expenses of the taxpayer for wages and supplies attributable to qualified research; (2) certain time-sharing costs for computer use in qualified research; and (3) 65 percent of amounts paid by the taxpayer for qualified conducted on the taxpayer's behalf (so-called ''contract research expenses'').[3]

To be eligible for the credit, the research must not only satisfy the requirements of present-law section 174 but must be undertaken for the purpose of discovering information that is technological in nature, the application of which is intended to be useful in the development of a new or improved business component of the taxpayer, and must involve a process of experimentation related to functional aspects, performance, reliability, or quality of a business component.

Expenditures attributable to research that is conducted outside the United States do not enter into the credit computation. In addition, the credit is not available for research in the social sciences, arts, or humanities, nor is it available for research to the extent funded by any grant, contract, or otherwise by another person (or governmental entity).

Relation to deduction

Deductions allowed to a taxpayer under section 174 (or any other section) are reduced by an amount equal to 100 percent of the taxpayer's research tax credit determined for the taxable year. Taxpayers may alternatively elect to claim a reduced research tax credit amount under section 41 in lieu of reducing deductions otherwise allowed (sec. 280C(c)(3)).

Description of Proposal

The bill extends the research tax credit for 12 months—i.e., generally, for the period July 1, 1998, through June 30, 1999.

In extending the credit, the scope of the term ''qualified research'' is reaffirmed. Section 41 targets the credit to research which is undertaken for the purpose of discovering information which is technological in nature and the application of which is intended to be useful in the development of a new or improved business component of the taxpayer. However, eligibility for the credit does not require that the research be successful—i.e., the research need not achieve its desired result. Moreover, evolutionary research activities intended to improve functionality, performance, reliability, or quality are eligible for the credit, as are research activities intended to achieve a result that has already been achieved by other persons but is not yet within the common knowledge (e.g., freely available to the general public) of the field (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Activities constitute a process of experimentation, as required for credit eligibility, if they involve evaluation of more than one alternative to achieve a result where the means of achieving the result are uncertain at the outset, even if the taxpayer knows at the outset that it may be technically possible to achieve the result. Thus, even though a researcher may know of a particular method of achieving an outcome, the use of the process of experimentation to effect a new or better method of achieving that outcome may be eligible for the credit (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Lastly, the lack of clarity in the interpretation of the distinction between internal-use software, the costs of which may be eligible for the credit if additional tests are met, and other software has been observed. The application of the definition of internal-use software should fully reflect Congressional intent.

Effective Date

The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1998, through June 30, 1999.

B. EXTENSION OF THE WORK OPPORTUNITY TAX CREDIT (SEC. 102 OF THE BILL AND SEC. 51 OF THE CODE)

Present Law

In general

The work opportunity tax credit (''WOTC''), which expired on June 30, 1998, was available on an elective basis for employers hiring individuals from one or more of eight targeted groups. The credit equals 40 percent (25 percent for employment of 400 hours or less) of qualified wages. Qualified wages are wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer. For a vocational rehabilitation referral, however, the period begins on the day the individual began work for the employer on or after the beginning of the individual's vocational rehabilitation plan.

The maximum credit per employee if $2,400 (40% of the first $6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is $1,200 (40% of the first $3,000 of qualified first-year wages).

The employer's deduction for wages is reduced by the amount of the credit

Targeted groups eligible for the credit.

The eight targeted groups are: (1) families eligible to receive benefits under the Temporary Assistance for Needy Families (TANF) Program; (2) high-risk youth; (3) qualified ex-felons; (4) vocational rehabilitation referrals; (5) qualified summer youth employees; (6) qualified veterans; (7) families receiving food stamps; and (8) persons receiving certain Supplemental Security Income (SSI) benefits.

Minimum employment period

No credit is allowed for wages paid to employees who work less than 120 hours in the first year of employment.

Expiration date

The credit is effective for wages paid or incurred to a qualified individual who began work for an employer before July 1, 1998.

Description of Proposal

The proposal extends the work opportunity tax credit, for 12 months, through June 30, 1999.

Effective Date

The proposal is effective for wages paid or incurred to a qualified individual who begins work for any employer on or after July 1, 1998, and before July 1, 1999.

C. EXTENSION OF THE WELFARE-TO-WORK TAX CREDIT (SEC. 103 OF THE BILL AND SEC. 51A OF THE CODE)

Present Law

The Code provides to employers a tax credit on the first $20,000 of eligible wages paid to qualified long-term family assistance (AFDC) or its successor program) recipients during the first two years of employment. The credit is 35 percent of the first $10,000 of eligible wages in the first year of employment and 50 percent of the first $10,000 of eligible wages in the second year of employment. The maximum credit is $8,500 per qualified employee.

Qualified long-term family assistance recipients are: (1) members of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (2) members of a family that has received family assistance for a total of at least 18 months (whether or not consecutive) after the date of enactment of this credit if they are hired within 2 years after the date that the 18-month total is reached; and (3) members of a family who are no longer eligible for family assistance because of either Federal or State time limits, if they are hired within 2 years after the Federal or State time limits made the family ineligible for family assistance.

Eligible wages include cash wages paid to an employee plus amounts paid by the employer for the following: (1) educational assistance excludable under a section 127 program (or that would be excludable but for the expiration of sec. 127); (2) health plan coverage for the employee, but not more than the applicable premium defined under section 4980B(f)(4); and (3) dependent care assistance excludable under section 129.

The welfare to work credit is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after January 1, 1998, and before May 1, 1999.

Description of Proposal

The proposal extends the welfare-to-work credit effective for wages paid or incurred to a qualified individual who begins work for an employer on or after May 1, 1999, and before July 1, 1999.

Effective Date

The proposal is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after May 1, 1999, and before July 1, 1999.

D. EXTEND THE DEDUCTION PROVIDED FOR CONTRIBUTIONS OF APPRECIATED STOCK TO PRIVATE FOUNDATIONS (SEC. 104 OF THE BILL AND SEC. 170(E)(5) OF THE CODE)

Present Law

In computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct the fair market value of property contributed to a charitable organization.[4] However, in the case of a charitable contribution of short-term gain, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer's basis in such property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose.

In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer's basis in the property. However, under a special rule contained in section 170(e)(5), taxpayers are allowed a deduction equal to the fair market value of ''qualified appreciated stock'' contributed to a private foundation prior to July 1, 1998. Qualified appreciated stock is defined as publicly traded stock which is capital gain property. The fair-market-value deduction for qualified appreciated stock donations applies only to the extent that total donations made by the donor to private foundations of stock in a particular corporation did not exceed 10 percent of the outstanding stock of that corporation. For this purpose, an individual is treated as making all contributions that were made by any member of the individual's family.

Description of Proposal

The proposal extends the special rule contained in section 170(e)(5) for one year—for contributions of qualified appreciated stock made to private foundations during the period July 1, 1998, through June 30, 1999.

Effective Date

The proposal is effective for contributions of qualified appreciated stock to private

foundations made during the period July 1, 1998, through June 30, 1999.

E. EXCEPTIONS UNDER SUBPART F FOR CERTAIN ACTIVE FINANCING INCOME (SEC. 105 OF THE BILL AND SECS. 953 AND 954 OF THE CODE)

Present Law

In general

Under the subpart F rules, certain U.S. shareholders of a controlled foreign corporation (''CFC'') are subject to U.S. tax currently on certain income earned by the CFC, whether or not such income is distributed to the shareholders. The income subject to current inclusion under the subpart F rules includes, among other things, ''foreign personal holding company income'' and insurance income. The U.S. 10-percent shareholders of a CFC also are subject to current inclusion with respect to their shares of the CFC's foreign base company services income (i.e., income derived from services performed for a related person outside the country in which the CFC is organized).

Foreign personal holding company income generally consists of the following: (1) dividends, interest, royalties, rents and annuities; (2) net gains from the sale or exchange of (a) property that gives rise to the preceding types of income, (b) property that does not give rise to income, and (c) interests in trusts, partnerships, and REMICs; (3) net gains from commodities transactions; (4) net gains from foreign currency transactions; (5) income that is equivalent to interest; (6) income from notional principal contracts; and (7) payments in lieu of dividends.

Insurance income subject to current inclusion under the subpart F rules includes any income of a CFC attributable to the issuing or reinsuring of any insurance or annuity contract in connection with risks located in a country other than the CFC's country of organization. Subpart F insurance income also includes income attributable to an insurance contract in connection with risks located within the CFC's country of organization, as the result of an arrangement under which another corporation receives a substantially equal amount of consideration for insurance of other-country risks. Investment income of a CFC that is allocable to any insurance or annuity contract related to risks located outside the CFC's country of organization is taxable as subpart F insurance income (Prop. Treas. Reg. sec. 1.953–1(a)).

Temporary exceptions from foreign personal holding company income and foreign base company services income apply for subpart F purposes for certain income that is derived in the active conduct of a banking, financing, insurance, or similar business.[5] These exceptions (described below) are applicable only for taxable years beginning in 1998.

Income from the active conduct of a banking, financing, or similar business

A temporary exception from foreign personal holding company income applies to income that is derived in the active conduct of a banking, financing, or similar business by a CFC that is predominantly engaged in the active conduct of such business. For this purpose, income derived in the active conduct of a banking, financing, or similar business generally is determined under the principles applicable in determining financial services income for foreign tax credit limitation purposes. However, in the case of a corporation that is engaged in the active conduct of a banking or securities business, the income that is eligible for this exception is determined under the principles applicable in determining the income which is treated as nonpassive income for purposes of the passive foreign investment company provisions. In this regard, the income of a corporation engaged in the active conduct of banking or securities business that is eligible for this exception is the income that is treated as nonpassive under the regulations proposed under section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997). See Prop. Treas. Reg. secs. 1.1296–4 and 1.1296–6. The Secretary of the Treasury is directed to prescribe regulations applying look-through treatment in characterizing for this purpose dividends, interest, income equivalent to interest, rents and royalties from related persons.

For purposes of the temporary exception, a corporation is considered to be predominantly engaged in the active conduct of banking, financing, or similar business if it is engaged in the active conduct of a banking or securities business or is a qualified bank affiliate or qualified securities affiliate. In this regard, a corporation is considered to be engaged in the active conduct of a banking or securities business if the corporation would be treated as so engaged under the regulations proposed under prior law section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997); qualified bank affiliates and qualified securities affiliates are as determined under such proposed regulations. See Prop. Treas. Reg. secs. 1.1296–4 and 1.1296–6.

Alternatively, a corporation is considered to be engaged in the active conduct of a banking, financing, or similar business if more than 70 percent of its gross income is derived from such business from transactions with unrelated persons located within the country under the laws of which the corporation is created or organized. For this purpose, income derived by a qualified business unit (''QBU'') of a corporation from transactions with unrelated persons located in the country in which the QBU maintains its principal office and conducts substantial business activity is treated as derived by the corporation from transactions with unrelated persons located within the country in which the corporation is created or organized. A person other than a natural person is considered to be located within the country in which it maintains an office through which it engages in a trade or business and by which the transaction is effected. A natural person is treated as located within the country in which such person is physically located when such person enters into the transaction.

Income from the active conduct of an insurance business

A temporary exception from foreign personal holding company income applies for certain investment income of a qualifying insurance company with respect to risks located within the CFC's country of creation or organization. These rules differ from the rules of section 953 of the Code, which determines the subpart F inclusions of a U.S. shareholder relating to insurance income of a CFC. Such insurance income under section 953 generally is computed in accordance with the rules of subchapter L of the Code.

A temporary exception applies for income (received from a person other than a related person) from investments made by a qualifying insurance company of its reserves or 80 percent of its unearned premiums. For this purpose, in the case of contracts regulated in the country in which sold as property, casualty or health insurance contracts, unearned premiums and reserves are defined as unearned premiums and reserves for losses incurred determined using the methods and interest rates that would be used if the qualifying insurance company were subject to tax under subchapter L of the Code. Thus, for this purposed, unearned premiums are determined in accordance with section 832(b)(4), and reserves for losses incurred are determined in accordance with section 832(b)(5) and 846 of the Code (as well as any other rules applicable to a U.S. property and casualty insurance company with respect to such amounts).

In the case of a contract regulated in the country in which sold as a life insurance or annuity contract, the following three alternative rules for determining reserves apply. Any one of the three rules can be elected with respect to a particular line of business.

First, reserves for such contracts can be determined generally under the rules applicable to domestic life insurance companies under subchapter L of the Code, using the methods there specified, but substituting for the interest rates in Code section 807(d)(2)(B) an interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term applicable Federal interest rate (''AFR'') (within the meaning of section 1274(d)).

Second, the reserves for such contracts can be determined using a preliminary term foreign reserve method, except that the interest rate to be used is the interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term AFR. If a qualifying insurance company uses such a preliminary term method with respect to contracts insuring risks located in the country in which the company is created or organized, then such method is the method that applies for purposes of this election.

Third, reserves for such contracts can be determined to be equal to the net surrender value of the contract (as defined in section 807(e)(1)(A).

In no event can the reserve for any contract at any time exceed the foreign statement reserve for the contract, reduced by any catastrophe or deficiency reserve. This rule applies whether the contract is regulated as a property, casualty, health, life insurance, annuity or any other type of contract.

A temporary exception from foreign personal holding company income also applies for income from investment of assets equal to: (1) one-third of premiums earned during the taxable year on insurance contracts regulated in the country in which sold as property, casualty, or health insurance contracts; and (2) the greater of 10 percent of reserves, or, in the case of qualifying insurance company that is a startup company, $10 million. For this purpose, a startup company is a company (including any predecessor) that has not been engaged in the active conduct of an insurance business for more than 5 years. In general, the 5-year period commences when the foreign company first is engaged in the active conduct of an insurance business. If the foreign company was formed before being acquired by the U.S. shareholder, the 5-year period commences when the acquired company first was engaged in the active conduct of an insurance business. In the event of the acquisition of a book of business from another company through an assumption or indemnity reinsurance transaction, the 5-year period commences when the acquiring company first engaged in the active conduct of an insurance business, except that if more than a substantial part (e.g., 80 percent) of the business of the ceding company is acquired, then the 5-year period commences when the ceding company first engaged in the active conduct of an insurance business. Reinsurance transactions among related persons may not be used to multiply the number of 5-year periods.

Under rules prescribed by the Secretary, income is allocated to contracts as follows.

In the case of contracts that are separate account-type contracts (including variable contracts not meeting the requirements of sec. 817), only the income specifically allocable to such contracts are taken into account. In the case of other contracts, income not specifically allocable is allocated ratably among such contracts.

A qualifying insurance company is defined as any entity which: (1) is regulated as an insurance company under the laws of the country in which it is incorporated; (2) derived at least 50 percent of its net written premiums from the insurance or reinsurance of risks situated within its country of incorporation; and (3) is engaged in the active conduct of an insurance business and would be subject to tax under subchapter L if it were a domestic corporation.

The temporary exceptions do not apply to investment income (includable in the income of a U.S. shareholder of a CFC pursuant to sec. 953) allocable to contracts that insure related party risks or risks located in a country other than the country in which the qualifying insurance company is created or organized.

Anti-abuse rule

An anti-abuse rule applies for purposes of these temporary exceptions. For purposes of applying these exceptions, items with respect to a transaction or series of transactions are disregarded if one of the principal purposes of the transaction or transactions is to qualify income or gain for these exceptions, including any change in the method of computing reserves or any other transaction or transactions one of the principal purposes of which is the acceleration or deferral of any item in order to claim the benefits of these exceptions.

Foreign base company services income

A temporary exception from foreign base company services income applies for income derived from services performed in connection with the active conduct of a banking, financing, insurance or similar business by a CFC that is predominantly engaged in the active conduct of such business or is a qualifying insurance company.

Description of Proposal

The proposal extends for one year the present-law temporary exceptions from foreign personal holding company income and foreign base company services income for income that is derived in the active conduct of a banking, financing, insurance or similar business.

Effective Date

The proposal applies only to the first full taxable year of a foreign corporation beginning in 1998 and to the taxable year of such corporation immediately following such first full taxable year, and to taxable years of U.S. shareholders with or within which such taxable years of such foreign corporation end. If a foreign corporation does not have such a first full taxable year beginning in 1998, the proposal applies only to the first taxable year of the foreign corporation beginning in 1999, and to taxable years of U.S. shareholders with or within which such taxable year of such foreign corporation ends.

F. EXTEND PLACED IN SERVICE DATE FOR CERTAIN NONCONVENTIONAL FUELS FACILITIES (SEC. 106 OF THE BILL AND SEC. 29 OF THE CODE)

Present Law

Under present law, certain fuels produced from ''nonconventional sources'' and sold to unrelated parties are eligible for an inflation-adjusted income tax credit (equal to $6.10 in 1997) per barrel of oil or British Thermal Unit barrel oil equivalent. The credit is available for qualified fuels produced through December 31, 2007, by coal or biomass facilities placed in service before July 1, 1998, pursuant to a binding written contract in effect before January 1, 1997.

Description of Proposal

The proposal extends the placed in service date, but not the binding contract date, for facilities producing nonconventional fuels from coal and biomass through June 30, 1999.

Effective Date

This proposal is effective on the date of enactment (i.e., applies to facilities placed in service after June 30, 1998 and before July 1, 1999).

G. DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF EDUCATION IN CONNECTION WITH INCOME CONTINGENT LOANS (SEC. 107 OF THE BILL AND SEC. 6103(l)(13) OF THE CODE)

Present Law

Under section 6103(l)(13) of the Code, the Secretary of the Treasury was authorized to disclose to the Department of Education certain return information with respect to any taxpayer who has received an ''applicable student loan.'' An ''applicable student loan'' is any loan made under (1) part D of title IV of the Higher Education Act of 1965 or (2) parts B or E of title IV of the Higher Education Act of 1965 which is in default and has been assigned to the Department of Education, if the loan repayment amounts are based in whole or in part on the taxpayer's income. The Secretary is permitted to disclose only taxpayer identity information and the adjusted gross income of the taxpayer. The Department of Education may use the information only to establish the appropriate income contingent repayment amount for an applicable student loan.

The disclosure authority under section 6103(l)(13) terminated with respect to requests made after September 30, 1998.

Description of Proposal

The provision reinstates the disclosure authority under section 6103(l)(13) with respect to requests made after the date of enactment and before October 1, 2004.

Effective Date

The disclosure authority under section 6103(l)(13) applies to requests made after the date of enactment and before October 1, 2004.

Subtitle B—Trade Provisions

A. EXTENSION OF THE GENERALIZED SYSTEM OF PREFERENCES (SEC. 111 OF THE BILL AND SEC. 505 OF THE TRADE ACT OF 1974)

Present Law

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of certain articles from beneficiary developing countries subject to certain conditions and limitations. To qualify for GSP privileges, each beneficiary country is subject to various mandatory and discretionary eligible criteria. Import sensitive products are ineligible for GSP. The GSP program, which is designed to promote development through trade rather than traditional aid programs, expired after June 30, 1998.

Description of Proposal

The proposal reauthorizes the GSP program to terminate after December 31, 1999. Refunds are authorized, upon request of the importer, for duties paid between July 1, 1998, and the date of enactment of the bill.

Effective Date

The proposed is effective for duties paid on or after July 1, 1998, and before December 31, 1999.

B. EXTENSION OF THE TRADE ADJUSTMENT ASSISTANCE PROGRAM (SEC. 112 OF THE BILL AND SEC. 245 OF THE TRADE ACT OF 1974)

Present Law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by the reduction of barriers to foreign trade. Those programs include—

(1) The general TAA program for workers provides training and income support for workers adversely affected by import competition.

(2) The TAA program for firms provides technical assistance by qualifying firms.

(3) The third program, the North American Free Trade Agreement (''NAFTA'') program for workers (established by the North American Free Trade Agreement Implementation Act of 1993) provides training and income support for workers adversely affected by trade with or production shifts to Canada and/or Mexico.

All three TAA programs expired on September 30, 1998. The TAA program for firms is also subject to annual appropriations.

Description of Proposal

The proposal reauthorizes each of the three TAA programs through June 30, 1999.

Effective Date

The proposal is effective on the date of enactment.

TITLE II. OTHER TAX PROVISIONS

A. INCREASE DEDUCTION FOR HEALTH INSURANCE EXPENSES OF SELF-EMPLOYED INDIVIDUALS (SEC. 201 OF THE BILL AND SEC. 162(L) OF THE CODE)

Present Law

Under present law, self-employed individuals are entitled to deduct a portion of the amount paid for health insurance for the self-employed individual and the individual's spouse and dependents. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction is available in the case of self insurance as well as commercial insurance. The self-insured plan must in fact be insurance (e.g., there must be appropriate risk shifting) and not merely a reimbursement arrangement.

The portion of health insurance expenses of self-employed individuals that is deductible is 45 percent for taxable years beginning in 1998 and 1999, 50 percent for taxable years beginning in 2000 and 2001, 60 percent for taxable years beginning in 2002, 80 percent for taxable years beginning in 2003, 2004, and 2005, 90 percent for taxable years beginning in 2006, and 100 percent for taxable years beginning in 2007 and thereafter.

Under present law, employees can exclude from income 100 percent of employer-provided health insurance.

Description of Proposal

The proposal increases the deduction for health insurance of self-employed individuals to 70 percent for taxable years beginning in 2001 and to 100 percent for taxable years beginning in 2002 and thereafter.

Effective Date

The proposal is effective for taxable years beginning after December 31, 2000.

B. FARM PRODUCTION FLEXIBILITY CONTRACT PAYMENTS (SEC. 202 OF THE BILL)

Present Law

A taxpayer generally is required to include an item in income no later than the time of its actual or constructive receipt, unless such amount properly is accounted for in a different period under the taxpayer's method of accounting. If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment.

The Federal Agriculture Improvement and Reform Act of 1996 (the ''FAIR Act'') provides for production flexibility contracts between certain eligible owners and producers and the Secretary of Agriculture. These contracts generally cover crop years from 1996 through 2002. Annual payments are made under such contracts at specific times during the Federal government's fiscal year. Section 112(d)(2) of the FAIR Act provides that one-half of each annual payment is to be made on either December 15 or January 15 of the fiscal year, at the option of the recipient.[6] This option to receive the payment on December 15 potentially results in the constructive receipt (and thus potential inclusion in income) of one-half of the annual payment at that time, even if the option to receive the amount on January 15 is elected.

The remaining one-half of the annual payment must be made no later than September 30 of the fiscal year. The Emergency Farm Financial Relief Act of 1998 added section 112(d)(3) to the FAIR Act which provides that all payments for fiscal year 1999 are to be paid at such time or times during fiscal year 1999 as the recipient may specify. Thus, the one-half of the annual amount that would otherwise be required to be paid no later than September 30, 1999 can be specified for payment in calendar year 1998. This potentially results in the constructive receipt (and thus required inclusion in taxable income) of such amounts in calendar year 1998, whether or not the amounts actually are received or the right to their receipt is fixed.

Description of Proposal

The time a production flexibility contract payment under the FAIR Act properly is includable in income is determined without regard to the options granted by section 112(d)(2) (allowing receipt of one-half of the annual payment on either December 15 or January 15 of the fiscal year) or section 112(d)(3) (allowing the acceleration of all payments for fiscal year 1999) of that Act.

Effective Date

The proposal is effective for production flexibility contract payments made under the FAIR Act in taxable years ending after December 31, 1995.

C. PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS (SEC. 203 OF THE BILL AND SEC. 1301 OF THE CODE)

Present Law

An individual engaged in a farming business may elect to compute his or her current year tax liability by averaging, over the prior three-year period, all or a portion of the taxable income that is attributable to the farming business.

In general, an individual who makes the election (1) designates all or a portion of his or her taxable income attributable to any farming business from the current year as ''elected farm income;''[7] (2) allocates one-third of the elected farm income to each of the three prior taxable years; and (3) determines the current year section 1 tax liability by combining (a) his or her current year section 1 tax liability excluding the elected farm income allocated to the three prior taxable years, plus (b) the increases in the section 1 tax liability for each of the three prior taxable years caused by including one-third of the elected farm income in each such year. Any allocation of elected farm income pursuant to the election applies for purposes of any election in a subsequent taxable year.

The provision does not apply for employment tax purposes, or to an estate or a trust. The provision also does not apply for purposes of the alternative minimum tax. The provision is effective for taxable years beginning after December 31, 1997, and before January 1, 2001.

Description of Proposal

The proposal permanently extends the income averaging provision for farmers.

Effective Date

The proposal is effective for taxable years beginning after December 31, 2000.

D. PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998 (SEC. 204 OF THE BILL AND SEC. 26 OF THE CODE)

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child tax credit, the credit for interest on certain home mortgages, the HOPE Scholarship and Lifetime Learning credits, and the D.C. homebuyer's credit). Generally, these credits are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax (determined without regard to the AMT foreign tax credit).

The tentative minimum tax is an amount equal to (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income (''AMTI'') in excess of a phased-out exemption amount and (2) 28 percent of the remaining AMTI. The maximum tax rates on net capital gain used in computing the tentative minimum tax are the same as under the regular tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments. The exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other unmarried individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

For families with three or more qualifying children, an additional child credit is provided which may offset the liability for social security taxes to the extent that tax liability exceeds the amount of the earned income credit. The additional child credit is reduced by the amount of the individual's minimum tax liability (i.e., the amount by which the tentative minimum tax exceeds the regular tax liability).

Description of Proposal

The proposal allows the nonrefundable personal credits to offset the individual's regular tax in full for taxable years beginning in 1998 (as opposed to only the amount by which the regular tax exceeds the tentative minimum tax, as under present law).

The provision of present law that reduces the additional child credit by the amount of an individual's AMT will not apply for taxable years beginning in 1998.

Effective Date

The proposal is effective for taxable years beginning in 1998.

TITLE III. REVENUE OFFSET PROVISION

A. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS (SEC. 301 OF THE BILL AND SECS. 332 AND 334 OF THE CODE)

Present Law

Regulated investment companies (''RICs'') and real estate investment trusts (''REITs'') are allowed a deduction for dividends paid to their shareholders. The deduction for dividends paid includes amounts distributed in liquidation which are properly chargeable to earnings and profits, as well as, in the case of a complete liquidation occurring within 24 months after the adoption of a plan of complete liquidation, any distribution made pursuant to such plan to the extent of earnings and profits. Rules that govern the receipt of dividends from RICs and REITs generally provide for including the amount of the dividend in the income of the shareholder receiving the dividend that was deducted by the RIC or REIT. Generally, any shareholder realizing gain from a liquidating distribution of a RIC or REIT includes the amount of gain in the shareholder's income. However, in the case of a liquidating distribution to a corporation owning 80-percent of the stock of the distributing corporation, a separate rule generally provides that the distribution is tax-free to the parent corporation. The parent corporation succeeds to the tax attributes, including the adjusted basis of assets, of the distributing corporation. Under these rules, a liquidating RIC or REIT might be allowed a deduction for amounts paid to its parent corporation, without a corresponding inclusion in the income of the parent corporation, resulting in income being subject to no tax.

A RIC or REIT may designate a portion of a dividend as a capital gain dividend to the extent the RIC or REIT itself has a net capital gain, and a RIC may designate a portion of the dividend paid to a corporate shareholder as eligible for the 70-percent dividends-received deduction to the extent the RIC itself received dividends from other corporations. If certain conditions are satisfied, a RIC also is permitted to pass through to its shareholders the tax-exempt character of the RIC's net income from tax-exempt obligations through the payment of ''exempt interest dividends,'' though no deduction is allowed for such dividends.

Description of Proposal

Any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free liquidating distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount distributed as a capital gain dividend or, in the case of a RIC, a dividend eligible for the 70-percent dividends received deduction or an exempt interest dividend, to the extent provided by the RIC or REIT provisions of the Code.

The provision does not otherwise change the tax treatment of the distribution to the parent corporation or to the RIC or REIT. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis, even where the amount received is treated as a dividend.

Effective Date

The provision is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted.

No inference is intended regarding the treatment of such transactions under present law.

TITLE IV. TAX TECHNICAL CORRECTIONS

Except as otherwise provided, the technical corrections contained in the bill generally are effective as if included in the originally enacted related legislation.

A. TECHNICAL CORRECTIONS TO THE 1998 ACT

1. Burden of proof (sec. 402(b) of the bill, sec. 3001 of the 1998 Act, and sec. 7491(a)(2)(C) of the Code)

Present Law

The Treasury Secretary has the burden of proof in any court proceeding with respect to a factual issue if the taxpayer introduces credible evidence with respect to any factual issue relevant to ascertaining the taxpayer's tax liability, provided specified conditions are satisfied (sec. 7491). One of these conditions if that corporations, trust, and partnerships must meet certain net worth limitations. These net worth limitations do not apply to individuals or to estates.

Description of Proposal

The proposal removes that net worth limitation from certain revocable trusts for the same period of time that the trust would have been treated as part of the estate had the trust made the election under section 645 to be treated as part of the estate.

2. Relief for innocent spouses (sec. 402(c) of the bill, sec. 3201 of the 1998 Act, and secs. 6015(e) and 7421(a) of the Code)

Present Law

A taxpayer who is no longer married to, is separated from, or has been living apart for at least 12 months from the person with whom he or she originally joined in filing a joint Federal income tax return may elect to limit his or her liability for a deficiency arising from such joint return to the amount of the deficiency that is attributable to items that are allocable to such electing spouse. The election is limited to deficiency situations and only affects the amount of the deficiency for which the electing spouse is liable. Thus, the election cannot be used to generate a refund, to direct a refund to one spouse or the other, or to allocate responsibility for payment where a balance due is reported on, but not paid with, a joint return.

In addition to the election to limit the liability for deficiencies, a taxpayer may be eligible for innocent spouse relief. Innocent spouse relief allows certain taxpayers who joined in the filing of a joint return to be relieved of liability for an understatement of tax that is attributable to items of the other spouse to the extent that the taxpayer did not know or have reason to know of the understatement. The Secretary is also authorized to provide equitable relief in situations where, taking into account all of the facts and circumstances, it is inequitable to hold an individual responsible for all or part of any unpaid tax or deficiency arising from a joint return. Under certain circumstances, it is possible that a refund could be obtained under this authority.

Description of Proposal

The proposal clarifies that the ability to obtain a credit or refund of Federal income tax is limited to situations where the taxpayer qualifies for innocent spouse relief or where the Secretary exercises his authority to provide equitable relief.

3. Interest netting (sec. 402(d) of the bill and sec. 3301(c)(2) of the 1998 Act)

Present Law

Fro calendar quarters beginning after July 22, 1998, a net interest rate of zero applies where interest is payable and allowable on equivalent amounts of overpayment and underpayment of any tax imposed by the Internet Revenue Code. In addition, the net interest rate of zero applies to periods on or before July 22, 1998, providing (1) the statute of limitations has not expired with respect to either the underpayment or overpayment, (2) the taxpayer identifies the periods of underpayment and overpayment where interest is payable and allowable for which the net interest rate of zero would apply, and (3) on or before December 31, 1999, the taxpayer asks the Secretary to apply the net zero rate.

Description of Proposal

The proposal restores language originally included in the Senate amendment that clarifies that the applicability of the zero net interest rate for periods on or before July 22, 1998 is subject to any applicable statute of limitations not having expired with regard to either a tax underpayment or overpayment.

4. Effective date for elimination of 18-month holding period for capital gains (sec. 402(i) of the bill, sec. 5001 of the 1998 Act, and sec. 1(h) of the Code)

Present Law

The 1998 Act repealed the provision in the 1997 Act providing a maximum 28-percent rate for the long-term capital gain attributable to property held more than one year but not more than 18 months. Instead, the 1998 Act treated this gain in the same manner as gain from property held more than 18 months. The provision in the 1998 Act is effective for amounts properly taken into account after December 31, 1997. For gains taken into account by a pass-thru entity, such as a partnership, S corporation, trust, estate, RCI or REIT, the date that the entity properly took the gain into account is the appropriate date in applying this provision. Thus, for example, amounts properly taken into account by a pass-thru entity after July 28, 1997, and before January 1, 1998, with respect to property held more than one year but not more than 18 months which are included in income on an individual's 1998 return are taken into account in computing 28-percent rate gain.

Description of Proposal

Under the proposal, in the case of a capital gain dividend made by a RIC or REIT after 1997, no amount will be taken into account in computing the net gain or loss in the 28-percent rate gain category by reason of property being held more than one year but not more than 18 months, other than amounts taken into account by the RIC or REIT from other pass-thru entities (other than in structures, such as a ''master-feeder structure'', in which the RIC invests a substantial portion of its assets in one or more partnerships holding portfolio securities and having the same taxable year as the RIC). A similar rule applies to amounts properly taken into account by a RIC or REIT by reason of holding, directly or indirectly, an interest in another RIC or REIT to which the rule in the preceding sentence applies.

For example, if a RIC sold stock held more than one year but not more than 18 months on November 15, 1997, for a gain, and makes a capital gain dividend in 1998, the gain is not taken into account in computing 28-percent rate gain for purposes of determining the taxation of the 1998 dividend. (Thus, all the netting and computations made by the RIC need to be redone with respect to all post-1997 capital gain dividends, whether or not dividends of 28-percent rate gain.) If, however, the gain was taken into account by a RIC by reason of holding an interest in a calendar year 1997 partnership which itself sold the stock, the gain will not be recharacterized by reason of this proposal (unless the RIC's investment in the partnership satisfies the exception for master-feeder structures). If the gain was taken into account by a RIC by reason of holding an interest in a REIT and the gain was excluded from 28-percent rate gain by reason of the application of this proposal to the REIT, the gain will be excluded from 28-percent rate gain in determining the tax of the RIC shareholders.

The proposal also corrects a cross reference.

B. TECHNICAL CORRECTIONS TO THE 1997 ACT

1. Treatment of interest on qualified education loans (sec. 403(a) of the bill, sec. 202 of the 1997 Act, and secs. 221 and 163(h) of the Code)

Present Law

Present law, as modified by the 1997 Act, provides that certain individuals who have paid interest on qualified education loans may claim an above-the-line deduction for such interest expense, up to a maximum dollar amount per year ($1,000 for taxable years beginning in 1998), subject to certain requirements (sec. 221). The maximum deduction is phased out ratably for individual taxpayers with modified AGI between $40,000 and $55,000 ($60,000 and $75,000 for joint returns). Present law also provides that in the case of a taxpayer other than a corporation, no deduction is allowed for personal interest (sec. 163(h)). For this purpose, personal interest means any interest allowable as a deduction, other than certain types of interest listed in the statute. This proposal does not specifically provide that otherwise deductible qualified education loan interest is not treated as personal interest.

Present law provides that a qualified education loan does not include any indebtedness owed to a person who is related (within the meaning of sec. 267(b) or 707(b)) to the taxpayer (sec. 221(e)(1)).

Description of Proposal

The proposal clarifies that otherwise deductible qualified education loan interest is not treated as nondeductible personal interest.

The proposal also clarifies that, for purposes of section 221, modified AGI is determined after application of section 135 (relating to income from certain U.S. savings bonds) and section 137 (relating to adoption assistance programs).

The proposal also provides that a qualified education loan does not include any indebtedness owed to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract purchased under a qualified employer plan (as described in sec. 72(p)(5)).

2. Capital gain distributions of charitable remainder trusts (secs. 402(i)(3) and 403(b) of the bill, sec. 311 of the 1997 Act and sec. 5001 of the 1998 Act, and sec. 1(h) of the Code)

Present Law

Under present law, the income beneficiary of a charitable remainder trust (''CRT'') includes the trust's capital gain in income when the gains are distributed to the beneficiary (sec. 664(b)(2)). Internal Revenue Service Notice 98–20 provides guidance with respect to the categorization of long-term gain distributions from a CRT under the capital gain rules enacted by the 1997 Act. Under the Notice, long-term capital gains properly taken into account by the trust before January 1, 1997, are treated as falling in the 20-percent group of gain (i.e., gain not in the 28-percent rate gain or unrecaptured sec. 1250 gain). Long-term capital gains properly taken into account by the trust after December 31, 1996, and before May 7, 1997, are included in 28-percent rate gain. Long-term capital gains properly taken into account by the trust after May 6, 1997, are treated as falling into the category which would apply if the trust itself were subject to tax.

Description of Proposal

The proposal provides that, in the case of a capital gain distribution by a CRT after December 31, 1997, with respect to amounts

properly taken into account by the trust during 1997, amounts will not be included in the 28-percent rate gain category solely by reason of being properly taken into account by the trust before May 7, 1997, or by reason of the property being held not more than 18 months. Thus, for example, gain on the sale of stock by a CRT on February 1, 1997, will not be taken into account in determining 28-percent rate gain where the gain is distributed after 1997.[8]

Effective Date

The proposal applies to taxable years beginning after December 31, 1997.

3. Gifts may not be revalued for estate tax purposes after expiration of statute of limitations (sec. 403(c) of the bill, sec. 504 of the 1997 Act, and sec. 2001(f)(2) of the Code)

Present Law

Basic structure of Federal estate and gift taxes.—The Federal estate and gift taxes are unified so that a single progressive rate schedule is applied to an individual's cumulative gifts and bequests. The tax on gifts made in a particular year is computed by determining the tax on the sum of the taxable gifts made in that year and in all prior years and then subtracting the tax on the prior years taxable gifts and the unified credit. Similarly, the estate tax is computed by determining the tax on the sum of the taxable estate and prior taxable gifts and then subtracting the tax on taxable gifts, the unified credit, and certain other credits.

This structure raises two different, but related, issues: (1) what is the period beyond which additional gift taxes cannot be assessed or collected—generically referred to as the ''period of limitations''—and (2) what is the period beyond which the amount of prior transfers cannot be revalued for the purpose of determining the amount of tax on subsequent transfers.

Gift and estate tax period of limitations.—Section 6501(a) provides the general rule that any tax (including gift and estate tax) must be assessed, or a proceeding begun in a court for the collection of such tax without assessment, within three years after the return is filed by the taxpayer. Under section 6501(e)(2), the period for assessments of gift or estate tax is increased to six years where there is more than a 25 percent omission in the amount of the total gifts or gross estate disclosed on the gift or estate tax return. Section 6501(c)(9) provides an exception to these rules under which gift tax may be assessed, or a proceeding in a court for collection of gift tax may be begun, at any time unless the gift is disclosed on a gift tax return or a statement attached to a gift tax return.

Revaluation of gifts for estate tax purposes.—The value of a gift is its value as finally determined under the rules for purposes of determining the applicable estate tax bracket and available unified credit. The value of a gift is finally determined if (1) the value of the gift is shown on a gift tax return for that gift and that value is not contested by the Treasury Secretary before the expiration of the period of limitations on assessment of gift tax even where the value of the gift as shown on the return does not result in any gift tax being owned (e.g., through use of the unified credit), (2) the value is specified by the Treasury Secretary pursuant to a final notice of redetermination of value (a ''final notice'') within the period of limitations applicable to the gift for gift tax purposes (generally, three years) and the taxpayer does not timely contest that value, or (3) the value is determined by a court or pursuant of a settlement agreement between the taxpayer and the Treasury Secretary under an administrative appeals process whereby a taxpayer can challenge a redetermination of value by the IRS prior to issuance of a final notice. In the event the taxpayer and the IRS cannot agree on the value of a gift, the 1997 Act provided the U.S. Tax Court with jurisdiction to issue a declaratory judgment on the value of a gift (section 7477). A taxpayer who is mailed a final notice may challenge the redetermined value of the gift (as contained in the final notice) by filing a motion for a declaratory judgment with the U.S. Tax Court. The motion must be filed on or before 90 days from the date that the final notice was mailed. The statute of limitations is tolled during the pendency of the Tax Court proceeding.

Revaluation of gifts for gift tax purposes.—Similarly, under a rule applicable to the computation of the gift tax (sec. 2504(c)), the value of gifts made in prior years is its value as finally determined if the period of limitations for assessment of gift tax on the prior gifts has expired.

Description of Proposal

The bill clarifies the rules relating to revaluations of prior transfers for computation of the estate or gift tax to provide that the value of a prior transfer cannot be redetermined after the period of limitations if the transfer was disclosed in a statement attached to the gift tax return, as well as on a gift tax return, in a manner to adequately apprise the Treasury Secretary of the nature the transfer, even if there was no gift tax imposed on that transfer.

4. Coordinate Vaccine Injury Compensation Trust Fund expenditure purposes with list of taxable vaccines (sec. 403(d) of the bill, sec. 904 of the 1997 Act, and sec. 9510(c) of the Code)

Present Law

A manufacturer's excise tax is imposed on certain vaccines routinely recommended for administration to children (sec. 4131). The tax is imposed at a rate of $0.75 per dose on any listed vaccine component. Taxable vaccine components are vaccines against diphtheria, tetanus, pertussis, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, and varicella (chicken pox). Tax was imposed on vaccines against diphtheria, tetanus, pertussis, measles, mumps, rubella, and polio by the Omnibus Budget Reconciliation Act of 1987. Tax was imposed on vaccines against HIB, hepatitis B, and varicella by the 1997 Act.

Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund (''Vaccine Trust Fund'') to finance compensation awards under the Federal Vaccine Injury Compensation Program for individuals who suffer certain injuries following administration of the taxable vaccines. Present law provides that payments from the Vaccine Trust Fund may be made only for vaccines eligible under the program as of December 22, 1987 (sec. 9510(c)(1)). Thus, payments may not be made for injuries related to the HIB, hepatitis B or varicella vaccines.

Description of Proposal

The proposal provides that payments are permitted from the Vaccine Trust Fund for injuries related to the administration of the HIB, hepatitis B, and varicella vaccines. The proposal also clarifies that expenditures from the Vaccine Trust Fund may occur only as provided in the Code and makes conforming amendments.

5. Abatement of interest by reason of Presidentially declared disaster (sec. 403(e) of the bill, sec. 915 of the 1997 Act, and sec. 6404(h) of the Code)

Present Law

The Taxpayer Relief Act of 1997 (''1997 Act'') provided that, if the Secretary of the Treasury extends the filing date of an individual tax return for 1997 for individuals living in an area that has been declared a disaster area by the President during 1997, no interest shall be charged as a result of the failure of an individual taxpayer to file an individual tax return, or pay the taxes shown on such return, during the extension.

The Internal Revenue Service Restructuring and Reform Act of 1998 (''1998 Act'') contains a similar rule applicable to all taxpayers for tax years beginning after 1997 for disasters declared after 1997. The status of disasters declared in 1998 but that relate to the 1997 tax year is unclear.

Description of Proposal

The proposal amends the 1997 Act rule so that it is available for disasters declared in 1997 or in 1998 with respect to the 1997 tax year.

6. Treatment of certain corporate distributions (sec. 403(f) of the bill, sec. 1012 of the 1997 Act, and secs. 351(c) and 368(a)(2)(H) of the Code)

Present Law

The 1997 Act (sec. 1012(a)) requires a distributing corporation to recognize corporate level gain on the distribution of stock of a controlled corporation under section 355 of the Code if, pursuant to a plan or series of related transactions, one or more persons acquire a 50-percent or greater interest (defined as 50 percent or more of the voting power or value of the stock) of either the distributing or controlled corporation (Code sec. 355(e)). Certain transactions are excepted from the definition of acquisition for this purpose. Under the technical corrections included in the Internal Revenue Service Restructuring and Reform Act of 1998, in the case of acquisitions under section 355(e)(3)(A)(iv), the acquisition of stock in the distributing corporation or any controlled corporation is disregarded to the extent that the percentage of stock owned directly or indirectly in such corporation by each person owning stock in such corporation immediately before the acquisition does not decrease.[9]

In the case of a 50-percent or more acquisition of either the distributing corporation or the controlled corporation, the amount of gain recognized is the amount that the distributing corporation would have recognized had the stock of the controlled corporation been sold for fair market value on the date of the distribution. No adjustment to the basis of the stock or assets of either corporation is allowed by reason of the recognition of the gain.[10]

The 1997 Act (as amended by the technical corrections contained in the Internal Revenue Service Restructuring and Reform Act of 1998) also modified certain rules for determining control immediately after a distribution in the case of certain divisive transactions in which a controlled corporation is distributed and the transaction meets the requirements of section 355. In such cases, under section 351 and modified section 368(a)(2)(H) with respect to reorganizations under section 368(a)(1)(D), the fact that the shareholders of the distributing corporation dispose of part or all of the distributed stock shall not be taken into account.

The effective date (Act section 1012(d)(1)) states that the relevant provisions of the 1997 Act apply to distributions after April 16, 1997, pursuant to a plan (or series of related transactions) which involves an acquisition occurring after such date (unless certain transition provisions apply).

Description of Proposal

The proposal clarifies the ''control immediately after'' requirement of section 351(c) and section 368(a)(2)(H) in the case of certain

divisive transactions in which a corporation contributes assets to a controlled corporation and then distributes the stock of the controlled corporation in a transaction that meets the requirements of section 355 (or so much of section 356 as related to section 355). In such cases, not only the fact that the shareholders of the distributing corporation dispose of part or all of the distributed stock, but also the fact that the corporation whose stock was distributed issues additional stock, shall not be taken into account.

7. Treatment of affiliated group including formerly tax-exempt organization (sec. 403(g) of the bill and sec. 1042 of the 1997 Act)

Present Law

Present law provides that an organization described in sections 501(c) (3) or (4) of the Code is exempt from tax only if no substantial part of its activities consists of providing commercial-type insurance. When this rule was enacted in 1986, certain treatment applied to Blue Cross and Blue Shield organizations providing health insurance that were submitted to this rule and that met certain requirements. Treasury regulations were promulgated providing rules for filing consolidated returns for affiliated groups including such organizations (Treas. Reg. sec. 1.1502–75(d)(5)).

The 1997 act repealed the grandfather rules provided in 1986 (permitting the retention of tax-exempt status) that were applicable to that portion of the business of the Teachers Insurance Annuity Association and College Retirement Equities Fund which is attributable to pension business and to the portion of the business of Mutual of America which is attributable to pension business. The 1997 Act did not specifically provide rules for filing consolidated returns for affiliated groups including such organizations.

Present law with respect to consolidated returns provides for an election to treat a life insurance company as an includable corporation, and also provides that a life insurance company may not be treated as an includable corporation for the 5 taxable years immediately preceding the taxable year for which the consolidated return is filed (sec. 1504(c)(2)). Present law also provides that a corporation that is exempt from taxation under Code section 501 is not an includable corporation (sec. 1504(b)(1)).

Description of Proposal

The proposal provides rules for filing consolidated returns for affiliated groups including any organization with respect to which the grandfather rule under Code section 501(m) was repealed by section 1042 of the 1997 Act. The proposal provides that rules similar to the rules of Treasury Regulation section 1.1502–75(d)(5) apply in the case of such an organization. Thus, an affiliated group including such an organization may make the election described in section 1504(c)(2) (relating to a 5-year period) without regard to whether the organization was previously exempt from tax under Code section 501.

8. Treatment of net operating losses arising from certain eligible losses (sec. 403(h) of the bill, sec. 1082 of the 1997 Act, and sec. 172(b)(1)(F) of the Code)

Present Law

The 1997 Act changed the general net operating loss (''NOL'') carryback period of a taxpayer from three years to two years. The three-year carryback period was retained in the case of an NOL attributable to an eligible loss. An eligible loss is defined as (1) a casualty or theft loss of an individual taxpayer, or (2) an NOL attributable to a Presidentially declared disaster area by a taxpayer engaged in a farming business or a small business. Other special rules apply to real estate investment trusts (REITs) (no carrybacks), specified liability losses (10-year carryback), and excess interest losses (no carrybacks).

Description of Proposal

The proposal coordinates the use of eligible losses with the general rule for NOLs in the same manner as a loss arising from a specified liability loss. Thus, an eligible loss for any year is treated as a separate net operating loss and is taken into account after the remaining portion of the net operating loss for the taxable year.

9. Determination of unborrowed policy cash value under COLI pro rata interest disallowance rules (sec. 403(i) of the bill, sec. 1084 of the 1997 Act, and sec. 246(f) of the Code)

Present Law

In the case of a taxpayer other than a natural person, no deduction is allowed for the portion of the taxpayer's interest expense that is allocable to unborrowed policy cash surrender values with respect to any life insurance policy or annuity or endowment contract issued after June 8, 1997. Interest expense is allocable to unborrowed policy cash values based on the ratio of (1) the taxpayer's average unborrowed policy cash values of life insurance policies and annuity and endowment contracts, issued after June 8, 1997, to (2) the sum of (a) in the case of assets that are life insurance policies or annuity or endowment contracts, the average unborrowed policy cash values and (b) in the case of other assets the average adjusted bases for all such other assets of the taxpayer. The unborrowed policy cash values means the cash surrender value of the policy or contract determined without regard to any surrender charge, reduced by the amount of any loan with respect to the policy or contract. The cash surrender value is to be determined without regard to any other contractual or noncontractual arrangement that artificially depresses the unborrowed policy cash value of a contract.

Description of Proposal

The proposal clarifies the meaning of ''unborrowed policy cash value'' under section 264(f)(3), with respect to any life insurance, annuity or endowment contract. The technical correction clarifies that under section 264(f)(3), if the cash surrender value (determined without regard to any surrender charges) with respect to any policy or contract does not reasonably approximate its actual value, then the amount taken into account for this purpose is the greater of (1) the amount of the insurance company's liability with respect to the policy or contract, as determined for purposes of he annual statement approved by the National Association of Insurance Commissioners, (2) the amount of the insurance company's reserve with respect to the policy or contract for purposes of such annual statement; or such other amount as is determined by the Treasury Secretary. No inference is intended that such amounts may not be taken into account in determining the cash surrender value of a policy or contract in such circumstances for purposes of any other provision of the Code.

10. Payment of taxes by commercially acceptable means (sec. 403(k) of the bill, sec. 1205 of the 1997 Act, and sec. 6311 (d)(2) of the Code)

Present Law

The Code generally permits the payment of taxes by commercially acceptable means (such as credit cards) (sec. 6311(d)). The Treasury Secretary may not pay any fee or provide any other consideration in connection with this provision. This fee prohibition may have an unintended impact on Treasury contracts for the provision of services unrelated to the payment of income taxes by commercially acceptable means.

Description of Proposal

The proposal clarifies that the prohibition on paying any fees or providing any other consideration applies to the use of credit, debit, or charge cards for the payment of income taxes.

C. TECHNICAL CORRECTIONS TO THE 1984 ACT

1. Casualty loss deduction (sec. 404 of the bill, sec. 711(c) of the 1984 Act, and secs. 172(d)(4), 67(b)(3), 68(c)(3), and 873(b) of the Code)

Present Law

The Tax Reform Act of 1984 (''1984 Act'') deleted casualty and theft losses from property connected with a nonbusiness transaction entered into for profit from the list of losses set forth in section 165(c)(3). This amendment was made in order to provide that these losses were deductible in full and not subject to the $100 per casualty limitation or the 10-percent adjusted gross income floor applicable to personal casualty losses. However, the amendment inadvertently eliminated the deduction for these losses from the computation of the net operating loss. Also, the Tax Reform Act of 1986 provided that casualty losses described in section 165(c)(3) are not miscellaneous itemized deductions subject to the 2-percent adjusted gross income floor, and the Revenue Reconciliation Act of 1990 provided that these losses are not treated as itemized deductions in computing the overall limitation on itemized deductions. The losses of nonresident aliens are limited to deductions described in section 165(c)(3). Because of the change made by the 1984 Act, the reference to section 165(c)(3) does not include casualty and theft losses from nonbusiness trans-Actions entered into for profit.

Description of Proposal

The proposal provides that all deductions for nonbusiness casualty and theft losses are taken into account in computing the net operating loss. Also, these deductions are not treated as miscellaneous itemized deductions subject to the 2-percent adjusted gross income floor, or as itemized deductions subject to the overall limitation on itemized deductions, and are allowed to nonresident aliens.

Effective Dates

The proposal relating to the net operating loss and the deduction for nonresident aliens applies to taxable years beginning after December 31, 1983.

The proposal relating to miscellaneous itemized deduction applies taxable years beginning after December 31, 1986.

The proposal relating to the overall limitation on itemized deductions applies to taxable years beginning after December 31, 1990.

D. DISCLOSURE OF TAX RETURN INFORMATION TO THE DEPARTMENT OF AGRICULTURE (SEC. 405(A) OF THE BILL AND SEC. 6103(J) OF THE CODE)

Present Law

Tax return information generally may not be disclosed, except as specifically provided by statute. Disclosure is permitted to the Bureau of the Census for specified purposes, which included the responsibility of structuring, conducting, and preparing the census of agriculture (sec. 6103(j)(1)). The Census of Agriculture Act of 1997 (P.L. 105–113) transferred this responsibility from the Bureau of the Census to the Department of Agriculture.

Description of Proposal

The proposal permits the continuation of disclosure of tax return information for the

purpose of structuring, conducting, and preparing the census of agriculture by authorizing the Department of Agriculture to receive this information.

Effective Date

The proposal is effective on the date of enactment of this technical correction.

E. TECHNICAL CORRECTIONS TO THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (SEC. 405(B) OF THE BILL, SEC. 9004 OF THE ACT, AND SEC. 9503(F) OF THE CODE)

Present Law

The Transportation Equity Act for the 21st Century (''Transportation Equity Act'') (P.L. 105–178) extended the Highway Trust Fund and accompanying highway excise taxes. The Transportation Equity Act also changed the budgetary treatment of Highway Trust Fund expenditures, including repeal of a provision that balances maintained in the Highway Trust Fund pending expenditure earn interest from the General Fund of the Treasury.

Description of Proposal

The proposal clarifies that the Secretary of the Treasury is not required to invest Highway Trust Fund balances in interest-bearing obligations (because any interest paid to the Trust Fund by the General Fund would be immediately returned to the General Fund).

F. REPEAL OF PROVISIONS RELATING TO DISTRICT OF COLUMBIA JUDICIAL RETIREMENT PROGRAM (SEC. 405(C) OF THE BILL)

Present Law

Section 804 of the Treasury and General Government Appropriations Act, 1999, makes certain technical and clarifying amendments to the Judicial Retirement Program of the District of Columbia. Included in these amendments were certain amendments that applied for purposes of the Internal Revenue Code of 1986.

Description of Proposal

Section 804 of the Treasury and General Government Appropriations Act, 1999, is repealed.

Effective Date

The proposal is effective on the date of enactment.

G. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS AND OTHER FEDERAL PAYMENTS (SEC. 406 OF THE BILL AND SECS. 201 AND 207 OF THE SOCIAL SECURITY ACT)

Present Law

The Uruguay Round Agreements Act (P.L. 103–465) contained a provision requiring that U.S. taxpayers who receive specified Federal payments (including Social Security benefits) be given the option of requesting that the Federal agency making the payments withhold Federal income taxes from the payments.

Description of Proposal

Due to a drafting oversight, the Uruguay Round Agreements Act included only the necessary changes to the Internal Revenue Code (''Code'') and failed to make certain conforming changes to the Social Security Act (specifically a section that prohibits assignments of benefits). The proposal amends the Social Security Act anti-assignment section to allow the Code provisions to be implemented. The proposal also allocates funding for the Social Security Administration to administer the tax-withholding provisions.

Effective Date

The proposal applies to benefits paid on or after the first day of the second month beginning after the month of enactment.

FOOTNOTES

[1] This document may be cited as follows: Joint Committee on Taxation, Description of Provisions in S. 2622, the Tax Relief Extension Act of 1998 (JCX–70–98), October 10, 1998. (References in this document to the ''1997 Act'' refer to the Taxpayer Relief Act of 1997.)

[2] A special rule is designed to gradually recompute a start-up firm's fixed-base percentage based on its actual research experience. Under this special rule, a start-up firm will be assigned a fixed-base percentage of 3 percent for each of its first five taxable years after 1993 in which it incurs qualified research expenditures. In the event that the research credit is extended beyond the scheduled expiration date, a start-up firm's fix-based percentage for its sixth through tenth taxable years after 1993 in which it incurs qualified research expenditures will be a phased-in ratio based on its actual research experience. For all subsequent taxable years, the taxpayer's fixed-based percentage will be its actual ratio of qualified research expenditures to gross receipts for any five years selected by the taxpayer from its fifth through tenth taxable years after 1993 (sec. 41(c)(3)(B)).

[3] Under a special rule, 75 percent of amounts paid to a research consortium for qualified research is treated as qualified research expenses eligible for the research credit (rather than 65 percent under the general rule under sec. 41(b)(3) governing contract research expenses) if (1) such research consortium is a tax-exempt organization that is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6) and is organized and operated primarily to conduct scientific research, and (2) such qualified research is conducted by the consortium on behalf of the taxpayer and one or more persons not related to the taxpayer.

[4] The amount of the deduction allowable for a taxable year with respect to a charitable contribution may be reduced depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer (secs. 170(b) and 170(e)).

[5] The President canceled these exceptions in 1997 pursuant to the Line Item Veto Act. On June 25, 1998, the U.S. Supreme Court held that the cancellation procedures set forth in the Line Item Veto Act are unconstitutional *Clinton* v. *City of New York*, 118 S. Ct. 2091 (June 25, 1998).

[6] This rule applies to fiscal years after 1996. For fiscal year 1996, this payment was to be made not later than 30 days after the production flexibility contract was entered into.

[7] The amount of elected farm income of a taxpayer for a taxable year may not exceed the taxable income attributable to any farming business for the year.

[8] The bill contains a similar amendment to section 1(h)(13), as amended by section 5001 of the 1998 Act, to provide that, for purposes of taxing the recipient of a distribution made after 1997 by a CRT, amounts will not be taken into account in computing 28-percent rate gain by reason of being properly taken into account before May 7, 1997, or by reason of the property being held for not more than 18 months. Thus, no amount distributed by a CRT after 1997 will be treated as in the 28-percent category (other than by reason of the disposition of collectibles or small business stock).

[9] This exception (as certain other exceptions) does not apply if the stock held before the acquisition was acquired pursuant to a plan (or series of related transactions) to acquire a 50-percent or greater interest in the distributing or a controlled corporation.

[10] The 1997 Act does not limit the otherwise applicable Treasury regulatory authority under section 336(e) of the Code. Nor does it limit the otherwise applicable provisions of section 1367 with respect to the effect on shareholder stock basis of gain recognized by an S corporation under this provision.

ESTIMATED REVENUE EFFECTS OF S. 2626, THE ''TAX RELIEF EXTENSION RELIEF ACT OF 1998''

[Fiscal years 1999–2007, in millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999–02	2003–07	1999–07
I. EXTENSION OF EXPIRING PROVISIONS:													
Subtitle A. Expiring Tax Provisions:													
A. Extend the R&E Credit (through 6/30/99)	7/1/98	−1,126	−505	−258	−184	−94	−20				2,073	−114	−2,187
B. Extend the Work Opportunity Tax Credit (through 6/30/99)	wpoifibwa 6/30/98	−191	−140	−73	−29	−10	−2				−434	−11	−445
C. Extend the Welfare-to-Work Tax Credit (through 6/30/99)	wpoifibwa 4/30/99	−4	−10	−7	−3	−1					−24	−1	−25
D. Extend Contributions of Appreciated Stock to Private Foundations (through 6/30/99).	7/1/98	−63	−13	−4							80		−80
E. 1-Year Extension of Exemption from Subpart F for Active Financing Income.	tybi 1999	−80	−180								−260		−260
F. Extension of Placed-in-Service Date For Certain Nonconventional Fuels Facilities (though 6/30/99).	DOE	−7	−26	−27	−38	−39	−40	−41	−42	−43	−109	−207	−315
G. Extension of Tax Information Reporting for Income Contingent Student Loan Program (through 9/30/04) [1].	([2])	NEGLIGIBLE BUDGET EFFECT											
Subtotal of Extension of Expiring Tax Provisions		−1,471	−874	−379	−254	−144	−62	−41	−42	−43	−2,980	−333	−3,312
SUBTITLE B. EXPIRING TRADE PROVISIONS:													
A. Extend the Generalized System of Preferences (through 12/31/99/) [1]	dpo/a 7/1/98	−393	−84								−477		−477
B. Extend Trade Adjustment Assistance (through 6/30/99)[1]	DOE	−34	−15	−1							−50		−50
Subtotal of Extension of Expiring Trade Provisions		−427	−99	−1	–	–	–	–	–	–	−527	–	−527
II. OTHER TAX PROVISIONS													
A. Increase Deduction for Health Insurance Expenses of Self-Employed Individuals—70% in 2001 and 100% in 2002 and thereafter.	tyba 12/31/00			−163	−702	−959	−637	−680	−602	−257	−864	−3,134	−3,998
B. Production Flexibility Contract Payments to Farmers Not Included in Income Prior to Receipt.	tyea 12/31/95	NEGLIGIBLE BUDGET EFFECT											
C. Permanent Extension of Income Averaging for Farmers	tyba 12/31/00			−2	−21	−22	−22	−23	−24	−24	−23	−115	−138
D. Treatment of Nonrefundable Personal Credits (child credit, adoption, credit, HOPE and Lifetime Learning credits, etc.) Under the Alternative Individual Minimum Tax (for 1998 only).	tybi 1998	−474									−474		−474
Subtotal of Other Tax Provisions		−474		−165	−723	−981	−659	−703	−626	−281	−1,361	−3,249	−4,610
REVENUE OFFSET PROVISION													
A. Change the Treatment of Certain Deductible Liquidating Distributions of RICs and REITs.	dma 5/21/98	2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610

ESTIMATED REVENUE EFFECTS OF S. 2626, THE ''TAX RELIEF EXTENSION RELIEF ACT OF 1998''—Continued

[Fiscal years 1999–2007, in millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999–02	2003–07	1999–07
Subtotal of Revenue Offset Provision		2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610
V. TAX TECHNICAL CORRECTIONS PROVISIONS		NO REVENUE EFFECT											
Net total		53	136	178	−337	−453	−16	−3	110	493	29	131	161

[1] Estimate provided by the Congressional Budget Office.

[2] Effective for requests made after the date of enactment and before 10/1/03.

NOTES: Details may not add to totals due to rounding. Legend for ''Effective'' column: dma = distributions made after; DOE = Date of enactment; dpo/a = duties paid on or after; tyba = taxable years beginning after; tybi = taxable years beginning in; tyea = taxable years ending after; wpoifibwa = wages paid or incurred for individuals beginning work after.

Prepared by Joint Committee on Taxation.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor, along with our esteemed Chairman, Senator ROTH, a Senate Finance Committee bill to extend a package of expired tax provisions. Unfortunately, dealing with this group of expired tax items has become a routine annual event for the Committee and for the Congress. This bill extends universally popular items such as the credit for increasing research activities, the Work Opportunity Credit, and the deduction for gifts of appreciated stock to private foundations through June of next year. It is my hope that 1999 will be the year that the entire group of ''extenders'' are finally made permanent.

We thank Senator ROTH for ensuring that the Finance Committee is heard on this matter. Our action is a reminder that the United States Congress does not act, on tax bills or any other measures, as a unicameral legislature. Indeed, this Finance committee measure improves in several ways on the bill passed by the House Ways and Means Committee yesterday:

First, we extend the Trade Assistance Program from October 1, 1998 through June 30, 1999. This is an important program established in the Trade Expansion Act of 1962 that provides training and income support for workers adversely affected by import competition. It is a commitment we have made to workers, and it ought to be kept.

Second, the bill includes a provision that prevents the tax benefit of nonrefundable personal credits such as the $500 per child credit and the adoption credit from being eroded by the Alternative Minimum Tax. This was to have been included as part of the Taxpayer Relief Act of 1997, but was dropped for some unknown reason as part of the final compromise. Without the ''fix'' included in this bill, we will trap many unsuspecting taxpayers who sit down to prepare their 1998 Federal income tax returns next spring.

I applaud the work of the chairman and the committee in moving quickly to agree on this bill and, for the greater good, deferring action on a number of very important narrower items until next year.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ROTH, and Mr. STEVENS):

S. 2623. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

• Mr. THOMPSON. Mr. President, today I am pleased to introduce the Government for the 21st Century Act of 1998, a bill to establish a commission to bring the structure of our government in line with the needs of our Nation in the next century. This bipartisan legislation is the result of work over several months between myself and Senators GLENN, BROWNBACK, LIEBERMAN, ROTH, and STEVENS. It has been carefully crafted to address not just what our government should look like, but the more fundamental question of what it should do.

We all know the old adage, ''form follows function''—but in the case of our government, form too often impedes function. The federal infrastructure should enable it to respond to national needs and the needs of individual citizens quickly, efficiently, and successfully—but years of outmoded bureaucracies, procedures and red tape have impeded the kind of responsible service our citizens deserve and expect. The government we have today was designed for a world which has long since passed into history, a world in which personal computers did not exist, two-income families were the exception and no one had ever heard of a ''sport utility vehicle''. In short, it is time to modernize the federal government, and there is no more appropriate time to do it than on the eve of the next century.

It seems to me that the federal government is doing too many things to do them all well. I believe we must reevaluate the functions of government to improve government service where it is needed, redirect resources where it is necessary, and get the federal government out of activities in which it does not belong. Our Founding Fathers envisioned a government of defined and limited powers. I can imagine their dismay if they knew the size and scope of the federal government today. We need to return to the limited government that the Founders intended, and the Commission established in the legislation we are introducing today is a major step in that direction.

The Government Restructuring and Reform Commission established by this legislation would take a hard look at federal departments, agencies and programs and ask—

Can and should we consolidate these agencies and programs to improve the implementation of their statutory missions, eliminate activities not essential to their statutory missions, and reduce duplication of activities while increasing accountability for performance?

How can we improve management to maximize productivity, effectiveness and accountability?

What criteria should we use in determining whether a federal activity should be privatized?

Which departments or agencies should be eliminated because their functions are obsolete, redundant, or better performed by state and local governments or the private sector?

We all want a federal government that is as innovative and responsive as the government we envision. Our challenge is to determine how to get there. We must start by asking ourselves what the essential functions of government will be in the next century, so we may tailor the scope and structure of the executive branch accordingly. Some activities now performed by the federal government may require more resources; others will surely require less. The Commission on Government Restructuring and Reform will give us a blueprint for designing a federal government to meet our Nation's needs now and in the future.

I am pleased that Senators LIEBERMAN, BROWNBACK, ROTH, and STEVENS are joining me in introducing this bill today, and I thank them for the time and staff they have devoted to the effort. I look forward to working with them on this important legislation.

I ask unanimous consent that the Government for the 21st Century Act, along with the brief summary and section-by-section analysis, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2623

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

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Government for the 21st Century Act of 1998''.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of this Act is to reduce the cost and increase the effectiveness of the Federal Government by reorganizing departments and agencies, consolidating redundant activities, streamlining operations, and decentralizing service delivery in a manner that promotes economy, efficiency, and accountability in Government programs. This Act is intended to result in a Federal Government that—

(A) utilizes a smaller and more effective workforce;

(B) motivates its workforce by providing a better organizational environment; and

(C) ensures greater access and accountability to the public in policy formulation and service delivery.

(2) SPECIFIC GOALS.—This Act is intended to achieve the following goals for improvements in the performance of the Federal Government by October 1, 2002:

(A) A restructuring of the cabinet and subcabinet level agencies.

(B) A substantial reduction in the costs of administering Government programs.

(C) A dramatic and noticeable improvement in the timely and courteous delivery of services to the public.

(D) Responsiveness and customer-service levels comparable to those achieved in the private sector.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) ''agency'' includes all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations; and

(2) ''private sector'' means any business, partnership, association, corporation, educational institution, nonprofit organization, or individuals.

SEC. 3. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Commission on Government Restructuring and Reform (hereafter in this Act referred to as the ''Commission'').

(b) DUTIES.—The Commission shall examine and make recommendations to reform and restructure the organization and operations of the executive branch of the Federal Government to improve economy, efficiency, effectiveness, consistency, and accountability in Government programs and services, and shall include and be limited to proposals to—

(1) consolidate or reorganize programs, departments, and agencies in order to—

(A) improve the effective implementation of their statutory missions;

(B) eliminate activities not essential to the effective implementation of statutory missions;

(C) reduce the duplication of activities among agencies; or

(D) reduce layers of organizational hierarchy and personnel where appropriate to improve the effective implementation of statutory missions and increase accountability for performance.

(2) improve and strengthen management capacity in departments and agencies (including central management agencies) to maximize productivity, effectiveness, and accountability;

(3) propose criteria for use by the President and Congress in evaluating proposals to establish, or to assign a function to, an executive entity, including a Government corporation or Government-sponsored enterprise;

(4) define the missions, roles, and responsibilities of any new, reorganized, or consolidated department or agency proposed by the Commission;

(5) eliminate the departments or agencies whose missions and functions have been determined to be—

(A) obsolete, redundant, or complete; or

(B) more effectively performed by other units of government (including other Federal departments and agencies and State and local governments) or by the private sector; and

(6) establish criteria for use by the President and Congress in evaluating proposals to privatize, or to contract with the private sector for the performance of, functions currently administered by the Federal Government.

(c) LIMITATIONS ON COMMISSION RECOMMENDATIONS.—The Commission's recommendations or proposals under this Act may not provide for or have the effect of—

(1) continuing an agency beyond the period authorized by law for its existence;

(2) continuing a function beyond the period authorized by law for its existence;

(3) authorizing an agency to exercise a function which is not already being performed by any agency;

(4) eliminating the enforcement functions of an agency, except such functions may be transferred to another executive department or independent agency; or

(5) adding, deleting, or changing any rule of either House of Congress.

(d) APPOINTMENT.—

(1) MEMBERS.—The Commissioners shall be appointed for the life of the Commission and shall be composed of nine members of whom—

(A) three shall be appointed by the President of the United States;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the minority Leader of the House of Representatives;

(D) two shall be appointed by the majority Leader of the Senate; and

(E) one shall be appointed by the minority Leader of the Senate.

(2) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under subsection (b).

(3) CHAIRMAN.—At the time the President nominates individuals for appointment to the Commission the President shall designate one such individual who shall serve as Chairman of the Commission.

(4) MEMBERSHIP.—A member of the Commission may be any citizen of the United States who is not an elected or appointed Federal public official, a Federal career civil servant, or a congressional employee.

(5) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this paragraph) shall be a special Government employee.

(6) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed within 90 days after the date of enactment of this Act.

(e) TERMS.—Each member shall serve until the termination of the Commission.

(f) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(g) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(h) PAY AND TRAVEL EXPENSES.—

(1) PAY.—

(A) CHAIRMAN.—Except for an individual who is chairman of the Commission and is otherwise a Federal officer or employee, the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the chairman is engaged in the performance of duties vested in the Commission.

(B) MEMBERS.—Except for the chairman who shall be paid as provided under subparagraph (A), each member of the Commission who is not a Federal officer or employee shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(2) TRAVEL.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) DIRECTOR.—

(1) APPOINTMENT.—The Chairman of the Commission shall appoint a Director of the Commission without regard to section 5311(b) of title 5, United States Code.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—

(A) DETAILS FROM AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(B) DETAILS FROM CONGRESS.—Upon request of the Director, a Member of Congress or an officer who is the head of an office of the Senate or House of Representatives may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this Act.

(C) REIMBURSEMENT.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(k) SUPPORT.—

(1) SUPPORT SERVICES.—The Office of Management and Budget shall provide support services to the Commission.

(2) ASSISTANCE.—The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(l) OTHER AUTHORITY.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(m) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(n) FUNDING.—There are authorized to be appropriated to the Commission $2,500,000 for fiscal year 1999, and $5,000,000 for each of fiscal years 2000 and 2001 to enable the Commission to carry out its duties under this Act.

(o) TERMINATION.—The Commission shall terminate no later than September 30, 2001.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) PRESIDENTIAL RECOMMENDATIONS.—No later than July 1, 1999, the President may

submit to the Commission a report making recommendations consistent with the criteria under section 3 (b) and (c). Such a report shall contain a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(b) IN GENERAL.—No later than December 1, 2000, the Commission shall prepare and submit a single preliminary report to the President and Congress, which shall include—

(1) a description of the Commission's findings and recommendations, taking into account any recommendations submitted by the President to the Commission under subsection (a); and

(2) reasons for such recommendations.

(c) COMMISSION VOTES.—No legislative proposal or preliminary or final report (including a final report after disapproval) may be submitted by the Commission to the President and Congress without the affirmative vote of at least 6 members.

(d) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information expeditiously, or no later than 15 calendar days or such other time agreed upon by the requesting and requested parties.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.

(a) PRELIMINARY REPORT AND REVIEW PROCEDURE.—Any preliminary report submitted to the President and Congress under section 4(b) shall be made immediately available to the public. During the 60-day period beginning on the date on which the preliminary report is submitted, the Commission shall announce and hold public hearings for the purpose of receiving comments on the reports.

(b) FINAL REPORT.—No later than 6 months after the conclusion of the period for public hearing under subsection (a), the Commission shall prepare and submit a final report to the President. Such report shall be made available to the public on the date of submission to the President. Such report shall include—

(1) a description of the Commission's findings and recommendations, including a description of changes made to the report as a result of public comment on the preliminary report;

(2) reasons for such recommendations; and

(3) a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(c) EXTENSION OF FINAL REPORT.—By affirmative vote pursuant to section 4(c), the Commission may extend the deadline under subsection (b) by a period not to exceed 90 days.

(d) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—

(A) PRESIDENTIAL ACTION.—No later than 30 calendar days after receipt of a final report under subsection (b), the President shall approve or disapprove the report.

(B) PRESIDENTIAL INACTION.—

(i) IN GENERAL.—If the President does not approve or disapprove the final report within 30 calendar days in accordance with subparagraph (A), Congress shall consider the report in accordance with clause (ii).

(ii) SUBMISSION.—Subject to clause (i), the Commission shall submit the final report, without further modification, to Congress on the date occurring 31 calendar days after the date on which the Commission submitted the final report to the President under subsection (b).

(2) APPROVAL.—If the report is approved, the President shall submit the report to Congress for legislative action under section 6.

(3) DISAPPROVAL.—If the President disapproves a final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 calendar days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the President and to Congress.

SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''implementation bill'' means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the final report submitted to the Congress under section 5(d)(1)(B), (2), or (4), without modification; and

(2) the term ''calendar day'' means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which a final report is submitted to the Congress under section 5(d) (1)(B), (2), or (4), a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House with amendments proposed to be adopted. No such amendment may be proposed unless such proposed amendment is relevant to such bill.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 30th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth calendar day after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a motion to proceed to the consideration of the implementation bill. The motion is not debatable. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

(2) DEBATE.—In the Senate, no amendment which is not relevant to the bill shall be in order. A motion to postpone is not in order. A motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—At any time on or after the fifth calendar day after the date on which each committee of the House of Representatives to which an implementation bill is referred has reported that bill, or has been discharged under subsection (b)(3) from further consideration of that bill, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of that bill. All points of order against the bill, the consideration of the bill, and provisions of the bill shall be waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed 10 hours, to be equally divided and controlled by the Majority Leader and the Minority Leader, the bill shall be considered for amendment by title under the five-minute rule and each title shall be considered as having been read.

(2) AMENDMENTS.—Each amendment shall be considered as having been read, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent and a Member opposed thereto, except that the time for consideration, including debate and disposition, of all amendments to the bill shall not exceed 20 hours.

(3) FINAL PASSAGE.—At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(e) CONFERENCE.—

(1) APPOINTMENT OF CONFEREES.—In the Senate, a motion to elect or to authorize the appointment of conferees by the presiding officer shall not be debatable.

(2) CONFERENCE REPORT.—No later than 20 calendar days after the appointment of conferees, the conferees shall report to their respective Houses.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of any activities that have been eliminated, consolidated, or transferred to other departments or agencies.

(c) GAO OVERSIGHT.—The Comptroller General shall periodically report to Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation of any Act enacted under section 6.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

GOVERNMENT FOR THE 21ST CENTURY ACT—BRIEF SUMMARY

This legislation will reduce the cost and increase the effectiveness of the Federal government. It achieves this by establishing a commission to propose to Congress and the President a plan to bring the structure and operations of the Federal government in line with the needs of Americans in the next century.

Duties of the Commission: The Commission is authorized under this legislation to: Reorganize Federal departments and agencies, eliminate activities not essential to fulfilling agency missions, streamline government operations, and consolidate redundant activities.

The Commission would not be authorized to: Continue any agency or function beyond its current authorization, authorize functions not performed already by the Federal government, eliminate enforcement functions, and change rules of Congress.

Composition of the Commission: The Commission shall consist of 9 members appointed by the President and the Congressional Leadership of both parties. No more than 5 members can be affiliated with one party.

How the Commission Works: The process established in this legislation is bipartisan, allows input by the President, and is fully open and public.

1. The Commission Report: By July 1, 1999, the President may submit his recommendations to the Commission. By December 1, 1999, the Commission shall submit to the President and Congress a preliminary recommendations on restructuring the Federal Government. After a public comment period, the Commission shall prepare a final report and submit it to the President for review and comment.

2. Presidential Review and Comment: The President has 30 days to approve or disapprove the Commission's report. The Commission may or may not modify its report based on the President's comments, at its discretion, and shall issue its final report to Congress.

3. Congressional Consideration: The final report shall be introduced in both Houses by request and referred to the appropriate committee(s). After 30 days, the bills may be considered by the full House and Senate, and are subject to amendment.

Implementation: Once legislation effecting the Commission's recommendations is enacted, the Office of Management and Budget shall be responsible for implementing it, and the General Accounting Office shall report to Congress on the progress of implementation.

GOVERNMENT FOR THE 21ST CENTURY ACT OF 1998—SECTION BY SECTION ANALYSIS

SECTION 1. SHORT TITLE AND PURPOSE

This act may be known as the ''Government for the 21st Century Act of 1998.'' Its purpose is to reduce the cost and increase the effectiveness of the Executive Branch. It achieves this by creating a commission to propose to Congress and the President a plan to reorganize departments and agencies, consolidate redundant activities, streamline operations, and decentralize service delivery in a manner that promotes economy, efficiency, and accountability in government programs.

SECTION 2. DEFINITIONS

This section defines ''agency'' as all Federal departments, independent agencies, government-sponsored enterprises and government corporations, and defines ''private sector'' as any business, partnership, association, corporation, educational institution, nonprofit or individual.

SECTION 3. THE COMMISSION

This section establishes a commission, known as the Commission on Government Restructuring and Reform, to make recommendations to reform and restructure the executive branch. The Commission shall make proposals to consolidate, reorganize or eliminate executive branch agencies and programs in order to improve effectiveness, efficiency, consistency and accountability in government. The Commission shall also recommend criteria by which to determine which functions of government should be privatized. The Commission may not propose to continue agencies or functions beyond their current legal authorization, nor may the Commission propose to eliminate enforcement functions of any agencies or change the rules of either House of Congress.

The Commission shall be composed of 9 members appointed by the President, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives.

The Commission shall be managed by a Director and shall have a staff, which may include detailees. The Office of Management and Budget shall provide support services and the Comptroller General may provide assistance to the Commission.

This section also authorizes $2.5 million to be appropriated in fiscal years 1999 and $5 million for fiscal years 2000 and 2001 for the Commission to carry out its duties, and states that the Commission shall terminate no later than September 30, 2001.

SECTION 4. PROCEDURES FOR MAKING RECOMMENDATIONS

By July 1, 1999, the President may submit his recommendation on government reorganization to the Commission. The President's recommendation must be consistent with the duties and limitations given to the Commission in formulating its recommendations by this act and must be transmitted to the Commission as a single legislative proposal.

By December 1, 1999, the Commission shall prepare and submit a single preliminary report to the President and Congress. That report must include a description of the Commission's findings and recommendations and the reasons for such recommendations. This proposed must be approved by at least 6 members of the Commission.

This section also provides that all Federal departments and agencies must cooperate fully with all requests for information from Commission.

SECTION 5. PROCEDURES FOR IMPLEMENTATION OF REPORTS

This section provides that any preliminary report submitted to the President and the Congress under Section 4 be made available immediately to the public. During the 60-day period after the submission of the preliminary report, the Commission shall hold public hearings to receive comments on the report.

Six months after the conclusion of the period for public comments, the Commission shall submit a final report to the President. This report shall be made available to the public, and shall include a description of the Commission's findings and recommendations, the reasons for such recommendations, and a single legislative proposal to implement the recommendations.

The President shall then approve or disapprove the report within 30 days. If he fails to act, after 30 days the report is immediately submitted to Congress. If the President approves the report, he than shall submit the report to Congress for legislative action under Section 6.

If he disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress. For 30 days after the President disapproves a report, the Commission may consider any issues and objections raised by the President and may modify the report on these issues and objections. After 30 days, the Commission must submit its final report (as modified if modified) to the President and Congress.

SECTION 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS

After a final report is submitted to the Congress, the single implementation bill shall be introduced by request in the House and Senate by the Majority and Minority Leaders in each chamber or their designees.

This section stipulates that the implementation bill be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. Each committee must report the bill to its respective House chamber within 30 days with relevant amendments proposed to be adopted. If a committee fails to report such bill within 30 days, that committees is immediately discharged from further consideration, and the bill is placed on the appropriate calendar.

Section 6(c) outlines procedures for Senate floor consideration of legislation implementing the Commission's recommendation. On or after the fifth calendar day after the date on which the implementation bill is placed on the Senate calendar, any Senator may make a privileged motion to consider the implementation bill. Only relevant amendments shall be in order, and motions to postpone, recommit, or reconsider the vote by which the bill is agreed to are not in order.

Section 6(d) outlines procedures for House floor consideration of legislation implementing the Commission's recommendations.

General debate on the implementation bill is limited to 10 hours equally divided in the House, and controlled by the Majority and Minority Leaders. Amendments shall be considered by title under the five minute rule, and shall be debatable for 30 minutes equally divided. Debate on all amendments shall not exceed 20 hours.

This section further states that within 20 calendar days, conferees shall report to their respective House.

SECTION 7. IMPLEMENTATION

The Office of Management and Budget shall have primary responsibility for implementing the Commission's report and any implementation legislation that is enacted, unless otherwise specified in the implementation bill.

Federal departments and agencies are required to include a schedule for implementation of the provisions of the implementation as a part of their annual budget request.

GAO is given oversight responsibility and is required to report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SECTION 8. DISTRIBUTION OF ASSETS

Any proceeds from the sale of assets of any department or agency resulting from the implementation legislation shall be applied to the Federal deficit and deposited in the Treasury and treated as general receipts.●

● Mr. BROWNBACK. Mr. President, I am pleased to join Senator THOMPSON in introducing the Government for the 21st Century Act of 1998. Both majority and minority members of the Senate Governmental Affairs Committee have been working on this legislation throughout this Congress and have come to agreement to introduce this important bill.

The Government for the 21st Century Act would establish a commission to propose to Congress and the President a plan to reduce the cost and increase the effectiveness of the Federal government by bringing its structure and operations in line with the needs of America in the next century. The commission would consist of nine members appointed by the President and the congressional leadership of both parties.

The President may submit his recommendations to the Commission by July 1, 1999. By December 1, 1999, the Commission shall submit to the President and Congress preliminary recommendations on restructuring the Federal government. After a public comment period, the Commission will prepare a final report to the President. Legislation based on the final report would be introduced in both Houses and referred to the appropriate committee of jurisdiction. The bill would be considered by both Houses after 30 days. Once the legislation is signed into law, the Office of Management and Budget would be responsible for implementation.

The Commission would reinforce our work to maintain a balanced budget. Good government must have agencies that operate efficiently and effectively within their core mission and within their budget. We have achieved one goal of operating within a balanced budget but we must continue to work towards the other. Even under a balanced budget and a budget surplus, inefficiencies and rising costs remain in the Federal government. A balanced budget and a budget surplus does not preclude the Federal government from being accountable to the American people. The Government for the 21st Century Act would see to it that the Federal government will continue to be accountable.●

By Mr. DOMENICI:

S. 2624. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in the rural areas, and for other purposes; to the Committee on Labor and Human Resources.

THE RURAL EMPLOYMENT IN TELECOMMUNICATIONS INDUSTRY ACT OF 1998

Mr. DOMENICI. Mr. President, today, with great pleasure, I introduce ''The Rural Employment in Telecommunications Industry Act of 1998.''

The introduction of this Bill marks a historic opportunity for rural communities to create jobs within the telecommunications industry. The Bill establishes a program to train residents of low income rural areas for employment in telecommunications industry jobs located in those same rural areas.

As many of my colleagues know, I have an initiative called ''rural payday'' and I believe this Bill is yet another step in creating jobs for our rural areas. All too often a rural area is characterized by a high number of low income residents and a high unemployment rate.

Moreover, our rural areas are often dependent upon a small number of employers or a single industry for employment opportunities. Consequently, when there is a plant closing or a downturn in the economy or a slowdown in the area's industry the already present problems are only compounded. Mr. President, I would like to take a moment and talk about New Mexico.

While New Mexico may be the 5th largest state by size with its beautiful mountains, desert, and Great Plains and vibrant cities such as Albuquerque, Santa Fe, and Las Cruces it is also a very rural state. The Northwest and Southeast portions of the state are currently experiencing difficulties as a result of the downturn in the oil and gas industry. Additionally, the community of Roswell has been dealt a blow with the closing of the Levi Straus manufacturing plant.

As I stated before, rural areas that simply do not have the resources of more metropolitan areas can be simply devastated by a single event or downturn in the economy. And that Mr. President is why I am introducing ''The Rural Employment in Telecommunications Industry Act of 1998.''

The Bill will allow the Secretary of Labor to establish a program to promote rural employment in the telecommunications industry by providing grants to states with low income rural areas. The program will be a win win proposition for all involved because employers choosing to participate in the project by bringing jobs to the rural area will be assured of a highly skilled workforce.

The program will provide residents with intensive services to train them for the new jobs in the telecommunications industry. The intensive services will include customized training and appropriate remedial training, support services and placement of the individual in one the new jobs created by the program.

And that is what this bill is about, providing people with the tools needed to succeed. With these steps we are embarking on the road of providing our rural areas throughout our nation with a vehicle to create jobs. We are creating opportunities and an environment where our citizens can succeed and our communities can be vibrant.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2684

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 ''Rural Employment in Telecommunications Industry Act of 1998.''

SEC. 2. DEFINITIONS.

In this Act:

(1) DISLOCATED WORKER; LOW-INCOME INDIVIDUAL.—The terms ''dislocated worker'' and ''low-income individual'' have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) LOW-INCOME RURAL AREA.—The term ''low-income rural area'' means a county that—

(A) has a 1996 population of not less than 60,000 and not more than 105,000 persons;

(B) contains a municipality with a 1996 population of not less than 35,000 and not more than 50,000 persons;

(C) has a land area of not less than 5,500 and not more than 6,100 square miles;

(D) has a population density of not less than 10 and not more than 20 persons per square mile;

(E) has a 1996 per capita income that is—

(i) not less than $16,000 and not more than $16,500; and

(ii) not less than 86 and not more than 88 percent of the statewide per capita income for the State in which the county is located; or

(F) is a county no part of which is—

(i) within an area designated as a standard metropolitan statistical area by the Director of the Office of Management and Budget; or

(ii) within an area designated as a metropolitan statistical area by the Director of the Office of Management and Budget; or

(G)(i) is experiencing a significant contraction in the oil and natural gas exploration and development industry;

(ii) experienced a plant closing within 1 year before the date of enactment of this Act that significantly impacted the county; or

(iii) is in close proximity to an Indian reservation, as determined by the Bureau of Indian Affairs.

(3) INTENSIVE SERVICES.—The term ''intensive services'' means services described in section 134(d)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(3)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(5) STATE.—The term ''State'' means 1 of the several States.

SEC. 3. RURAL EMPLOYMENT IN THE TELECOMMUNICATIONS INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to promote rural employment in the telecommunications industry. In carrying out the program, the Secretary shall make grants to States for projects described in subsection (b).

(b) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the funds made available through the grant to carry out a State telecommunications employment and training project. In carrying out the project, the State shall—

(1) train eligible individuals for new telecommunications industry jobs that will be located in low-income rural areas pursuant to arrangements with employers participating in the project, including ensuring that individuals receive—

(A) intensive services;

(B) customized training and appropriate remedial training described in paragraphs (2) and (3) of section 4; and

(C) appropriate supportive services; and

(2) arrange for the employment of the individuals in the telecommunications industry jobs.

(c) ELIGIBLE PARTICIPANTS.—To be eligible to participate in a project described in subsection (a), an individual shall be—

(1) a resident of a low-income rural area;

(2)(A) a low-income individual;

(B) a dislocated worker from the oil and natural gas exploration and development industry;

(C) an out-of-school youth;

(D) an individual with a disability, as defined in section 101 of the Workforce Investment Act of 1998;

(E) an individual who is receiving, or who has received within the past year, assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or other public assistance;

(F) a veteran, as defined in section 101 of the Workforce Investment Act of 1998;

(G) a displaced homemaker, as defined in section 101 of the Workforce Investment Act of 1998;

(H) an older individual, as defined in section 101 of the Workforce Investment Act of 1998;

(I) a homeless individual;

(J) an individual eligible to participate in activities carried out under section 166 of the Workforce Investment Act of 1998;

(K) an individual eligible to participate in employment and training activities under section 134 of the Workforce Investment Act of 1998;

(L) a long-term unemployed individual; or

(M) an individual with multiple barriers to employment; and

(3) an individual who has been assessed by the entity carrying out the project and determined to need intensive services.

(d) LIMITATION.—The Secretary shall make the grants to not more than 3 States.

SEC. 4. APPLICATION AND STATE PLAN.

(a) CONTENTS.—To be eligible to receive a grant under this Act, a State shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require, including a State plan that includes—

(1) information demonstrating how the project will train and employ eligible individuals, including individuals described in subparagraphs (C) through (M) of section 3(c)(2);

(2) an assurance that the project will include a customized training program for the customer service and supervisory competencies needed in the telecommunications industry jobs to be located in the low-income rural areas served;

(3) an assurance that the project will include appropriate remedial training in such areas as reading, writing, math, and English as a second language for eligible individuals who the entity carrying out the project assesses and determines need such training;

(4) includes information describing linkages, including linkages relating to providing supportive services for participants in and graduates of the project, between—

(A) the entity carrying out the project; and

(B) one-stop operators (as defined in section 101 of the Workforce Investment Act of 1998), one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998), State workforce investment boards established under section 111 of such Act, and local workforce investment boards established under section 117 of such Act;

(5) information identifying certification criteria for individuals who successfully complete the training;

(6) an assurance that employers participating in the project will make available contributions to the costs of assessing and training participants in the project including those participants who are not eligible individuals described in subparagraph (c) for the new telecommunications jobs in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant;

(7)(A) an assurance that the project will include an appropriate performance assessment program that will measure—

(i) the rate of completion of the training by participants in the training;

(ii) the percentage of the participants who obtain unsubsidized employment;

(iii) the wages of the participants at placement in the employment; and

(iv) the percentage of the participants retained in the employment after 6 months of employment; and

(B) an assurance that the entity carrying out the project will annually submit to the Secretary the results of the performance assessment program; and

(8)(A) information explaining how the activities carried out through the project are linked to State economic development activities; and

(B) information describing commitments from private sector employers to locate new telecommunications jobs and facilities within the low-income rural areas to be served, including commitments to provide any needed upgrade in the telecommunications infrastructure.

(b) ACCEPTANCE OF APPLICATIONS.—The Secretary shall accept applications submitted under subsection (a) not later than 90 days after the date of enactment of this Act.

(c) EVALUATION OF APPLICATIONS.—The Secretary shall evaluate, and approve or reject, each application submitted under subsection (a) that meets the criteria described in subsections (a) and (b) not later than 60 days after submission of the application.

(d) PRIORITY.—In determining which States receive grants under subsection (a), the Secretary will give priority to a State submitting a State plan describing a project that—

(1) will serve an area of high unemployment;

(2) will serve an area with a significant bilingual population;

(3) will serve an area with a significant minority population, including Native Americans;

(4) will serve an area with a high percentage of youth who have failed to complete secondary school;

(5) will serve an area significantly impacted by the contraction of the oil and natural gas exploration and development industry;

(6) will serve an area significantly impacted by recent plant closings; or

(7) is designed to create 1,000 or more new jobs within 2 years of the commencement of the training.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 1999 through 2003.

In the RECORD of October 9, 1998, on page S12187 the following statement of Mr. KERREY to accompany his introduced bill. S. 2613, was incorrectly attributed to Mr. KERREY. The permanent RECORD will be corrected to reflect the following:

By Mr. KERREY:

S. 2613. A bill to accelerate the percentage of health insurance costs deductible by self-employed individuals through the use of revenues resulting from an estate tax technical correction; to the Committee on Finance.

HEALTH CARE DEDUCTIBILITY LEGISLATION

Mr. KERREY. Mr. President, I have a very simple proposition for the Senate. Let's close an accidental tax loophole for the heirs of people who leave estates worth more than $17 million and use the savings to help self-employed Americans—like the thousands of entrepreneurs on Nebraska's farms and ranches—afford the soaring cost of health care.

Today I am submitting legislation to accomplish that purpose.

The facts are very simple. Prior to 1997, when we passed the 1997 Balanced Budget Agreement, the first $600,000 of an estate was excluded from taxes. The old law gradually phased out this exclusion once an estate reached $17 million. The 1997 Act increases the value of an estate not subject to taxes. But a drafting error in the 1997 Balanced Budget Agreement failed to include the accompanying phase out of the exclusion on estates over $17 million.

Clearly this error needs to be fixed. Letting this mistake stand uncorrected will cost the American taxpayers nearly $900 million over the next ten years. To give you an idea of how much this provision does to benefit the few, consider that in 1995, the Internal Revenue Service estimates that just 300 tax returns were filed on estates over $20 million.

Congress had the opportunity to correct this error during consideration of the IRS Reform bill this year. Regrettably, the objections of a few to making this right overcame the support of the many for doing so.

Meanwhile, Mr. President, self-employed Americans are struggling to cope with the rising cost of health insurance, which they—unlike Americans employed by others—cannot fully deduct from their taxable income. The face of their struggle is most evident on farms and ranches. In Nebraska, producers are facing plunging commodity prices at the same time they face soaring costs of living, especially for

health insurance. Today they can deduct 40 percent of the cost of their insurance. Under current law, they cannot fully deduct that cost until 2007.

So, my proposal is simple. Let's close the loophole that everyone admits was an accident, and use that money to accelerate the full deductibility of health insurance for the self-employed. It's a clear choice between a loophole that nobody wanted to exist and entrepreneurs who—especially those on our farms and ranches—may not exist much longer if we don't get them some help.

While I recognize time is short for passing this bill this year, I urge my colleagues to join me in supporting this legislation and in pursuing this goal next year.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998—S. 2616

Statements on the bill, S. 2616, introduced on October 9, 1998, did not appear in the RECORD. The material follows:

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. JEFFORDS, Mr. DOMENICI, Ms. COLLINS, Mr. BAUCUS, Mr. D'AMATO, Mr. BRYAN, Mr. HATCH, Mr. KERREY, Mr. ROCKEFELLER, Mr. NICKLES, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, and Mr. MURKOWSKI):

S. 2616. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the medicare program; to the Committee on Finance.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. ROTH. Mr. President, I rise to introduce the Medicare Home Health Fair Payment Act of 1998.

This legislation is the product of a great deal of hard work and analysis. It has bipartisan, bicameral, support. Currently, the bill has 15 cosponsors, and similar legislation was introduced in the House of Representatives.

Staff worked to make sure that the technical aspects of this bill could be implemented. After technical review from the Health Care Financing Administration, it is our understanding that the changes in home health payments could be implemented as intended.

I would like to thank the many Senators who were very helpful and contributed to the debate of addressing the home health interim payment system. In particular, I commend Senator COLLINS, Senator GRASSLEY, Senator BREAUX, Senator COCHRAN, and Senator BOND. All put forward legislative proposals which we examined closely, and which helped us in our development of the legislation now before us.

With this budget neutral proposal, about 82% of all home health agencies in the nation will benefit from improved Medicare payments. Although I have heard concerns that we do not go far enough to help some of the lowest cost agencies, it is an important step in the right direction. In fact, we have received letters of support from the Visiting Nurse Associations of America and the National Association for Homecare.

Let's remember where we were before the Balanced Budget Act of 1997. Home health spending was growing by leaps and bounds, cases of fraud and abuse were common, and the Medicare program was headed towards bankruptcy in 2003.

Last year, Medicare spent $17 billion for 270 million home health care visits so that one out of every ten beneficiaries received care at home from a nurse, a physical or occupational therapist, and/or a nurse aide.

Unlike any other Medicare benefit, the home health benefit has no limits on the number of visits or days of care a beneficiary can receive, beneficiaries pay no deductible, nor do they pay any co-payments.

Prior to BBA, home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. This payment system gave immense incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program.

From 1989 to 1996, Medicare home health payments grew with an average annual increase of 33 percent, while the number of home health agencies swelled from about 5,700 in 1989 to more than 10,000 in 1997.

In response to this rapid cost growth and concerns about program abuses, the BBA included a number of changes to home health care. Congress and the Administration supported moving toward a Prospective Payment System (PPS). In order for HCFA to move to a PPS, however, a number of computer system changes were necessary with respect to their home health operations. The interim payment system (IPS) was developed to manage reimbursement until the PPS could be implemented.

Significant Medicare payment issues for home health care have emerged from our analysis from the impact of the IPS. There are severe equity issues in payment limit levels both across states and within states. These wide disparities are exacerbated by a major distinction drawn in payment rules between so-called "new" versus "old" agencies. "Old" agencies being those that were in existence prior to 1993, and "New" agencies those in existence since then.

The effects of the current home health payment methodology are that similar agencies providing similar services in the same community face very different reimbursement limits, leading to highly arbitrary payment differences.

The payment limit issues will deepen significantly more in 1999 due to a scheduled 15% cut in already tight and severely skewed payment limit levels. Further, the prospective payment system scheduled to go on-line in October, 1999, will be delayed by several months to one year, because of year 2000 computer programming problems, according to the Health Care Financing Administration.

This legislation takes several steps to improve the Medicare home health care IPS and addresses the 15% cut.

First, it increases equity by reducing the extreme variations in payment limits applicable to old agencies within states and across states. This is achieved through a budget-neutral blend for "old" agencies.

Second, it increases fairness by reducing the artificial payment limit differences between "old" and "new" agencies. Such distinctions are contributing to the perception of arbitrariness in the home health care system. And, our proposal does not create additional classes of home health agencies, such as "new-new" agencies subject to even deeper, arbitrary payment limits in the future. Restricting new entrants to home health care is an inappropriate barrier to entry in underserved areas—both in rural and inner city areas. In the legislation, greater fairness is achieved by eliminating the 2 percent discount applicable to new agencies, and raising the per visit limits for all agencies from 105 percent to 110 percent of the national median.

Third, the proposal lengthens the transition period for payment changes by providing all agencies a longer transition period in which to adjust to changed payment limits. It creates a sustainable fiscal base for the statutorily mandated prospective payment system (PPS) by delaying the scheduled 15 percent cut and the PPS for one year.

The following is a summary of the Medicare Home Health Fair Payment Act of 1998:

PER BENEFICIARY LIMITS

1. "Old" agency: payment is a blended formula equal to 50 percent BBA policy + 50 percent (50 percent national mean + 50 percent regional mean); and

2. "New" agency: payment is increased by 2 percent to equal 100 percent of the national median, (which continues to be regionally adjusted for wages).

PER VISIT LIMITS

3. Increase the per visit limits from 105 percent to 110 percent of the median.

DELAY BOTH THE 15 PERCENT ACROSS-THE-BOARD CUTS AND THE PPS

4. Delay of the 15 percent across-the-board cuts in payment limits and the implementation of the prospective payments system now scheduled to take effect on October 1, 1999.

DESCRIPTION OF OFFSET POLICIES

1. Reduce the home health care annual market basket (MB) in the following manner: for fiscal year 2000 it is MB minus 0.5 percentage point; for FY 2001 it is MB minus 0.5 percentage point; for FY 2002 and FY 2003 it is full MB; and in FY 2004 it is MB plus 1.0 percentage point. Savings of $300 million over 5 years.

2. Non-Controversial Revenue Raisers—Revenues of $406 million over 5 years.

a. Math Error Procedures—This provision would clarify the math error procedures that the IRS uses.

b. Rotavirus Vaccine—This provision will add an excise tax of 75 cents on a vaccine against rotavirus gastroenteritis, a highly contagious disease among young children.

c. Modify Net Operating Loss Carryback Rules—Certain liability losses can be carried back over ten years. This provision would clarify the types of losses that qualify for the 10-year carryback.

d. Non-Accrual Based Method—This provision would limit the use of the non-accrual experience method of accounting to amounts received for the performance of certain professional services.

e. Information Reporting—This provision requires reporting on the cancellation of indebtedness by non-bank institutions.

3. Budget Pay-Go surplus for remaining offset.

At the beginning of my statement, I recognized my colleagues for their leadership on this issue. Now, I would like to especially thank the staff involved for their hard work and dedication to the completion of this bill. This represented a herculean task on their behalf. In particular, I would like to recognize the principal staff involved who spent many long hours putting the details of this package together, they are Gioia Brophy and Kathy Means of my staff; Katie Horton and David Podoff from Finance Minority staff; Louisa Buatti and Scott Harrison of the Medicare Payment Advisory Commission; Tom Bradley and Cyndi Dudzinski of the Congressional Budget Office; Jennifer Boulinger and Ira Bernie of the Health Care Financing Administration; John Goetchus of Senate Legislative Counsel; and Richard Price of the Congressional Research Service.

Mr. President, I ask unanimous consent that letters of support from the Visiting Nurse Association of America and the National Association of Homecare be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VISITING NURSE ASSOCIATIONS OF AMERICA,
Boston, MA, October 10, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: The Visiting Nurse Associations of America (VNAA) deeply appreciates your efforts to craft a solution to the problems caused by the Medicare home health interim payment system for our members and other cost effective home health agencies. Urgent action is needed before Congress adjourns to provide relief to these agencies to assure that they can continue to care for their Medicare patients.

We understand that one barrier to action has been the difficulty in finding acceptable funding offsets to the modest Medicare spending required to achieve a workable package. We have been advised that the Finance Committee is currently considering an adjustment to future home health market baskets that would generate approximately $300 million in new Medicare savings to offset in part the cost of the one year delay in the automatic 15% reduction in home health payments now scheduled for October 1, 1999. Specifically, VNAA understands that this proposal would reduce the market basket index in 2000 and 2001 by 0.5 percentage point. In 2002 and 2003 the full market basket index would be used, and in 2004 the market basket would be increased by one percentage point.

VNAA strongly supports the delay in the 15% cut and supports the adjustment to future home health market baskets as a needed partial offset to the cost of that important action.

VNAA hopes that its support for this offset will facilitate quick action by the Senate. If there are any questions about our position, please contact our Washington Representative, Randy Fenninger, at 202–833–0007, Ext. 111.

Thank you for your continued efforts on behalf of cost effective home health agencies and their patients.

Sincerely,

CAROLYN MARKEY,
President and CEO.

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, October 7, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Chair, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: The National Association for Home Care (NAHC) is the largest home care organization in the nation, representing all types of home health agencies and the patients they serve. We have had continuing concerns over the past year regarding the effects of the home health provisions of the Balanced Budget Act of 1997, particularly by the interim payment system (IPS).

We are pleased that you and other members of the Senate Finance Committee have shown the leadership to develop a package of IPS refinements that will help to ease some of the most pressing problems of the new payment system. We are particularly grateful for your inclusion of a one-year delay of the 15 percent reduction that is currently scheduled for October 1, 1999. While there remain a number of important issues relating to the IPS that we believe must be addressed in the 106th Congress, your proposal will make a meaningful difference in helping agencies to remain open and to serve Medicare beneficiaries throughout the nation.

Many thanks for all of your efforts. We look forward to working with you, members of the House of Representatives, and others in developing additional relief legislation early next year.

Sincerely,

VAL J. HALAMANDARIS,
President.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished Chairman, Senator ROTH, and other colleagues in introducing a bill to improve the home health interim payment system.

Prior to the Balanced Budget Act of 1997 (BBA), home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. That payment system provided incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program. From 1989 to 1996, Medicare home health payments grew at an average annual rate of 33 percent, while the number of home health agencies increased from about 5,700 in 1989 to more than 10,000 in 1997.

In order to constrain the growth in costs and usage of home care, the BBA included provisions that would establish a Prospective Payment System (PPS) for home health care, a method of paying health care providers whereby rates are established in advance. An interim payment system (IPS) was also established while the Health Care Financing Administration works to develop the PPS for home health care agencies.

The home health care industry is dissatisfied with the IPS. The resulting concern expressed by many Members of Congress prompted us to ask the General Accounting Office (GAO) to examine the question of beneficiary access to home care. While the GAO found that neither agency closures nor the interim payment system significantly affected beneficiary access to care, I remain concerned that the potential closure of many more home health agencies might ultimately affect the care that beneficiaries receive, particularly beneficiaries with chronic illness.

The bill we are introducing today adjusts the interim payment system to achieve equity and fairness in payments to home health agencies. It would reduce extreme variations in payment limits applicable to old agencies within states and across states and would reduce artificial payment level differences between ''old'' and ''new'' agencies. The bill would provide all agencies a longer transition period in which to adjust to changed payment limits.

Clearly, since the bill may not address all the concerns raised by Medicare beneficiaries and by home health agencies, we should revisit this issue next year. A thorough review is needed to determine whether the funding mechanism for home health is sufficient, fair and appropriate, and whether the benefit is meeting the needs of Medicare beneficiaries.

America's home health agencies provide invaluable services that have given many Medicare beneficiaries the ability to stay home while receiving medical care. An adjustment to the interim payment system and delay in further payment reductions will enable home health agencies to survive the transition into the prospective payment system while continuing to provide essential care for beneficiaries.

Mr. GRASSLEY. Mr. President, I am pleased to cosponsor the Medicare Home Health Fair Payment Act of 1998, which is a first step toward addressing the crisis in Medicare home health care. This is not a perfect bill, but it's a good bill, and it is the best we can do at this moment in time. And it's a good example of the Senate listening to the American people. Let's pass it right now.

The Senate Special Committee on Aging, which I chair, highlighted the problems with the home health Interim Payment System (IPS) in a hearing on March 31st of this year. For more than six months since that day, I have been working to find a solution to these problems, because I believe that it's Congress' responsibility. It's true that the IPS legislation was primarily HCFA's product. And HCFA's implementation of the IPS has been questionable in many respects. But even if

HCFA proposed it, there's no denying that Congress passed the IPS. So I have argued all year that it is incumbent on Congress to fix what's wrong with it, this year.

What's wrong with the IPS? In short, it bases payment on an individual home health agency's historical costs from Fiscal Year 1994. That means that if the agency had high costs per patient in that year, it can receive relatively high payment this year. That would be fine if HCFA knew that the agency had sicker patients this year, but the sad truth is that HCFA has no idea. So IPS has been a windfall for some agencies, but crushing for agencies with low historical costs. We have a lot of those in Iowa, where we still know the value of a dollar. Many of those hit hardest are the ''little guys,'' the small businesses that are the lifeblood of the program in rural areas.

For months, I have worked with a bipartisan group of Finance committee members, including especially Senators BREAUX, BAUCUS, and ROCKEFELLER, on fixing IPS. In July we introduced the product of those efforts, the Home Health Access Preservation Act, and that bill clearly influenced the new Finance bill. I thank Chairman ROTH and his fine staff for their willingness to work with us to find a viable approach. In the final months of this session, they have really gone the extra mile.

Now, this bill doesn't give anyone everything that they want. Senators ROTH and MOYNIHAN rightly focused on creating something that could actually pass this year, and so the bill is a product of compromise. One of the key features is that the bill is paid for, so that it will not add another burden onto the already-burdened Medicare Part A trust fund. The offsets used are fair ones, and should not be controversial.

I am familiar with the bill the House is voting on today. Should both bills be passed, with all due respect to my House colleagues, I urge them to recede to the Senate bill in conference. I have worked on this issue a long time, and I don't believe this bill can be improved upon.

Mr. President, this bill will not satisfy everyone. It's a compromise, and in fact, it likely will not fully satisfy anyone. But it's the right thing to do, because it will help to keep some of our good home health providers around for another year, so they can make sure our seniors get home care when they need it.

Mr. BREAUX. Mr. President, I rise today in support of the Medicare Home Health Fair Payment Act of 1998. This is an issue that I have worked on for several months with Senator GRASSLEY and other Members of the Senate and I am pleased that the Senate has addressed this issue before adjourning.

I am the first to admit that there is too much fraud, waste, and abuse in Medicare's home health benefit and there is probably no other state where the problem is more pronounced than Louisiana. Every graph I see on home health shows Louisiana off the charts—Louisiana has the highest per beneficiary spending in the country; we have more visits per patient than any other state in the country; Louisiana represents 5.2% of all Medicare home health visits even though only 2.3% of Medicare beneficiaries live in the state. There are 466 home health agencies in Louisiana—we have more home health agencies than McDonalds in the state. So I know firsthand that there are problems with home health and that states like Louisiana could afford a reduction in the number of agencies. The problem is that the interim payment system crafted by Congress and the Administration last year is causing the wrong agencies to go out of business.

It is clear that the IPS has had serious unintended consequences. In Louisiana and other states, the interim payment system has for the most part rewarded inefficient providers and forced many low-cost, efficient agencies out of the program. For example, you could have one agency with a per beneficiary limit of $12,000 competing with another agency down the street with a per beneficiary limit of $4,000. What we did with IPS is essentially put that $4,000 agency at such a competitive disadvantage that there is no way it can stay in business.

When we finally move home health to prospective payment, it is critical that some low-cost providers be in business to treat patients who need home care. The Grassley-Breaux bill that we introduced several months ago tried to level the playing field by bringing the very high cost providers down while raising the reimbursement for low cost providers. This reflects what will happen under prospective payment when all providers will essentially be paid the same amount for treating the same kind of patient. We also eliminated the distinction between old and new providers in an attempt to further level the playing field. To ensure that high cost patients would still have access to home health, the Grassley-Breaux bill included an outlier policy so that home health agencies would not turn high cost patients away.

The interim payment reform proposal put forward by Senators ROTH and MOYNIHAN is an important first step towards fixing IPS and I applaud the bipartisan approach the Senate used in arriving at this proposal. I think most members would argue that much more needs to be done and I would agree. I am hearing from many home health agencies in Louisiana that this bill will only be of marginal help to the state but that it is important that something get done this year. As is the case with most things we do around here, particularly in the waning hours of this Congress, getting something is better than getting nothing. I am pleased that there is a bipartisan commitment by the Senate Finance Committee to revisit this issue next year and take a much more comprehensive look at the home health benefit. It is imperative that the Congress address this issue again next year since this proposal represents only a temporary fix. But it is an important one. The Senate bill:

(1) Institutes a new blend for old agencies to increase reimbursements to low-cost agencies and reduce payments to very high-cost agencies. This will begin to level the playing field and prepare all providers for prospective payment. While the Senate proposal narrows the discrepancy between old and new agencies, I think much more needs to be done to restore equity to the program.

(2) Slightly increases payments to so-called ''new'' agencies, those in business since 1994. While in Louisiana this will only mean about an extra $52 per patient per year, it is important to recognize that new agencies need some relief.

(3) Increases the per visit cost limits from 105% of the national median to 110% of the national median.

(4) Most importantly, the Senate proposal delays the across-the-board 15% reduction that is currently scheduled for October 1, 1999. HCFA was originally required to institute a prospective payment system for home health agencies by October 1 of next year. Because of the Y2K problem, HCFA is now anticipating that it will not have PPS in place until April 1, 2000. Delaying the automatic 15% reduction in payments to home health agencies will ensure that the agencies aren't punished for HCFA's inability to implement PPS in a timely manner.

The goal of this bill is to fix some of the problems created in the BBA. Again, it is certainly only a first step—there is still much more that needs to be done and I am hopeful that the 106th Congress will revisit this issue to ensure that Medicare beneficiaries continue to have access to this very important benefit.

I urge my colleagues to support this bipartisan measure. It may not be everything everyone wants, but it certainly is better than doing nothing this year and it provides much-needed temporary relief to home health agencies across the country.

Mr. JEFFORD. Mr. President, today, I am very pleased to join in introducing the Medicare Home Health Fair Payment Act, legislation that significantly improves the interim payment system to home health agencies established under the Balanced Budget Act of 1997. Over the past eight months, I have been working as hard as I know how to find a solution for the crisis faced by our home health care agencies in Vermont. Our 13 home health agencies are model agencies that provide high-quality, comprehensive home health care with a low price tag. However, under Medicare's new interim payment system the payments to the agencies are so low that Vermont's seniors may be denied access to needed home health services.

Under the legislation, the reimbursement from Medicare to home health agencies will be increased, and the 15% across-the-board cut scheduled for next year will be delayed by one year. Adoption of this bill will give the Vermont home health agencies needed financial relief until a new prospective payment system is in place.

For the past seven years, the average Medicare expenditure for home health care in Vermont has been the lowest in the nation. However, rather than being rewarded for this cost-effective program, Vermont has been penalized by the implementation of the current interim payment system. In June, 1998, Vermont's home health agencies projected that the statewide impact of the current interim payment system was a loss of over $4.5 million in Medicare revenues for the first year. This represents a loss of over 11% on an annual base of $40 million statewide.

Vermont is a good example of how the health care system can work to provide for high quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet time and again, federal policy seems to ensure that their good deeds should go punished.

The Medicare Home Health Fair Payment Act is the product of a great deal of hard work by the Finance Committee and is carefully designed to ease the burden of home health care agencies in the transitional years prior to the introduction of a new prospective payment system in 2000. The bill includes several strong policy components, which promote equity and fairness among the agencies nationwide. Under the new prospective payment system, Vermont and other cost-effective agencies can look forward to being rewarded rather than penalized for their high-quality, low-cost comprehensive medical care to beneficiaries.

It is my strong hope, that this bill will be adopted by the Senate, supported by the House, and signed into law. I have worked closely with Vermont's 13 home health agencies, Senator LEAHY and the Governor's Office in developing a solution to the payment crisis. The signing of this bill will mark a victory for our State, and it will also reflect a strong nationwide commitment to high-quality, cost-effective home health agencies such as those in Vermont.

Ms. COLLINS. Mr. President, I rise in support of the legislation introduced by the distinguished chairman of the Finance Committee. I would have preferred the approach taken in my own home health bill, which I introduced last April and which has 29 Senate cosponsors, because it would have done more to level the playing field and provide more relief to historically cost-effective agencies. However, I understand that the chairman faced a difficult task of balancing a number of competing issues, and the bill we are considering today is an important first step that will move the process forward and provide a measure of relief to those cost-effective agencies in every State that are currently being penalized by the formula used to calculate the per-beneficiary limit.

America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable Medicare beneficiaries to avoid hospitals and nursing homes and stay just where they want to be—in their own homes. However, critics have long pointed out that Medicare's historic cost-based payment for home health care has inherent incentives for home care agencies to provide more services, which has driven up costs.

Therefore, there was widespread support for the Balanced Budget Act provision calling for the implementation of a prospective payment system for home care. Until then, home health agencies are being paid according to a new ''interim payment system,'' which unfortunately is critically flawed.

As we are all aware, the Health Care Financing Administration has diverted considerable resources to solving its Y2K problem so that there will be no slowdown of Medicare payments in 2000. As a result, implementation of the prospective payment system for home health agencies will be delayed, and home health agencies will remain on IPS far longer than Congress envisioned when it enacted the Balanced Budget Act. This makes it all the more imperative that we act now to address the problems with a system that effectively rewards the agencies the have provided the most visits and spent the most Medicare dollars, while it penalizes low-cost, more efficient providers.

Home health agencies in the Northeast are among those that have been particularly hard-hit by the formula change. As the Wall Street Journal recently observed, ''If New England had been just a little greedier, its home health industry would be a lot better off now . . . Ironically, . . . [the region] is getting clobbered by the system because of its tradition of nonprofit community service and efficiency.

Moreover, there are wide disparities in payments and no logic to the variance in payment levels. The average patient cap in the East South Central region is almost $2,500 higher than New England's without any evidence that patients in the southern States are sicker or that nurses and other home health personnel in this region cost more.

Moreover, the current per-beneficiary limits range from a low of $760 for one agency to a high of $53,000 at another. As such, the system gives a competitive advantage to high-cost agencies over their lower costs neighbors, since agencies in a particular region may have dramatically different reimbursement levels regardless of any differences among their patient populations. And finally, this system may force low-cost agencies to stop accepting patients with more serious health care needs.

Mr. President, I realize that we cannot address every home health issue that has been raised this year. Some matters will have to carry over to the next Congress, and I fully intend to work with my colleagues next year on these items. Nonetheless, there are things we can do this year, and I believe that it is imperative that Congress act now to begin to address these problems. At least one agency in Maine has closed because the reimbursement levels under this system fell so short of its actual operating costs. Other cost-efficient agencies in my State are laying off staff or declining to accept new patients with more serious health conditions.

Which brings us back to the central and most critical issue—the real losers in this situation are our seniors, since cuts of this magnitude simply cannot be sustained without ultimately affecting patient care.

Mr. President, once again, I commend the chairman of the Finance Committee for his efforts on this difficult issue and urge my colleagues to join me in supporting this legislation.

Mr. BOND. Mr. President, I thank the Senator from Delaware, Mr. ROTH, for attempting to bring some resolution to the home health crisis before the end of this session and making much needed revisions to the Medicare home health interim payment system (IPS). I fully support delaying the automatic 15 percent reduction for one year, raising the cost limits to 110 percent of the median, and raising payments for new agencies. However, I still have serious reservations about a blend approach which reshuffles the deck chairs on the *Titanic*. It is imperative that we restore access to home health care for medically complex patients, and I look forward to working with my colleagues to address this issue in conference.

At this time my distinguished colleague from Mississippi, Mr. COCHRAN, and I would like to engage the able Chair of the Senate Finance Committee, Mr. ROTH, in a discussion about the problems that have resulted from IPS, and further action that the Senate must take to complete the work begun this year in this important area.

Mr. President, there is not a single Member of the Senate or House of Representatives who has not become painfully aware of the serious problems that have arisen within the home health program over the last year. These problems stem from enactment

of a temporary payment system that was recommended to us by the Health Care Financing Administration. The fact is that the so-called interim payment system (IPS) was untested, and, as we have found, made such swift and deep cuts in reimbursements, thereby hampering the ability of home care providers to serve needy patients and affecting access to care for some of the most frail, oldest, and poorest of our seniors and disabled.

The IPS is the worse case of false economy that I've ever seen. If the elderly and disabled cannot get care at home, it's clear where they will go for care. Emergency room costs will rise, patients will go into more expensive institutionalized care, or patients simply won't get any care at all. In addition to increasing Medicare costs, there will be an explosion in Federal and State Medicaid budgets. I believe the Senator from Mississippi would agree that the problems brought about by IPS are significant.

Mr. COCHRAN. Mr. President, the statements made by the Senator from Missouri are, I'm sad to say, quite true. Most recent official figures from 29 state health departments indicate that close to 800 agencies have closed in those states. This number represents parent agencies; other data from the states indicate that the number of agencies and branches that have closed is much higher. We also know that there are many more agencies on the brink of closing if some relief from IPS is not provided soon. If the current rate of closures continues, we could easily see a loss of 2,000 more home health agencies by October 1, 1999.

Agency closing are resulting in significant beneficiary care access problems. In fact, a recent GAO study found that two-thirds of discharge planners and more than a third of the aging organizations surveyed reported having had difficulty obtaining home health care for Medicare patients in the last year, especially those who need multiple weekly visits over an extended period of time. Matters will only get worse as agencies become more and more limited in their ability to provide needed services. In fact, in testimony before the Ways and Means Committee in August, Ms. Gail Wilensky, former head of the Health Care Financing Administration, warned that, if the Congress waits for proof that a crisis is occurring in home care before it acts, it will be too late. She also indicated that more money was taken out of home care than the Congress had expected when IPS was designed and then implemented by HCFA.

Mr. BOND. Mr. President, I might add at this time that despite the fact that HCFA is responsible for this draconian system, HCFA has only offered technical assistance to address this crisis. HCFA must beheld accountable for this insane and inequitable system and face up to the fact that its system is wreaking havoc throughout our country.

Clearly the program cannot continue under this scenario and continue to provide quality services to eligible individuals. Some of my colleagues may wonder how this all came about. Perhaps the Senator from Mississippi can provide some insight into this.

Mr. COCHRAN. Mr. President, I thank my colleague. In addition to HCFA imposing an untested payment system with the home health IPS, the scoring mechanism used by CBO to estimate savings resulting from IPS included a ⅔ behavioral offset. What this means is that CBO presumed that for every $3 saved under IPS, agencies would find some way, through expanding the number of beneficiaries they serve, to make up $2 of every $3 lost under IPS. What has become clear, as was indicated by the Senator from Missouri, CBO's behavioral assumptions about agencies increasing the number of beneficiaries served have not come to pass. Instead, we are seeing a near dismantling of the home care program as the result of IPS.

We have already seen the devastating effects of the interim payment system in my state of Mississippi. While I applaud the Senate for its efforts to reform the interim payment system, we must commit ourselves to continuing this work as soon as the Senate reconvenes. I am particularly concerned that we must address the problems that will be created by the automatic 15% reduction in payment limits which we have agreed to delay one year. It took this distinguished body that long to reach the temporary solutions which we have before us today and we cannot put off deliberations on this additional cut until the last moment. Prudence dictates that we find ways to insure that any additional cuts in reimbursement not adversely affect efficient providers nor burden patients in their access to necessary home care services.

Mr. BOND. Thank you for those insights Senator COCHRAN. I fully agree that this must be a priority of the Senate to address as soon as possible. There are additional issues which also need to be addressed at that time, particularly how to reimburse those agencies which serve our nation's most medically complex patients. We have a moral obligation to ensure that our nation's seniors and disabled are provided the quality and comfortable care they deserve. In addition, we must look at provisions which require that the payment limits are prorated where a patient is served by more than one agency. It is my understanding that the Health Care Financing Administration is not capable of administering this provision, yet it is having impact on patient's access to care. The problem centers around the inability of a home health agency to properly manage its business when it does not know the ultimate payment limitation which it must budget. The home health agency has no way of knowing whether a patient has received services from another home health agency during the year and cannot possibly figure out whether its breaking even or going broke. While we do not want home health agencies to abuse the system through schemes that allow them to circumvent the limits by transferring patients, we also do not want to penalize patients and providers from the appropriate management of home care services. Another issue is the elimination of the periodic interim payment methodology scheduled for October, 1999. That termination date was chosen to coincide with implementation of prospective payment system, which we now know, will not be in operation at that stage. This Congress should recognize the need to continue that system until such time as a Prospective Payment System is in place.

Mr. COCHRAN. Mr. President, I too am very concerned about the delay in the development and implementation of a PPS system. It is the only clear solution to deal with those complex patients who are having increasing difficulty in gaining access to home care services. If we cannot have PPS soon, we must find a way to better reimburse agencies which care for these high cost patients. Home health agencies in Mississippi report to me that this is one of the most important problems that must be addressed. At the same time, putting together a PPS program will do no good if we destroy the foundation of our home health services delivery system. As the result of IPS, I am told that home health agencies across the country will find some time in the middle of next year that they have likely been over paid by the Medicare program even though they delivered appropriate services to patients at a reasonable cost. This Congress must find a way to deal with that pending crisis in order to protect those home health agencies that met patient's needs yet still incurred costs beyond the arbitrary limits which were developed under IPS.

Mr. ROTH. Senator BOND and Senator COCHRAN, I thank you for your leadership within the Senate of these crucial issues affecting Medicare beneficiaries across the country. Through your assistance we hope to ensure that home health care is readily available where the needs arise. We will continue to explore fully those issues which you have raised. We will also draw on the resources of Medpac, HCFA, the GAO, and representatives from home care patients and providers to determine whether more work is required. Home health care is a crucial part of our health care system and the elderly and disabled protected by the Medicare program deserve the attention of this Congress to insure that we not disrupt this important benefit without a full and accurate understanding of the consequences. Once again, I thank Senator BOND and Senator COCHRAN for the guidance that they have offered to this body in addressing these important issues.

Mr. CONRAD. Mr. President, I want to comment on the home health proposal that is before us and ask the Chairman of the Finance Committee to clarify his intentions with regard to addressing this issue in the next Congress.

The current home health interim payment system isn't working. Under the current system, those agencies that abused the system and milked Medicare for every possible reimbursement dollar are rewarded with generous cost limits. However, North Dakota agencies that did not abuse the system, that worked hard to keep their costs down, are penalized with unrealistically low limits. Not only is this terribly unfair, it creates a terrible incentive for efficient, low-cost agencies to go out of business and transfer their employees and their customers to agencies that have ripped off the system.

This system clearly penalizes North Dakota home health agencies and the beneficiaries who rely on their services. The median per beneficiary cost limit for North Dakota home health agencies is the second lowest in the country—a mere $2150 per year. In fact, the agency in North Dakota with the highest limit has a cap that is below the lowest limit in the state of Mississippi. There is no rational basis for this sort of inequity.

Unfortunately, the proposal before us today takes only the smallest of steps toward correcting this inequity and leaves in place too many of the current incentives that favor high cost, wasteful home health agencies. I do not see how I can, in good conscience, go back to North Dakota home health agencies and tell them that we can only lift their payments rates 2 or 3 percent when agencies in other parts of the country will continue to have payment limits 3 and 4 times as high as theirs. It is not fair. It is not good policy. It is not good enough. For that reason, I will feel constrained to object to this legislation unless I can be assured by the Chairman of the Finance Committee that there will be an opportunity to do better next year.

Mr. ROTH. Mr. President, I thank the gentleman from North Dakota for his comments. He is right; this change is only a small step. It does not ''fix'' the interim payment system. However, in the time remaining this year, this is the best we can do. It takes an important step toward making the system more fair, and it reduces the perverse incentives in the current system. In addition, it recognizes that the Prospective Payment System for home health will be delayed, so it delays for one year the 15% cut in payments that is currently scheduled to go into effect on October 1, 1999.

I want to assure my colleague from North Dakota, however, that I fully intend to revisit the home health issue next year. At that time, I pledge to work with him and other members of the Finance Committee to see if we can come up with a system that better addresses the needs of North Dakota home health agencies.

Mr. CONRAD. I thank the Chairman. With that assurance, I will drop my objection and let this legislation move forward.

ADDITIONAL COSPONSORS

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO INDIANA STAFF

• Mr. COATS. Mr. President, I rise today to pay tribute to a group of people that have been of tremendous service to me during my tenure as a United States Senator. That group is my Indiana staff.

As I have so often said, whatever success I have achieved during my service as a Senator is greatly attributable to the tireless work of my staff. Their hours are long, and they toil in relative obscurity. However, they do so for the same reason that we as Senator make the sacrifice. They work so hard because they believe in this great nation we serve, and the ideals that are woven into the very fiber of our existence as Americans.

So much of our work here in the Senate focuses on legislative activity. For that is the stuff of headlines and news stories. However, it is hardly a reflection of one of the most fundamental responsibilities of a United States Senator, and that is providing caring and responsive service to the citizens of our state, the people who's trust we are charged with protecting and serving. And, Mr. President, it is those people serving in my State and regional offices that work so hard to insure that the needs and requests of my Indiana constituents are met with friendly and effective service. They are the front line, they are my eyes and ears in Indiana, and without their hard work, it would be impossible for me to serve effectively.

As the distinguished senior Senator from Indiana pointed out yesterday, we have a rather unique operation back in Indiana. The senior Senator and I share a combined staff. They have served the state well. I would like to take a moment now to acknowledge my Indiana staff. Kathy Blane, Susan Brouillette, Sarah Dorste, Mark Doude, James Garrett, Amy Gaston, Michelle Mayer, Kevin Paicely, Lane Ralph, Karen Seacat, Libby Sims, Cory Shaffer, Angela Weston, Mike Duckworth, Barbara Keerl, David Graham, Pat McClain, Phil Shaull, Amy Hany, Tim Sanders, and Barb Franz. I believe I have included everyone. If I have not, let them know my appreciation.

As I have said, the distinguished senior Senator and I have shared staff, and so many will continue to work for the citizens of Indiana. Though some will go on to other endeavors, that same sense of responsibility and public service that has motivated them to date, I am sure will drive them to continue to play a positive role in the lives of Hoosiers for years to come.

I thank them and salute them.•

TRIBUTE TO JUDGE JAN SMITH

• Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, my friend and former colleague, Judge Jan Smith. At the age of seventy-one, after years of service as Justice of the Peace for the Jean-Good Springs community, Judge Smith will retire from the bench next year. I want to take this opportunity pay tribute to Jan for her efforts to improve the lives of so many Americans, because her accomplishments have helped us all.

I have been fortunate enough to be a first hand witness to some of Jan's incredible achievements. I have watched her rise from legal aide and working mother in the early nineteen sixties to become one of Nevada's most influential judicial officers.

After toiling away as a legal secretary for a District Attorney and a county judge, Jan became deeply involved with a variety of grass roots causes. She was one of the first women in the state to be an advocate on behalf of the environment. In the city of Henderson, she canvassed neighborhoods and city hall to prevent industry from inflicting permanent damage to the environment. As a mother of six, she was insightful enough to take action so that her children could grow up with an ample supply of clean air and water.

Judge Smith was also a champion for the underprivileged. She worked tirelessly to create opportunities for the poor and disadvantage in Nevada. Like many of her contemporaries, she

marched on behalf of women and children who needed a ''hand-up'', rather than a donation or handout.

When I served as Nevada's Lt. Governor, I began working closely with Jan when she was chosen to run the Southern Nevada office of then Governor Mike O'Callahan. Savvy and determined, she made an impression on everyone she worked with throughout those six years. Much of her success on the job came from her staunch work ethic and strong ties to both her family and the community.

The people of Nevada were truly fortunate to have Judge Smith come out of semi retirement to accept an appointment as a Justice of the Peace for the Jean-Good Springs district. She single-handedly reorganized the court so that it eventually became a model of fairness and efficiency. She has subsequently been reelected with overwhelming community support.

Judge Smith is one of the unsung heroes of the American justice system. Like many of our nation's Justice of the Peace Officers, she does not typically preside over big dollar, high drama cases. However, those like Judge Smith are the representatives of our legal system most likely to come in contact with everyday Americans. Professionals like Jan do more to preside over basic public safety issues because they handle the difficult events that are all too common in communities across the country—drunk driving and domestic violence. Essentially, Jan's career has required her or exercise judgement and make tough decisions that have lasting impact.

Judge Jan Smith truly believes in the law, as a fellow officer of the court and United States Senator, I have relied upon on Judge Smith's trademark intelligence and honesty, as well as her ability to astutely assess the character and behavior of the many Nevadans who visit her court.

Much of my admiration for Judge Smith stems from her enduring commitment to people of the Silver State. Her values are reflected not only in the way she lives her life, but in the many organizations she has served over the past thirty years. Judge Smith's lifetime of achievement is truly an inspiration, and she serves as an incredible role model for judicial prudence, legal acumen, and personal integrity.●

REAUTHORIZATION OF THE OLDER AMERICANS ACT

● Mr. HUTCHINSON. Mr. President, on Friday, October 10th, I became a cosponsor of legislation introduced by Senator MCCAIN that would reauthorize the Older Americans Act. This Act, established in 1965, established a series of programs to benefit older Americans. Services provided include nutrition, transportation, nursing home ombudsmanship, and other senior's rights programs. Needless to say, Arkansas, which has over 200,000 senior citizens, has benefitted greatly from the services provided through the Older Americans Act. In addition, the organizations in Arkansas that have received funding through the Act have done an incredible job in reaching out to our seniors.

While the Older Americans Act expired in 1995, its programs have widespread support, which has resulted in continued funding. Nonetheless, authorization is critical for the long-term stability of these programs and for the peace of mind of senior citizens. the McCain bill renews the act, without any changes, for a period of 3 years. Let me say that, as with any reauthorization, I strongly believe in the need for congressional hearings to examine the programs contained within the act to ensure that they are working well, efficiently serving the needs of seniors, and that any appropriate adjustments in funding are made. Regrettably, the Senate Labor and Human Resource Committee, on which I serve, has not taken action on any reauthorization legislation this year. Until the committee does so, and as an indication of my very strong support for the programs contained in the Older American Act, I am cosponsoring the McCain bill.

The Older American Act has improved the quality of life for so many of our Nation's elderly, and it will continue to provide vital services as the aging population grows. I sincerely hope that the Senate will act on legislation to reauthorize this important act soon.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FEDERAL MARITIME COMMISSION NOMINATIONS

● Mr. HOLLINGS. Mr. President, I would like to take a moment to congratulate two nominees, Mr. Hal Creel and Mr. John Moran, upon their confirmation to be Federal Maritime Commissioners.

Hal Creel, a native of South Carolina and my former Senior Counsel on the Maritime Subcommittee, has been a Federal Maritime Commissioner for four years. He has served the last two and a half years as the agency's Chairman. As Chairman, he has demonstrated a wide-ranging knowledge of the maritime industry and an outstanding ability to oversee industry activities. Our Nation is extremely fortunate to have such a dedicated individual at the helm of this important government body.

Mr. Creel and the Federal Maritime Commission are responsible for overseeing all international liner shipping in the U.S.—over $500 billion in trade. His efforts in the controversy surrounding Japan's restrictive port practices come immediately to mind.

The Government of Japan for many years has orchestrated a system that impedes open trade, unjustly favors Japanese companies, and results in tremendous inefficiencies for anyone serving Japan's ports. The FMC, under Mr. Creel's guidance, met these problems head-on and he was instrumental in bringing the two governments to the bargaining table. The bilateral agreement that resulted paves the way for far-reaching changes that can remove these unfair barriers to trade. The progress made to date has occurred in large measure due to the Commission's firm, results-oriented approach. I urge him to continue to keep the Japanese honest, and to perform their agreed upon obligations.

Hal Creel also has led the Commission in its efforts to resolve unfavorable trading conditions with the Peoples Republic of China and Brazil. These trades pose differing problems, but circumstances that nonetheless restrict U.S. companies or render their business dealings unnecessarily difficult or simply inefficient.

Hal Creel is widely respected by all sectors of the industry as an involved, knowledgeable Chairman who can be trusted to make impartial decisions based on all relevant factors. This has been evidenced by the objective, informed decisions he renders in formal proceedings, his voting record on important agency matters, and the even-handed enforcement program administered by the Commission. As Chairman of the FMC, Hal Creel has worked hard to curb harmful practices and create equitable trading conditions for the entire industry. He takes a personal stake in these matters and works hard to obtain compliance with the laws passed by this Congress. But those who willfully violate the law or intentionally disregard the Nation's ocean shipping policies as contained in the Shipping Act are dealt with appropriately.

These are turbulent times in the liner shipping industry, times that call for effective and respected leadership from our Nation's regulatory body. Mr. Creel provides that leadership now, and I am certain will continue to do so as the industry enters the new environment that will result from the Ocean Shipping Reform Act of 1998 passed by this body last week.

I am proud of the accomplishments and fine work Hal has done at the FMC. I am also proud that he is a native South Carolinian. He certainly has continued the fine tradition and excellence he has established as a staffer and senior counsel for the Senate Commerce Committee. His reappointment is well deserved.

I also wish to convey my support for John Moran to become a Commissioner at the FMC. John also is a former Commerce Committee counsel who served all members of that Committee with distinction. John and Hal worked together at the Committee on a bipartisan basis, slugging through tough issues and serving all of the Members well.

For my Senate colleagues who do not know Mr. Moran, his only fault is that he is not from South Carolina. He has

demonstrated his abilities and intellect time and time again. He is well suited to be a Federal Maritime Commissioner. Currently, John works representing the American Waterways Operators, as their Vice President for legislative affairs. John also has an outstanding reputation within the maritime and transportation industry sectors.

I congratulate these two deserving individuals, who have been appointed to the agency which plays such a critical role in international trade.●

THE REPUBLICAN PATIENTS' BILL OF RIGHTS ACT

● Mr. ENZI. Mr. President, I rise to speak in strong support of S. 2330, the Patients' Bill of Rights Act. As an original cosponsor, I'm confident that this legislation is the logical step to ensure Americans accessible and affordable healthcare.

On January 13, 1998, the Majority Leader created the Republican Health Care Task Force to begin pouring the foundation for a comprehensive piece of legislation that would enhance the quality of care without dismantling access and affordability. For the last seven months, the task force met every Thursday—and other times as needed—with scores of stakeholders prior to writing this bill. Such thorough steps in writing a bill have clearly paid off. We now have legislation that would provide patients' rights and quality healthcare without nationalized, bureaucratized, budget-busting, one-size-fits-all mandates.

In 1993, President and Mrs. Clinton launched an aggressive campaign to nationalize the delivery of healthcare under the guise of modest reform. The sales pitch was backed with scores of anecdotes illustrated from Presidential podiums across the country. The stories pulled on the heartstrings of all Americans and were intentionally aimed at injecting fear and paranoia into all persons covered or not covered by private health insurance.

I am quick to ask my constituents interested in the President's bill to carefully examine the fine print. It's no surprise to me that most of them already have. The American people haven't forgotten the last time this Administration tried to slip nationalized healthcare past their noses. Folks in this town may be surprised to learn that the American people aren't a bunch of pinheads. Anyone can put lipstick on a pig, give it a fancy Hollywood title, and hope for an election-year slam dunk. Expecting the public to close its eyes and kiss that pig, however, is an entirely different matter.

The American people understand what's going on here. They know full well that higher premiums mean no coverage. Why? Because affordable access to healthcare is an even higher priority than quality. If it isn't affordable, it doesn't exist! By issuing one-size-fits-all mandates and setting the stage for endless litigation, the President's bill could dramatically raise the price of premiums—barring people from purchasing insurance. The President would be well advised to call his legislation the ''Patient's Bill,'' because a costly bill is exactly what Americans would receive. That's the bottom line for American families—the cost. We all want quality. There isn't a member in Congress who doesn't want quality. But if Americans are expected to pay up to 23 percent higher premiums to get it, they'll most often have to go without insurance. It's that simple.

I remember the reaction Wyoming residents had to the 1993 ''Clinton Care'' plan. I was a State Senator living in Gillette, Wyoming at the time. I recall how the President and First Lady rode a bus across America—promoting nationalized healthcare. I also remember the detour they took when they arrived at the Wyoming border. Instead of entering my home state, they chose a more populated route through Colorado. That was an unfortunate choice. They missed an important healthcare point. Had they driven all 400 miles across southern Wyoming, they would have seen for themselves why one-size-fits-all legislation doesn't work in rural, under-served states.

Affordable and accessible care is THE life-line for Wyoming residents. I live in a city of 22,000 people. It's 145 miles to another town of equal or greater size. Many of my constituents have to drive up to 125 miles one-way just to receive basic care. More importantly, though, is the difficulty we face enticing doctors and practitioners to live and practice medicine in Wyoming. I'm very proud of Wyoming's health care professionals. They practice with their hearts, not their wallets.

In a rural, under-served state like Wyoming, only three managed care plans are available and that covers just six counties. Once again, this is partly due to my state's small population. Managed care plans generally profit from high enrollment, and as a result, the majority of plans in Wyoming are traditional indemnity plans—commonly known as fee-for-service. Some folks might wonder why I am so concerned about the President's healthcare package, especially since it's geared toward managed care. I'm concerned because a number of Wyoming insurers offer managed care plans elsewhere. Any premium hike spurred by mandates in the Presidents' bill could be distributed across the board—causing increases in the fee-for-service premiums in Wyoming. Simply put, my constituents could easily end up paying for services they'll never get! 40 percent of my constituents are self-insured—meaning they pay for their own health insurance out of their own pockets. Expecting my constituents to pay more poses a clear and potential threat to exclude them from health insurance coverage. The urban areas get the care—we get the cost. Added cost—that's it—that's all.

The Republican plan is the right choice for America. It would safeguard 48 million people out of the 124 million now covered by the 1974 Employee Retirement Income Security Act or ERISA by requiring that group healthcare plans provide enrollees with: access to emergency medical care; point-of-service coverage; access to ob-gyn care; access to pediatric care; continuity of care; and, a ban on patient/doctor ''gag'' rules. ERISA plans, whether fully-insured or self-insured, would also be required to provide enrollees with information about plans and providers such as options, restrictions and descriptions.

The Republican Patients' Bill of Rights would also allow a patient to hold their health plan accountable. The President's bill, however, would allow a patient to sue their own health plan and tie up state courts with litigation for months or years. The only people that benefit from this would be trial lawyers. The patient, however, would be lucky to get a decision about their plan before their ailment advanced or even took their life. A big settlement doesn't do much good if you got it, because you died while the trial lawyers fiddled with the facts. Folks aren't interested in suing their health plan. They watch enough court-TV shows to know how expensive that process is and how long it takes to get a decision made. This isn't L.A. Law—it's reality. The Republican Patients' Bill of Rights avoids all this by incorporating an internal appeals process that doesn't exceed 72 hours. If not satisfied, an enrollee would be able to access an external review by independent medical experts. Getting quick decisions saves lives.

The President has repeatedly said that the Republican Patients' Bill of Rights should apply to all health insurance plans. Such claims are no different than those made by the President back in 1993. He wants nationalized healthcare—plain and simple. There is a reason the Republican bill only amends ERISA. It's because the 124 million ERISA enrollees are not regulated by the states. The states, by the way, have been in the business of regulating the health insurance industry far longer than Congress or any President was beating up on managed care.

The President wants all regulatory decisions about a person's health insurance plan to be made from Washington—nationalized care. The reason this won't work is that it fails to take into account the unique type of healthcare provided in states like Wyoming. While serving in the Wyoming Legislature for 10 years, I gained tremendous respect for our state insurance commissioner's ability to administer quality guidelines and insurance regulations that cater to our state. State regulation and understanding is absolutely, unequivocally essential. I firmly believe that decisions which impact my constituents' health insurance should

continue

to be made in Cheyenne—not Washington.

Congress has an obligation to ensure such quality services to the 124 million ERISA enrollees whose plans are currently absent these protections. In doing so, however, the Republican bill stays within its jurisdictional boundaries and doesn't trample over states' rights. As a result, Americans can gain protections whether they are insured under a state, ERISA, or Medicare regulated plan. I believe that this approach is rational and fair.

The Republican Patients' Bill of Rights would provide individual rights with respect to a person's own, personal health information. Access to personal medical records is a delicate matter. Provisions, however, are included to address inspection and copying of a person's medical information. Safeguards and enforcement language has also been added to guarantee confidentiality. In relation to this language, group health plans and health insurance issuers in both the group and individual market would be prohibited from collecting or using predictive genetic information about a patient with the intention of denying health insurance coverage or setting premium rates.

The Republican plan would establish the Agency for Healthcare Quality Research. This is not a new federal agency, but rather a new name for the current Agency for Health Care Policy and Research within the Department of Health and Human Services. This agency would be modernized to improve healthcare quality throughout America. The agency would not mandate a national definition of quality, but it would provide information to patients regarding the quality of care people receive, allow physicians to compare their quality outcomes with their peers, and enable employers and individuals to make prudent purchases based on quality.

The Senate Labor Committee held a number of hearings in relation to women's health research and prevention. As a result, the Republican Patients' Bill of Rights includes a number of important provisions that represent women's health. These provisions will clearly benefit the promotion of basic and clinical research for osteoporosis, breast and ovarian cancer, the effects of aging and other women's health issues.

Finally, the Republican Patients' Bill of Rights broadens access to coverage by removing the 750,000 cap on medical savings accounts (MSA's). MSA's are a success and should be made available to anyone who wishes to control their own healthcare costs. Moreover, persons who pay for their own health insurance could deduct 100 percent of the costs if the Republican plan is enacted. This would have a dramatic impact on folks from Wyoming. These provisions would, without a doubt, pave the way for quality healthcare to millions of Americans without dismantling access and affordability.

While the President's bill has been pitched as being essential to enhancing the quality of care Americans receive, I hope that my colleagues will carefully evaluate the impact that any nationalized, bureaucratized, budget-busting, one-size-fits-all bill would have on our nation's healthcare system. As I have encouraged my constituents to read the fine print, I ask my colleagues to consider how the President's legislation impacts you and your home state. Rural states deserve a voice, too. Only the Republican Patients' Bill of Rights Act would give them that voice.●

HURRICANE GEORGES AND THE DISASTER MITIGATION ACT OF 1998

● GRAHAM. Mr. President, on September 30th, with my colleagues Senator MACK and Florida Governor Lawton Chiles, I participated in a helicopter tour of Florida's Panhandle, where once again, Mother Nature has subjected Florida's citizens to her wrath. After first devastating the Florida Keys, Hurricane Georges moved northward and severely impacted the Panhandle, producing rainfall in excess of 2 feet in some areas.

In the Florida Keys, Georges damaged over 1,500 homes destroying or causing major damage to approximately 640 residences. Initial estimates indicate that Georges caused over $250 million in insured damage in the Keys, and there are millions more in uninsured damages. Many residents in the lower Keys have only recently had their power restored, and Federal, State, local, and voluntary agencies provided food, water, and ice for more than a week as the Keys finally emerged from this emergency situation.

Unfortunately—as I was able to view firsthand—Georges path of destruction did not end in the Keys. Even in its weakened state, Georges caused extensive flooding and isolated tornadoes throughout the Panhandle. At least 20 major roads were closed or partially closed, and evacuations continued for days in many low-lying areas. During my visit to the area, 14 shelters remained open, providing safe harbor for at least 400 Floridians who had been forced from their homes.

As a result of this hurricane, the President issued an emergency declaration for 33 Florida counties, in order to provide immediate Federal assistance to protect the lives and property of affected residents. On September 28, the President issued a major disaster declaration for Monroe County, which authorizes Federal disaster recovery assistance for local governments and citizens in the Florida Keys. As of today, 16 counties in and around the Panhandle have been added to this declaration, and I want to acknowledge the outstanding efforts of both the President and the Federal Emergency Management Agency (FEMA) in expediting Federal assistance to the State of Florida.

Mr. President, throughout 1998, I have come to the Senate floor to describe the destruction and misery that Florida has experienced as a direct result of natural disasters. This year, Florida has been subjected to a series of unprecedented natural disasters. Even for a state that is experienced in dealing with such disasters, Floridians have been tested again and again by what may be one of the worst years in Florida meteorological history. In late January and early February—in the midst of our State's dry season—several Northern Florida counties were deluged by massive floods. Not long after, parts of Central Florida were devastated by thunderstorms and tornadoes that are more typical in the summer months. Beginning in May and ending in late July, a deadly combination of intense heat and prolonged drought sparked more than 2,000 forest fires in Florida's 67 counties. Finally, over the next several weeks, Florida will begin the long and painful process of recovery from the widespread damage that has been caused by Hurricane Georges.

I ask that this September 30 article from the Miami Herald—which summarizes Florida's 6 Presidential disaster declarations in more detail—be printed in the RECORD.

The article follows:

FLORIDA GET FEDERAL AID A RECORD SIX TIMES

(By Tom Fiedler)

For Floridians, this has been a banner year of hell and high water. President Clinton said so.

Even before Hurricane Georges slapped the Keys unsilly, then dumped tons of fresh rain on an already sodden Panhandle, Florida had established in 1998 a new—although dubious—record: recipient of the most presidential disaster declarations in a single year.

''It's been a very hard year,'' said Joseph Myers, state director of emergency management, who on Tuesday was into his seventh straight day of working around the clock monitoring the latest disaster. ''But that's what we get paid to do.''

He would be entitled to wonder if that could possibly be pay enough, at least this year.

Like home-run sluggers Mark McGwire and Sammy Sosa, Florida established its new record with style, shattering the previous marks by more than a couple.

Since New Year's Day, which Myers spent monitoring a chain of tornadoes ripping their way across the central peninsula, causing at least $24 million in damage to crops and homes. President Clinton has declared at least parts of Florida to be federal disaster areas six times.

That topped the previous records of three in 1992—the year that included the mother of all disaster declarations. Hurricane Andrew—and 1995, which featured Hurricanes Erin and Opal, both concentrating their fury on the upper Gulf Coast.

To qualify for a presidential disaster declaration, the amount of damage must be beyond the ability of state and local government to assist, either because of the amounts of money involved or the types of assistance needed.

When the president issues a declaration, it makes available federal money to reimburse

the state, and local governments for the immediate costs of meeting the emergency—such as in providing police and fire services, maintaining shelters or in restoring vital services.

It also activates several federal programs to aid in a community's long-term recovery. That array includes unemployment assistance to those whose jobs may have been lost or interrupted because of the disaster; mortgage assistance; low-interest loans to help businesses and farmers get back on their feet; money for governments to rebuild highways or restore other services—including replacing lost tax revenues from damaged businesses; and money that can be used to avert future disasters, such as constructing dikes against floods or beach dunes against hurricanes.

VARIETY OF DISASTERS

What distinguishes 1998 from previous years is the variety of disasters that has befallen the state. Besides hurricanes, which can destroy people and property through high water and wind, this year's declarations have included several for killer tornadoes, one for massive flooding and—most dramatic of all—one for infernal fires that raged for nearly two months over an area that at one point stretched nearly from Tallahassee to Miami.

Missing only were the biblical swarms of locusts and the medieval bubonic plague.

Myers said his personal disaster calendar began last Christmas, when he was summoned to the state's emergency-management headquarters to monitor a winter storm exploding out of the Gulf and hammering counties in Central Florida. the storm—considered the shock troops of El Niño—spun off dozens of tornadoes, washed out hundreds of homes and virtually ruined tomato and strawberry crops that were ripening. Its cost: about $24 million to taxpayers alone, not counting what insurance companies paid to individuals.

TORNADOES IN MIAMI

Holidays seemed as magnets to these storms. On Groundhog Day, another winter storm rumbled out of the Gulf to cut across the lower peninsula. This one triggered tornadoes in the heart of Miami.

The so-called Groundhog Day storm savaged 600 homes in Dade, Broward and Monroe counties. It left two tugboats parked on Sunny Isles Beach and caused $2 million in damage to the Keys' lobstering industry.

Barely three weeks later, another storm hammered the central part of the state, coming ashore in the Tampa Bay area but spreading throughout the peninsula. Myers said the president was still in the process of issuing the disaster declaration for the Groundhog Day storm when the bad weather hit.

''So they just added this onto the one they were already working with,'' he said. ''The storm kept on coming, and they kept on adding.''

The most dramatic were bands of swarming tornadoes that bracketed Orlando in March, flattening communities near Kissimmee and those east of Sanford. All told, nearly two dozens Floridians were killed in those weather disasters.

MOST OF THE STATE

''Eventually they got to 56 counties,'' only 11 short of Florida's 67 counties, Myers said. ''They finally stopped adding them on April 24.''

The lull in El Niño's wind and rain proved anything but benign, however. With such a wet spring, the underbrush in the state's forests grew at an incredible pace, becoming lush and thick.

''Then it just dried up. It didn't rain,'' Myers said. ''We knew that El Niño would produce fires, but we thought they would come later.''

June was the driest month in Florida's history. The underbrush became tinder.

On June 6, the anniversary of D-Day, a major fire flared in Flagler County between Daytona Beach and St. Augustine. It raged for 48 days. President Clinton and Vice President Al Gore were among those who came to inspect the disaster. Fire crews from around the nation came to fight it.

''We ended up getting a major disaster declaration and 15 fire suppression grants to pay for the firefighting,'' the first time Florida had ever received such compensation, Myers said.

Florida's cost of fighting the fires alone hit $156 million.

• Mr. BUMPERS. Mr. President, my experiences with disasters this year—in addition to the unforgettable destruction of Hurricane Andrew in 1992—have motivated me to re-evaluate the policies and programs that are implemented to ease the pain and economic loss caused by disasters. First, we must recognize that we cannot prevent severe weather events. In fact, it seems that as we approach the millennium, the Nation is experiencing severe weather more frequently—and more intensely—than ever before. Second, as our population grows, our coastal and riverfront communities have greatly expanded, placing an even higher number of citizens at risk from floods and hurricanes. Finally, expanded requirements for housing and residential structures have increased both the number and value of property developments in high-risk areas.

Taken together, these facts clearly demonstrate that we will continue to experience losses from natural disaster. Therefore, we must act now to limit these inevitable losses through a proactive, nationwide loss prevention and mitigation initiative. We cannot continue to respond to repeat disasters in the same locations in an endless cycle of damage-repair-damage-repair.

It is for these reasons, Mr. President, that Senator INHOFE and myself introduced the Disaster Mitigation Act of 1998. Our legislation focuses the energies of Federal, State, and local governments on disaster mitigation, shifting the Nation's efforts toward preventative—rather than responsive—actions, in order to prepare our citizens for disasters now and in the future.

I worked very closely with Senator INHOFE to develop this bipartisan legislation, which has been reported out of the Environment and Public Works Committee. This legislation will more comprehensively and efficiently address the threats we face from disasters of all types. The bill is composed of two titles: Title I seeks to reduce the impact of disasters by authorizing a ''pre-disaster mitigation'' program; Title II seeks to streamline the current disaster assistance programs to save administrative costs, and to simplify these programs for the benefit of States, local communities, and individual disaster victims.

To address the problems associated with the damage-repair-damage-repair cycle, the legislation places its primary emphasis on comprehensive pre-disaster mitigation. This bill will authorize a five-year pre-disaster mitigation program, funded at $35 million per year, to be administered by Federal Emergency Management Agency, or FEMA. The pre-disaster mitigation program will change the focus of our efforts, at all levels of government, to preventative—rather than responsive—actions in planning for disasters. Such a change in ideology is critical to reducing the short- and long-term costs of natural disasters. It will encourage both the public and the private sector, as well as individual citizens, to take responsibility for the threats they face by adopting the concept of disaster mitigation into their everyday lives. Just like energy conservation, recycling, and the widespread use of seat belts, disaster mitigation should become a concept that all citizens incorporate into their day-to-day existence.

Since 1993, under the leadership of Director James Lee Witt, FEMA has truly changed its way of doing business. In the past five years, FEMA has become more responsive to disaster victims and State and local governments, and has ''reinvented'' itself by choosing to focus its energy on mitigating, preparing for, responding to, and recovering from the effects of natural hazards. FEMA has already taken an important first step in advocating pre-disaster mitigation by establishing ''Project Impact,'' their new mitigation initiative, in local communities throughout the nation. I am proud to say that Deerfield Beach, Florida, was the first community to be chosen as a participant in Project Impact. By authorizing the conduct of Project Impact for five years in this legislation, we will definitively endorse both the program and Director Witt's leadership, and we expect that the initiative will produce measurable results in reducing the costs of disaster in the future.

Mr. President, this legislation is the result of coordination and cooperation with FEMA, the National Association of Emergency Management, the National League of Cities, representatives of the private and voluntary sectors, and numerous other state and local governmental organizations. I strongly believe that this legislation represents a historic change in the nation's efforts to prevent the effects of natural disasters. By taking proactive steps to implement mitigation now, we will reduce the damage, pain, and suffering from disasters in the future that have become all too familiar to us from the disasters we have faced in the recent past.

Mr. President, I urge my colleagues to support Senator Inhofe and myself by joining with us in our efforts to protect the citizens of the U.S. from disasters now and in the future. I ask the Senators who have most recently been affected by Hurricane Georges, as well

as the many Senators whose constituents have been impacted by catastrophic disasters over the past several years, to support this legislation and ensure its passage before the end of this session.●

NATIONAL OPTICIANS MONTH

● Mr. GRAMS. Mr. President, January 1999 will be celebrated throughout the United States as National Opticians Month. I am pleased to inform my colleagues that one of my constituents, Gary R. Aiken of Minnetonka, Minnesota, is president of the Opticians Association of America, which is sponsoring the observance.

Nearly all Americans aged 65 or older require some help to see their best and sixty percent of Americans wear eyeglasses or contact lenses. Opticians, skilled in fitting and dispensing eyeglasses and contact lenses, provide the expert assistance we need to make the most of our vision. Technology has brought us literally thousands of possible combinations of eyeglass frames and lenses and an array of contact lenses. Dispensing opticians play a pivotal role in guiding eyewear customers to the combination which exactly fits their need.

Through formal education programs, voluntary national certification and mandatory licensing in many states, and programs of continuing education, dispensing opticians acquire the skills and competence to correctly, efficiently and effectively fill eyewear prescriptions. At the same time, retail opticians are an important part of our nation's small business community and provide the competitive balance which keeps eyewear affordable for all Americans.

It is a pleasure to acknowledge the important role of dispensing opticians as they assist us all in making the most of our precious eyesight. I commend them for their efforts and congratulate Gary Aiken and the members of the Opticians Association of America for their accomplishments.●

MICHAEL K. SIMPSON

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to New York's Dr. Michael K. Simpson who last year completed ten years of service as President of Utica College at Syracuse University and is now President of the American University in Paris.

While at Utica, Dr. Simpson taught international relations, contemporary French politics, international law, the political economics of multinational corporations, macro- and microeconomics, and American foreign policy. He has also been a visiting professor at the Maxwell School of Citizenship at Syracuse University and director of Syracuse's study center in Strasbourg, France.

In addition to his broad academic experience, Dr. Simpson has dedicated himself to the people of Oneida County, New York. As the community representative and chairperson of the Health and Hospital Council of the Mohawk Valley from 1987–1992, he lead that Council toward developing a hospital consolidation plan for four area hospitals. That succeeded in making quality health-care more accessible and affordable to local residents. Since 1988 he has been a trustee of The Savings Bank of Utica.

I have had the privilege to speak at three commencements in which Michael Simpson participated—at his graduation from Fordham College in 1970 when he earned his bachelor's degree, at Syracuse University in 1983 upon receipt of his M.B.A., and during his tenure as Utica College President.

With great admiration and gratitude I commend Dr. Simpson for his commitment to excellence in education and his service to his fellow citizens of New York. I wish him all the best on his sojourn in Paris.●

TAIWAN'S NATIONAL DAY

● Mr. KERRY. Mr. President, I want to take this opportunity to extend my congratulations to President Lee Teng-hui., Vice President Lien Chan and the people of the Republic of China today, on their National Day.

Taiwan has continued to prosper economically even in the face of the Asian financial crisis. As the world's fourteenth largest economic entity, Taiwan plays a significant role in global trade and Asian economies. With its per capita income of $13,000 US dollars, Taiwan provides an important market for American consumer goods.

In addition to its economic successes, Taiwan has embarked upon a democratic course resulting in a pluralistic society which enjoys basic democratic rights and freedoms including freedom of the press and direct elections for the president and other officials.

The people of Taiwan and its leadership should be very proud of the successes that they have achieved. I congratulate them on this special day.●

PRIVATE RELIEF BILLS

● Mr. LAUTENBERG. Mr. President, I am pleased that key members of the Senate have agreed to pass all the pending private relief bills in one package and send it over to the House.

I would like to thank the principals who have been involved in this effort, Senators HATCH, ABRAHAM, LEAHY and KENNEDY. This package will include my bill to help Vova Malofienko.

Let me tell you a little about Vova Malofienko and his family. Vova was born in Chernigov, Ukraine, just 30 miles from the Chornobyl nuclear reactor.

In 1986, when he was just two, the reactor exploded and he was exposed to high levels of radiation. He was diagnosed with leukemia in June 1990, shortly before his sixth birthday.

Through the efforts of the Children of Chornobyl Relief Fund, Vova and his mother came to the United States with seven other children to attend Paul Newman's ''Hole in the Wall'' camp in Connecticut.

While in this country, Vova was able to receive extensive cancer treatment and chemotherapy. In November of 1992, his cancer went into remission.

Regrettably, the other children from Chornobyl were not as fortunate. They returned to the Ukraine and they died one by one because of inadequate cancer treatment. Not a child survived.

The air, food, and water in the Ukraine are still contaminated with radiation and are perilous to those like Vova who have a weakened immune system.

Additionally, cancer treatment available in the Ukraine is not as sophisticated as treatment available in the United States.

Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

Because of his perilous medical condition, Vova and his family have done everything possible to remain in the United States. Since 1992, they have obtained a number of visa extensions, and I have helped them with their efforts.

In March of 1997, the last time the Malofienkos visas were expiring, I appealed to the INS and the family was given what I was told would be final one-year extension.

So we have a family battling for over six years now, to stay in this country. And why? So that they can save the life of their child, Vova.

Because of the compelling circumstances of their case, I introduced S. 1460, which was approved unanimously by the Senate Judiciary Committee.

After I introduced that bill, Senator ABRAHAM, in his capacity as Chairman of the Immigration Subcommittee, requested a report from the INS and that stayed any further INS proceedings.

But at the end of this Congress they would be subject to deportation. That is why I have worked so hard to get this bill passed this session of Congress.

This family has endured enough. They cannot have the threat of deportation hanging over their heads. They are dealing with enough trauma from Vova's cancer.

I wish my colleagues could meet Vova—then they would understand why I feel so strongly about this case. He is truly a remarkable young man.

Throughout his battle against cancer, he has been an inspiration. He has been an honors student at Millburn Middle School, and he is an eloquent spokesperson for children with cancer. He has rallied the community and helped bring out the best in everyone. His dedication, grace, and dignity provide an outstanding example, not just to young people, but to all Americans.

Again, I want to thank Senators HATCH, ABRAHAM, LEAHY and KENNEDY for their diligence.

I hope that we will pass this package on Monday and send it to the House and then the President. Then, Vova can continue his fight in the safety of United States.●

RECESS UNTIL 2 P.M. MONDAY, OCTOBER 12, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Monday at 2 p.m.

Thereupon, at 4:10 p.m., the Senate recessed until Monday, October 12, 1998, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 10, 1998:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES C. BURDICK, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WALTER R. ERNST II, 0000.
BRIG. GEN. BRUCE W. MACLANE, 2001.
BRIG. GEN. PAUL A. POCHMARA, 0000.
BRIG. GEN. MASON C. WHITNEY, 0000.

To be brigadier general

COL. JOHN H. BUBAR, 0000.
COL. VERNA D. FAIRCHILD, 0000.
COL. ROBERT I. GRUBER, 0000.
COL. MICHAEL J. HAUGEN, 0000.
COL. WALTER L. HODGEN, 0000.
COL. LARRY V. LUNT, 0000.
COL. WILLIAM J. LUTZ, 0000.
COL. STANLEY L. PRUETT, 0000.
COL. WILLIAM K. RICHARDSON, 0000.
COL. RAVINDRAA F. SHAH, 0000.
COL. HARRY A. SIEBEN, JR., 0000.
COL. EDWARD N. STEVENS, 0000.
COL. MERLE S. THOMAS, 0000.
COL. STEVEN W. THU, 0000.
COL. FRANK E. TOBEL, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HARRY A. CURRY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. MICHAEL A. CANAVAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. SCHUSTER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE DIRECTOR, NATIONAL IMAGERY AND MAPPING AGENCY DESIGNATED AS A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 441 AND 601:

To be lieutenant general

MAJ. GEN. JAMES C. KING, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. EDWIN P. SMITH, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ANTHONY R. JONES, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. MICHAEL L. DODSON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. RANDALL L. RIGBY, JR., 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JERALD N. ALBRECHT, 0000.
BRIG. GEN. WESLEY A. BEAL, 0000.
BRIG. GEN. WILLIAM N. KIEFER, 0000.
BRIG. GEN. WILLIAM B. RAINES, JR., 0000.
BRIG. GEN. JOHN L. SCOTT, 0000.
BRIG. GEN. RICHARD O. WIGHTMAN, JR., 0000.

To be brigadier general

COL. ANTONY D. DICORLETO, 2049.
COL. GERALD D. GRIFFIN, 0000.
COL. TIMOTHY M. HAAKE, 0000.
COL. JOSEPH C. JOYCE, 0000.
COL. CARLOS D. PAIR, 0000.
COL. PAUL D. PATRICK, 0000.
COL. GEORGE W. PETTY, JR., 0000.
COL. GEORGE W. S. READ, 0000.
COL. JOHN W. WEISS, 0000.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARIANNE B. DREW, 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. SCOTT A. FRY, 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. PATRICIA A. TRACEY, 0000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MICHAEL C. AARON, AND ENDING RICHARD G.* ZOLLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 1998.

ARMY NOMINATIONS BEGINNING MATTHEW L. KAMBIC, AND ENDING JAMES G. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JEFFREY M. DUNN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 29, 1998.

IN THE NAVY

NAVY NOMINATION OF MICHAEL C. GARD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 11, 1998.

NAVY NOMINATION OF THOMAS E. KATANA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGSIONAL RECORD OF SEPTEMBER 16, 1998.

EXTENSIONS OF REMARKS

THE DANTE B. FASCELL NORTH-SOUTH CENTER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GILMAN. Mr. Speaker, today Representative LEE HAMILTON and I are introducing H.R. 4757, to honor our esteemed former colleague, the former Chairman of the International Relations Committee Dante Fascell.

This bill will rename the educational institution known as the North/South Center, as the Dante B. Fascell North-South Center.

Chairman Dante Fascell was responsible for establishing this Center in 1991 to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study training and research. Today, we recognize the significant contribution Dante Fascell has made to U.S.—Latin American relations and indeed to so many other aspects of our foreign policy. He was dedicated legislator and statesman. It is a privilege to sponsor this measure to provide a modest means of recognizing a truly great American.

Accordingly, I urge my colleagues to fully support this measure.

H.R. 4757

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

SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended—

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

''(a) SHORT TITLE.—This section may be cited as the ''Dante B. Fascell North-South Center Act of 1991'';

(2) in subsection (c)—

(A) by amending the section heading to read as follows: ''DANTE B. FASCELL NORTH-SOUTH CENTER.—''; and

(B) by striking ''known as the North/South Center,'' and inserting which shall be known and designated as the Dante B. Fascell North-South Center,''; and

(3) in subsection (d) by striking ''North/South Center'' and inserting ''Dante B. Fascell North-South Center''.

SEC. 2. REFERENCES.

(a) CENTER.—Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the ''Dante B. Fascell North-South Center''.

(b) SHORT TITLE.—Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the ''Dante B. Fascell North/South Center Act of 1991''.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CAPPS. Mr. Speaker, I rise today in support of beginning a fair and focused impeachment inquiry. I will—as every member of the House should—cast a vote of conscience on this grave Constitutional matter.

Let me be clear. I have been appalled by the President's behavior in this matter. His affair with Monica Lewinsky was reckless and reprehensible. Lying to his family and the American people about it was outrageous. He has tarnished the office of the Presidency and his own positive record of accomplishment. President Clinton must be held accountable.

The question before us today is not whether or nor there will be an inquiry. The question before us is what kind of inquiry will there be.

I support what the American people are calling for—an expeditious impeachment inquiry that will allow our country to being this issue to a close and to move on. I cannot in good conscience support an endless series of unfocused hearings that may distract Congress from dealing with the important issues facing the nation.

Of course, if the House is presented with further allegations from the Independent Counsel, the Judiciary Committee can examine them as well.

But today the House should take a step toward completing this inquiry—fairly, thoroughly and quickly. There is no reason we cannot finish this by the end of the year.

Mr. Speaker, I have heard from thousands of my constituents on this issue. Their comments and advice range from calling for the President's resignation or impeachment to insisting that the House drop the entire matter. While they may differ in their beliefs and positions, in the end their most common theme is that they want to see this matter come to an expeditious resolution.

We should follow their advice.

TRIBUTE TO GEORGE WIMBERLY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great friend, great Arkansan, and great American. I speak of Mr. George Wimberly, who has served his community as a member of the City Manager Board for the City of Little Rock; Mayor of the City of Little Rock, Arkansas; and as a member of the Arkansas General Assembly. All of these positions are significant, but they are completely overshadowed by his accomplishments as a friend and servant to his fellow man.

George has owned and operated a neighborhood pharmacy, Buice Drug Store, in the Stiff Station area of Little Rock for over forty years. He is personally involved in the day to day care of each and every one of his customers. George provides not only medicine, advice and counsel, love, attention and service, but he also has a genuine concern for the well being of everyone he knows. Every person that comes in contact with George gets the same consideration.

When George Wimberly is your friend you know that there is one person in the world that you can count on. He has been my dear friend since childhood and has befriended generations of my family members. He is a wealth of knowledge about our heritage and when he reads this he will say, ''What would Wimpy say about this?''

He has provided free medical advice, service, and products for anyone in need. He continues to check on shut-ins and the disabled in the community and is the only link to the outside world for many of them. He is from the school that thinks character and honesty are premier qualities and practices these beliefs.

Because he has lived and served among us for 78 years we are better for it and the world is a better place to live. As they say in the place I come from, the One Horse Store, he is a ''good man'' and I am proud to call him my friend.

A YEAR OF ACHIEVEMENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARCIA. Mr. Speaker, efforts to promote equality, success, and opportunity are appreciated by all Americans. An organization, in my district, is truly dedicated to helping African-Americans succeed in the business community and sets a powerful example. It was formed to overcome hardships, and to support each other in furthering their success. This month the Saginaw African-American Minority Business Association (S.A.A.M.B.A) is celebrating a year of outstanding achievements by designating October as National Minority Business Month.

The weekend of October 23rd, S.A.M.B.A. will be hosting a Minority Business Conference. This conference will bring together Saginaw area minority business owners. The conference will offer the members of S.A.A.M.B.A. many different helpful workshops and motivational keynote speakers, in hopes of providing a solid foundation for the advancement of African-Americans in business.

S.A.A.M.B.A. advances the development of area African-American minority businesses to

succeed in the community. This organization builds relationships with financial institutions in the area. S.A.A.M.B.A. also sponsors training workshops, seminars or conferences like this one, educates and answers questions of African-American business owners and other people with similar interests. This organization's efforts to increase membership each year have been successful and its members look forward to many more years of building relationships and promoting business opportunities.

The first Civil Rights legislation was enacted in 1964, and the fight for equal treatment under the law continues today. Dr. Martin Luther King dreamed of a color-blind world, and organizations like S.A.A.M.B.A. are committed to supporting his ideal by helping African-Americans in business. They work to achieve equality for African-Americans, and are constantly changing attitudes in the business community. Our country has come a long way, but we have much work to do, and organizations like S.A.A.M.B.A. are paving the way for minorities in the business world.

Mr. Speaker, the Saginaw African-American Minority Business Association is a strong foundation for African-American adults, youth and the community. I urge you and our colleagues to join me in recognizing the outstanding contributions to the community and congratulating the President, Corrine S. Williams and the dedicated staff of S.A.A.M.B.A. on their accomplishments this year.

IN HONOR OF CAPTAIN JAMES SPRAYBERRY, WINNER OF THE CONGRESSIONAL MEDAL OF HONOR

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARR of Georgia. Mr. Speaker, today I honor a great American hero: Captain James Sprayberry, born in LaGrange, Georgia. As a soldier in Vietnam, Captain James Sprayberry selflessly risked his own life to repeatedly charge enemy machine gun nests to rescue pinned-down American soldiers. In the process, he personally saved many of their lives, while killing twelve enemy soldiers, destroying two machine-guns, and eliminating numerous enemy bunkers. For this extraordinary bravery, Captain Sprayberry was awarded the Congressional Medal of Honor, our nation's highest military decoration. On October 26, 1998, a road in my district will officially be named after him.

In times of peace, it is far too easy to forget that freedom carries a high price. Captain Sprayberry was willing to pay that price. He deserves the undying gratitude of a grateful nation that enjoys peace today thanks to the sacrifices he and all of our other veterans have made over the years.

AGAINST HOUSE CONCURRENT RESOLUTION 254

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to comment on House Concurrent Resolution 254 which passed the House on September 14, 1998. I inaccurately voted in favor of this bill when I should have voted ''no.''

The bill calls upon the Government of Cuba to expatriate to the United States Ms. Joanne Chesimard as well as all other individuals who have fled the U.S. from political persecution and received political asylum in Cuba.

I wish to officially go on record as opposed to this measure. Unfortunately, the bill was placed on the suspension calendar, which is usually reserved for non-controversial measures. Furthermore, none of the many advocacy groups that monitor this vote informed my office of their concern.

I oppose H. Con. Res. 254 because I support the right of all nations to grant political asylum to individuals fleeing political persecution. The United States grants political asylum to individuals from all over the world. Other independent nations have the same right, including Cuba.

I strongly believe that the right for various governments to grant political asylum should not be disturbed. I am aware of the fact that this body often does not agree with the particular decisions made by other independent governments regarding political asylum. However, I have stood before this house many times defending and advocating for the rights of immigrants and refugees in the United States. Just as we maintain our right as a nation to welcome those from other shores, whether immigrant or refugee—we must respect the Cuban Government's right to grant political asylum for individuals from the U.S. fleeing political persecution.

TRIBUTE TO MEREDITH BIXBY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Meredith Bixby from Saline, Michigan.

On October 18, 1998, the Saline Culture and Commerce Center will open the Bixby Marionette Exhibit. This exhibit includes over 100 of Meredith Bixby's hand-crafted marionettes which he gave to the City of Saline.

Meredith Bixby is affectionately known as the ''Master of Marionettes.'' His company ''Meredith Marionettes Touring Company'' toured the Midwest and South for more than 40 years, performing in schools, theaters and community centers.

I personally admire Meredith Bixby because his stated goal was, ''to present programs that we [that is Meredith and his wife Thyra] thought were in good taste.'' This is an element so often missing in theater productions of today.

I want to commend Meredith Bixby for his hard work and dedication. It is estimated that in 88 years, he has performed more than 20,000 marionette plays.

A TRIBUTE TO RICHARD CHERRY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to pay special tribute to Richard Cherry, a member of the American Legion in my district. Dick is being feted by his comrades and friends at a special Appreciation Dinner to be held on November 14, 1998 at the Adams Township Post No 553 of the American Legion. I will be proud and humbled to participate in this well-deserved recognition.

Dick Cherry currently serves as National Committeeman for the more than 164,000 members of the Ohio American Legion. In his 29 years with the Legion, he has also served as Commander of the Department of Ohio, First Vice and Second Vice Commander of the Department of Ohio, Commander of the Great First District of Ohio, Commander of Lucas County, Commander of the Adams township Post, and Delegate to Lucas County, the First District, Department of Ohio, and National Organization. He also diligently labors on countless committees on the County, District, Department of Ohio, and National levels.

A member of the United States Army, Dick is a veteran of the Korean War who served with the Second Division, 23 Infantry Battalion. With the deepest of understanding of the importance of remembering our nation's veterans, he is an active member of the Toledo Soldiers Memorial Association, and the Lucas County Veterans Service Commission, and the Soldiers and Sailors Relief Association.

Listing his involvement in civic and veteran organizations only gives one a glimpse of the man. Dick Cherry is a man of the greatest compassion and empathy, with a sharp mind and a deep soul. He has been a trusted advisor to me on veterans issues, offering wise counsel regarding health care in our nation's VA medical centers, compensation and pension benefits for veterans and their families, and the ''veterans position'' on national issues. In any forum, he conducts himself with dignity and grace, quietly but effectively conveying the message that we must never forget our veterans, their courage, or the sacrifices they made to bring us the freedom we know today.

If a measure of a man is the esteem in which others hold him, then Dick Cherry is a man beyond measure. I join his wife Carol, his family, friends, and colleagues in paying homage to a most down-to-earth yet most remarkable man.

IN HONOR OF THE SESQUICENTENNIAL OF FLOYD SPRINGS UNITED METHODIST CHURCH LOCATED IN FLOYD COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor the Floyd Springs United Methodist Church of Floyd County, Georgia which

is celebrating its Sesquicentennial anniversary this fall. For 150 years, since its founding in 1848, the church has been a focal point for the worship of God, religious education, and community service to the Floyd Springs area and beyond. The church is a part of the Rome-Carrollton District, North Georgia conference of the United Methodist Church, and is located at 1954 Floyd Springs Road, Armuchee, Georgia.

Institutions of faith have always provided a vital service to America; by encouraging moral behavior, assisting citizens in need, and guiding the spiritual development of millions. For 150 years, Floyd Springs United Methodist Church has been in the forefront of that cause. Now, in 1998, we need the spiritual Christian leadership and service this great church offers.

The congregation has planned special activities during October to commemorate this historic event, and I am proud to lend my voice to this effort.

IN HONOR OF ERIC DELUCIEN AND NEW DIRECTIONS, INC.

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues a courageous 5-day journey passing through my district on the Central Coast today.

Eric DeLucien, an Americorps volunteer, is undertaking a 500 mile fundraising bike ride from San Francisco to Los Angeles, California, which will benefit New Directions, Inc.'s education fund. New Directions Inc., a nonprofit self-help program, provides free comprehensive rehabilitative services to homeless veterans with histories of chronic substance abuse and other disorders like Post-Traumatic Stress Disorder. Through this program, veterans receive the encouragement and job training they need to compete in today's job market.

My late husband, Walter Capps, was empathetic to the plight of all veterans; I share his concern and commitment to this community. I hope that this bicycle fundraiser will increase public awareness to the problems facing many of our veterans today, and I would like to thank New Directions, Inc. for providing the opportunities and tools they need to succeed.

Mr. Speaker, I conclude that the On the Road for Homeless Vets bike ride is a noble cause, and commend Eric DeLucien and New Directions, Inc. for their dedication to improving the lives of veterans in our country.

TRIBUTE TO LOUIS STOKES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. OWENS. Mr. Speaker, over the past few months there have been many tributes to our departing colleague, Congressman LOU STOKES. The accolades have been lengthy because there is a great deal to be said about the thirty year record of Congressman STOKES. Unfortunately, the most senior Members have been accorded the privilege of speaking first, and thus, I have been deprived of my opportunity to also praise LOU STOKES.

As a Member who has worked with LOU STOKES for sixteen of his thirty years, I feel I have known him long enough to speak with authority but not so long and so close that I have lost my capacity for some objectivity. We are all familiar with the concept of the ''Renaissance Man'' with a broad array of talents. In the power arena LOU STOKES is a ''Renaissance Political Man.'' He possesses the unique ability and capacity to perform as a deal maker; as a champion for issues; as a program innovator; as a team player and institution builder.

Watching LOU perform over the years has been an inspiring learning experience. As a key member of the Appropriations Committee he has repeatedly made the right deals for worthwhile programs. When the authorizing committee, ten years ago, established Title III–B for the direct funding of Historically Black Colleges and Universities, STOKES did the necessary homework to obtain immediate funding for this program which has now provided more than one billion dollars for higher education. Beyond serving as a conduit or vehicle for the obtainment of dollars, LOU served as an advocate and champion for the neglected African American colleges.

We have watched and greatly appreciated LOU STOKES' use of power to address complex and difficult problems. His service on the Ethics Committee, the Intelligence Committee and numerous groups that took him beyond the call of duty, has led to the acquisition of enormous amounts of respect and influence. He has repeatedly used this influence to introduce constructive innovations without lengthy legislation. Hundreds of minority youth have benefited from programs for interns and fellows originated by LOU in the various agencies of government.

Despite the enormous responsibilities which have come with his accrued powers, LOU has remained a consummate team player and institution builder. The personality cult has never claimed STOKES. He has worked tirelessly to build the Congressional Black Caucus. The CBC Health Braintrust is the model for all current and future meaningful Braintrust operations. Certainly the inspiration for a strong CBC Education Braintrust has come via the observance of the Health Braintrust. More people are engaged year round in the Health Braintrust than in any other CBC activity. This organization is the primary beneficiary of STOKES' habit of doing careful homework. Without a doubt the Health Braintrust is an institution that LOU has made strong enough to endure long after his resignation.

LOU STOKES, the ''Renaissance Political Man'' has not only performed magnificently in Washington, but also back home. His imprint is deeply embedded in the governance of his City of Cleveland, Ohio. Despite the fact that he still has many years left to enjoy his retirement, LOU has already been enshrined as a hero of his city. The new state-of-the-art Cleveland Public Library building bears the name of Congressman LOUIS STOKES. Needless to say, as the only Librarian ever elected to Congress, I find this achievement profoundly impressive.

For his comprehensive, across the board performance LOU STOKES stands high above his peers. When you consider the attributes and character traits necessary for productivity and success in the political arena, most Members of Congress can claim certain areas of strength while admitting to other areas of weakness. But only LOU can lay claim to titles all across the spectrum. He is a great deal maker, a champion advocate for issues; a program innovator, a team player; and an institution builder.

LOU STOKES, the ''Renaissance Political Man'' leaves very high standards for all future Members of Congress to utilize to measure their performance and their productivity.

CONGRESS SHOULD TAKE ACTION TO PRESERVE MEDICARE'S HOME HEALTH BENEFITS BEFORE ADJOURNMENT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COYNE. Mr. Speaker, I rise in support of efforts to reform Medicare's home health payment system now, before unreasonably low payment caps negatively impact quality and access to care. While they are not as comprehensive as the changes that I and many other members sought, the changes H.R. 4567 makes to the interim payment system (IPS) will give much-needed relief to home care agencies in my Congressional district and many others.

I am very concerned that we are considering paying for this change by expanding Roth IRAs. This expansion would raise the $2.4 billion we need in the first 5 years, but it will cost us $10.7 billion in the years after that. Financing this much-needed change in this way is a little like borrowing from a loan shark. We get a little bit of money now, but we'll have an even bigger bill to pay later.

The Senate is working on a version of this bill which would give even more relief to efficient agencies and would block the 15% across the board cut scheduled for next year. Home health agencies in my district have told me the impending 15% cut will have a destructive effect on their ability to provide services, and I would prefer not to wait until next year to address their concerns. The Senate bill is not paid for using the Roth IRA method, which I believe is better policy. Wednesday night I joined several of my colleagues in introducing a House bill which is nearly identical to the bipartisan Senate bill.

I will support H.R. 4567 in an attempt to move the process forward and craft a home health care solution in this Congress. However, I hope the House will move toward the Senate position in the conference. I believe doing so will give us a better bill, one which provides more relief for efficient agencies and frees all agencies from the specter of the 15% cut.

CONGRATULATIONS, SAGINAW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARCIA. Mr. Speaker, I rise today to applaud the good work of the City of Saginaw,

in my 5th District of Michigan, and particularly the leadership of the Saginaw City Council and City Manager Reed Phillips. In October 1998, at the 71st annual Water Environment Federation Conference in Orlando, the City of Saginaw was presented with the Environmental Protection Agency's 1998 National Sewer Overflow Control Program Excellence Award. The award is presented for innovation and quality for their combined sewer overflow control measures.

As we in the 5th District well know, the Saginaw River is a major contributor to the health or problems in the Saginaw Bay and Lake Huron. During our communities' long history in the region, we have struggled to reverse the degradation of the river and the lake from our cities and industry. A major role in that effort lies with city officials in our area. The Saginaw City Council and Mr. Phillips have provided a cutting edge example of how we can return our environment to the safe, healthy and productive resource whose beauty has made our region one of the largest tourist attractions in the Midwest.

Combined sewer overflows are a critically important problem in our country, particularly in the Northeastern, Midwestern and Northwestern United States. This 19th century engineering breakthrough represents an environmental nightmare for our cities of today. Periodic heavy rainfall can lead to releases which compromise our rivers, streams, lakes and oceans.

The efforts of Mr. Phillips to make me aware of this crisis in Saginaw, Bay City and other towns in our State led me to introduce H.R. 4242, the Combined Sewer Overflow Control and Partnership Act of 1998. Only massive expenditures of limited municipal resources can solve this problem today. With Reed's help, I learned that a national grant program is essential to long term solutions to this problem.

This is why, Mr. Speaker, that the creativity and innovation of the City of Saginaw is so impressive. To gain national recognition for success in attacking a problem which seems to have no solution is truly a victory for our citizens and our environment. Instead of giving up in the face of nearly insurmountable odds, the City of Saginaw has dedicated itself to making progress, and has proven that dedication and effort can change the course of rivers.

Mr. Speaker, I ask you and our colleagues to join me today in applauding the City of Saginaw and City Manager Reed Phillips, and cherishing the environment which they so dutifully protect.

THIRD BAPTIST CHURCH TO CELEBRATE ITS 130TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to give special recognition to the Third Baptist Church in Toledo, Ohio. Beginning November 11, 1998 and concluding November 15, 1998, the church will celebrate its 130th anniversary with a host of celebration activities.

I am pleased to commemorate this anniversary. This milestone is a testament to faith, to the strength of community, and to the values of family and tradition. The 130 year long journey of Third Baptist Church has only come about through the faith and perseverance of its congregants. As their lives have been made richer by their faith, so, too, has our community been made richer by the church's presence. This church in the heart of one of Toledo's oldest neighborhoods has housed generations of souls uplifted by the strength of prayer and each other as God's Word was celebrated each Sunday for 130 years.

Third Baptist Church has been a cornerstone of the community, and is strongly supported by its members. Generations worship together, in the truest sense of church and community. Third Baptist's motto is ''Celebrating Our Goodly Heritage Through Worship and Praise.'' Its members live this testament, coming together to offer joyful songs, inspirational prayers, and deep, personal worship.

As 130 years are celebrated through several days, I know that the spirit of the church's ancestors will be felt, and they will join today's membership in the commemoration. As we look back on the past, may we also direct our vision toward the future.

TRIBUTE TO THE FARMERS' ADVANCE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Farmers' Advance published in Camden, Michigan.

On October 13, 1998, the Farmers' Advance and its precursor, The Camden Advance, will have served rural readers and advertisers for 100 years.

As a farmer, I rely on the Farmers' Advance to keep me abreast of the weekly sales and prices of farm commodities, livestock and equipment. I also appreciate the excellent coverage of youth activities in 4–H and FFA shows and sales. In this rapidly changing time, the Farmers' Advance continues to chronicle and celebrate traditional farm family values through its stories and photographs.

The Camden Advance was first published in 1898. Lee Graham, publisher and editor, set the type under lamplight and printed the paper on a hand press.

In 1953, its name was changed to the Farmers' Advance. Today, the Farmers' Advance reaches readers in every county in Michigan, northern Indiana, northern Ohio, and Ontario, Canada.

I want to commend this wonderful publication for its dedication to serving farms and rural areas and promoting farm family values for 100 years.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to the resolution presented by my colleague from Illinois, Mr. HYDE, to initiate an open ended, unlimited impeachment inquiry of the President of the United States of America.

This resolution is an attempt to do through parliamentary means what could not be done in the last two elections: unseat the President of the United States of America.

Let me state here on the floor of the House what most Americans already know.

This inquiry is not about sexual indiscretion. We have allegations of Presidential sexual indiscretions, some going back 200 years and involving slave women who certainly had no defense against predatory relationships. But no such impeachment inquiry has been initiated before.

This is not about lying. We have had allegations of Presidential lying about the trading of munitions for covert foreign aid and Presidential lying about personal federal income taxes. But no such impeachment inquiries were initiated in response.

Mr. Speaker, there are some in this House who have campaigned for the impeachment of this President for more than six years. Their campaign, fueled by $40 million spent by the Office of Special Council, tens of millions spent by private sources, and millions more spent by assorted Congressional Committees, and the inevitable accompanying leaks have yielded us only a sad, sordid marital infidelity and an endless supply of headlines.

These relentless campaign to impeach the President now hold their sponsors hostage to their own rhetoric. Having failed to find an impeachable offense, there is now relentless pressure to make do with the $60 million scandal—to make the scandal fit the bill.

Mr. Speaker, our Constitution contains a number of examples of purposely ambiguous language in addition to the phrase ''high Crimes and Misdemeanors.'' Consider such language as ''due process.''

It is precisely such elegant and flexible language which has enabled our democracy to develop, to encompass ever broader sectors of Americans, in ever deeper and more empowering ways.

It is reasonable to expect that as the process of electing our chief executive has become more and more democratic, enfranchising more Americans, more and more directly, that the process for removing that chief executive, of undoing the will of the people, would demand higher and higher standards. It is reasonable to expect that the Congress should not take into itself the power to limit a President, in James Madison's words ''. . . to a tenure during the pleasure of the Senate.''

When we ''dumb down'' the Constitution to meet the needs of partisan politics we inflict

deep and lasting harm on our political and Constitutional system. This is the real Constitutional crisis. I do not believe it is accidental that all of our nation's encounters with Presidential impeachment come following periods of great national turmoil—either the executive or legislative branch attempting to use extra-constitutional means of imposing its will on the policy of the nation. Like the attempt to impeach President Johnson in the wake of the Civil War and the debate over how to incorporate African Americans into the body politic or the attempt of President Nixon to undermine his political opponents in the closing days of the War in Vietnam; current attempts to undo the results of two Presidential elections will leave deep, lingering wounds on our nation, but, in the long run, will fail in their attempt to make an end run around the will of the people.

Undoing our Constitution will not advance the search for solutions to the great national and international problems facing America: global economic crisis and growing economic inequality, the undoing of decades of struggle for racial equality in America: the resurgence of national strife around the world, the need to address fundamental problems in health care, education, environment and housing, preserving social security and a host of other critical issues.

I urge my colleagues to oppose this insidious attempt to use, or rather misuse, the power of impeachment.

RETIREMENT OF ARKANSAS STATE REPRESENTATIVE JOHN MILLER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to recognize one of Arkansas' dedicated citizens, on the event of his retirement. It is my privilege to recognize the accomplishments and achievements of Representative John Miller, as he is retiring from the Arkansas State House of Representatives.

State Representative John Miller has served the people of Izard County and portions of Independence and Sharp Counties in the Arkansas General Assembly for 36 years and is retiring this year. As former speaker of the House, John ranks third in seniority in the 100-member House of Representatives.

Before becoming a member of the Legislature, John served as county and circuit clerk in Izard County, chairman of the state Developmental Disabilities Planning Council, as a member of the Melbourne Lions Club and of the chambers of commerce in Melbourne, Batesville, Calico Rock and Horseshoe Bend. He also served on the boards of directors for the Calico Rock Medical Center, the Arkansas Easter Seals Society, North Arkansas Human Services Systems, Inc., Lions World Services for the Blind, the White River Planning and Development District, and Advocacy Services, Inc.

In the 1st District of Arkansas, we say ''he is a good man.'' When you get to Izard County, the roads get wider, the people are happier, life is better and the future is brighter because of John Miller. He is a credit to public service and humanity and the world is better because he is here. I am proud to call him my friend.

CARLOW COLLEGE'S CONTINUING EDUCATION PROGRAMS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COYNE. Mr. Speaker, I rise today to honor Carlow College for its efforts in making education available to more working adults.

Carlow College, located in Pittsburgh, Pennsylvania, was founded in September 1929, as a Catholic institution primarily for women.

Education is very important in today's rapidly changing society. For the past twenty years, Carlow College has continued to make education accessible throughout the Pittsburgh region with the Carlow Weekend College program, started in 1978, and the Carlow Accelerated Program, which began in 1988. These programs give students the choice of either evening courses in the Accelerated Program or weekend classes in the Weekend College. Classes are offered during times that are convenient for most working adults, so that they may continue their education without quitting their regular jobs. This enables many working adults to complete a bachelor's degree. Students may also attend courses designed to upgrade their technical and management skills.

These programs today have 1,100 students and 12 majors. Classes are now offered at nine locations, and the College is currently working to take advantage of the Internet by offering courses on-line.

I want to call national attention to these innovative programs at Carlow College. As Congress works to expand the knowledge and skills of the American work force, it should look at some of the ground breaking programs that are already underway at institutions like Carlow. Thank you.

TRIBUTE TO VIRGINIA HAYES

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, I rise today to honor the memory of Virginia Hayes of Oceano, California. Stricken with Parkinson's disease, Virginia never denied the reality of her diagnosis, living her life with courage and facing her death with dignity; and in so doing truly symbolized the silent struggle of every person afflicted with Parkinson's.

There are at least one million Americans living with Parkinson's, a chronic neurological disorder affecting muscle movement. Its relentless progression systematically robs its victims of every aspect of their lives—a process that dramatically impacts the lives of spouses, families and other loved ones.

While it's commonly accepted that Parkinson's disease is not fatal, no one can tell that to the Hayes family. To the end, Virginia's spirit was strong and brave, but after 23 years of fighting, her otherwise healthy body was exhausted and eventually overcome, her struggle to live defeated by the ravages of Parkinson's.

Just a few months before her death, Virginia took part in the production of an advocacy video designed to educate about Parkinson's disease and promote increased research funding. Titled ''The Faces of Parkinson's,'' the video is a dramatic presentation of Parkinson's effect on individuals and their families. With husband Paul at her side, Virginia allowed us an unflinching look at how Parkinson's devastated her independence and her life. Through her courage, she has left a legacy which serves to inform and inspire us all, and hopefully will in some way lessen the burden on those who share her struggle.

Undoubtedly, this public contribution is but one small piece of the legacy Virginia has left her family and friends—those who stood by her throughout her battle with Parkinson's, as well as other circumstances of life that challenge and reward us all. While Parkinson's disease took her life, it clearly did not define it. The strength it takes to face adversity with resolve and wit is found deep inside. Virginia found and nurtured that place inside herself and understood that love is stronger than death.

I am honored to pay tribute to Virginia Hayes, and to offer our sincerest condolences and best wishes to her husband and her entire family.

CLAY HIGH SCHOOL IN OREGON, OHIO TO REDEDICATE THE CLAY MEMORIAL STADIUM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize the administration, faculty, staff, students and families of Clay High School in Oregon, Ohio. On October 9, 1998, the Clay High School community will rededicate the Clay Memorial Stadium.

In December, 1941, our nation entered the greatest conflict in human history. Young people from all walks of life served in our armed forces. Many soldier, sailors, airmen and marines came from the Oregon, Ohio, area and served with honor and distinction as we freed the world of Axis terror and fascism. Some of these young people never returned. They gave their lives for freedom with the hope that our nation and their community would always cherish the gifts that America offers.

It was in this spirit that the Oregon, Ohio, community dedicated the Clay Memorial Stadium, in 1948, to the young men and women who gave their lives in defense of liberty. This year marks the 50th Anniversary of the stadium. The Clay High School family and the Oregon community at large are now embarking on a renovation project to make the stadium's World War II memorial the focus of the facility. The community also plans to add memorials to those who served in Korea, Vietnam and the Gulf War. The renovated stadium promises to be a renewed memorial to those who have made the supreme sacrifice and a symbol of youth and hope as we enter the 21st Century.

Mr. Speaker, as the Congressional author of legislation to create a national World War II

Memorial it gives me much pride to represent the citizens of Oregon, Ohio in this great House. They and the nation will never forget the sacrifice of the millions of men and women who gave their lives to freedom in the victory over tyranny that defined world history for the 20th century.

Our community extends warm appreciation to the citizens of Oregon, Ohio as they rededicate the Clay Memorial Stadium.

IN HONOR OF PAT PEACOCK

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Pat Peacock, a lady who means a lot to my family and the community she lives in. Ms. Peacock is from Stuttgart, AR, the ''Duck and Rice Capital of the World.'' It is partly because of Ms. Peacock and her ambassadorial role that Stuttgart and the Grand Prairie are known far and wide as the only place to be, for a least a few days, during duck hunting season. She has worked tirelessly to promote her community and Stuttgart has reaped the rewards of all her hard work.

Ms. Peacock was instilled with a sense of service to others. Her love of the outdoors and appreciation for the need to preserve the precious heritage where she grew up, has defined her lifetime involvement to conservation and wildlife organizations. She has given countless hours to ensure that our children will inherit and appreciate what our generation has been privileged to enjoy. Her many awards include: Arkansas Conservationist of the Year, inducted into the Arkansas Outdoor Hall of Fame, member of the Game and Fish Commission, Outstanding Volunteer of the Year for Arkansas and Women's Champion Duck Caller.

Pat Peacock for many years owned and operated a small business in Stuttgart called Majestic Inc. She began as a salesperson while in high school. From that time, Ms. Peacock helped build the business into one with a fine reputation throughout the state. The competition from chain department stores in nearby cities and discount stores that hurt Main Street were tough on her small business but Pat worked hard and fine tuned her business successfully.

Pat has turned another page now. She has moved on to new challenges and opportunities. I wish her well and want to express my thanks for what she has done for the community of Stuttgart, Arkansas and Arkansas County.

RECOGNIZING THE WORK OF THE AIR LAND EMERGENCY RESOURCE TEAM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to bring to the Congress' attention the work of 17 young men who served the people of Russia from March 3–April 14, 1998, by remodeling an orphanage in Moscow to improve the living conditions. These young men paid their own way and learned the lessons sacrifice, hard work and commitment to their fellow man. You know the Bible says, ''Whatever you did for one of the least of these brothers of mine, you did for me.'' These young men should be commended for their willingness to serve others: Daniel Falkenstine, Texas; David Franzen, Wisconsin; Peter Franzen, Wisconsin; Rob Gray, Indiana; Nathan Hoggatt Texas; David Kress, Alabama; John Munsell, Ohio; Robert Nicolato, Ohio; John Nix, Michigan; Steve Nix, Michigan; Timothy Petersen, Georgia; Todd Teepell, Louisiana; Joshua Thomas, Oregon; Neil Waters, Texas; Jared Wickam, Illinois; and Amadi Williams, California.

Mr. Speaker, I would like to bring to the attention of this Congress, 56 men who gave of themselves to help the people of Omaha, Nebraska in the wake of the snow disaster which hit this city in the late fall of 1997. These men traveled many miles at their own expense to assist the citizens in removing debris and fallen trees. These men are to be commended for their sacrifice, dedication and commitment to those in need: Jonathan Bendickson, British Columbia; Brian Biddle, Ohio; William Bradford, Arizona; Jacory Brady, Colorado; Jesse Brown, Venezuela; Trevor Cangelosi, Louisiana; Jonathan Carlisle, Missouri; Daniel Chapman, Michigan; Patrick Chapman, Michigan; Thomas Chapman, Michigan; James Connelly, California; Stephen Copu, Illinois; Jason Dandurand, Washington; Steve Dankers, Wisconsin; Brendon Dees, Missouri; Richard Dizney, Washington; Daniel Falkenstine, Texas; Stever Farrand, Colorado; Bret Fogel, Ohio; Ronald Fuhrman, Michigan; Robert Gray, Indiana; David Hansen, Oregon; Ben Hardbuck, Texas; David Hens, Nebraska; Daniel Hess, Nebraska; Nathan Hoggatt, Texas; Joshua Horvath, Texas; and Geary Howell, Mississippi.

Joshua Irving, Texas; Aaron Jongsma, Ontario; Nathan Jongsma, Ontario; Caleb Kaspar, Oregon; Justin King, Michigan; Jason Kingston, Texas; Robert Matlack III, Mississippi; Jay Miller, Nebraska; Samuel Mills, Texas; Bill Moore, Texas; Benjamin Moore, Iowa; Marc Moore, Iowa; Nathanael Nazario, Puerto Rico; Robert Nicolato, Ohio; Aaron Pennington, Nebraska; Nathan Pennington, Nebraska; Jason Raymond, Mississippi; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Jason Ruggles, Michigan; Jeremy Savage, Washington; Jonathan Schultz, Mississippi; Chad Sikora, Michigan; Daniel Storm, Nebraska; John Tanner, Michigan; Todd Teepell, Louisiana; Neil Waters, Texas; and Patrick Walsh, Florida.

Mr. Speaker, I would like to recognize 15 men who gave their time and talent from January 14-March 7, 1998, to assist the citizens of La Luz, Oaxaca, Mexico in cleaning up debris and repairing roads washed out in the wake of a hurricane that thrashed this city in the early months of 1998. The Mayor of San Pedro Tututepec, Oaxaca invited these men to promote hope, good will and charity between the United States and Mexico. They should be commended for their sacrifice and commitment to serve their fellow man in a time of great need: Samuel Dandurand, Washington; Daniel Davis, California; Paul Elliott, Wyoming; Caleb Kaspar, Oregon; Matthew Lindquist, Michigan; Jason Luksa, Texas; Ben Mirecki, Ontario; Keon Pendergast, California; Matthew Pierce, Mississippi; Isaac Reichardt, Michigan; Greg Rozeboom, Michigan; David Thomas, Texas; Patrick Walsh, Florida; Daniel Weed, New York; and Jesse Young, Arkansas.

Mr. Speaker, I want to commend 147 men who spend nearly a month in the city of Birmingham, Alabama last spring to help clear debris and remove trees uprooted by a tornado. Working under the direction of the Rock Creek County Emergency Management Agency, these men gave their time and talent, from April 10-May 13, 1998, to help those in need. I believe that at a time when so many in our society put themselves first, these men sacrificed for others and in the process learned valuable lessons about hard work and dedication: Jeffrey Achenbach, Tennessee; Samuel Alexander, California; Joseph Amis, Indiana; Chad Anderson, California; Aaron Berg, Ontario; Nathan Beskow, Oregon; Daniel Boyd, Texas; Caleb Boyette, Florida; Jacob Braddy, Arizona; Jacory Brady, Colorado; Ryan Breese, Illinois; Daniel Buhler, California; Jason Butler, Alabama; Rodian Cabeza, New York; Daniel Chiew, Singapore; Aaron Childress, Arkansas; Frederick Cohrs, Washington; Abram Daher, Washington; Jason Dandurand, Washington; Samuel Dandurand, Washington; Daniel Davies, Indiana; Jeremy Davis, New Jersey; Brendon Dees, Missouri; Jonathan De Haan, Kentucky; Brady Dougan, Arkansas; Benjamin Downey, Colorado; Nathan Downey, Colorado; Randolph Doyer, Texas; Reuben Dozeman, Michigan; Olof Ekstrom, Oregon; Jonathan Elam, Indiana; Paul Elliott, Wyoming; Paul Ellis, Mississippi; and Micah Emmons, Montana.

Andrew Farley, California; Gilbert Fernandez, California; David Fishback, Ontario; Scott Forrester, Tennessee; James Frasure, Ohio; Jeremy Fugleberg, North Dakota; Ronald Fuhrman, Michigan; Jhareme Fuller, Michigan; Joel George, Colorado; Elvio Gross, New York; Michael Hadden, Georgia; James Harry, Michigan; Matthew Harry, Michigan; Zechariah Hamilton, Florida; Adam Hawkins, Arizona; Scott Hayes, New York; David Hens, Ohio; William Hicks, California; Mario Huber, Pennsylvania; Jordan Jaeger, Iowa; Jeremy Jansen, Kansas; Andres Johansson, Washington; Joshua Johnson, Washington; Michael Jones, Texas; Aaron Jongsma, Ontario; Nathan Jordan, Louisiana; Kevin Kelleher, Alabama; Clayton Kelleher, Alabama; Michael Kelleher, Alabama; Lindsay Kimbrough, Illinois; Jason Kingston, Texas; Joshua Knaak, Alberta; Richard Knight, Michigan; James Kimball, North Carolina; Luke Kujacznski, Michigan; Jeremy Kuvik, New York; Joshua Lachmann, Indiana; Aaron Larid, Texas; Daniel Lamb, California; Dustin Ledden, New York; Jesse Long, Washington; Lucas Long, Washington; and Brandon Loverde, New York.

James Lovett, Washington; Jason Luksa, Texas; Joshua McDonald, Florida; James Marsh, North Carolina; Paul Matthewson, Washington; Kirk McCutcheon, California; Charles Mead, Arizona; Christopher Millard, New York; Timothy Mirecki, Ontario; Jason Monnin, Florida; Timothy Moye, Georgia; Nathan Nazario, Washington; Barry Newsom, Alabama; Jonathan Newsom, Alabama; Patrick O'Brien, California; Jonah Offtermatt, Texas; Jeffrey Ogren, Alabama; Jason Orcutt, Alabama; Stephen Parrish, Tennessee; Sean Pelletier, Virginia; James Penner, Ohio; Jason

Raymond, Mississippi; Daniel Reynolds, Minnesota; Elisha Robinson, Pennsylvania; Joshua Robinson, Arizona; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Benjamin Rupport, Oregon; Jonathan Russell, California; Joshua Rutledge, California; Jeremy Sandlin, Alabama; Sean Sangree, Pennsylvania; Daniel Schroeder, Arkansas; Jonathan Schultz, Mississippi; Jonathan Scott, California; Matthew Sellers, Phillipines; Brock Shinkle, Kansas; Keith Showalter, Ohio; Paul Southall, Ohio; Scott Stephens, Texas; Kevin Stickler, North Carolina; Benjamin Stixrud, Washington; and Jesse Scroggins, Alabama.

Will Scroggins, Alabama; Christopher Sullivan, Minnesota; Joshua Svenhard, California; Nathanael Swanson, New Brunswick; Justin Swartz, California; John Tanner, Michigan; Ryan Thomas, Alabama; John Thornton, Tennessee; William Tucker, Alabama; David Tucker, Alabama; Jefferson Turner, Georgia; Andrew Van Essen, Ontario; James Volling, Ontario; Jeffrey Wall, California; Daniel Weathers, Washington; Jonathan Wharton, Texas; Shane White, Kentucky; Nathan Williams, Kentucky; David Wilson, Alabama; Samuel Wilson, Alabama; Thomas Wood, Washington; John Worden, California; John Yarger, Colorado; Jesse Young, Arkansas; Joshua Young, California; and Tesley Zehner, Wyoming.

Mr. Speaker, I want to pay recognition to 39 young men who traveled to Nashville, Tennessee to clear fallen trees and debris in the wake of a tornado which hit the city in May, 1998. These men gave their time and talent, from May 14–22, 1998, to provide relief for families and the community. One area hit hard by the tornado included President Andrew Jackson's historical Heritage home. These men made the sacrifice to serve others: Jeff Achenbach, Tennessee; Chad Anderson, California; Jacob Braddy, Arizona; Jacory Brady, Colorado; Daniel Buhler, California; Rodian Cabeza, New York; Aaron Childress, Arkansas; Abram Daher, California; Daniel Davies, Indiana; Jonathan De Haan, Kentucky; Randolph Doyer, Texas; Andrew Farley, California; Joseph Farley, California; Gilbert Fernandez, California; Elvio Gross, New York; Zehariah Hamilton, Florida; Adam Hawkins, Arizona; Joshua Johnson, Washington; Michael Jones, Texas; Nathan Jordan, Louisiana; Lindsay Kimbrough, Illinois; Joshua Knaak, Alberta; Jeremy Kuvik, New York; Aaron Laird, Texas; James Marsh, North Carolina; Paul Mathewson, Washington; Charles Mead, Arizona; Jason Monnin, Florida; Jonah Offtermatt, Texas; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Daniel Schroeder, Mississippi; Brock Shinkle, Kansas; Paul Southall, California; John Tanner, Michigan; John Thornton, Tennessee; Andrew Van Essen, Swaziland; John Yarger, Colorado; and Tesley Zehner, Wyoming.

THE ''YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT''

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HYDE. Mr. Speaker, the Year 2000 Information and Readiness Disclosure Act (S. 2392) is intended to promote the voluntary sharing of information needed to discover, avoid, or fix problems with year 2000 calculations in our nation's software, computers, and technology products. In all civil litigation including certain antitrust actions, the Act limits the extent to which year 2000 statements can be the basis for liability and it prevents certain evidentiary uses, against the maker, if a subset of such statements. However, the Act ensures that only responsible, good faith information-sharing gets such protection.

In particular, the Act protects good faith sharing of two kinds of year 2000 information: a board category called ''year 2000 statements,'' and a narrower subcategory called ''year 2000 readiness disclosures.'' Year 2000 statements and readiness disclosures can include any year 2000 related subject matter, but year 2000 readiness disclosures must be in writing, be clearly labeled, and concern one's own products or services. Certain already-existing year 2000 statements may be designated as year 2000 readiness disclosures and receive the protections applicable to year 2000 readiness disclosures under the Act. The protections given to year 2000 statements and readiness disclosures protect all those who help in any way to make a year 2000 statement or readiness disclosure, so a broad group of individuals and entities are protected.

The Act encourages the use of the Internet to provide notice of all matters relating to year 2000 processing. In addition, the Act protects against disclosure and use in civil actions year 2000 information voluntarily provided to the government under a ''special data gathering request.'' Finally, the Act creates a temporary exemption to the antitrust laws for sharing of year 2000 information, unless it results in an actual agreement to boycott, allocate markets, or fix prices.

The Act does not create new causes of action or expand any existing causes of action, nor does it create new obligations or duties. The Act does not create any duty to provide notice about a year 2000 processing problem. The intent of this legislation is to promote sharing of year 2000 information. This would be frustrated if any year 2000 statement were the sole basis for any finding of liability on the part of the maker. Furthermore, it is not the intent of this legislation to hold the maker of a year 2000 readiness disclosure liable for the adequacy or sufficiency of its disclosure where such disclosure is not otherwise required by law or contract. The Act also does not affect existing contracts, tariffs, intellectual property rights or consumer protections applicable to solicitations or offers to sell consumer products.

The Act's protections are limited. The Act does not change or address in any way liability for a year 2000 processing failure; does not change or reduce any underlying duty, standard of care or liability for a year 2000 failure; does not apply to certain consumer transactions; does not prevent any underlying facts regarding a failure being demonstrated in court; does not prevent any governmental entity from requiring the disclosure of any information; and does not preclude any claim to the extent it is not based on a year 2000 statement.

The Act prevents the use as evidence against the maker of only a narrow range of year 2000 statements—year 2000 readiness disclosures—to prove the truth of the disclosure. They can, however, be put into evidence to demonstrate matters other than their truth. Further, year 2000 readiness disclosures can be used to in contract litigation as part of the evidence necessary to show anticipatory breach, repudiation, or similar actions, although they should not be the sole evidence supporting liability. A judge can limit (but not totally abrogate) this protection in order to prevent an abusive or bad-faith use of the disclosure contrary to the purposes of the Act.

Year 2000 statements other than year 2000 readiness disclosures can be brought into evidence for any purpose. However, they may not be the basis for any finding of liability against the maker, except where the maker knew the statement was false, made it with intent to deceive, or made it with reckless disregard as to its truth or falsity.

In cases of alleged trade defamation, product disparagement, and the like, year 2000 statements generally can be the basis of liability only if the maker knew the statement was wrong or was reckless about the statement's truth or falsity.

Internet website notice is generally deemed adequate. Important exceptions exist, however, and Internet website notice alone is not deemed adequate in cases of personal injury or serious property damage. In specified circumstances, in order to obtain the benefits of the Act, sellers, manufacturers, or providers of year 2000 remediation products or services must inform their customers about the effects of this Act during the course of solicitations or offers to sell.

For purpose of actions brought under the securities laws, year 2000 statements contained in filings with the Securities and Exchange Commission or Federal banking regulators and disclosures or writings that, when made, accompanied the solicitation of an offer or sale of securities are not covered by the Act.

The following section-by-section analysis illustrates important details of the Act.

Section 1, Short Title. This section entitles the Act the ''Year 2000 Information and Readiness Disclosure Act''.

Section 2, Findings and Purposes. This section lays out the findings underlying the bill and the board purposes the bill is intended to serve.

Potentially millions of pieces of technology can not recognize certain dates around the year 2000. Because year 2000 processing problems could incapacitate government, commerce, and utilities, correcting the year 2000 problem is a matter of national and global interest.

Prompt, candid, and thorough disclosure and exchange of information about year 2000 readiness would enhance year 2000 readiness. Concern about liability is impeding the sharing of such information. Uniform legal standards regarding year 2000 information are in the national interest.

Enacted under the Commerce Clause power, this Act's purpose is to promote disclosure and exchange of year 2000 information by establishing uniform legal principles.

Section 3. Definitions. This section defines various terms.

The term ''antitrust laws'' means section (a)(1) of the Clayton Act (15 U.S.C. §12(a)) and section 5 of the Federal Trade Commission Act (15 U.S.C.§45), to the extent that section applies to unfair competition, and similar State law.

The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

The term ''consumer product'' means any personal property or service that is normally used for personal, family, or household purposes.

The term ''covered action''—used to define the types of litigation subject to the Act—is intentionally broad. It means a civil action of any kind arising under Federal or State law, except one brought by a Federal, State, or other government entity, agency, or authority acting in its regulatory, supervisory, or enforcement capacity. In other words, ''covered action'' does not include regulatory, enforcement, and criminal actions brought by government entities.

The term ''maker'' means each person or entity, including a State or subdivision thereof, that issues or publishes any year 2000 statement. It also means each such person or entity that prepares, develops, issues, approves, or publishes any year 2000 statement. The term is defined very broadly to ensure that all entities, public or private, may benefit from the Act, including all those who help to make a year 2000 statement or readiness disclosure by reviewing, advising on, or commenting on it. Fairness requires that anyone who assists in the formulation of the year 2000 statement should receive the same protection given to the entity that actually issues or publishes the statement.

The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated as an area where year 2000 statements are posted or otherwise made accessible to the public. Elsewhere, the Act specifically recognizes use of the Internet and similar means of communication for purposes of providing notice. This is intended to encourage companies, government, and the public to use all current technologies such as the Internet to address year 2000 processing problems by sharing and widely disseminating year 2000 information in as timely and cost-effective manner as possible.

The term ''year 2000 processing'' means processing, transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and leap year calculations. The ''year 2000 problem'' or ''millennium bug'' is not simply a software problem and is not strictly related only to January 1, 2000. Year 2000 processing includes a wide variety of date-related data processing functions in microchips, software, ''firmware,'' and other products.

The term ''year 2000 readiness disclosure'' means any written year 2000 statement (a term defined elsewhere) clearly identified on its face as a year 2000 readiness disclosure, inscribed in a tangible medium or stored and retrievable in perceivable form, and issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that entity. The ''year 2000 readiness disclosure'' is a narrower, more highly protected subset of year 2000 statements. Year 2000 readiness disclosures can include the same year 2000-related subject matter as year 2000 statements. The difference is that year 2000 readiness disclosures must be (a) clearly identified as such, (b) in writing, and (c) about the maker's own products or services.

The term ''year 2000 remediation product or service'' means a program or service designed by one person or entity to detect or correct year 2000 processing problems in the product or service of a different person or entity. A ''year 2000 remediation product or service'' is not one that is designed or used to detect or correct year 2000 processing problems in its provider's own products or services. Under this definition, the producer of a software program does not provide a year 2000 remediation product or service if it attempts to fix the product or service it provided, if it provides an upgrade or ''patch'' for the product or service it provided, or if it sells a product that essentially replaces an existing product or service (regardless of who manufactured or provided that product or service). In contrast, a person or entity that sells products or services for the purpose of detecting or correcting year 2000 processing problems in others' products (including programming in microchips, software, and ''firmware''), does offer year 2000 remediation products or services within the meaning of this definition.

The term ''year 2000 statement'' mean any communication or other conveyance of information assessing year 2000 processing capabilities, concerning plans to verify year 2000 processing capabilities, concerning testing of year 2000 processing by products, or services utilizing products, or relating to year 2000 processing. A year 2000 statement may contain a very broad array of information potentially useful to anyone seeking to discover, avoid, or correct a year 2000 processing problem. Year 2000 statements may be in any format, oral or written, and address year 2000 processing or readiness in any way.

In actions under the securities laws (as that term is defined in federal law), the term ''year 2000 statement'' excludes statements in documents filed with the Securities and Exchange Commission or with federal banking regulators, as well as statements or writings made contemporaneously with and accompanying an offer to engage in a securities transaction. The latter part of this exclusion is intended to apply to year 2000 statements that are incorporated in an express solicitation—for example, year 2000 statements made by a broker as part of a ''sales pitch'' designed to induce the purchase of shares.

Section 4. Protection for Year 2000 Statements. This section and section 5 establish certain protections relating to year 2000 statements and readiness disclosures. The two sections are intended and designed to stimulate voluntary, good faith information-sharing with the public, among companies, and with the government. They limit certain uses in litigation of year 2000 statements and readiness disclosures. However, such limitations are themselves restricted in order to promote—though they cannot guarantee—only the sharing of useful and valid information.

Section 4(a). Evidence Exclusion. No year 2000 readiness disclosure shall be admissible against the maker to prove the accuracy or truth of any year 2000 statement in such readiness disclosure, except that a year 2000 readiness disclosure may be admissible in a claim for anticipatory breach, repudiation, or a similar claim against the maker. A court may limit application of this subsection if the year 2000 disclosure amounted to bad faith or fraud or was well beyond what is reasonable to achieve the purposes of the Act.

Under this subsection, the narrow category of year 2000 readiness disclosures is given greater protection than year 2000 statements. Year 2000 readiness disclosures may not be admitted into evidence against the maker to prove the truth or accuracy of any matter asserted in them. This is meant to provide protection for disclosure of all information, including accurate and helpful information about the nature and scope of year 2000 problems, solutions, and readiness.

Subsection 4(a) does not create any new cause of action, expand or reduce any existing cause of action, or otherwise create any new right or obligation. Neither does this subsection change or reduce any liability for a year 2000 failure, restrict alternative means of obtaining information, or prevent any fact underlying a claim related to failed year 2000 processing from being demonstrated in court through evidence other than year 2000 readiness disclosures. This section does not prevent the maker of the year 2000 statement within a year 2000 readiness disclosure from using its own year 2000 readiness disclosure in litigation for any purpose.

For example, in a breach of warranty action against a manufacturer based on damages arising from a failed computer system, a year 2000 readiness disclosure issued by the manufacturer that contained a statement that the system had year 2000 processing problems could not be introduced against the manufacturer to prove that the system had year 2000 processing problems. Where a year 2000 readiness disclosure included a statement that the system had no year 2000 processing problems, that statement could be admitted (along with evidence that the maker knew it was false) to show that the maker intended to mislead. In both cases, any information provided by the manufacturer outside of the year 2000 readiness disclosure or obtained in discovery during the litigation would be admissible to prove the existence of year 2000 processing problems.

Subsection 4(a) has two narrow exceptions.

First, year 2000 readiness disclosures may be admissible in actions under anticipatory breach, repudiation, and similar contract claims, however designated. In general, a year 2000 readiness disclosure should not be the sole evidence supporting liability in such actions. A year 2000 readiness disclosure suggesting that products or services have year 2000 processing problems should prompt concerned persons and entities to thoroughly investigate the nature and scope of the problem, and whether and how it affects the maker's ability to perform under a contract. A year 2000 readiness disclosure could, however, be specific enough to leave no question about the maker's inability to perform on a contract.

Second, a judge may limit (but not totally abrogate) this subsection's evidentiary protection in order to prevent a fraudulent, bad faith, abusive, or similar use of the year 2000 readiness disclosure contrary to the purposes of the Act. A judge cannot admit a year 2000 readiness disclosure at will, but only if use of such disclosure goes clearly beyond the purposes served by the Act. For example, a party should not be permitted to simply mark all of its year 2000-related documents as year 2000 readiness disclosures, send them to a business partner, and claim that they are, thereby, not admissible in an action related to a subsequent year 2000 processing failure.

Subsection 4(b). Liability for False, Misleading, and Inaccurate Year 2000 Statements. To the extent an action is based on a false, inaccurate, or misleading year 2000 statement, the maker generally shall not be liable. If it was not a republication, the maker may be liable if the statement was material and if the maker made the year 2000 statement with actual knowledge that it was false, inaccurate, or misleading; with intent to deceive or mislead; or with reckless disregard for its accuracy. The term ''reckless disregard'' was derived from the public figure defamation standard established by the Supreme Court in *New York Times* v. *Sullivan,* 376 U.S. 254 (1964). If the year 2000 statement was a republication, the maker may be liable if the year 2000 statement was material and if the maker made the year 2000 statement with actual knowledge that it was false, inaccurate, or misleading; with intent to deceive or mislead; or without notice in such year 2000 statement that the maker has not

verified the contents of the republication, or that the maker is not the source (in which case the source must be identified in the year 2000 statement or the republication). In addition to proving all other elements of the action, each of these elements must be established by clear and convincing evidence.

Subsection 4(b) addresses protections provided to the entire class of year 2000 statements. The intent is to ensure that good-faith, honest attempts to provide important, needed year 2000 information do not become the basis for liability if the information later turns out to have been inaccurate in some way. In an unprecedented, urgent, changing situation such as dealing with the year 2000 problem, the best information available today may be outdated tomorrow through no fault or dereliction of the information's provider. Subsection 4(b) treats statements differently when they contain information obtained from another source, allowing one source to republish information learned from another if the republisher discloses that is doing so and identifies the original source. When the republication is made on an Internet website, notice provided on the republisher's website can be adequate for this purpose where the website contains clearly identified links to websites maintained by the original source.

Subsection 4(c). Liability for Defamation or Similar Claims. In a defamation, trade disparagement, or similar action based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker shall not be liable unless clear and convincing evidence shows that the maker of the year 2000 statement knew it was false or was reckless as to whether it was true or false.

Subsection 4(c) addresses the treatment of year 2000 statements alleged to be untrue in litigation based on defamation, trade disparagement, or a similar claim, however denominated. Here, the Act specifies that year 2000 statements, whether the maker is the source or merely passing along information, may be the basis of liability only if all other existing requirements of the claim are proved, and there is a further showing, by clear and convincing evidence, that the maker made the statement with knowledge of its falsity, or with reckless disregard for the truth. The standard here is modeled on the public figure defamation standard established by the Supreme Court in *New York Times* v. *Sullivan,* 376 U.S. 254 (1964).

Subsection 4(d). Year 2000 Internet Website. When the adequacy of notice about year 2000 processing is at issue, posting notice in a commercially reasonable manner on a year 2000 website shall be deemed an adequate mechanism for providing notice, unless this mechanism is contrary to prior representations, is inconsistent with a regular course of dealing, or occurs where actual notice is clearly most reasonable. This section does not affect other law, require notice regarding year 2000 processing, preclude or suggest types of notice, or mandate the content or timing of any notice.

Subsection 4(d) is intended to encourage the use of the Internet to provide notice of all matters relating to year 2000 processing problems and solutions. Because technologically sophisticated parties have ready recourse to the Internet, and because posting on a website provides a cost-effective and widely accessible means of dispersing information, this subsection makes it clear that, absent contravening circumstances, website notice is appropriate. Thus, subject to exceptions discussed below, use of an Internet website to provide year 2000 information is deemed adequate notice in any litigation in which the adequacy of notice is at issue.

The exceptions specified in this subsection include: (a) cases where use of website notice would be contrary to express prior representations regarding the mechanism of notice that were made by the party giving notice; (b) cases where reliance on website notice would be contrary to the regular course of dealing between the parties (This exception would apply where, for example, the party providing notice has in the past engaged in a regular course of communicating with the recipient by mail or telephone. In light of such a regular practice, website notice would not be deemed adequate.); and (c) cases, not involving prior representations regarding notice or a regular course of dealings between the parties, where actual notice is clearly the most commercially reasonable means of providing notice.

This last exception envisions circumstances where the cost of providing actual notice is relatively low, the injury that might be caused by a failure to provide notice is known to be relatively high, the party providing notice knows the identities of the potential recipients, and the party providing notice has a practicable means of providing actual notice. For example, this exception could come into play if a vendor sold expensive or custom manufacturing components to eleven manufacturers, knowing that notice of year 2000 processing problems is essential to operation of their plants. In such circumstances, actual notice would likely be the most commercially reasonable means of providing notice.

In contrast, actual notice would not be commercially reasonable if a producer sold numerous components or copies of software to numerous third parties, who in turn incorporated those products into products that were sold further down the distribution chain, particularly to numerous or unidentified. customers. In those circumstances, the original producer could not by reasonable effort discover and provide notice to all of the parties who ultimately came into possession of its product and the producer could not know the existence, nature, or scope of potential injury caused by not providing actual notice. Website notice in this case would be deemed adequate. The use of the word ''clearly'' in this exception indicates that the presumption should be weighted in favor of finding website notice to be adequate.

Congress recognizes that the Internet and related electronically accessible systems are fast becoming a reliable, standard resource for transmission of information, especially among sophisticated parties. It anticipates that the primary or default means for providing notice of year 2000 processing information, year 2000 readiness disclosures, and other information related to the year 2000 problem will typically be the Internet and similar electronic formats. However, this subsection does not alter Federal or State statutory or regulatory (as distinct from common law) notice requirements, and is not intended to increase the effect of any existing law or duty regarding the method of providing, or the content of notice. Moreover, this provision is not intended to preclude the use of any other means of providing notice.

Subsection 4(e). Limitation on Effect of Year 2000 Statements. A year 2000 statement shall not amend or alter a contract or warranty, unless the parties have agreed otherwise, the year 2000 statement was made in conjunction with formation of the contract or warranty, or the contract or warranty provides for amendment or alteration through such a statement.

Subsection 4(e) addresses limitations on the effect of year 2000 statements (including year 2000 readiness disclosures). Year 2000 statements do not, in general, amend or otherwise alter an existing contract, tariff, or warranty. Exceptions exist where there is a written agreement to so make amendments, where the year 2000 statement was part of the formation of a contract or warranty, and where the contract, warranty, or tariff specifies that it may be amended by a year 2000 statement. In those cases, other law determines the effect of a year 2000 statement on a contract, tariff, or warranty.

Subsection 4(f). Special Data Gathering. A federal entity may designate a request for voluntary provision of year 2000 information as a ''special year 2000 data gathering request.'' Except with the consent of the provider of information, such information shall not be subject to disclosure under the Freedom of Information Act (''FOIA''), shall not be disclosed to any third party, and may not be used in any civil action (though the same information, acquired separately, may be so used).

Subsection 4(f) is premised on existing government power to request voluntary submission of detailed company-specific information in order to ascertain the year 2000 readiness of an industry or economic sector. The government may request that the information be submitted to a non-governmental entity that agrees to coordinate such data gathering, including providing analyses of that data. The subsection protects any and all information provided to the government or such third party voluntarily acting at the government's request from release to any entity or individual without the consent of the provider.

This immunity is accomplished in three ways: (a) All information provided pursuant to this process is deemed exempt from disclosure under FOIA. (To the extent that such provided data could be said to be held by the government acting through a third party, FOIA would still not require the release of such data without the submitting entity's permission.); (b) Neither the government nor a third-party data gatherer may disclose such data without the permission of the providing entity; and (c) Neither the government nor any third party may use the information, either directly or indirectly, in any civil litigation.

However, to ensure that this protection is not misused, the subsection provides that information can be used by anyone for any purpose if it has been voluntarily made public or if it is obtained by independent legal means. A litigant may utilize any lawful means to obtain information directly from the providing entity, or from any recipient other than the recipient under the special year 2000 data gathering request.

Section 5. Temporary Antitrust Exemption. Consistent with recent year 2000-related Business Action Letters issued by the Department of Justice, this section provides that the antitrust laws shall not apply to conduct or communications solely for the purpose of correcting or avoiding year 2000 processing problems, and only to the extent necessary to achieve such purposes. This broad exemption has certain limitations. First, the exemption protects only conduct occurring between the date of enactment of the Act and July 14, 2001 (inclusive) (as provided in subsection 7(a)). It does not protect conduct occurring thereafter, though the cessation of the statutory exemption need not affect the position taken by the Department of Justice in Business Action Letters. Second, this exemption does not apply to conduct that involves or results in agreements to boycott any person, allocate markets, or fix prices.

Section 6. Exclusions.—

Subsection 6(a). Effect on Information Disclosure. The Act does not affect the authority of any government to require provision or disclosure of any information. This subsection clarifies that the intent of Congress is not to limit the ability of a Federal or State entity,

agency, or authority to act in an enforcement capacity with respect to any Federal or State statute or regulation governing the disclosure or non-disclosure of information.

Subsection 6(b). Contracts and Other Claims. The Act does not alter any right under contract or tariff. In an action brought by a consumer, the Act does not apply to a year 2000 statement made in the course of a solicitation. The Act does not apply to a year 2000 statement about a year 2000 remediation product or service made in a solicitation unless the maker provides notice that the year 2000 statement is subject to the Act and that the Act may reduce the purchaser's legal rights.

Subsection 6(b)(1) reiterates that a basic premise of this Act is to leave any contractual relationships (public or private), and any enforcement of rights under those relationships, unaffected. Where the terms or effect of a contract are in conflict with the provisions of this Act, the contract or agreement will control. Conversely, nothing in the Act affects the enforceability of provisions that limit the liability of contracting parties. Moreover, Congress does not intend that plaintiffs use this provision to evade the protections provided by this Act by restating as contract claims causes of action that actually sound in tort.

One example of the appropriate use of this provision would be where a contract provided one party with the explicit contractual right to receive from another party an accurate year 2000 statement or a year 2000 statement which is the product of the exercise of ''reasonable efforts'' by the other party. In that situation, subsection 4(b)—which provides a different standard of performance—would not apply. Similarly, where a contract provides for delivery of notice by means other than an Internet website, this Act would not treat notice delivered via an Internet website as adequate. In addition, the evidentiary exclusion of subsection 4(a) would not apply in a situation where a party provides a year 2000 readiness disclosure pursuant to a contractual obligation to provide year 2000 readiness information.

Subsection 6(b)(2)(A) provide that the Act does not apply in actions by consumers against persons or entities that make year 2000 statements directly to them in solicitations (including advertisements) or offers to sell consumer products—in other words, activities that are entirely ancillary to requests for purchases.

Subsection 6(b)(2)(B) provides that sellers, manufacturers, or providers of year 2000 remediation products or services, in soliciting remediation business or offering to furnish their remediation product or service, must provide additional notice to obtain the benefits of the Act. Such notice is specified in the Act and is intended primarily to alert unsophisticated clients of such remediators that, in any litigation, this Act may affect the buyer's ability to use the remediators' statements in court. This provision does not require or imply that every written or oral statement be accompanied by the specified notice. Rather, it is intended to require that once, during the solicitation or offering of service, the remediation provider must provide the specified notice to the prospective purchaser or client, consistent with the procedures set out in Subsection 4(d).

Subsection 6(b)(3) provides that the Act does not preclude a claim to the extent it is not based on a year 2000 statement. For example, if a lawsuit advanced causes of action both for negligent misrepresentation based on the alleged inaccuracy of a year 2000 statement and for product defect (based on a year 2000-related product failure), the first cause of action would likely be precluded by the Act, but the second would not.

Subsection 6(c). Duty or Standard of Care. The Act does not impose any more stringent standard of care on the maker of a year 2000 statement. The Act does not preclude any disclosure additional to a year 2000 statement or disclosure. The Act does not alter the standard or duty of care owed by a fiduciary.

An essential purpose of the Act is to reduce liability concerns about release of year 2000 processing information. Consistent with that purpose, Subsection 6(c)(1) provides that nothing in this Act should be interpreted as imposing liability where none would exist absent the Act. Specifically, it is the intent of Congress that a maker not be liable for the adequacy or sufficiency of a year 2000 readiness disclosure regarding the maker's products or services, where notice of the maker's year 2000 readiness is not otherwise required by law or contract, unless section 4(b) standards are not met.

Also, Subsection 6(c)(3) is intended to clarify that Congress did not intend the Act—except to the limited extent specified in Subsection 4(b), regarding false, misleading or inaccurate year 2000 statements, and in Subsection 4(c), regarding defamatory or disparaging year 2000 statements—to preempt, alter, or affect in any way existing State law regarding any duty or standard of care owed by a fiduciary. For instance, the duty of loyalty owed by a fiduciary is not affected by this Act.

Intellectual Property Rights. The Act does not affect any party's intellectual property rights of any kind whatsoever.

Injunctive Relief. The Act does not preclude injunctive relief. Thus, for instance, while a claim for damages resulting from a false, inaccurate, or misleading year 2000 statement is governed by subsection 4(b), that subsection has no impact on the right of a claimant to receive injunctive relief preventing further communication of false or misleading information contained in a year 2000 statement.

Section 7. Applicability.—

Effective Date. The Act is effective on the date of its enactment. It applies to lawsuits brought after July 14, 1998 that deal with (a) year 2000 statements made between July 14, 1998 and July 14, 2001 (inclusive); (b) year 2000 readiness disclosures made between the date of enactment of the Act and July 14, 2001 (inclusive); and (c) year 2000 statements designated as year 2000 readiness disclosures (as described below).

Previously Made Readiness Disclosure. A year 2000 statement made between January 1, 1996 and the date of enactment of the Act (inclusive) may be designated a year 2000 readiness disclosure if it complied with the requirements of a year 2000 readiness disclosure (other than being designated a ''year 2000 readiness disclosure'') at the time it was made and if, within 45 days of the enactment of the Act, the maker gives individual notice of the designation to prior recipients or posts such notice on its year 2000 website and gives such notice by the same method the year 2000 statement was previously made. Designation of a year 2000 statement as a year 2000 readiness disclosure shall not have effect against any person or entity who proves by clear and convincing evidence that it would be prejudiced by the designation and who timely objects to the designation.

Section 8. Year 2000 Council Working Groups. The President's year 2000 Conversion Council (see Exec. Order 13,073, 63 Fed. Reg. 6,467 (1998)) may establish working groups who will engage outside organizations to address year 2000 problems. The Council shall maintain public information on the working groups and their members. The Council shall seek balance among the working groups. The Council shall maintain and publish information on attendance and participation at meetings. Meetings shall be announced in advance and held publicly, to the extent consistent with the Act's purposes. The Federal Advisory Committee Act shall not apply to working groups.

This section replaces the Federal Advisory Committee Act requirements which otherwise might have been applicable to some of the work of the Council. Though the Act gives the Council no new powers, working groups may be established by the Council to advise it, discuss year 2000 problems in various sectors of the nation's economy, share information, and otherwise promote the purposes of this Act. Congress expects that the Council will disband, rendering this section inoperative, reasonably promptly after the turn of the century.

Section 9. National Information Clearinghouse and Website. In cooperation with other Federal agencies and with the private sector, the General Services Administration (''GSA'') shall establish and maintain until July 14, 2002 a national year 2000 website, designed to assist consumers, small businesses, and local governments in obtaining various year 2000 information. GSA shall consult with a variety of federal entities. GSA shall report to Congress 60 days after the enactment of the Act on compliance with this section.

REGARDING A BILL REQUESTING THE SECRETARY OF THE TREASURY TO PREPARE A REPORT ON THE FINANCIAL STATUS OF THE COMMONWEALTH OF PUERTO RICO

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing a bill that would require the Secretary of the Treasury to prepare a report on the current Federal program costs, and Federal revenues, attributable to the Commonwealth of Puerto Rico and on other matters relating to the taxation of residents of the Commonwealth of Puerto Rico.

Regardless of when or how Congress determines the ultimate political status of Puerto Rico, there are urgent issues of Federal fiscal policy relating to the present commonwealth system in Puerto Rico that will not wait. Congress must address issues of fiscal equity and responsibility for the 3.8 million U.S. citizens of Puerto Rico, without being held hostage to the on-going political status debate.

At current levels of Federal spending in Puerto Rico, now approximately $10 billion annually, U.S. taxpayer dollars will be used to subsidize the current commonwealth system in Puerto Rico at a cost in excess of $100 billion over the next ten years. Yet, there are no plans or even proposals that Congress can consider with respect to introduction of Federal income tax and other Federal taxes from which Puerto Rico was temporarily exempted earlier in this century.

Congress never intended to make Puerto Rico a permanent haven from Federal taxation. If the commonwealth system of local government under Federal powers is to continue, even the current spending levels require Congress to consider imposition of some part or all of those Federal taxes that currently are not collected in Puerto Rico.

In simple fairness to the taxpayers of the nation as a whole, continued subsidization of the current commonwealth relationship will require Congress to consider issues of fiscal equity and responsibility for Puerto Rico. Ultimately, subsidization must end one way or the other, and phasing in Federal taxes should lead to a lower overall tax rate for the U.S. citizens of Puerto Rico as full integration into the national economic and fiscal system are achieved and currently very high local taxes are reduced.

For now, the purpose of this measure is simply to ensure that Congress will be prepared to address these issues in an informed manner. We need to begin planning now rather than waiting until the urgent need for a plan arises. This provision will require the Secretary of Treasury to provide Congress with a recommended course of action in the event that introduction of Federal taxes not currently collected by the IRS is determined by Congress to be in the best interests of Puerto Rico and the nation as a whole.

HONORING THE DISTINGUISHED CAREER OF JAMES ''BOOTS'' DONNELLY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GORDON. Mr. Speaker, I rise today to congratulate James ''Boots'' Donnelly on a successful career as head coach of the Middle Tennessee State University football team.

Boots' 22-year career record as a collegiate head coach stands at 151–92–1. He recently announced he will be stepping down at the end of the 1998 season, after a 20 year career as head football coach at MTSU, his alma mater.

Boots' record and awards are impressive: the eighth winningest coach in Division 1–AA history, 1997 Tennessee Sports Hall of Fame inductee, recorded 12 straight winning seasons between 1981 and 1992, four Ohio Valley Conference championships, 10 national top 25 finishes and five Coach of the Year awards. Fourteen of Boots' players have gone on to play in the National Football League.

MTSU has Boots to thank for the opportunity to begin Division 1–A play in 1999.

The hallmark of Boots' success has been his interaction with his players. When recruiting players, he not only assessed their athletic ability, but also their character, integrity and intelligence. Once a recruit joined the Blue Raiders, Boots taught him the importance of team spirit and discipline, traits that would remain with the player throughout his life. He has always had the respect and admiration of his players and assistant coaches.

Boots is a keen judge of character. He knows to stay away from people with ''big hats and no cattle'' and those who can ''find a bone in ice cream.''

His teams were always well-prepared and disciplined. When game time came, they ''stepped up to the licking block, stayed in the buggy when the horse rared up and never spit on the bit.''

Although Boots always desired to win, and usually did, he took loses with his usual good humor. He understood that ''sometimes you get the chicken, and sometimes you get the feathers.''

Again, Boots, congratulations on 22 years as a winning collegiate head football coach. Thank you for the contributions you have made to your players, fans and the MTSU community.

CONGRATULATING FAYETTE COUNTY 4–H AWARD RECIPIENTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Mr. Speaker, I would like to offer congratulations to several fine young men and women from my district who have distinguished themselves in the Fayette County 4–H. As my colleagues know, 4–H is one of the finest youth-oriented organizations in our nation, developing character in our future leaders.

Fayette County 4–H will be recognizing with special awards the following young people on Saturday night, October 9, and I know my colleagues join me in congratulating them and wishing them the best for the future.

Receiving the Gold Star award are Michelle Cernoch, Ashley Dittert, and Vickie Sanders.

Receiving the Silver Star award are Bradley Klesel and Billie Jo Murphy.

Receiving the ''I Dare You'' award are Heather Woelfel and Shayne Markwardt.

Receiving the ''Outstanding Jr.'' award are Jenifer Klesel, Melanie Cernoch and Kelly Orsak.

And receiving the ''Outstanding Sub Jr.'' award are Adam Mayer, Jodie Kristynick, and Brandon Otto.

A TRIBUTE TO LUCAS COUNTY MENTAL HEALTH BOARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the Lucas County Mental Health Board in Northwest Ohio. The year 1998 marks the 30th anniversary of the Lucas County Mental Health Board, and the agency is celebrating a commemorative event on September 9, 1998 to recognize the achievement.

The Lucas County Mental Health Board ably and effectively has served thousands of our most vulnerable citizens through three decades which have seen monumental change and a complete overhaul in the treatment of mental basis. Through it all, the Lucas County Mental Health Board has adapted, growing to meet the changing needs of its clients and their families. The agency administers sites throughout the county which handle the unique needs of children with mental illness, people with milder forms of illness, those who are most severely disabled, families, and people needing short term help to get them through the rough spots of their lives. Always, the people of the Lucas County Mental Health Board strive to provide these services remembering the dignity of those they counsel, providing both caring treatment and advocacy.

I am pleased to take this opportunity to salute the men and women, past and present, of the Lucas County Mental Health Board whose careers have been dedicated to lifting the stigma and the suffering of mental illness from so many. Their efforts and their victories large and small are commendable, and are truly making our community and the lives of its residents a better place. For their unsung efforts, we offer a grateful thank you.

IN HONOR OF GREGORY A STRATTON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Greg Stratton, the man who was elected to the Simi Valley City Council in the same election as I, and who succeeded me as Mayor of the city I still call home. Greg's guidance as mayor for the past 12 years has kept Simi Valley a most extraordinary place to live, even as it has matured and endured its share of arrows and hardships.

Greg was elected to the Simi Valley City Council in 1979, but his involvement in the community began long before that. Soon after he moved to Simi Valley, Greg began making a difference through his involvement in the Simi Valley Jaycees and his role in helping to found the Boys & Girls Club of Simi Valley. He served on the City Incorporation Study Committee and chaired a Neighborhood Council.

In 1986, he was elected Mayor of Simi Valley. Under his leadership, Simi Valley has consistently been recognized as one of the safest cities of its size in the country. For the past 18 years, the city has also been recognized for the quality of its Financial Reporting program by the Government Finance Officers Association, a testament to Greg's reputation as a fiscal conservative, or—as some would say—tightwad.

During his tenure as councilman and mayor, Greg was vital in preserving the community's hillsides and controlling residential development through the City's Hillside Performance Standards and City Council-initiated Growth Control Ordinance. Those balanced measures still allowed for residential and business growth in an orderly fashion.

Greg also deserves credit for the construction of several new city facilities, including the City Hall in 1984, the Senior Citizens Center at about the same time, and a Transit Maintenance Facility for the city's bus fleet in 1989/90. A new, 53,000-square-foot, state-of-the-art Police facility opened adjacent to City Hall this month.

Greg was also instrumental in bringing other government services to Simi Valley and centrally locating them at the Civic Center. Among them are construction of a state Department of Motor Vehicles office in 1989 and construction of a County courthouse in 1990.

Also under his direction, the City's Sanitation Treatment Plant was expanded and was recognized by the State of California as ''Plant of the Year.''

Being Mayor, however, does not mean just providing government facilities. A brand new facility for the Boys & Girls Club opened in 1996 under his guidance. The Community

Methodist Church was restored and transformed in a 300-seat Cultural Arts Center in 1985. Amtrak passenger rail and Metrolink commuter services came to Simi Valley under his reign.

New businesses have come in, providing a needed equilibrium in the community. Potholes have a short lifespan. Smut has been discouraged. Gang activity has decreased.

Greg exhibited true leadership when a trial was thrust upon the community that threatened to unfairly soil its name and again when the Northridge earthquake devastated much of the city. It is a leadership that will be sorely missed.

However, Greg's legacy will live on. In 1995, he launched the Vision 2020 Project, a strategic planning process designed to lead the city's evolution well into the next millennium. It was launched as a community project, ensuring its endurance even as Greg moves on.

Mr. Speaker, Greg is retiring from public office, but I have no doubt he and his lovely wife, Ede, will continue to make their presence known in all aspects of the Simi Valley community. I know my colleagues will join me in wishing him godspeed in any endeavors he wishes to tackle.

SANTA BARBARA COMES TO WASHINGTON: THE CAPITAL CONFERENCE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, on September 16, I was proud to welcome 35 community leaders from my home town of Santa Barbara, California to Washington for a Capital Conference. It was an honor to host a distinguished group of educators, business leaders, community activists, and elected officials for a series of discussions with leading Federal policy makers.

The Capital Conference focused on some of the most important issues facing Santa Barbara and our nation, including technology, education, business, and the media. We talked with William Kennard, the Chairman of the Federal Communications Commission about the e-rate, cable rates, and telecommunications issues. We had very fruitful dialogues with Minority Leader RICHARD GEPHARDT and Secretary Richard Riley about education. Monterey Congressman SAM FARR and noted political commentator Eleanor Clift spoke at lunch. At the White House, we discussed a range of issues with several senior aides, including Press Secretary Mike McCurry.

Throughout the day, my neighbors from Santa Barbara had the opportunity to learn first-hand about efforts underway in Washington to deal with critical policy issues. But even more important was the chance for my colleagues in government to hear directly from the grassroots about how Federal initiatives are working or not working.

The day concluded with a reception at the Library of Congress and a lecture by Santa Barbara's own noted poet and philosopher Noah benShea. I was pleased to co-host the evening's events with the Santa Barbara News-Press, the Santa Barbara County Board of Education, and the McCune Foundation. Noah's talk, entitled ''Creating a Caring Society,'' was enlightening and enjoyable, and I would like to commend some selected passages to my colleagues.

EXCERPTS FROM ''CREATING A CARING SOCIETY''

(By Noah benShea)

I am generally of the opinion that most of us don't lack for insight but the character to act on what we know. Character is insight's chariot.

Greatness is not always what you reach but what you reach for. In the Bible it is written that ''justice, justice, shall you pursue.'' It is the pursuit of justice that is noble. It is the reaching out to others that is caring . . . Justice and caring are targets that we are no less for not reaching but much less for not chasing.

To be indifferent to the fate of others is to live outside the passions of love and hate. A society that is indifferent is uncaring. A society that is indifferent is, by definition, neither passionate nor compassionate.

Now is a time for forward looking people to stop and look backward. Look at those who looked beyond themselves. Listen to those who heard higher voices . . . People with power are required to care about those without power. And how people with power treat those without power is the defining profile of a society.

Caring is not a political issue except as our politics fails to make caring an issue. Caring is not a matter of left and right but looking out for those who are on both our left and right. Caring is not a matter of left and right but who is left out and not who is right.

BUD MANSFIELD TESTIMONIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. STUPAK. Mr. Speaker, it is often clear in retrospect that an individual's lifetime of varied jobs and experiences were but preparation for a task that would allow him utilize all the skills and wisdom he had accumulated. There is such a man in my Congressional District, and as Bud Mansfield retires from his post as Executive Director of the Sault Area Chamber of Commerce, I'd like to take this opportunity to reflect on his fine career.

What qualities might we seek in a chamber director? We would look for someone with genuine business experience, someone who has deep roots in the area and involvement in the community, and someone who knows both the upside and downside of business ventures. We would look for someone with the salesperson's skills to sell the community to a developer and sell a developer to the community, and someone with such a work ethic that, as his last day of employment approaches, says that he doesn't plan to really retire, ever.

It's quite clear, Mr. Speaker, that I have been describing Francis ''Bud'' Mansfield, who has devoted his life to work and to volunteer efforts in the Sault Ste. Marie area on the eastern end of Michigan's Upper peninsula.

Bud earned his stripes in the world of business early, delivering messages for Western Union on his bicycle at the age of 12, as area residents were reminded in a recent article in the Sault Evening News. He earned his stripes, literally, in the Michigan National Guard. He worked in the men's department of a local department store, started his own cleaning business, joined the sales force of a local General Motors vehicle dealership, and eventually acquired that dealership. Bud, however, soon became one of the economic victims of the closing of Kincheloe Air Force, one of two base closings that has devastated my district and an event that later presented Bud Mansfield, the chamber director, with special challenges.

Let me take a moment to state, for the record, several of almost 50 organizations which Bud Mansfield has helped shape, guide or support in his role as chamber director. A program like Habitat for Humanity would be familiar to you, Mr. Speaker, but there are other programs, such as Artrain and Rails to Trails, that are special Michigan success stories.

Sault St. Marie has a unique location. It is an important border crossing into Canada and it is the site of the Soo Locks, which link Lake Superior with Lake Huron. These geographical features ensured that Bud would have a role to play with the Joint International Committee, with the Internal coordinating Committee for Joint Relations, and with a Soo Locks operations committee.

Bud also served on the board of local Catholic schools, and as he said in his recent Evening News interview, he weathered the closing of that school system in the late 1970s with great sorrow. He later served on the board of the Sault Area Public Schools.

It's clear that Bud won't stop moving, working and traveling after he leaves the chamber. He and his wife Mary have eight children, all of whom, according to Evening News, have moved back to Michigan. In the interview with Bud, he also stated he has considered doing some writing.

So maybe, Mr. Speaker, a life of varied jobs wasn't just shaping Bud for his chamber work. Maybe the real adventure for this 71-year-old lies just around the corner. I ask my colleagues to join me in wishing the best for Bud Mansfield, a dedicated community servant.

HONORING MONROE TOWNSHIP HIGH SCHOOL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to recognize Monroe Township High School, who will host the Twelfth Congressional District's ''hi-tech'' fair on October 19, 1998.

More than 20 companies, agencies and universities will exhibit their latest technology to high school students from across the district. Among those attending is Princeton Plasma Physics Laboratory, who will demonstrate their medical ''arm wrestling'' machine; the FBI, who will demonstrate a new DNA profiling program and Rutgers University, who will display their computer-based visualization of feed digestion called the ''electric cow.'' Other attendees include U.S. Army CECOM, the Sarnoff Corporation, NASA, the University of Medicine and Dentistry, Lucent Technologies, Lockhead Martin and Monmouth University.

In the last decade, New Jersey has become home to many technological companies. With the increase in computer usage, our children

have become more technologically advanced than their parents and many other adults. The ''hi-technology'' fair is a unique opportunity which will greatly benefit not only the students who attend it, but the companies and universities that participate. By creating an early interest in technology, we can encourage our young people to consider scientific and technological fields for future careers and ensure that our state remains a leader in these areas.

I salute Monroe Township High School for hosting this event and for recognizing the importance of a strong technology curriculum. It is my honor to have this great high school within the borders of the twelfth congressional district.

GLOBAL WARMING TREATY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CALVERT. Mr. Speaker, yesterday I submitted a portion of a study performed by the Business Roundtable which details the devastating economic consequences that could occur if the United States ratified the global warming treaty negotiated in Kyoto last December. Today I am submitting the introduction of a similar study performed by the CONSAD Research Corporation, one of the foremost economic research organizations. I would urge all my colleagues to consider this analysis as the debate surrounding the Protocol continues.

Finally, I would encourage all Members to review a report the Department of Energy's own Energy Information Administration released today. The report is just one more warning of the possible disastrous consequences of ratifying the Protocol. The report can be found on the Internet at www.eia.gov.

THE KYOTO PROTOCOL: A FLAWED TREATY PUTS AMERICA AT RISK

SECTORAL AND REGIONAL ECONOMIC IMPACT ANALYSIS

INTRODUCTION

CONSAD Research Corporation, one of the Nation's leading economic forecasting firms, conducted a May 1998 economic analysis of the proposed Kyoto Protocol. Their analysis parallels findings by other leading economic forecasters which detail the negative impact this treaty will have on employment, economic output, and standard of life for working families, senior citizens, and those who live on fixed or low-incomes. The study provides a 50 state breakdown of job losses And economic dislocation due to policies enacted to implement the Kyoto Protocol.

CONSAD Research's key findings are that, implementation of the Kyoto Protocol will mean:

Consumers and businesses will be forced to pay higher energy costs. the resulting increase in energy costs will also drive up prices on all consumer goods;

Approximately 3.1 million fewer American workers will be working in the year 2010 as a direct result of this treaty (assuming high permit fee range);

U.S. Gross Domestic Product (GDP) in the year 2012 will decline by the least $177 billion and perhaps by as much as $318 billion;

Key strategic industries (aluminum, pulp and paper, chemical, and others) will experience persistent employment losses as well as losing market share for these products in international markets;

Every region of the U.S. will experience increased unemployment due to the treaty, with the greatest loses occurring in California, Arizona, Louisiana, Oklahoma, and Texas;

The highest job losses will be in high-skilled, high-wage employment sectors, with many U.S. workers being forced to take employment in lower-paying jobs in service-related industries rather than facing prolonged periods of unemployment; and

The U.S. standard of living will decrease as working families are forced to reduce consumption of goods and services in every major category—including food, energy, and health care.

POW/MIA RECOGNITION DAY IN LOUISIANA

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COOKSEY. Mr. Speaker, I rise today to recognize the proclamation of Governor Mike Foster declaring September 18 as ''POW/MIA Recognition Day'' in Louisiana.

I served in the Air Force during the Vietnam War and I know very well that far too many of our brave soldiers did not return from this war. We owe those who have served and those who gave the ultimate sacrifice an undying debt. While this debt is impossible to repay, we can begin by giving all the families the peace of mind that has been missing along with their loved ones and provide them the fullest possible accounting for those still missing.

Mr. Speaker, I submit the text of the proclamation for printing in the RECORD.

STATE OF LOUISIANA PROCLAMATION

Whereas, 2,086 Americans are still missing and unaccounted for from the Vietnam War, including 26 from the state of Louisiana, and their families, friends and fellow veterans still endure uncertainty concerning their fate; and

Whereas, U.S. Government intelligence and other evidence confirm that Vietnam could unilaterally account for hundreds of missing Americans, including many of the 446 still missing in Laos and the 75 still unaccounted for in Cambodia, by locating and returning identifiable remains and providing archival records to answer other discrepancies; and

Whereas, the President has normalized relations with Vietnam, believing such action would generate increased unilateral accounting for Americans still missing from the Vietnam War, and such increased results have yet been provided by the government of Vietnam; and

Whereas, the state of Louisiana calls on the President to reinvigorate U.S. efforts to press Vietnam for unilateral actions to locate and return to our nation remains that would account for hundreds of America's POW/MIAs and records to help obtain answers on many more.

Now, therefore, I, M.J. ''Mike'' Foster, Jr., Governor of the state of Louisiana, do hereby proclaim September 18, 1998, as ''POW/MIA Recognition Day'' in the state of Louisiana, in honor of all American POW/MIAs, in particular the 26 from Louisiana, and encourage all citizens to observe this day with appropriate ceremonies.

LADIES LITERARY CLUB OF SYLVANIA, OHIO TO CELEBRATE ITS CENTENNIAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the Ladies Literary Club of Sylvania, Ohio in my district. The club proudly celebrates its centennial this year, with a special event on October 14, 1998. Members past and present will celebrate the 100th year of active study of the fine arts, with a luncheon and historical presentation.

In October of 1898, four women who lived in Sylvania met in the home of Mrs. Walter Cutler, the wife of a Congregational Minister, to begin the study of Oliver Wendall Holmes' ''The Autocrat of the Breakfast Table''. Regularly since that day, the ladies of Sylvania continued to gather to discuss works of literature. They meet once a month. September through May, with the membership by invitation only remaining at thirty.

The purpose of the club since its inception has been ''to read, listen, share, and be aware of the world around us.'' The ladies of the club live by words from Audobon: ''Use the talents you possess; the woods would be silent if no birds sang but those who could sing best.'' In keeping with the group's first study, a message from an 1884 Address given by Oliver Wendall Holmes carries this motto a step further, and captures the spirit of the Ladies Literary Club of Sylvania, Ohio. Holmes noted, ''. . . as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.'' Through what is certainly lively discussion not only of arts and literature but also the events of the day, the ladies of the club have celebrated and participated in their times, their discussions weaving their way through the fabric of each of their lives in ways both big and small and perhaps even they didn't always realize. Their discussions may have helped shape their actions, and their actions may have helped shaped their times.

It is truly a gift that the Ladies Literary Club of Sylvania, Ohio have continued for 100 years. It is a privilege to be among members of an organization which, in the words of one of its members, ''will have touched three centuries''. I wish both past and present members of the Ladies Literary Club of Sylvania, Ohio my heartiest congratulations on this momentous achievement, and wish them well as they are poised to begin a new century.

HONORING RICHARD CHAMBERS OF ALMA HIGH SCHOOL—ALMA, MICHIGAN ''PRINCIPAL OF THE YEAR''

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Richard Chambers as ''Principal of the Year,'' from the great State of Michigan. As the Principal and

Chief Administrator of Alma High School, in Alma, Michigan, Richard has promoted and maintained a solid system of education for eight-hundred students and eighty faculty over the past six years. Prior to his position at Alma High School, Mr. Chambers fulfilled several roles as principal, educator, and business associate for many great institutions throughout Michigan. Certainly, his participation with groups such as the local rotary club, the Michigan Department of Education Review Committee, the North Central Association evaluation team, and the National Association of Secondary School Principals, demonstrate the strong and influential leader Mr. Chambers is within his community. With a successful career beginning in 1964—when he started as a high school teacher and interim principal—Richard has enriched the lives of thousands of students.

Based in a small town of roughly ten-thousand citizens, Alma High School has been selected a Class B, Michigan Exemplary School. Of the eight-hundred students who attend classes at Alma High School, 75 percent are expected to continue their education at some level of a post-secondary institution. This multitude of success is a direct result of Dick's interaction with his students and faculty. Today's society invests incredible merit in school to work programming and the broad curriculum offered at Alma High produces great incentive for post-secondary education.

Much of the success of today's public school system depends on strong leadership from both teachers and the administration. The honor of ''Principal of the Year'' establishes a sense of security for the community to know such a special person is leading their school. This is the type of leader every school district needs. Alma High School is blessed to have the strength of Richard Chambers as their Principal. I know the parents, students and faculty associated with Alma High School, join me in recognizing Mr. Richard Chambers for his outstanding accomplishment.

THE BAHA'IS IN IRAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PITTS. Mr. Speaker, I am deeply concerned about recent reports that the government of Iran has executed a member of the Baha'i faith, and imprisoned and condemned others to death solely because of their religious beliefs. In addition, reports suggest that Iranian officials arrested 32 Baha'i teachers in a crackdown against those of the Baha'i faith.

The recent execution of Mr. Ruhollah Rowhani for proselytism is the first execution of a Baha'i in six years and, unfortunately, it was accompanied by the death sentence of other Baha'is. Just last week, two of these sentenced men had their death sentence confirmed. Mr. Sirus Zabihi-Moghaddam and Mr. Hedayat Kashefi Najafabadu were arrested in the fall of 1997 for holding meetings for religious ''family life.'' Reports reveal that after no legal representation at secret trials at the beginning of 1998, the two men were sentenced do death. Unfortunately, there are other Baha'is in similar situations.

Mr. Speaker, the government of Iran must be held accountable for violating the fundamental human right of religious liberty for the Baha'i and other religious minority believers in Iran. If the leadership of Iran desires to play a role in the international community, they must uphold religious liberty and all fundamental human rights for all people.

I, and other Members of Congress, Senators and the American people will be watching closely to see whether or not the Iranian government protects the rights of its people, or continues to blatantly violate international human rights norms.

IN MEMORY OF THE HONORABLE FRANK PIOMBO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ESHOO. Mr. Speaker, I rise today before the House to celebrate the life of a most distinguished citizen and incomparable friend, retired Superior Court Judge Frank Piombo, who passed away peacefully at his home in Redwood City, California, on September 21, 1998. A Memorial Mass was held at Our Lady of Mt. Carmel Catholic Church in Judge Piombo's parish on September 25th.

Born and reared in San Francisco, Frank Piombo was a resident of Redwood City for 51 years, making the Bay Area his lifelong home. For this decision we, the residents of San Mateo County, are very grateful because we shall forever remember the contributions he made both to our community and our country.

To his country, Frank gave years of dedicated and courageous service. During World War II, he served in the 100th U.S. Infantry, earning a Bronze Star and a Purple Heart. After the War, he continued to serve in the Army Reserves, achieving the rank of Colonel.

A distinguished graduate of the California educational system, Judge Piombo did undergraduate work at Stanford and the University of California at Berkeley, graduating from U.C.'s Hastings College of the Law in 1949.

To his community, Frank Piombo devoted himself to a career in public service. He was a Deputy District Attorney for San Mateo County, as well as City Attorney for the City of Millbrae. In 1971, he was appointed a Municipal Court Judge, and later that year Governor Ronald Reagan elevated Frank Piombo to the Superior Court.

His devotion to the community extended beyond his judicial duties. He was active in the Elks, the Eagles, and the Sons of Italy. He was known for contriving some of the best practical jokes on scores of people and these stories are now legendary. His love of card games was a well established fact, and he was known to show up at a moment's notice for a game.

Nothing in the world meant more to Frank Piombo than his family. He was married for 47 years to the love of his life, Lydia, and they were blessed with five children: Lee, Robert, Nancy, Susan and Jan, as well as ten magnificent grandchildren.

Mr. Speaker, Frank Piombo's life was a beautiful combination—his deep pride in his Italian-American heritage, his patriotism rooted in the Constitution and the law, his great faith which gave him guidance and unswerving belief in the beatitudes, and love of the family which was unparalleled. His gift to me was our friendship and I shall treasure this all my life. I ask that the entire House honor this good and faithful citizen because of how he lived and who he was. Frank Piombo was the best of America.

A 50TH WEDDING ANNIVERSARY TRIBUTE TO IRENE AND AL DALPIAZ

HON. JERRY LEWIS

OF CALIFORNIA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LEWIS of California. Mr. Speaker, my colleague Mr. NEY and I would like to bring to your attention today the 50th wedding anniversary of our dear friends, Irene and Al Dalpiaz of Dover, Ohio. Al and Irene will mark the occasion during a special celebration with their children and grand-children next weekend in Medeira Beach, Florida.

Irene Sikora and Albert Dalpiaz were married on October 2, 1948 at St. Mary's Church in Dennison, Ohio. From their first meeting at a dance, Al and Irene knew they shared a special bond. Irene was the oldest of eight daughters and, in the early days of their courtship, usually had a difficult time getting rid of her sisters when Al would come calling. From the beginning, they were a handsome couple. Unfortunately, the wedding photographer forgot about their wedding and only showed up at the end of their ceremony. Ironically, Al and Irene spent their honeymoon in Washington D.C.

Al and Irene's first son, Larry, was born in 1954. Seven years later, the family moved to Dover, Ohio and their favorite (and only) daughter, Elaine, was born. Kevin was born four years later. Al was the co-owner of Tusco Service where he was a genius installing and repairing air conditioning and refrigeration units. In those days, especially, that was a bonus; their home was the first on the street to have central air conditioning. Al left Tusco in the 1970's and worked at Cummins Diesel until his retirement in the late 1980's. After a stint of being a full-time mom, Irene returned to work as a secretary at Dover Public Schools in the late 1970's.

The Dalpiaz family was, and remains, a very tight-knit family. Family summer vacations to the Smokey Mountains, Daytona Beach and Myrtle Beach were very common. Like most Italian families, ''la familia Dalpiaz'' was tremendously dedicated to those things in their life that meant the most to them—spending time with grandparents, aunts, uncles, and cousins as well as their commitment to work, school, the needy, and the Catholic Church. That commitment is extraordinarily special today as it relates to their grandchildren, Anthony and Gabriel. For many years, Al and Irene have also looked out for those less fortunate and to this day provide the most needy in Tuscarawas County with food and clothing. In short, they have made a special commitment to showering their family and those around them with love.

While Al and Irene are officially retired, one would not know it from watching them. Like

many people half their age, these two are always on the go. In recent years, they have traveled to Hawaii, England, Scotland, Florida, and their favorite destination, Las Vegas. In all of our days, we have rarely seen a Catholic woman like Irene with such a serious affliction for gambling on the nickel slot machines! Al tells his friends that the reason he and Irene enjoy their travel so much is because they are casually spending their kids' inheritance. Al, himself, has a tremendous reputation and has made local headlines for his marvelous garden where he produces garlic, parsley, lettuce, beans, and enough tomatoes to feed the entire state. In fact, Al has shared seeds with us both and his reputation continues to grow. He also enjoys spending time at the local Elks Lodge and VFW Hall in Dover.

Mr. Speaker, we ask that you join us and our colleagues in recognizing the 50th anniversary of these two very special people. Al and Irene Dalpiaz are among the kindest people we know and it is only fitting that the House of Representatives pay tribute to them today.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACEMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. OWENS. Mr. Speaker, on the occasion of the historic vote to launch an impeachment inquiry I have joined with the overwhelming majority of Democrats to vote for an alternative compromise. This action has allowed us to avoid destructive fragmentation and continue our united leadership of the majority of Americans. At the end of this statement I will attach my original position on this matter which remains as my present position. We are dealing with sins, not high crimes and misdemeanors. Government should not invade the jurisdiction of religion and the clergy.

Leadership for a difficult and thorny national situation is the challege faced by minority Democrats who can do nothing to completely halt the abuses of the Republican majority. Despite the Democratic alternative, an impeachment process that is highly partisan and vicious will go forward. But now the Republicans can never say that they have bi-partisan support. Joining with fellow Democrats I voted for an alternative compromise in order to continue the process of cementing our position with that of the majority of Americans. I wanted to personally just say no; to drop the impeachment inquiry. Reluctantly I left the highest ground; however, the Democractic compromise call for time limits and scope limits on the Judiciary Committee process still represents high ground. On October 8th the record will show that Democrats sacrificed some credibility in order to contribute to a resolution of this damaging political crisis. Every reasonable American citizen should feel comfortable with our position of reconciliation. We could have just said no. But our leadership guidance message was: ''limit the scope and limit the time.'' The vital business of the country is waiting.

PREVIOUS STATEMENT RELEASED ON SEPTEMBER 8, 1998

As a member of Congress I am sorry that there is an escalating hysteria that may lead to the religious lynching of a great president. President Clinton has gone further than he should have been asked to go in offering a public statement about his intimate personal life. In view of the fact that absolutely on one has charged that a national security issue is involved in this matter, all further government inquiries should be dropped. The nation has in no way been placed at risk. Certainly nothing took place which touched on bribery, treason, or high crimes and misdemeanors. For those who continue to expand their detailed probe and to pass judgement through the prism of their hypocritical Victorian values, we concede their right to wallow in their ''Peyton Place'' preoccupations. There is, however, a profound difference between crimes and sins. It is of utmost importance that we acknowledge and support the spirit of our Constitution which discourages the state from investigating private morality and affirms the right of every American, even the President, to separately negotiate his sins with his God.

MARTIN ARMY COMMUNITY HOSPITAL EARNS HONOR

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COLLINS. Mr. Speaker, I rise to extend my congratulations to the Martin Army Community Hospital at Fort Benning, Georgia on the announcement of its third ''Accreditation with Commendation'' by the Joint Commission on Accreditation of Healthcare Organizations, an honor bestowed upon only the finest hospitals in the nation. It is also the only hospital in the U.S. Army Medical Command to receive this acknowledgment for three consecutive triannual surveys.

Martin Army Community Hospital (MACH) was named in honor of Major General Joseph I. Martin, MC, a pioneer in field medicine and medical military education and training. The hospital has served the Fort Benning/Columbus communities since 1955 and provides quality care to approximately 9,000 inpatients and 585,000 outpatients. MACH's principal customers are active duty and retired members and their dependents who are eligible beneficiaries for DOD health services.

Receiving ''Accreditation with Commendation'' is a significant achievement, one that recognizes exemplary performance and commitment to providing quality care. Fort Benning is fortunate to have as incredible a facility as MACH serving its community. I congratulate Martin Army Community Hospital on its continued excellence.

PERSONAL EXPLANATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. RIGGS. Mr. Speaker, I was absent from the House of Representatives on Monday, October 5, 1998 and Tuesday, October 6, 1998 and consequently missed several votes. Had I been present, the following is how I would have voted:

Rollcall No. 480: Yea.
Rollcall No. 481: Nay.
Rollcall No. 482: Yea.
Rollcall No. 483: Yea.
Rollcall No. 484: Yea.

THE CENTENNIAL CELEBRATION FOR THE PITTSFORD VOLUNTEER FIRE DEPARTMENT IN PITTSFORD, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the legacy of the Pittsford Volunteer Fire Department in Pittsford, NY. The fire department will celebrate its 100th year of service on November 29, 1998.

The Pittsford Volunteer Fire Department was organized in 1898, after a series of tragic fires. The Village responded by installing a water works and passing a resolution authorizing the formation of a volunteer fire brigade to respond to fires and other emergencies. The fire department, which was established with approximately 50 men, started as two independent hose companies, known as the ''Pittsford Village Active Hose Co. No. 1'' and ''Iroquois Hose Co. No. 2.''

Until the first fire hall was built in 1907 on a lot purchased by the Village, the volunteers stored their equipment in a number of village locations including the Methodist Church. Prior to the fire hall, all Department business was conducted in the Cole Building, on the southwest corner of Main Street and Monroe Avenue at the four corners in the Village.

With a proud tradition of voluntarism, the Fire Department has thrived and grown over the years. Using donations and moneys received from the Village, the Fire Department has been able to update its equipment, utilize new methods in fire prevention and control, and most recently establish a new fire hall in 1987. However, the cornerstone of the Department's success has been the dependability and generosity of its volunteers.

I take great pride in knowing that a volunteer fire department of Pittsford's high caliber protects families and businesses in my home district. I send my sincere and heartfelt thanks to the Pittsford Volunteer Fire Department for all its contributions throughout the past century.

Mr. Speaker, I ask that my colleagues pause to join with me and many others in congratulating the Pittsford Volunteer Fire Department of Pittsford, NY on 100 years of service to humanity.

CELEBRATING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HINCHEY. Mr. Speaker, on the occasion of the Republic of China's National Day,

I wish to offer my congratulations to her people and her leaders. Taiwan has had a remarkable record of accomplishment in recent years, and deserves recognition as a model for other nations and our thanks for its constructive partnership with our nation.

Taiwan is a model for other nations in two ways especially. First, it is living proof that democracy works. Not only were the current leaders of Taiwan elected in free and fair elections, but they have not flinched from the most difficult moments emerging democracies face: turning over offices to others when their own party loses. They have not only allowed open competition for office, but have promoted open discussion of the full range of issues facing their nation. Despite intense pressures, they have insisted that the people of Taiwan have the right to determine their nation's future.

Second, Taiwan is a model of a stable economy. Just two years ago, it was grouped with other Asian nations with successful economies. Today, it stands virtually alone, while those other nations are in turmoil.

Unfortunately, however, when Taiwan's example and its assistance could be most beneficial to the world community, it continues to be isolated from that community. Restoration of its membership in the United Nations would end that isolation. It would make sense to invite Taiwan to be a full and willing partner in international activities. Now more than ever we especially need its economic resources and expertise in dealing with today's crises, and I am convinced that its Asian neighbors and other developing nations could benefit greatly from its counsel.

I also hope that the leaders of mainland China will have the wisdom to learn from Taiwan's example, and to see that democracy works. We must also let them know that aggression and coercion, whether implicit or explicit, do not work.

I wish also to take this occasion to congratulate President Lee Teng-hui on his accomplishments as the Republic's leader, and his success in steering his country through difficult economic and political waters. As we all know, President Lee is an alumnus of Cornell University in my district in Ithaca, New York. The people of Ithaca were delighted to have him as a guest, and would all be delighted to see him again.

Finally, I would like to thank Stephen Chen for his service as Taiwan's chief representative in Washington. Those of us who have had the honor and pleasure of meeting Mr. Chen and working with him appreciate his service in maintaining and improving the bridge between us and his country.

IN RECOGNITION OF JOHN DORIN, MAYOR OF THE YEAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. McDADE. Mr. Speaker, I rise today to honor a public servant whose devotion to his community is renowned, Mayor John Dorin of Montoursville, Pennsylvania. Mayor Dorin was unanimously named by the Association of Mayors of the Boroughs of Pennsylvania as the tenth recipient of the Outstanding Mayor Award.

John Dorin has accomplished much in the 16 years he has served as mayor of Montoursville Borough. A leader in the true sense of the word, Mayor Dorin has been able to bring together service organizations, business people and citizens to undertake and complete necessary community projects. He was instrumental in organizing the Montoursville Chamber of Commerce, Montoursville Crime Watch, the DARE program, and Montoursville Senior Citizens Organization.

In 1996, Montoursville suffered through a tragic loss of family, friends and young people in the crash of TWA Flight 800, which carried members of the Montoursville High School French Club and their chaperones on an educational trip to France. As news of the crash reached Montoursville, Mayor Dorin quickly came forward to help the families of the victims. He tirelessly advocated on behalf of the families to get information and services, and helped coordinate the efforts of the community and the school district as Montoursville mourned and coped with the tragedy.

John Dorin has always been ready and willing to help his neighbors, and his long and successful tenure as mayor has been marked by compassion, leadership and efficiency. His selection as Pennsylvania Outstanding Mayor is well-deserved, and is endorsed by the Montoursville Borough Council and the Borough's police chief, school superintendent, and borough secretary.

Mr. Speaker, Mayor John Dorin has touched the lives of many people in Montoursville and in Pennsylvania's 10th Congressional District. I ask that you and our colleagues join me in congratulating John Dorin on being selected as Pennsylvania Outstanding Mayor, and in commending him for his shining example of citizenship and public service.

IN HONOR OF LOUIS ANTHONY TRANGHESE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing my friend, Louis Anthony Tranghese, who is retiring after 49 years with the Construction and General Laborers' Local Union No. 999 in Springfield, Massachusetts. A leader in his profession, a devoted family man, a friend to many Louis has served his community with pride and distinction. On Friday, October 16, 1998, a testimonial dinner will be held in his honor. It is a tribute long overdue.

Born and raised in the historic South End of Springfield, Louis Tranghese learned at an early age the importance of organized labor in our society. At age 14, he watched as his father Carlo, Arthur Coia and James Merloni played active roles in a newspaper strike. It was a defining moment, and from that point Louis knew that he wanted to dedicate his life to the concerns of working men and women.

In 1948, the graduated from Technical High School and soon joined Local Union 999. It was the beginning of a remarkable career that would last a half-century. From his humble start as a waterboy to Business Manager, a position which he held for over twenty years, Louis Tranghese became a leader in an organization he cared deeply about. He was always proud to call himself a laborer.

While Louis was busy with his professional career, he also found time to start a family. In 1956, he married the former Judie Monette, his wife and partner of nearly 40 years. The couple had four daughters: Carla, Gina, Lisa and Trisha who today own and operate the Dance Connection in East Longmeadow, Massachusetts. The Tranghese's are equally proud of their six grandsons and three granddaughters.

Mr. Speaker, I ask all the Members of the United States House of Representatives to join me in offering our sincere gratitude to Louis Tranghese. His service, dedication and commitment to the Local Union No. 999 has been extraordinary. He has been a reflection of what is best about America. As he prepares to retire, let us wish him health, happiness and nothing but the best in the years ahead.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. SISISKY. Mr. Speaker, JERRY SOLOMON has been a friend of mine for a long time. We are not friends because we always agree with each other. We don't. Where we do agree is that JERRY SOLOMON has a rock solid commitment to national security.

There have been many times over the last few years when I have gone to him, as the Rules Committee chair, on critical national security issues.

He has stood up for our young men and women in uniform every single time. And I have also had a chance to travel with him overseas.

We have both played a part in the North Atlantic Assembly, the parliamentary arm of NATO.

I have attended North Atlantic assembly meetings for 15 years, and I can assure you JERRY SOLOMON is one of the most highly respected American participants.

And this is coming from members of parliaments throughout Europe. Believe me, one thing I've learned over the years is: our counterparts in Europe have high standards and long memories.

Their respect for JERRY SOLOMON is built on many years of experience in government and diplomacy.

In a world where the most valuable common currency is one's word, one's integrity, and one's honor, JERRY SOLOMON is a very wealthy man.

He has been a pillar of fairness. He has been a staunch advocate of national security. And he will be hard to replace.

My wife and I wish JERRY and his wife the very best as they begin the next stage of their life together.

I am honored to have served with you, and even more honored to have you as a friend.

THE 10TH ANNIVERSARY OF THE BLACK HEALTH COALITION OF WISCONSIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, The Black Health Coalition of Wisconsin will celebrate tonight its 10th anniversary and its commitment to improving the health status of African-Americans in the state of Wisconsin.

Since 1988, The Black Health Coalition has dedicated itself to insuring that all people in Wisconsin enjoy equitable and comprehensive health. At its inception, twelve organizations that shared a common commitment bonded together to forge a partnership in health. Their efforts have translated into today's Black Health Coalition which reaches the lives of thousands of people in Wisconsin.

Today's celebration has an appropriate theme: ''And Still We Rise.'' It is appropriate because it speaks to the commitment of the Black Health Coalition of Wisconsin to continue its important work. It is appropriate because it indicates the Black Health Coalition's pride in its work. And it is appropriate because it conveys the message that the Black Health Coalition works on behalf of everyone and excluded no one.

I congratulate the Black Health coalition on its ten years of remarkable achievements and fantastic efforts on behalf of the people of Wisconsin, and especially the people of my home city of Milwaukee.

DEICE HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise to day to pay tribute to James J. Deice, the 1998 Person of the year of the Italian-American Association of Luzerne County. I am proud to have been asked to participate in the Association's annual Columbus Day Dinner on October 11.

Jim played both football and track as a student at West Pittston High School. He majored in English at the University of Scranton and graduated with a B.A. in Education in 1969. He later obtained his Master's degree from West Chester University, Penn State University and University of Scranton.

After graduating from college, Jim took a teaching job in Royersford, Pennsylvania but in 1972, he returned to Northeastern Pennsylvania to teach English at Pittston Area Senior High School. Jim also coached Pittston Area's track, football and wrestling teams. He coached the wrestling team to its first-ever District Title in 1996–97. For this achievement, he was honored by his fellow coaches as Coach of the Year. He retired from coaching in 1997. That same year, Jim received the Gerard M. Musto Teacher of the Year Award from the National Honor Society at Pittston Area.

In additional to teaching and coaching, Jim has made his commitment to our community clear by his involvement in numerous activities outside of school. He is a member of the Knights of Columbus, UNICO, and the Serradifalco Society. He is Chairman of he Pittston City Parking Authority and is active with the Pittston Tomato Festival Committee, co-chairing the parade for that yearly event. For five years, Jim chaired the track-and-field events for he Special Olympics of Luzerne County. during the 10 years Jim has been a member of the Italian-American Association, he has served as President and chaired several communities. He is currently the Chairman of the Association's Board of Director.

Mr. Speaker, I am proud to bring the many accomplishments of Jim Deice to the attention of my colleagues. Jim is a community leader and outstanding role model for the youths he helps to shape each day. I applaud the Italian-American Association for their choice of honoree this year and send my best wishes to Jim and his family as he accepts this prestigious honor.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. DINGELL. Mr. Speaker, I rise today to recognize my good friend and colleague who has served his constituents and the United States well during his tenure in Congress. He has served this great institution for the last 20 years as a Member of the United States House of Representatives, and a total of 31 years as a public servant.

Congressman SOLOMON and I have worked together on many issues sometimes on opposite sides, but we have remained friends and always strived for bi-partisanship on issues of importance to our constituents and to the people of the United States.

My friend, ''Closed-rule'' SOLOMON's service on the Rules Committee is exemplary and he will be missed.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary man who has spent his career as a public servant helping others. I will miss him and his wisdom, but I know that he will not be far away. I salute him and his accomplishments. I have enjoyed working with him in the House of Representatives.

A TRIBUTE TO DR. MICHAEL DOSIK OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to join my voice with the John T. Mather Hospital community as we honor Dr. Michael Dosik for his many years of outstanding service and leadership, including his tenure as the chief of Mather Hospital's Division of Hematology/Oncology since 1981.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual ''One Enchanted Evening'' fundraising dinner. At this year's gala, Dr. Dosik will be honored with the ''Theodore Roosevelt Award'' for his dedicated volunteer service to Mather Hospital and the community it serves. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

It is fitting that Dr. Dosik should be honored on the same evening that Mather Hospital will raise money for breast cancer treatment. Since receiving his medical degree from Cornell University in 1966, Dr. Dosik has dedicated his professional career to the treatment of malignant diseases. As an oncology-generalist, Dr. Dosik is recognized for his continuing efforts to introduce innovative therapeutic interventions to his patients. He is greatly respected by peers and patients alike for his medical insight and compassionate, humane approach to treating the person, as well as the disease.

That Mather Hospital's October 23, benefit for the Fortunato Breast Health Center and Breast Cancer Treatment is of particular importance to Dr. Dosik, for he serves as the Center's Co-Medical Director and chairs the weekly breast cancer conference. He has also made significant contributions as an active member of the American Cancer Society and Long Island Cancer Council. He resides in Setauket, Long Island with his wife Lyn and their Daughter Diana. He and Lyn also have a 23-year-old daughter, Lia.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Michael Dosik, a very deserving recipient of the ''Theodore Roosevelt Award'' for his dedicated service to the hospital and our entire Long Island community.

THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my congratulations to the Republic of China. Tomorrow, October 10, 1998, is Taiwan's National Day. Taiwan is a country fondly known as the ''Little Tiger.'' Rightfully so, Taiwan has a strong economy and is an excellent trading partner for countries like the United States. In fact, Taiwan is our sixth largest trading partner.

In the last few years, Taiwan's economy has grown at a spectacular rate and has become one of the wealthiest nations in the world. Taiwan's wealth can be seen in their strong manufacturing industry and in their citizens' commitment to make Taiwan an effective trading partner. Taiwan has done remarkably well during the Asian financial crisis, and I hope that Taiwan will continue to prosper.

I wish President Lee Teng-hui, Vice President Lien Chan, Foreign Minister Jason Hu and Ambassador Stephen Chen of the Republic of China continued success in leading Taiwan and their citizens.

IN RECOGNITION OF JAMES F. McCONNELL UPON HIS RETIREMENT AS PRESIDENT AND CEO OF THE FLUSHING SAVINGS BANK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the Fifth Congressional District of the State of New York and the staff of the Flushing Savings Bank as they honor James F. McConnell upon his retirement as the bank's president and CEO.

Mr. McConnell's background is both diverse and effective. Prior to his election as president of the Flushing Savings Bank he held prominent management positions with AMBAC Industries of Garden City, New York and the EDO Corporation of College Point. He joined the Flushing Savings Bank in 1974 as Vice-president and Treasurer. Realizing his keen sense of leadership and a most effective approach to getting things done, the bank appointed him president in 1981, appointed him to its board of directors in 1983 and elected him Chief Executive Officer in 1990.

Mr. McConnell's multiple leadership talents reach far beyond the Flushing Savings Bank. He has served on the Board of Directors of the Community Bankers Association of New York State from 1987 to 1997 and served as the Association's Chairman from 1990–1991. He was highly instrumental in negotiations which led to the successful merger of the Savings Bank Association of New York State with the New York League of Savings Institutions, thereby creating the Community Bankers Association.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me and rise in honor of James F. McConnell, who has imparted a sense of professionalism, leadership and community responsibility. His record is one of dynamism and productivity which readily emerges as a yardstick by which all such future efforts are measured.

TRIBUTE TO DR. TOM GIUGNI

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HORN. Mr. Speaker, I rise today to pay tribute to Dr. Tom Giugni, who is retiring as Executive Director of the Association of California School Administrators. Dr. Giugni's retirement marks the end of a 40-year career of service in public education.

Public schools are filled with dedicated people whose main objective is to make life better for the students and the communities which they serve. But on occasion, there are those who outshine even the brightest educators. Dr. Giugni is such a person. Teachers, parents, administrators, and the business community have consistently looked to him for ideas, direction, and inspiration in serving students.

Dr. Giugni's distinguished career began humbly in 1956 as a substitute teacher in St. Helena, California. Five years later, he had worked his way up to the level of principal in the St. Helena Unified School District, and he has never looked back. He has served six different California school districts, including four as Superintendent. I had the pleasure of working with Dr. Giugni when, during his tenure as Superintendent of the Long Beach Unified School District, he served on the Education Advisory Committee of the Graduate School of Education at California State University, Long Beach, where I was president.

He was a dynamic Superintendent. Under his leadership, the Long Beach district became one of the most decentrated in the United States. The central bureaucracy was cut back. Creativity and innovation became the watchwords in the schools. Parent councils were created. Parents played an increasing role. Principals worked to encourage the best ideas and performance from their faculty.

For the first time in California the elementary and secondary schools were closely linked with a major university, California State University, Long Beach. Many post-secondary institutions have their education majors intern in the schools. But the CSULB Long Beach Unified School District was a true partnership in which university students and faculty members as well as student organizations across the university involved themselves with the schools and their students.

Dr. Giugni has further served California through active participation in numerous civic and professional organizations, including as a member of area Chambers of Commerce and Industry Education Councils, an advisor to California colleges and universities, and an advocate of events to fight cancer and drug abuse. His knowledge and expertise have been recognized by several respected educational journals who have published his articles, and he has received countless awards honoring his leadership.

Dr. Giugni committed his career to improving education. His genuine concern for students, his vision, and his ability to rally support for public schools will be greatly missed. All of us who know him wish him well and doubt that he will be inactive in retirement

A TRIBUTE TO DR. HARISH MALHOTRA OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the staff and patrons of John T. Mather Hospital as they honor Dr. Harish Malhotra of Shoreham, Long Island, with the ''Theodore Roosevelt Award'' for his dedicated service to Mather Hospital and the Long Island community.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual ''One Enchanted Evening'' fundraising dinner. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

A native of India, where he earned distinction as a ''Gold Medal'' doctor at the University of New Delhi for his work in surgery, Dr. Malhotra has achieved great success as a surgeon because he remains an avid student of his craft. A voracious reader, Dr. Malhotra is dedicated to the continual development of his talent for healing the sick and injured. ''If you don't read a lot and keep constant,'' Dr. Malhotra said, ''you can't take good care of your patients.'' Because of his lifelong pursuit of knowledge and inner desire to make the absolute most of his skills, Dr. Malhotra is able to take very good care of his patients.

It was while researching innovative surgical technologies that Dr. Malhotra learned of the bold, new bone marrow and stem cell transplants. Moved by the positive results of these surgical techniques, Dr. Malhotra founded the first Bone Marrow and Peripheral Blood Stem Cell Transplantation Program in Suffolk County, one of the most successful programs of its kind in the United States.

When he's not working with his patients or reading up on the latest surgical techniques, Dr. Malhotra is usually found on the golf course, or spending time with his wife Maureen and six-year-old son Kiran.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Harish Malhotra, a very deserving recipient of the ''Theodore Roosevelt Award'' for his dedicated service to the hospital and our entire Long Island community.

CITIZENS' VOICE CELEBRATES 20TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Citizens' Voice newspaper of Wilkes-Barre, Pennsylvania, which is celebrating its twentieth anniversary on October 9, 1998. Despite tremendous obstacles, the Citizens' Voice has survived and thrived as a daily newspaper in a competitive market.

In the fall of 1978, 205 employees of the Wilkes-Barre Publishing Company who were on strike decided to create their own paper. That decision led to the publishing of the first edition of the Citizens' Voice. Since then, the paper has grown to a circulation of approximately 38,000. During that time, the Voice has received numerous awards from local and state professional organizations.

The Voice's first ''home'' was a building scheduled for demolition by the Redevelopment Authority on North Main Street in Wilkes-Barre. In early 1979, the Voice moved to the mezzanine of the Hotel Sterling in the heart of downtown Wilkes-Barre. In June of 1984, the Voice moved to its present headquarters on North Washington Street in Wilkes-Barre.

Mr. Speaker, not too many cities the size of Wilkes-Barre have two daily newspapers anymore, but I think the presence of both papers has lead to an improvement in the quality of coverage provided to area residents. I applaud the Citizens' Voice for its twenty years of excellence and wish the paper future success.

CONGRATULATIONS TO POLISH AMERICAN VETERANS' CLUB OF WILBRAHAM, MA ON ITS 50TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to congratulate the Polish American Veterans;' (PAV) Club of Wilbraham, Massachusetts on its 50th anniversary.

The PAV in Wilbraham has for half a century played a vital role in its community. In celebration of this noteworthy occasion, I take this opportunity to express my personal congratulations to each and every member of the Club, and to enter the complete history of the Polish American Veterans' Club of Wilbraham, Massachusetts into today's CONGRESSIONAL RECORD.

THE HISTORY

The hostilities of World War II had come to a close and the veterans were returning to their homes where their families were anxiously preparing a warm welcome. The local Organizations and merchants also combined their efforts to extend their greetings through a ''Welcome Home Day.'' The men and women who were being honored at these events formed a new segment in our community, ''Veterans of the Armed Forces of the United States.'' The loose social association these men held in the months following their return coupled with their similarity of interests, ambitions and background inspired the idea for the formation of an organizational of local Veterans.

Uniting any group into a functioning organization required the leadership of a person who is familiar with the aspirations and problems of the group, along with a deep interest in their progress. The Veterans of the Tri-Town area were fortunate in having a man who qualified in every respect as an organizer. His interest in the welfare of this body must have had a great influence on leading them into organization. The man, Father A. Rys, then curate of the Immaculate Conception Parish. His uniting efforts during these important organizational meetings resulted in the formation of a strong ''Polish American Veterans Club.''

Father called the first meeting on February 23, 1947, where various types of Veterans groups were discussed. A committee, headed by Edward Haluch, was formed to do research into an organization that would function best in this area. The new club was to be founded by the Veterans of Polish extraction from the Indian Orchard, Ludlow and Wilbraham area to encourage social acquaintances among members for the advancement of social, educational and economic welfare of its members. With these ideals in mind, a committee was delegated the task of drawing By-Laws. Thus, the first meeting had set the organizational wheels in motion. During subsequent meetings officers were elected and committees for an efficiently functioning organization were appointed. The first few officers were: President, John Kiebania; First Vice President, Al Sambor; Second Vice President, Mitchell Kowalski; Clerk, Emil Wysik, Financial Secretary, Joseph Popeo; Treasurer, Bernie Smola; Service Officer, Dr. Francis Bacewicz; and Sergeant at Arms, Louis Grondalski.

The name of the club was to be ''The Polish American Veterans of Indian Orchard, Ludlow and Wilbraham.''

Founded on the principle of social unity and community service, the club prospered in the ensuring years. From its inception, a vigorous athletic program was sponsored, the most successful of all being the baseball team which drew an enthusiastic following. They identified the organization throughout the Western Massachusetts area when they captured the Knights of Columbus Tournament in 1949 and were runner-up for the Western Massachusetts Amateur Baseball Championship in 1950. The basketball team was no less successful, in that they shared the limelight in completing the season as Western Massachusetts Champions in 1952. The bowling league and hockey team kept the members active in the winter months. In addition to the organized league activities an intramural basketball program was initiated and impromptu volleyball games or golf matches filled what spaces remained in the sports calendar. Trophies representing championships in every major sport are held by the club.

In 1949, the Club Members remodels the old dairy building on 4½ Action Street as their temporary home and for ten years it served as an informal meeting place for members. The good management of the small clubhouse plus the aid of the members had placed the organization in a financial position which made the erection of new quarters possible. The purpose of this venture was to house all the club activities and to serve as a meeting place for the entire community.

A building committee was appointed and in January 1959 at a specially called meeting, the plans for the new building were accepted by a vote of the body. The dedication of the ''Polish American Veterans Club'' was held on January 30, 1960.

The membership broadened its scope in community service. We expanded our sports program to include the youth in the area by sponsoring baseball, girls' softball, hockey, soccer and basketball. We also sponsored a visit of the West Point Glee Club for a performance at the Springfield Auditorium. Many Club Members and their families had the pleasure of meeting the cadets personally by sharing their homes for an evening stay.

The Polish American Veterans were instrumental in the renovation of the Kosciuszko Garden at West Point Military Academy. The Sunshine Village and many charitable organizations receive annual donations. The Ludlow Hospital was given a sizable donation for their fund drive. The cost of a classroom was given to Christ the King Social Center. A new Church Altar was presented to the Immaculate Conception Church. The Fire and Police Departments in the Tri-Town area received life-saving and communication equipment. The area Libraries are given hard cover books periodically. The annual United Polish Clubs Scholarship Dinner-Dance is held in the Veterans Ballroom. Biannual bus trips to the Holyoke Soldiers Home fill buses with Members, the Auxiliary, Polish pierogies, rye bread, horseradish, kielbasa and home baked pastries plus prize winning money for Bingo Games which is shared with the resident patient veterans. The Post also adopted a wing at the Holyoke Soldiers Home for which we funded interior decorations and supplies.

The greatest highlight in the Club history was the founding of the ''Polish American Auxiliary.'' The women organized in 1952 under the same policy and the same aims as the Veterans Club. The ''Auxiliary'' has been indispensable in providing assistance to the Club. They have been a mainspring in devising fund raising methods. Our major fund raisers are joint ventures of the Veterans and the Auxiliary. The Labor Day Weekend Picnic and the Annual Breakfast-Brunch.

In June 1962, the Wilbraham Post became affiliated with the Polish American Veterans of Massachusetts. Our Post hosted State Conventions in 1964, 1970, 1976 and 1984. The most outstanding was the 1976 Convention and Parade complete with 15 State Posts and their Marching Bands. The march was led by our own ''Minute Men'' dressed in Revolutionary War Uniforms. This Parade was one of our contributions to the year-long celebrations of the United States 200th Birthday Party. Many of our Club Veterans and Auxiliary Members served as officers in the State Department of the Polish American Veterans of Massachusetts. To this date, 6 Club Veterans have been elected State Commanders and 2 Auxiliary Members were elected State Presidents.

The Town of Wilbraham generously deeded to the Polish American Veterans surplus Pine School land along with a parcel which was taken from the Polish American Veterans by eminent domain for School purposes. This enabled the Club to construct additional paved off-aces parking, an outdoor pavilion and open land for recreational activity.

Socially we continue to celebrate the annual Dinner-Dance; the Joint Installation of Officers; a Spring-Fling; a Steak Barbecue; a Hawaiian Night; the Membership Jamboree and the Children's Party. There are also Bowling and Golf Tournament Banquets. This gives all our members and their friends additional opportunity for continued fellowship in a most friendly atmosphere.

There is a more serious side to this organization. Annually, the Members and the Auxiliary gather in their Parade Dress for a march to church to pray for the souls of the deceased Members and Comrades who perished in battle. The Gold Star Mothers were always revered at the ceremonies.

Services and wreath placing are also conducted at ''Our Lady of Peace'' monument adjacent to the Immaculate church, at the 1987 dedicated ''Polish American Veterans Triangle'' and concluding at our quarters ''Memorial Monument Green.'' The Full Military Honors given the deceased are witnessed by the many who gather to join in prayer for their souls.

Many of our Members serve or have served the Community and State in various capacities. As trustees in Hospitals, Church Councils, Community Council, Senior Councils, in elected Political Offices and other service areas. The Polish American Veterans have established outstanding records and are a guiding influence in our community.

CELEBRATION OF THE 100TH ANNIVERSARY OF THE BUTTS COUNTY COURTHOUSE IN JACKSON, GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COLLINS. Mr. Speaker, I rise today to honor the 100th Anniversary of the Butts County Courthouse in Jackson, Georgia. The anniversary celebration is being held tomorrow, and I wish to submit the remarks I prepared for the occasion for the Congressional Record.

I want to express my deep appreciation to the citizens of Butts County for inviting me to be a part of the 100th anniversary celebration for our county courthouse. During the long and rich history of our county, this beautiful building has endured the test of time. It has long

out-lived its predecessors which were all destroyed by fire.

And over the past century, it has seen many fine men and women elected by their fellow citizens to honorably serve Butts County. It is good to see so many of those who have served here today for this celebration. I myself had the honor and privilege to have served as Chairman of the County Commission.

It was 22 years ago Julie, my family and I began our public service. But I had public service running through my veins long before I ran for office. As most of you know, I was born here in Jackson at the O.B. Howell Clinic. In fact, I was spanked to life by three-term Commission Chairman O.B. Howell himself. I was raised by a mother who was a Flovilla City Councilwoman and a father who always said he wanted to serve on the County Commission. I was destined to be in politics.

But my career in public service would never have occurred without the support, hard work and endurance of my wife, Julie, and my children. I began that career right here at home as Chairman of the Butts County Commission. I then moved to the Georgia State Senate where I served two terms.

Today, I have the honor of serving as a United States Representative in the peoples' house in our nation's capitol. I would not have been able to persevere unless my family had been at my side through all of those years and all those campaigns. I also owe the people of Butts County a debt of gratitude for the support you have given me. I regret that state politics prevented me from representing you in the United States Congress.

I have been asked, ''was it worth the time, the effort and the money?'' My answer is always, ''Yes.''

I have always had a strong desire to give something back to the community, the state and the country that have been so good to me. And, at each step of the way, I have grown a little more.

In many respects, the most challenging and rewarding office I have held is County Commissioner. I was young, energetic and a know-it-all. Serving as a Commissioner taught me the rigors of public service, and it taught me humility. During my first month in office, January of 1977, a winter storm with freezing rain brought the rural roads of our county to a standstill. Many fine citizens volunteered to help the county meet the challenge of getting our roads open and people moving again.

I have laughed and joked that we broke up DUIs in Butts County by bargaining with Probate Judge Gene Blue to sentence all of those convicted of DUI to 30 days on the County Commission. DUI arrests declined dramatically.

The accomplishment for which I am most proud was negotiating the contract to install water lines connecting Jackson with Flovilla and Jenkinsburg.

The saddest experience I had as Commissioner was my defeat for reelection in 1980. I had many goals I still wanted to accomplish for the people of Butts County. My good friend and fellow Commissioner, Mr. Everett Brisco, and I knew we would be defeated. I told him during one of our many rides around the County that ''a loss in this election may lead to a major victory in the future.''

Time and the people of Butts County were good to me. You elected me to represent you in the Georgia State Senate.

During my four years there, I had the opportunity to participate in shaping the laws on issues of great importance to us all—education, taxes, crime, the economy and many others.

In 1993, I took on a new challenge—United States Representative for Third Congressional District of Georgia. I have found that many of the issues and concerns in which I was involved as a Butts County Commissioner and as a Georgia State Senator are also issues that concern the Congress—only on a national scale. But while we in Congress engage in great debates over our national defense, the direction of our government, the fate of the President and the future of our children, I am always reminded from where I come.

Shortly after my election to Congress in 1992, I received a letter from my childhood friend, Frank Duke. In that letter Frank wrote, ''It is a long way from Flovilla, Georgia to Washington, D.C.'' He also enclosed a photograph of the town of Flovilla. We are now grown and gone our separate ways. But Frank's letter and photograph remind me of the hopes and ambitions we had.

And it reminds me of the values and principles we were taught by our parents, our teachers, and the wonderful people of a small town. I have kept that letter and photograph to remind me of my home and the lessons I learned with Frank and the others so many years ago.

As I conclude, I would like to read to you the quote by the great poet Longfellow which is printed in the dedication of the History of Butts County Georgia. It is worthy of reflection by all those who are elected to serve. It reads:

Each one performs his work and then leaves it
Those that come after him estimate
His influence on the age in which he lives.

Thank you and God Bless You.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEWIS of California. Mr. Speaker, the House of Representatives will today make one of the most solemn decisions it can make next to a declaration of war—whether to proceed with a full congressional inquiry into allegations that the President's actions warrant his removal from office. A bipartisan majority of the House, including members of the President's own political party, will support the resolution to hold hearings and further investigate the President's conduct.

The historical significance of today's action does not escape me. This is only the third time in our nation's history that Congress has voted to proceed with an impeachment inquiry. Today, particularly, I feel a burden of responsibility as never before during my years of public service.

Like most Americans, I have weighed very carefully the evidence presented thus far by the Independent Counsel. From the very beginning, I have wanted to give the President every benefit of the doubt. I have wanted to believe that he was telling the truth. But it is now clear that he has not been truthful with the American people, with the Congress, with his staff, and with his own wife and family.

No man, not even the President, is above the truth or above the law. Each man and woman must be held accountable to the duly established laws of the United States. In this matter before us, it is very important that the legal process, as outlined in our U.S. Constitution, continue to its conclusion. That means that the Congress, and more specifically, the House Judiciary Committee, will now hold hearings to determine if the President's actions warrant his impeachment.

The time this investigation has taken, and the toll it has taken on our country, is a direct result of the President's efforts to deny the truth and delay the process. He could have—and should have—told the truth from the very beginning but instead he chose repeatedly to lie. Anyone who has served in a court proceeding knows the significance of taking an oath to tell the truth, the whole truth, and nothing but the truth. A violation of that oath is perjury. It is now evident that the President has lied under oath. To maintain the fundamental integrity of our system of government, he must be held accountable for his actions.

These actions have not taken place in a vacuum. From the Oval Office to the President's Cabinet, the President has had a dramatic effect upon our responsibilities at home and abroad. While it is still too early to predict the outcome of this crisis, one thing has become increasingly clear: by his own evasion of the truth, the President's effectiveness and the standing of the United States throughout the world has been severely diminished.

Meanwhile, the work of this Congress is continuing. While the media is focused primarily on the Judiciary Committee's work, Congress continues to address the enormous challenges facing our country and the world. The United States now faces enormous tests on both the domestic and world stage—terrorist bombings, of our embassies, Saddam Hussein thumbing his nose at UN inspections, North Korea's development of nuclear weapons, and an increasingly fragile peace in Northern Ireland. Closer to home, we are addressing real challenges before us—the future of Social Security, improving education, reducing taxes on American families, and averting a government shutdown.

In closing, President Clinton's careful and calculated legal response has not served him or our country well. This is a sad day in our nation's history. The President and the President alone bear full responsibility for the action Congress is taking today. We must move forward with this process. In encourage our Members to support the Committee's resolution.

TRIBUTE TO HENRY A. SCHMITT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Henry A. Schmitt, a widely-known and

respected leader of the transportation industry for over 35 years, on the occasion of his retirement from CNF Transportation Inc. at the end of this year. He began his CNF career with a background as a trucking security analyst, working for several Wall Street financial firms in New York City for more than 15 years.

As Vice President of Corporate Relations, Mr. Schmitt manages CNF's communications with the Wall Street financial investment community. His other responsibilities include CNF's government and corporate relations, including oversight of the company's extensive scholarship and charitable contributions activities.

Mr. Schmitt joined CNF from Wall Street in 1978 as Assistant Vice President of Investor Relations. He later became Assistant Vice President and Director of Corporate Relations, and was subsequently named Assistant Vice President and Director of Corporate and Financial Relations. Mr. Schmitt was elected a Vice President in 1988. He is a member of the company's Executive Administrative Committee and Chairman of the CNF Transportation Inc. Political Action Committee.

Throughout his career, Mr. Schmitt has been active in a number of industry and professional associations. In addition to participating on many special industry task forces and committees, he served on the Executive Committee and was a member of the Policy and Finance Committee of the American Trucking Associations. The Western Highway Institute elected him as President in 1994 and Chairman in 1995. He also served as both President and Chairman of the Cargo Airline Association (when it was the Air Freight Association).

Mr. Schmitt has long been an active member and rose to become chairman of the Public Affairs Council of the Conference Board. He is a past director of the U.S. National Investor Relations Institute, and the founder/chairman of the NIRI's Silicon Valley Chapter as well as an active member of both the New York and San Francisco Securities Analyst Societies, affiliates of the Financial Analysts Federation.

A past member of the Advisory Board of the California Institute, he also served as CNF's deputy to both the California Business Roundtable and the U.S. Chamber of Commerce from 1985–1996, and was a member of the California Chamber of Commerce Public Affairs Council. When on Wall Street, he served as chairman of the Motor Carrier Analysts Group, the association of senior security analysts with responsibility for trucking industry securities.

The Citizens Scholarship Foundation of America elected him to serve on its National Advisory Board of Trustees for the period 1995–2001. In 1996, he was appointed a trustee of the Charles Armstrong School, an elementary school in Belmont, California that educates children with problems of dyslexia. He assumed the additional post of school treasurer in 1998. A native of Rochester, New York, Mr. Schmitt attended Lehigh University in Bethlehem, Pennsylvania, earning a bachelor's degree in finance in 1963.

I'm very proud to have the Schmitt family as constituents. I'm grateful for the countless contributions Mr. Schmitt has made throughout his career. Few have contributed as much to their industry and by doing so California's 14th Congressional District has been enhanced as well.

I ask my colleagues to join me in honoring this exceptional individual who has given so much to his industry, his community, and his country. We wish Henry Schmitt and his wife a happy, healthy and rewarding retirement.

A TRIBUTE TO MR. VINCENT BOVE OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the John T. Mather Hospital community as they pay special honor to Vincent Bove of Belle Terre, Long Island, for his 25 years of outstanding leadership in the Hospital's Board of Directors.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for the hospital's 33rd annual ''One Enchanted Evening'' fundraising gala. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from the annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment. At the gala, Vinny Bove will receive the inaugural ''Mather Special Recognition Award'' for his tireless efforts to create the hospital's Ambulatory & Inpatient Surgical Pavilion.

As the owner of Laurel Hill Nurseries, Vinny Bove brought an entrepreneurial spirit and energy to Mather Hospital 25 years ago when he joined the Board of Directors. He has focused that energy on expanding Mather's medical services while nurturing its financial health. As the Chairman of the Hospital's Board of Directors. Vinny Bove was instrumental in the successful campaign to raise funds for hospital expansions in 1973 and 1983, as well as separate efforts to finance a new Emergency Room and the Ambulatory & Inpatient Surgical Pavilion.

His efforts to make Mather Hospital the best it can be would make its namesake proud. As Vincent Bove has said, if John T. Mather were to visit his hospital today, ''we could show how we've cared for this hospital, and how it's grown over the years. We've really done it right.''

Vincent Bove's efforts to grow John T. Mather Hospital into one of Long Island's leading health care providers seem almost Herculean to his friends and admirers. But for him, it was truly a labor of love. Mather grew on me over the years, Vinny has said, ''It plays a very important part of my life because it's so important to the community, and I'm a very community-minded person.'' Vincent Bove's love and selfless dedication to the community is also evident in this public service as the Mayor of the Village of Belle Terre.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community in honoring Vincent Bove, a very deserving recipient of the inaugural ''Mather Special Recognition Award'' for his 25 years of service to the hospital.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. McNULTY. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time.

Mr. Speaker, when I get up in the morning, the first two things I do are to thank God for my life and thank veterans for my way of life. Because if it had not been for the sacrifices of the men and women who wore the uniform of the United States military through the years, I would not have the privilege—as a citizen of the United States—of going around bragging about how we live in the freest and most open democracy on the face of the earth. Freedom is not free. We have paid a tremendous price for it.

I shall always be grateful to those who, like my brother Bill, made the supreme sacrifice. And to people like that man right there, JERRY SOLOMON, who served with distinction in the United States military and then came back to our home region in upstate New York, because a successful businessman, and—more importantly in my eyes—entered a career in public service. From his local government roles to his national leadership role today, he has rendered such outstanding service to us all.

I have been in the United States Congress for half of JERRY SOLOMON's tenure. And what a privilege it has been, JERRY, over these past 10 years, to serve with you, as a team. Together we have accomplished a great deal for the Capital Region of the State of New York, but I will not go into those items right now.

One day on the House steps, I think I was in my first or second term, we were having pictures taken with our respective constituents. JERRY grabbed me and asked the photographer to take a picture of the two of us. He later inscribed that photo and sent it over to my office and it is on my office wall today—and it will stay there. It says, ''Mike—thanks for being part of the one-two-punch for the Capital District.'' Let me acknowledge, there was never any doubt about who was number 1 and who was number 2.

But I want to say to my friend, JERRY, what a great honor it has been to be number 2 on that team with you. And today I want to look you in the eye and say thank you for your service to our country, for the tremendous service you gave to your constituents throughout your long and distinguished career, and most importantly, to thank you for what you gave to me. You have been a true and loyal friend. And while you are leaving here—and I regret that deeply—the one thing I take comfort in knowing is that our wonderful friendship will continue.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. F. JAMES SENSENBRENNER, Jr.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise to pay tribute to GERALD SOLOMON, the distinguished gentleman from New York, as he prepares to retire after 20 years of service to the country and his constituents, the last four years as Chairman of the House Rules Committee.

JERRY SOLOMON and I came to Congress together in 1978. In his ten terms representing New York's 22nd District in the House, his colleagues and his constituents have come to know him as a positive force for common sense legislation. JERRY's legacy is one of military preparedness, fiscal responsibility, strong foreign policy and government accountability.

As a former United States Marine, JERRY brought a unique knowledge of the necessities of military readiness to his legislative agenda. In the 1980's, he worked to strengthen our armed services, joining other exemplary leaders such as Ronald Reagan in helping to ensure a peaceful end to the Cold War and the United States' position of strength in the post-Cold War world. His work with the North Atlantic Assembly and his mastery of NATO issues proved an invaluable asset to the House as we considered foreign affairs and national security issues.

But JERRY SOLOMON's importance to the House does not stop there. His colleagues know him as a Member who recognized the patriotism and dignity of this country's veterans and fought tirelessly to see that the government provided them the rights and benefits they so richly deserve.

JERRY SOLOMON also devoted significant energy to securing accountability in our government, taking a principal role in creating the line item veto legislation passed by Congress in 1996. And it is important legislation like this that passes through JERRY's hands each day. As Chairman of the Rules Committee, he continues to dedicate himself to providing for the smooth movement of the many and varied pieces of legislation that come before the House in each session.

His shoes will undoubtedly be hard to fill. I join my colleagues in wishing a JERRY a fond farewell and a successful retirement. We aspire to continue his level of leadership and commitment.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. BILBRAY. Mr. Speaker, this is a highly emotional and complex matter. In the bright light of historical significance, we must remember that this solemn result will become the standard applied to future presidents, Democrat or Republican. The issue is larger than William Jefferson Clinton.

I want to emphasize that contrary to what the media coverage may imply, Congress is not obsessed with this matter. The full House has spent a total of only 4 hours debating this issue. During the same week in which this vote was taken, the House and Senate approved House bill 8, my bill to crack down on commuter vehicles from Mexico which do not meet California vehicle emission standards. The President is expected to sign the bill into law. The House is also considering my legislation to hold Mexico accountable on its agreements to fix sewage infrastructure in Tijuana. Only Judiciary Committee members are concentrating on the impeachment inquiry. The rest of us are working on important budgetary, education, health care, environmental and Social Security issues.

As you may know, I have always avoided unnecessary partisanship, and have refrained from criticizing the President's every move during his tenure. He is our elected President and I am obligated by the Constitution to work with him on behalf of my district. It is in the best interest of our nation for Congress to remain focused on the important matter of governing our country, while allowing the members of the House Judiciary Committee the opportunity to perform their duty of reviewing the high volume of documents provided by the Independent Counsel. As I said, Congress has been working effectively on a host of other issues.

However, today the full House of Representatives was required to devote its time to considering the resolution from the Judiciary Committee requesting authority to proceed with an *impeachment inquiry. This was not a vote to impeach President Clinton.* Even a majority of the Democrats on the Judiciary Committee wanted to proceed with an impeachment inquiry. The difference between the Republican and Democrat inquiry proposals was in its length and scope. It is interesting to note that even ''The Washington Post'' and ''The New York Times,'' two newspapers whose editorial positions are historically left of center, supported the Republican position on the length and scope of the inquiry.

By a vote of 258 to 176 the House decided to proceed with an inquiry. I voted with the majority. Again, most of the Democrats voting against the resolution were not opposed to proceeding with an impeachment *inquiry*. They simply had legitimate concerns on its length and scope. They were requesting that the inquiry be finished by Thanksgiving of this year. Under the resolution that was approved (House Resolution 581) the inquiry will terminate at the end of this year.

Though the President and others in public life deserve some semblance of privacy, like most Americans I am very disappointed in the President's decision to have a relationship with a subordinate employee in the White House. This type of behavior is unacceptable in any workplace including in a hallway near the Oval Office. His lack of judgment was appalling for a man of his age and position.

However, the ultimate question before us is not one of sexual conduct. It is whether perjury and obstruction of justice were committed in the magnitude to require impeachment. I am still reviewing the alleged impeachable offenses outlined in the report and by the Judiciary Committee counsels. I am determined to sort out the facts. This is why I supported the resolution to proceed with an *inquiry*. Second only to a declaration of war, voting on bills of impeachment is Congress' most serious duty. Without a process to determine the facts there would be no reasonable way to reach a decision on such a vote.

I, personally, hope that the evidence is not substantial enough to require a constitutionally mandated vote on impeachment. But, it would be irresponsible of me to develop a final position on impeachment until after the Judiciary Committee has completed the impeachment inquiry and all the evidence and rebuttals are on the table. The Independent Counsel has only submitted a preliminary report to Congress because he believes that there was enough evidence in the Lewinsky matter to demonstrate perjury, witness tampering, and obstruction of justice as grounds for impeachment. Congress expects a full report on all of the other allegations, including Whitewater, Filegate, Travelgate, to be submitted by the Independent Counsel in the coming months.

Despite unfortunate initial ''jockeying'' by both sides, I have faith and confidence in my House colleagues, both Republican and Democrat, to ultimately perform this constitutional duty in a fair and bipartisan manner. An issue as grave as possible impeachment of the President must not—in appearance or fact—be driven by partisan considerations. We have embarked on a very solemn process and it is necessary for the House to remain dignified by not allowing these proceedings to be taken to a personal or political level. It is imperative that the laws of our land be strictly followed because next to sending our men and women to war, this is our most difficult responsibility.

Like other parents, I have had a difficult time explaining this issue to my children. Ultimately, I used it as an object lesson: No matter how embarrassing the truth may be, honesty is always the best policy. The President could have spared the country, his family and himself much pain had he told the complete truth. Lying about an affair should be a private matter between a husband and wife. Unfortunately, the President was under oath in a judicial process. Now the Congress and country is forced to proceed under a constitutional mandate. Congress must remain cognizant of the fact that the result will be a standard to which Presidents from now on will be held.

Many letters and e-mails to my office have reflected a lack of understanding of the process. I would like to reiterate that IF, AFTER completion of the impeachment inquiry, the House votes in favor of impeachment, it does not mean the President is automatically removed from office. The process would then move to the Senate where he would be tried, with the Chief Justice of the Supreme Court presiding over the proceedings. It would take a conviction supported by two-thirds (66 out of 100) of the Senate to remove the President from office. Under the Constitution, there is no authority given for the House and Senate to ''censure'' the President.

I will do everything in my power to ensure that this matter does not overwhelm the important legislative issues before Congress.

TRIBUTE TO JOHN D'AMELIO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to speak in honor of John D'Amelio, the president of the California School Boards Association of 1998 of his continuous efforts on behalf of children and education throughout his community and throughout the state of California.

John D'Amelio, a retired teacher, has been a board member of the Escondido Union High School District in San Diego County for eight years. In 1996 he was appointed by Governor Pete Wilson to serve on the Commission for the Establishment of Academic Content and Performance Standards. D'Amelio has been an active contributor to CSBA, and has served as a member of the association's Delegate Assembly since 1990 and as a regional director since 1992. In addition he has served on a number of CSBA committees, including the Legislative Network, Education Legal Alliance Committee, Nominating Committee, Annual Conference Committee and Assessment Task Force.

Throughout his many years of serving the community as a teacher and board member, D'Amelio also found time to volunteer outside of these roles. He founded a community organization for at-risk minorities, served as a director on a preschool board, and became a classroom ''grandpa''.

Mr. Speaker, I wish to publicly thank John D'Amelio for his dedication to the youth of California. He is one who understands the value of education and has had the generosity to sacrifice much of his life to such a noble cause.

A TRIBUTE TO DR. CHRISTOPHER BEATTY OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join my voice with the John T. Mather Hospital community as they honor Dr. Christopher Beatty of East Setauket, Long Island, for his many years of outstanding service and leadership, including his tenure as the chief of General Surgery at Mather Hospital.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual ''One Enchanted Evening'' fundraising dinner. At this year's gala, Dr. Beatty will be honored with the ''Theodore Roosevelt Award'' for his dedicated volunteer service to Mather Hospital and the community it serves. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

For Dr. Beatty, winning Mather Hospital's ''Theodore Roosevelt Award'' has become somewhat of a family affair. His father also won the award in 1965 for his own many years of service as a member of the Hospital's Board of Trustees. Dr. Beatty received his medical degree from Georgetown University and completed his internship at Roosevelt Hospital in New York. Following a five-year surgical residency, Dr. Beatty served his country as a Major in the U.S. Army Medical Corps for two years in Stuttgart, West Germany.

A truly gifted surgeon, Dr. Beatty relishes his chosen field because of the genuine satisfaction he derives from being able to use his talents to cure a sick patient. ''Surgery is the only branch of medicine where you can actually put your hands on the disease, take it out and see the good results in a relatively short period of time,'' Dr. Beatty has said.

The only thing more important than surgery in Dr. Beatty's life is his family, his wife, Lindsay and their daughters Shannon, Allison and Devon. When not in surgery or spending time with his family, Dr. Beatty tends to his many rose bushes and is an avid tennis player and runner.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Christopher Beatty, a very deserving recipient of the ''Theodore Roosevelt Award'' for his dedicated service to the hospital and our entire Long Island community.

MARY MCAFEE WINS MILKEN AWARD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. WILSON. Mr. Speaker, during a time when the kids of this nation search for role models, Mary McAfee has become one to her students. Zuni Elementary School principal Mary McAfee was recently awarded $25,000 from the Milken Family Foundation. The Milken award is given to only 160 educators nationwide who display excellence in education.

During her six years as Zuni Elementary's principal, Mary has improved curriculum, focusing on the enhancement of her school's technology, and for adapted learning to ''real world'' situations. Teachers at Zuni think she is an exceptional and caring principal, and one of New Mexico's best.

Mary McAfee is a role model for us all. She has put in countless hours and effort to improve our future by improving the schools our children attend. Mary was nominated by her co-workers to recognize the hard work she has done to improve our children's education. And, she is just one of the great educators in New Mexico.

Thanks to the Milken Foundation for recognizing one of New Mexico's best, and thanks to Ms. McAfee for her dedication to her students and teachers.

TRIBUTE TO FRANK 'HYLO' BROWN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ROGERS. Mr. Speaker, on the evening of Tuesday, October 13, the people of Johnson County, Kentucky, are coming together to pay tribute to Frank ''Hylo'' Brown, an old-time bluegrass singer and songwriter from River, Kentucky, in Johnson County, who has inspired bluegrass and country music lovers for decades.

A talented inspiring musician, young Frank Brown was born in River in 1922. He earned the nickname of ''Hylo'' because of his incredible vocal range, but it was his compassion and insight as a human being and a musician that have earned him the respect and admiration of those who know him and his music.

Despite being a success on the bluegrass music circuit, he has always remembered where he came from—a small town called River, a one-room school house, and a coal miner's heritage. Even today, fans still come by the old home place where Hylo currently lives to see his collection of memorabilia from over 50 years of writing and performing.

Hylo once said, ''I never set the world on fire, but I made a living.'' To the people who know him, he did a lot more than that. That is why the people of Paintsville and Johnson County are paying tribute to Hylo, commending him for over 50 years of bringing music into our homes and our hearts; being a Legendary Bluegrass Balladeer; the loyalty he has shown to Johnson County and the people of eastern Kentucky; and the kindness and consideration he has shown his fellow performers.

Hylo Brown has not only earned the right to have his name forever placed alongside the U.S. 23 Country Music Highway, in eastern Kentucky, but he has earned our respect and admiration—not just because of the joy of his music has brought us over the years, but because of the good, decent man he has been to all those he has known throughout his life. I commend Hylo Brown, and I commend the people of Paintsville and Johnson County for recognizing his accomplishments.

HONORING PARAMOUNT UNIFIED SCHOOL DISTRICT FOR THEIR PEACEBUILDERS PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HORN. Mr. Speaker, I rise today to call attention to an excellent program at work among students in the Paramount Unified School District in my Congressional District. It is called PeaceBuilders, and its mission is simple: to focus on the positive. It has been proven, both through academic studies and through the individual experiences of PeaceBuilders' participants, that a focus on positive social relations rather than negative, dangerous, or risky behaviors results in increased school attendance, improved academic performance, and decreased violent acts.

The program centers on four basic principles: praise people; give up put-downs; notice hurts and right wrongs; and, seek wise people. When PeaceBuilders praise people, they notice and express sincere appreciation when someone demonstrates acts of kindness or caring, giving attention to positive rather than negative actions. By giving up put-downs, program participants recognize and avoid what has become a mainstay of negative interaction in our culture. They also learn non-violent ways to respond when they are put-down. PeaceBuilders who notice hurts and right wrongs learn ways to make amends when they have caused another person pain, or merely to help another person in need. Finally, when they seek wise people as friends, mentors, and role models, PeaceBuilders surround themselves with the tools they need for continued success and an even brighter and more positive future.

Mr. Speaker, with so much attention today given to the negative, I want to shine the spotlight on the positive. I applaud the Paramount Unified School District not only for adopting this program, but for fully embracing it. Paramount was declared the ''Outstanding PeaceBuilders District of the World for 1997–1998'' by Heartsprings, Inc., the home of PeaceBuilders. The proclamation states that they ''have been instrumental in the design of a K through 8 model which will henceforth be known as the 'Paramount Model.' May you continue to be a Model for the World to follow.'' Congratulations to paramount on this great accomplishment, and may you spread your positive message to all of our nation's schools.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition of the Republican impeachment inquiry. The way the House proceeds on an impeachment inquiry is very serious and must be considered in a deliberative manner. Unfortunately, the proposal before us does not create a focused inquiry with realistic time limits on the length and scope. Instead of offering a proposal that is sound and has reasonable standards on what impeachable offenses are, the Republican leadership is rejecting a focused inquiry and is forcing us to vote on a proposal that is endless and causes damage to a fair and just process.

Mr. Speaker, the question at hand is not whether or not to proceed with a formal impeachment inquiry. The question is how do we proceed? We considering such an important matter, will we place such a vote in the hands of election year politics or do we place this vote and process in the hands of fairness, the tenets of our Constitution and good judgement?

Mr. Speaker, it is my hope that my colleagues base their vote on the latter. We have a chance to send this proposal back to the judiciary committee and instruct them to develop a plan that is focused and fair.

However, the lines seem to be drawn and the Republican leadership has convinced their members to vote along party lines. The last chance for a pragmatic approach is lost.

Therefore, I encourage my colleagues of both parties to join together and defeat the Republican proposal. In the face of fairness, the Republican majority's effort will move forward with an open-ended process designed not to follow the path of truth, but to simply embarrass the President one month before the congressional elections. All of us in Congress should be committed to searching for the truth, not political points. But if we choose to forego the search for truth, we do so with a blatant disregard for principles of fairness and justice.

Mr. Speaker, if we move with a process based on those ideas, then as a lawmaking body, we can get back to the important issues that have evaded us this session. In the waning days of the legislative session, we still have a chance to save Social Security, pass a real patients' bill of rights, improve the quality of education and protect our environment. I plan to fight and oppose this arbitrary measure, and support a fair process. That process will put an end to this investigation in a timely fashion and gets the House of Representatives back on track to work on the issues that truly matter to this great nation.

A TRIBUTE TO MR. ALAN BECK OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the John T. Mather Hospital community as they honor Alan Beck of Port Jefferson, Long Island, for his many years of outstanding service and leadership to the hospital, including his efforts to create the Mather Leadership Council.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual ''One Enchanted Evening'' fundraising dinner. At this year's gala, Alan Beck will be honored with the ''Theodore Roosevelt Award'' for his dedicated volunteer service to Mather Hospital and the community. In recognition of October as National Breast Cancer Awareness Month, proceeds from Mather's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

A successful media entrepreneur, Alan Beck has owned radio stations in Baltimore, Minneapolis, Cincinnati and on Long Island. A graduate of the University of Maryland, Alan worked in radio in Baltimore and New York through 1980. It was the following year when he founded American Media, Inc. and bought Long Island radio station WALK, which he soon turned into the country's most successful suburban radio station. Alan worked to grow his company, adding radio stations in markets nationwide before selling the business to Chancellor Broadcasting.

Though Alan has sold his radio operations, he still manages American Media, a media consulting firm. As the chairman of the Mather Leadership Council since 1977, the year he created the body, Alan has worked tirelessly to support the mission of Mather Hospital. Drawing upon his skills and talents as a successful businessman, Alan has led fundraising for the Adolescent Psychiatric Recreation Area Project, the Prostate Cancer Awareness program and the Hospital's Capital campaign. Under his command, the Mather Leadership Council has grown to 70 members, each dedicated to making Mather Hospital the best it can be.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Alan Beck, a very deserving recipient of the ''Theodore Roosevelt Award'' for his dedicated service to the hospital and our entire Long Island community.

TRIBUTE TO REID CHAPEL AME CHURCH OF SUMTER, SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Reid Chapel African Methodist Episcopal Church of Sumter, South Carolina. The Reid Chapel A.M.E. Church was organized as a Mission in the spring of 1952. The original founders of the church were: Rosa Bell Guess, Carlos Guess, Julia Banding, Evons Banding, Hester Jenkins, David Jenkins, Robin Cabbagestalk, Herbert Isaac Sr., Alice Gaines and Willie Gaines.

After meeting every Sunday for approximately two years, Mr. and Mrs. Guess approached the Presiding Elder of the Sumter District, the late Rev. Marcellus F. Robinson and then pastor of Mt. Pisgah A.M.E. Church in Sumter, former Bishop of the Seventh Episcopal District the Rt. Rev. Frederick Calhoun James, who took their wishes to purchase property for a church to the late Bishop Frank Madison Reid, Sr. Bishop Reid agreed and shortly thereafter purchased the land and had a ground breaking ceremony. Within a year, the church was built and the dedicatory service was held in October 1955.

The first stewards were Rosa Guess, Julia Banding and Robina Cabbagestalk and Hester Jenkins. The first trustees were Carlos Guess, Evons Banding, David Jenkins and Gus Allen. The first superintendent of the Sunday School was Gus Allen. The first church sextons were the Guess and Blanding children. Rosa Guess served as the church secretary. Thelma Guess and James Linton were the musicians and Choir directors. The first Sunday School teachers were Marguerite Guess, LeAnn Jenkins, and Annie Lee Green. The first pastor to be assigned to the church was the late Rev. Ben L. Burroughs of Kingstree, S.C.

During the first revival services held at the church, nineteen youths came to Christ. Vacation Bible School was held during the summer. The first teachers were Marjorie Robinson, E. Mitz Pringle, Ruth Robinson, Deloris Ham and a few others. Softball and basketball games were sponsored by Reid Chapel, and sewing classes were conducted by Rosa Guess and the late Hallie B. Hampton.

All Sunday School books and the other materials were donated by Mt. Pisgah A.M.E. Church. The piano, which is still being used, was given to the church by the late Elder Robinson. Mt. Pisgah A.M.E. Church family under the leadership of Rev. F.C. James donated the first set of pews and hymnals. During the 1970's, the church's attendance declined to less than five, and it became impossible to maintain a full time pastor. The church doors were closed. In the 1980s, Reid Chapel's doors were reopened. And in 1987, the Annual Conference connected Reid Chapel and St. Michael to form a circuit under the pastorate of Rev. Vermell Humes. After Hurricane Hugo in 1989, the mission closed again.

At the 1991 Annual Conference, Bishop F.C. James appointed Rev. Eliza E. Black to pastor the closed mission. This new ''Venture of Faith'' began on September 19, 1991. The doors of Reid Chapel opened at 8:30 AM. Arriving with the new pastor was her faithful and supporting spouse Theodore, her youngest daughter Antonia Black, two of her grandsons Michael and Renard Black, and a niece Amanda Johnson. By ten o'clock, twenty odd adults and children had come to welcome the new pastor and to share the first morning service ever in the 39 year old history of the mission. When the invitation to membership was extended, Reid Chapel received its first member, Willie M. Martin.

In the Spring of 1994, Reid Chapel purchased a house adjacent to the church's property. Isaac Wims, a member of the community and supporter of Reid Chapel, completely renovated the two bedroom home as a special gift to the church. This property became Reid Chapel's Resource Center. Ground was broken for the Educational Building. It took the congregation only two years to complete the 2560 square foot edifice.

The worship service was moved from the small original block sanctuary to the multipurpose room to the new Educational Building in November, 1995. Church records reveal that there were times that more than 100 worshipers packed into the pews of that little chapel. Many conversions, baptisms, weddings and funerals are logged in the church files. It took less than one conference year to complete the work on the sanctuary.

Officially, Pastor Black was the contractor on record and provided the administrative functions. Her son Randolph Black, a Trustee of the church, a highly skilled brick mason and contractor, directed the work. He also laid many of the blocks himself. The building committee consisted of the faithful Stewards (Henry Murray, Rebecca Hall, Kenneth Black, Rosa Guess, and Marguerite Jones) and Trustees (Randolph Black, Debra Bradley, Almeta Murray, Margie Bradley, Christopher Hall, Rachael Madison, Elizabeth Mack, Besena Bradley and Collette Bradley). It was Randolph Black who received the vision and the plan to build the sanctuary furniture. Matthew Jones and Billy Olden assisted in executing the vision. These men literally built the chancellor rail, communion table, offering table and the flower stands. Margie Bradley assisted Billy Older in finishing the furniture. Most of the wood was donated by Debra Bradley. The decorative work was donated by Williams Furniture Company, Inc. Henry Murray continued to be the dutiful steward and helper.

While the community has called this church Reid Chapel, the founding fathers legally identified the church as ''The Walnut Hill Community AME Church'' which remained the official name of the church until December 1997. At that time, proper documents were drawn up and presented to the Rev. Robert L. McCants, Presiding Elder of the Sumter District and the Rt. Rev. John Hurst Adams, the Presiding Bishop of the Seventh Episcopal district of the African AME Church to legally claim the known name, and the ''legal'' name Walnut Hill Community AME Church was officially removed from all documents.

Today the Reid Chapel African Methodist Episcopal Church stands ready to serve all of the citizens of the Walnut Hill Community, and the City and County of Sumter. I appreciate my colleagues joining me in honoring this great church and its outstanding leaders.

REGARDING: REPUBLIC OF CHINA'S NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ORTIZ. Mr. Speaker, in recent years, the Republic of China on Taiwan has emerged as a major economic power in the world. Recent world economic events offer a special lesson in the power of democracies in global economic affairs.

Their economic success is directly attributable to freely elected democratic leadership. These leaders understand that a strong economy is necessary for political reform. The fact that Taiwan has survived the latest Asian financial crisis relatively unscathed is the lesson in the power of democracy.

From its one-party past, the Republic of China has grown into a more sophisticated democracy with a number of political parties. The Republic of China strongly supports individual freedom, human rights, and a dialogue with any other country in the world.

Mr. Speaker, let us show our admiration of our friends in the Republic of China by congratulating them on their 87th National Day, October 10, 1998.

At a time when it is even more apparent that the world's economies are interconnected, the United States can find an oasis of strong economic fundamentals in the Republic of China.

TRIBUTE TO DR. MARY P. SMITH, AN ARDENT LEMONADE MAKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAYNE. Mr. Speaker, if we are lucky we have come in contact with a person who instinctively makes lemonade out of the lemons of life. There is such a woman in my district who is being honored on Thursday, October 8. She is Dr. Mary Smith. Thirty years ao Dr. Smith saw a need for day care programs in Newark, New Jersey. She used her vision, commitment and steadfastness to establish Babyland Nursery, Inc. Babyland Nursery, Inc., now known as Babyland Family Services, Inc. has evolved into a model for urban day care throughout the nation.

In 1968, Dr. Smith started with 26 children in a seven-room basement apartment in central city Newark to establish one of the first day care programs in the United States and the first non-profit interracial day care center in New Jersey to provide day care for children from 2½ months to five years old. If we go back to 1968, we will remember it was a time that women while moving into the workforce had very limited resources for child care. This sometimes meant that these families had to depend on public assistance for survival rather than become self-sufficient. Today, we see the benefit of providing safe, clean, and educatable day care services. The lack of day care was a lemon to Dr. Smith. She took her knowledge, skills and foresight to make some lemonade that has quenched the thirst of day care need for countless families and children.

Babyland Family Services, Inc. has evolved to comprise 11 different facilities offering 20 separate programs that benefit over 1,500 children, women and families each year. It has a staff of over 200, volunteer support of almost 700 and a reputation that extends to the international arena.

Mr. Speaker, I am sure my colleagues will want to join me in thanking Dr. Mary Smith and Babyland as they are recognized for their hard work and dedication to the health, well-being and education of children from urban areas. I would also like to encourage all citizens to become interested in helping the future, our children, thus ensuring a brighter future for them and the generations to come.

CELEBRATION OF THE COMPLETION OF THE KIDS' CREATED KINGDOM PROJECT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KLINK. Mr. Speaker, I rise today to recognize the efforts of the organizers and the volunteers of the Kids' Created Kingdom project. In only five days the volunteers built a 15,000 square foot, state-of-the-art playground complex for the children of Ellwood City. Six hundred people gathered to celebrate their achievements with a picnic and dedication the evening it was finished.

I would like to pay special recognition to some of the key individuals in this project. The Project General Coordinators were Tim Post and Earla Marshall. The Core Committee consisted of Harold Marshall, Cindy Falotico, Joe Carofino, Jeff Berendt, Steve Oliver, Ellwood ''Woody'' Hazen, Rick and Sharon McClintick, Terri and Larry Crespo, Tom Yoho, Mary Post, Nan Beachem, Beverly Todd, Kim Rangel, Carole Houghton, Julie D'Amico, Cathy Basler, Rosina Betz, Sharon Razani, Wesley Calve, Peggy Figurel, and Robin Lucas. The Construction Site Captains were Bo Rossi, Ernie Mallary, Jerry Maine, Jerry Hulick, Sam and Beth Kasper, Allen Polochak, ''Skip'' Volpe, Dave Buana, Joe Hawrylak, Jim Palagallo.

These individuals along with many volunteers worked hard to not only construct the playground but to raise the necessary funds. The project planning began in September 1997. They were able to raise the 85,000 dollars needed in only seven months. Again I would like to commend them on their efforts to

improve the community of Ellwood City for its children.

TRIBUTE TO JIM RUPP

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to my constituent and dear friend, Mr. ''Jolly'' Jim Rupp of Decatur, Illinois who has recently passed. He was a devoted public official and my condolences and best wishes go to his family and all who will miss him.

Some of my Illinois colleagues may remember Jim as Decatur's mayor from 1966 to 1976 and state senator until 1986. But anybody who knew Jim, knew him as ''Jolly Jim.'' He was always happy, rarely ever down in spirit. His smile would warm you up on the coldest of mornings, and his personality was genuine. Jim got along with anybody and everybody. This was his best quality not only as a politician, but as a person. He was cut from a different type of political cloth. Jim realized that politics relied on personal qualities, and paying attention to the grass roots. He would make visits just about everywhere he represented to arouse interest in issues, and gain support from constituents. In fact, he was once quoted that he loved making these visits so much, that he could rarely ever complete a personal house chore. Nevertheless, he took the concept of politician to mean personable, and in touch with his constituents, which is a quality public officials still need to follow.

Jim grew up in New Jersey, and served in World War II and the Korean War proudly for this nation. He married Florence Reineke in 1944, who unfortunately passed away last December. He moved to Decatur in the 1950's and became partner and later sole owner of Creighton-Jackson Insurance Agency. Jim was then elected mayor several years later in 1966. He also offered much of his time outside of public office in the Decatur community. Jim was a member of the Rotary International, VFW Post 99, Decatur Shriners Club and the American Legion Post 105. Moreover, Jim was a devout Christian and a charter member of Woodland Chapel Presbyterian Church. He is survived by his sons James and Jeffrey and their families.

Mr. Speaker, please join me in recognizing Mr. Jim Rupp, whose dedication to his community has had a profound impact on those who knew him, including myself. It has been an honor to represent him in the United States Congress. I will miss ''Jolly Jim'' immensely. His style was so unique and he was so humble. Many of our national and local leaders need to follow in his footsteps to succeed in politics and in life as he did.

A TRIBUTE TO FRANK PALLONE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ACKERMAN. Mr. Speaker, earlier today at a meeting of the Congressional Caucus of India and Indian Americans a number of our colleagues honored me by electing me Co-Chairman of the Caucus. In doing so, I am being asked to fill a pair of big shoes by succeeding the Caucus's founder and first Co-Chairman, FRANK PALLONE.

Mr. Speaker, the Caucus on India and Indian Americans was founded more than five years ago by FRANK. His district has a large and vibrant Indian American community, and FRANK decided their voice needed to be heard in the Congress. What began as a handful of Members five years ago has been transformed into a thriving Caucus of more than one hundred Members, making the Caucus one of the largest ethnic Caucuses in the Congress.

Mr. Speaker, much of this success and growth is a tribute to FRANK PALLONE's leadership and energy. During his term as Co-Chairman, he has worked tirelessly in the House to improve relations between India, the world's largest democracy, and the United States, the world's oldest democracy. The Caucus has been a forum for important discussions between the Caucus Members and senior politicians, diplomats and industrialists from India. Outside Washington, FRANK also has been very active, traveling to cities around the United States where he has met with hundreds of Indian American community leaders.

Mr. Speaker, as the Caucus of India and Indian Americans enters its sixth year, I know my colleagues join me in congratulating FRANK on a job well done. I am certain the other Members of the Caucus agree with me that we are looking forward to his continued strong participation as a senior Member of the Caucus and to his strong support of the interests of the Indian American Community.

RESOLUTION REASSERTING U.S. OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SALMON. Mr. Speaker, I am pleased to introduce with Representative JIM SAXTON and Majority Whip TOM DELAY a resolution calling on President Clinton to publicly and unequivocally state that the United States will actively oppose a unilaterally declared Palestinian state and that any such action would have severe negative consequences for Palestinian relations with the United States. Though the United States has traditionally oppose a unilaterally declared Palestinian state, recent statements by the Administration have been ambiguous, and contradictory to its previous policy. This shift in the attitude by the U.S. government has been followed by recent announcements by the Palestinian Authority of their intention to declare a Palestinian state unilaterally. Such a declaration would be a violation of the Oslo Accords. It would also pose a threat to Israel, and it would have a destabilizing effect on the entire Middle East. Therefore, it is urgent that the U.S. reaffirms its opposition to a unilateral declaration of a Palestinian state.

For decades U.S. policy has been to oppose steadfastly the creation of an independent Palestinian state irrespective of how it is declared. The Administration's evolving policy on Palestinian statehood is skillfully explored in Robert Satloff's piece ''New Nuances'' that appeared in the July 13th New Republic. The author points to four sets of comments by Administration officials that have called into doubt the longstanding U.S. policy. (1) On May 7th, First Lady Hillary Rodham Clinton advocated the establishment of a Palestinian state. (2) On May 18th, Assistant Secretary of State for Near Eastern Affairs Martin Indyk refused to express firm U.S. opposition to the unilateral declaration of an independent Palestinian state, but rather restated traditional U.S. policy as a preference. (3) Also on May 18th, Vice President AL GORE made similar comments. (4) And finally, at a May 28th White House briefing, spokesman Michael McCurry refused to rule out the possibility that the United States would refuse to recognize a unilaterally declared Palestinian state. Mr. Satloff summarized the comments as follows: ''The United States strongly prefers a negotiated outcome of final status issues between Israel and the Palestinians and will work to achieve that goal. However, if the two sides do not reach agreement by May 1999 and the Palestinians issue a unilateral declaration of statehood over Israeli objections, the U.S. may or may not recognize that state.''

Since these statements by the U.S. government, Palestinian Authority Chairman Yasser Arafat, his cabinet and the Palestinian legislature have repeatedly threatened to unilaterally proclaim the establishment of a Palestinian state when the Oslo Accords expire on May 4, 1999. In mid-July, Chairman Arafat stated that ''there is a transition period of 5 years and after 5 years we have the right to declare an independent Palestinian state.'' Even more recently, on September 24th, Chairman Arafat's cabinet threatened to unilaterally declare a Palestinian state that would encompass a portion of Jerusalem: ''At the end of the interim period, it (the Palestinian government) shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state.'' (The Columbian, Mark Lavie, Associated Press, September 25, 1998.) Chairman Arafat continued his push for statehood on September 28th in a speech before the United Nations, calling upon world leaders to support an independent Palestinian state:

> I would like to call upon all of you from this place—the source of international legitimacy and peacemaking, the guardian of freedom, security and stability, and the source for the achievement of justice and prosperity for humankind—to stand by our people, especially as the five-year transitional period provided for in the Palestinian-Israeli agreements will end on the 4th of May, 1999 and our people demand of us to shoulder our responsibilities, and they await the establishment of their independent state.

A unilateral declaration of statehood would be a renouncement of the Oslo Accords and could ignite hostilities. The Oslo Accords make no provision for the creation of a Palestinian state and, in fact, prohibit the Palestinian Authority from taking any actions that would affect the sovereignty of the Israeli-administered territories. Earlier this week Assistant Secretary of State Indyk said that a declaration of statehood ''becomes a recipe for an almost immediate confrontation . . .'' (Hillel Kuttler, Jerusalem Post, October 4, 1998). The threat of designating Jerusalem as the capital

of a unilaterally declared Palestinian state is particularly offensive. It is also an affront to official U.S. policy. The Jerusalem Embassy Act of 1995 codified that ''Jerusalem should be recognized as the capital of the State of Israel.''

In light of Chairman Arafat's repeated threats to unilaterally declare a Palestinian state, and due to the lack of clarity in the Administration's position on this issue, it is important that Congress urge the President to state explicitly that a unilateral declaration of Palestinian statehood is in contravention to longstanding U.S. policy and is a violation of the Oslo Accords, and the United States will oppose and refuse to recognize such as action.

REGARDING THE ''TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998'' (H.R. 3888)

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in strong support of the ''Telecommunications Competition and Consumer Protection Act of 1998'' (H.R. 3888).

Enactment of the ''Telecommunications Competition and Consumer Protection Act of 1998'' is critical to end the problem of ''slamming,'' that effects more than 20,000 consumers a year, according to the General Accounting Office. This legislation imposes a set of requirements that, when implemented by the industry, will eliminate the financial incentive for any carrier to make illegal changes in a consumer's selection of his or her telecommunications carrier.

Equally important are changes that I pressed for and that were made to the bill when it was marked up by the full Commerce Committee. This legislation avoids imposing burdens that will be as extensive or intrusive as some traditional rules and regulations placed on the telecommunications industry, while taking away the financial incentive for a carrier to engage in ''slamming.''

The ''Telecommunications Competition and Consumer Protection Act of 1998'' takes the approach of encouraging telecommunications providers to abide by a code of contact that includes a self-policing mechanism. While this type of code is a common practice in many industries, it has yet to be adopted by telecommunications providers in the context of protecting consumers from ''slamming.'' H.R. 3888 encourages the industry, under the direction of the Federal Communications Commission, to put in place the requirements of such a code. Under the code approach, the Commission shall engage in limited and minimal regulatory oversight; it will serve as a backstop, ensuring the proper code provisions are in place and, where appropriate, punishing those who willfully violate the code. By agreeing to adhere to the code, carriers can avoid more burdensome regulation and the significant civil penalties that can be imposed against companies that fail to follow the code and ''slam'' unsuspecting consumers.

This bill strikes the proper balance and I believe it will stop the unacceptable practice of ''slamming.'' I urge my colleagues to support it.

IN RECOGNITION OF THE SERVICE OF ROBERT E. CHASE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. HARMAN. Mr. Speaker, I want to join the family and friends of Robert E. (Bob) Chase and commend him on his retirement at the end of this month as Assistant City Administrative Officer for the City of Los Angeles.

Bob, is retiring after 41 years of distinguished service during which he served the citizens of Los Angeles and four mayors—Norris Poulson, Sam Yorty, Tom Bradley and Richard Riordan. Soon after he first joined the city in 1957, Bob rapidly rose in the city administrative office, being named to the position of assistant city administrative officer and executive officer in 1971 in recognition of his management skills. These same skills earned him recognition within the Metropolitan Chapter of the American society for Public Administration, which elected him president in 1975.

Bob's record tenure as Executive Officer of the city administrative office has been a source of stability and reassurance to the city's residents. Indeed, the office has been at the center of all of the major events and changes which have shaped the city of Los Angeles. Most importantly, the administrative office enjoys a nationally-recognized reputation overseeing the fiscal affairs of the nation's second largest city—due, undoubtedly, to Bob's talents and those of the fine staff he assembled.

Mr. Speaker, I am proud that Bob Chase is a constituent. He is an example of the high quality of public servants who serve the city and one of many who devote considerable time and effort to build a strong and stable community.

I know bob is looking forward to spending more time with his wife, Sallie, and their family. from time to time, I understand he will also hone his already formidable skills at golf. In all these future ventures, I wish him the very best and, again, join in thanking him for his service to the residents of the City of Los Angeles.

CELEBRATING BURBANK MIDDLE SCHOOL'S 50TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GREEN. Mr. Speaker, I rise to congratulate and pay tribute to Burbank Middle School on their 50th Anniversary. This wonderful school has been serving the community of Houston, Texas faithfully for 50 years, and is well deserving of recognition and praise.

Burbank Middle School is truly a model school that has a distinguished student body and staff.

Burbank was dedicated on September 20, 1949, with 1,700 students, parents, teachers, and school administrators in attendance.

The building's original cost was $2,250,000. This was a large investment in those days and demonstrates the commitment that the residents had for quality education.

The dedication of the cornerstone was performed by past school board president Ewing Warlein. During the ceremony, he said: ''This great structure is dedicated to education in the finest sense of the word and is not only a monument to education, but a monument to the American way of life, to free enterprise and our constitutional form of government. This building is dedicated not only to the education of the children in this district but also to the boys and girls of generations yet unborn.''

Education is the key to our children's future and the key to our country's continued success. The teachers and staff at Burbank Middle School also believe this and have worked hard to ensure that all their students have an opportunity for quality education.

The twenty-first century will bring new challenges for our young people, and we have an obligation to educate them to deal with these challenges. With the leadership of the parents, teachers, and staff of Burbank Middle School, we can accomplish anything.

For years, families have know this school as a living monument in the community, making it a good place to study and learn. I am certain that the strength of this community would not be what it is today without the commitment of this school. I am honored to congratulate the members of the Burbank Middle School for making it a source of community pride for the past 50 years.

HURRICANE RELIEF FOR PUERTO RICO RESIDENTS

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ROTHMAN. Mr. Speaker, today I rise to extend my deepest sympathies and offer my support to those on the island of Puerto Rico who have suffered losses due to the damage caused by Hurricane Georges. I would also like to clear up some confusion regarding the Federal Emergency Management Agency (FEMA), the Federal agency currently working to alleviate the pain and suffering caused by the hurricane.

I recently learned that erroneous reports regarding the funding of FEMA have been circulating in Puerto Rico. Some in the Commonwealth have stated to the press that funding for the FEMA program is obtained from local taxes and user fees within Puerto Rico and thus, the inhabitants of Puerto Rico are being forced to fully fund the FEMA relief efforts on their own. These reports are completely untrue.

On the contrary, the funds for FEMA come from the U.S. Treasury general fund and are appropriated by the Appropriations Committees in the House of Representatives and the Senate. The general fund is supported by the collection of federal taxes and federal user fees from citizens of the mainland of the United States. Thus the burden of FEMA relief efforts is not being incurred solely by citizens of the Commonwealth of Puerto Rico.

I urge all of my colleagues in the United States Congress to join me in continuing efforts to aid our fellow American citizens in

Puerto Rico in their time of need. We need to continue to seek disaster relief funding for FEMA before Congress adjourns.

HONORING CLIFFORD R. HOPE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MORAN of Kansas. Mr. Speaker, I rise today to introduce legislation naming the post office in Garden City, Kansas after former Congressman Clifford R. Hope.

Mr. Hope represented the 7th Congressional district in Kansas from 1927 to 1957. During those 30 years, Mr. Hope rose in prominence in the House and eventually became the Chairman of the House Committee on Agriculture. In fact, he was the last Republican of the Agriculture Committee prior to the Republican party gaining control of the House in 1994.

During Mr. Hope's political career, he rose first in the Kansas House of Representatives becoming the Speaker of the Kansas House. Following his election to Congress, Mr. Hope became the Chairman of the House Agriculture Committee and was deeply involved in establishing many of the agricultural programs still in existence today. In addition to his work on behalf of agriculture, Mr. Hope was a strong advocate for defense programs and was heavily involved in the military programs essential to the war efforts of World War II.

Mr. Speaker, as a fellow Kansan it is with pride that I associate myself with Mr. Hope and I am honored to introduce this legislation.

A TRIBUTE IN MEMORY OF BENNY WATERS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MEEKS of New York. Mr. Speaker, it is with a great sense of loss that I pay tribute to Mr. Benny Waters, a jazz legend and the oldest touring jazz musician, who died on August 11.

Benjamin Arthur Waters was born the youngest of seven children to Edward and Francis Waters on January 23, 1902 in Brighton, Maryland. Mr. Waters started his musical education at age 5 with organ lessons, and he soon moved to reed instruments. While in high school, still in the pre-jazz era, he played syncopated music with Charlie Miller's band. In his late teenage years he attended the Boston Conservatory of Music, where he studied theory and arranging and gave private clarinet lessons. Among his pupils was Harry Carney, who went on to play baritone saxophone with Duke Ellington.

In 1952, a turning point came in Waters' life when he was asked to join Jimmy Archey's Band for a European tour. The saxophonist decided to stay on in Paris and remained there making it his home wile touring festivals and giving concerts in Europe for the next 42 years. Last year, the French government presented Waters with its distinguished ''Chevalier Legion d'Honneur.''

Failing eyes and the need for cataract surgery brought the saxophonist home and unfortunately resulted in losing his eyesight. Waters' never-failing buoyancy and upbeat spirit brought him to the attention of the ''Statesmen of Jazz'' Tour, and he was invited to become a founding member. Through his performance, he achieved new stature at home in America. Waters, along with his fellow ''Statesmen,'' contributed his time to Arbors Records for the ''Statesmen'' CD, and its sales are donated to perpetuate the nationwide and international tours. His most recent recording was ''Birdland Birthday—Live at 95.''

In blindness, he persevered, averaging 100 dates a year until this year, making a second-floor apartment in Hollis, Queens—a suburban town in my district—his home base. Jazz historians indicate that Benny was one of only six survivors of jazz recording artists of the late 1920s who were still active, along with Claude ''Fiddler'' Williams, Benny Carter, Lionel Hampton, Spiegel Willcox and Rosy McHargue.

Benny will be missed by his family, friends, colleagues, fans and communities across the world.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ACKERMAN. Mr. Speaker, I rise to voice my strong objections over the Republican resolution ordering an impeachment inquiry against President Clinton. This has become a one-sided, all-out and disgraceful witch hunt into the private life of the President, and I strongly disagree with its objectives and methods.

Although I believe that the President's behavior with Ms. Lewinsky was indefensible and disgraceful, and I certainly do not condone it, it is in no way an impeachable offense. Given the existing evidence, I believe that there is no basis for impeachment of the President. Lying about an extramarital affair, regardless of to *whom,* does not rise to the level of an impeachable offense, as defined by the Constitution: ''* * * the President shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.'' While the President's behavior was offensive, I believe that it does not fit this definition. I sincerely doubt that the farmers of the Constitution had Kenneth Starr's report—which focused on private sexual behavior—in mind when drafting the impeachment clause.

It is time for us to put this issue behind us and move onto matters that are vital to our nation. Our country has many challenges to confront, and it is imperative that Congress give its attention to the very important issues that affect the daily lives of all Americans—such as improving our education system, protecting Medicare and Social Security, and strengthening the world economy. Over the course of the 105th Congress, we have witnessed an abuse of power.

And it is this Congress that is guilty of the abuse. You see, Mr. Speaker, we abuse the power we have when children go to bed hungry, and we do little or nothing about it.

We abuse our power when Social Security is in trouble and we sit idly by;

We abuse our power when we don't address the problems of the environment, such as polluted waterways and dirty air;

We abuse our power when our health care system is ill, and we don't cure it;

We abuse our power when we allow the tobacco companies to poison our children without regard;

We abuse our power when our campaign financing system needs reform and we ignore it;

We abuse our power when our students are lagging behind those of other nations and we don't address the issue properly;

I think it has become painfully obvious that the Republican leadership wants to simply ignore the priorities that remain important to the general public, while insisting on following through with a purely partisan and never-ending investigation into the private life of our President. This is something that I simply cannot be a party to and that I strongly oppose.

PATRICIA ROBERTS-HARRIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. POSHARD. Mr. Speaker, I rise today to recognize one of Illinois' most prominent government officials and a dear constituent of Mattoon, Illinois, Mrs. Patricia Roberts-Harris. It is an honor to acknowledge one of the 19th congressional districts own as Mrs. Fran Phillips-Calhoun and the Patricia Roberts-Harris Commemorative Campaign celebrate and organize their energy on a U.S. postal stamp and a biographical book on Pat Harris.

As many of my colleagues may remember, Pat was a distinguished official in both the United States government and the arena of international diplomacy. But before she became the first black female U.S. cabinet member and the first black female ambassador, she was one of Illinois' favorite daughters. A native of Mattoon, she was proud of Illinois and wanted to do more for the United States and the African-American community. Pat was the only daughter born to Bert Fitzgerald an Hildren Brodie Roberts of Mattoon. During her early childhood, Pat's family owned a farm and she attended the local elementary and middle school in Mattoon. By high school age, her family moved to Chicago, where she finished at Englewood High School. Pat later attended Howard University in 1942 and graduated within three years, summa cum laude. She wanted to return back to Illinois and get involved in the Chicago community as an activist at the Young Women's Christian Association (YWCA).

However, it was in Washington where Pat became so well known in the first of numerous prestigious positions. In 1949, she worked for Delta Sigma Theta Sorority as executive director and with Howard University as dean of students and professor of law. She even had

enough time to fit George Washington law school into the picture, where she graduated first in the graduating class of 1960. Within five years, Pat was appointed by President Lyndon Johnson as the first black female ambassador to Luxembourg. She also later became the first black female U.S. Secretary of Health, Education and Welfare under President Jimmy Carter.

Pat had a tremendous professional career, as well as a style unlike anyone else in public office. She had a unique way or organizing and formulating policy strategies effectively. Pat's expectations were high, but she took every turn and situation in life head on. This was evident as professor, ambassador, public official and particularly when she served as as co-chair for President Kennedy's National Women's Committee for Civil Rights in 1963. She not only played an essential leadership role in this position, she garnered support for the enactment of the Civil Rights Act of 1964. In 1985, Pat passed away. She bequeathed part of her will to a public affairs program named in her honor at her alma mater of Howard University. Pat wanted to make sure that future generations would have the same opportunities as she, and continue to pursue her goals through government internships. This demonstrates just how dedicated Pat Harris was to the African-American community and spreading the influence of public service to other.

Mr. Speaker, it is an honor to recognize Pat Harris as the commemorative campaign continues organizing her postal stamp, and as Mr. Calhoun completes writing her childhood biography on this great public official. I wish the organization, and Mrs. Calhoun, my very best wishes and future success as they finish highlighting the many accomplishments of Pat Harris.

TRIBUTE TO MRS. MINAL KUMAR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I take this opportunity to give thanks for the life of Minal Kumar, an extraordinarily dedicated and effective advocate for the health of women and children in the State of Hawaii. As the only public health nutritionist on the island of Kauai, Mrs. Kumar, in the span of only six years, managed to triple the number of clients served by the State Department of Health's Women, Infants, and Children (WIC) programs and for the first time extended WIC programs to the island of Niihau.

Minal Kumar's special mission was to encourage women to breast-feed their infants because of the significant health benefits breast-fed babies enjoy and because of the special bond that breast-feeding promotes between mother and child. Mrs. Kumar is remembered with great fondness by the people of Kauai for her commitment to the health of women and children and for her personal contribution to relief efforts after Hurricane Iniki devastated the island.

It has been almost a year since Minal Kumar's passing, but she has not been forgotten by her many friends and admirers on Kauai. A garden at the Kauai office of the Hawaii Department of Health was dedicated this past summer and a memorial fund benefiting Hawaii Mothers' Milk has been established in her name. I send my heartfelt aloha to Minal's loving family—her husband Dr. Krishna Kumar, daughter Roshni, and son Akash—and I ask all of my colleagues to join me in honoring the memory and special contributions of Minal Kumar.

THE HOUSEPARENT PROTECTION ACT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PITTS. Mr. Speaker, today I am introducing legislation to provide an exemption from Department of Labor (DOL) wage and hour regulations to employees of private, nonprofit institutions who serve as houseparents.

Houseparents are men and women who work and live in certain institutions and care for and supervise residents of the institution. Usually in compensation for their services, houseparents receive a fixed annual salary, food, lodging, and transportation.

Mr. Speaker, there are several wonderful homes in my district that use the houseparent model. They are: a home for teenage mothers with small children, a home for pregnant young women, a home for disabled adults, as well as several homes for troubled and abused children. These homes have been very effective in caring and ministering to these needy individuals. Because of the care and support of their houseparents, most of these individuals are able to leave the group home and become productive members of society.

Mr. Speaker, the Department of Labor's recent interpretation of the Fair Labor Standards Act (FLSA) as it applies to houseparents has resulted in lawsuits and large legal fees for a small non-profit group home in my district, and several other homes across the nation. Houseparents serve a much different purpose than other caretakers of institutions. Houseparents volunteer to permanently reside at the group home in which they work. Caring for the individuals in their home is more of a calling to them than an occupation.

The DOL, however, has decided that these houseparents should be paid minimum wage and overtime pay for the time they are at the home. This means that many houseparents would need to be paid 24 hours a day, even for the time they are sleeping, or not directly caring for the residents of the home. This ridiculous interpretation by the DOL has driven up the cost of operating these homes to the point that many of them can no longer provide services and have been shut down. Other homes are being forced to use a type of employment model whereby ''teams'' of houseparents would be required to work in eight-hour shifts to care for the residents. Not only does this shift model also drive up costs, but also destroys the family-like arrangement of the home.

Mr. Speaker, houseparents serve a very important role in these institutions. They create a family atmosphere for individuals who do not have parents or whose parents are unable to care for them. Individuals who work in these homes do so out of a selfless calling, and provide structure and care for a vulnerable group of people in our country. My bill will end the Department of Labor's policy of stopping houseparents from caring for people who need their loving support.

HONORING AURORA METALS ON ITS 100TH ANNIVERSARY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the management and workforce of a firm in my District which is celebrating its one hundredth year of operation.

On October 18, 1899, the Aurora Metal Company was formed to reclaim metallic lead for the manufacture of hardware and decorative items. In the ensuing years, the company grew and prospered, pioneering the new technology of vacuum casting.

In World War II, the Aurora Metal Company, along with industries across this nation, put its skill and determination to helping our Nation win the war, and received the prestigious Army-Navy E Award for outstanding production of war materials. In fact, the Aurora Metal Company was the smallest firm west of the Alleghenies to receive the honor.

Today the company, now known as Aurora Metals Division LLC, located in Montgomery, IL, employs 160 people and maintains a state-of-the-art foundry, machine shop and tool and die manufacturing facility. And the talent, hard work and diversity of its workforce has contributed greatly to its success. The firm's dedication and commitment to providing high quality products at a fair price represent the ideals that have made our nation great, and are, in no small part, what have enabled Aurora Metals to grow and prosper.

Mr. Speaker, I urge you and my colleagues to join me in honoring the workers and management of Aurora Metals on reaching this centennial milestone and wish them continued success for the future.

TRIBUTE TO ROBERT P. GAJDYS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor Robert P. Gajdys, who is retiring after 8 years as executive director of the Community Assistance Network, Inc., Baltimore County's non-profit community action agency. The Community Assistance Network (CAN) operates over three dozen programs that serve the diversified needs of more than 50,000 low-income families.

An outspoken advocate for the poor and disadvantaged, Bob Gajdys turned CAN from an agency with a $100,000 deficit to one with $250,000 surplus. Because of his leadership and exceptional abilities, CAN has built and strengthened regional partnerships, worked to develop statewide anti-poverty strategies, and received national recognition for program excellence.

Before his tenure at CAN, Bob spent 32 years working for the Federal Government. He has served as Director of Personnel at NOAA,

Director of Administration at the Federal Mediation and Conciliation Service, and Deputy Director of the Office of Program Development and Accountability at the Department of Labor.

A Native American of the Mohawk tribe, Bob also served as Deputy Director of Indian and Territorial Affairs at the Department of the Interior. He was designated by President Jimmy Carter in July, 1979 as a charter member of the Senior Executive Service.

I invite my colleagues to join me in honoring Robert P. Gajdys for his dedication and commitment to the poor and disadvantaged. Although he is retiring as Executive Director of CAN, we know that he will continue to be a voice for those who cannot speak out for themselves.

HONORING TWO EAGLE SCOUTS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor two young men in my district who have earned the distinguished rank of Eagle Scout, Mr. Joshua Westly Robinson and Mr. Loren Christopher Robinson. These twin brothers from Coats, North Carolina exemplify leadership and community service, serving as a bright hope for the future of America.

Joshua Westly Robinson began his Scouting career as a member of Cub Scout Pack 779 in 1989. As a Cub Scout, Joshua earned the God and Me and God and Family Religious Awards, his WEBELOS Badge, and nineteen Activity Badges. In January of 1993, he earned his Arrow of Light Cub Scout Badge and bridged over to Boy Scout Troop 779. He has served as a Troop Guide, Patrol Leader, and Senior Patrol Leader as a member of Troop 779. To date, he has earned a total of 56 Merit Badges. Joshua is currently a Brotherhood Member in the Order of the Arrow, and Honor Camper's Organization.

Joshua embodies the idea of a student athlete, earning many academic awards while participating in four team sports at Erwin Triton High School. Currently, Joshua is a junior at the North Carolina School of Science and Mathematics. He earned his Eagle Scout Award on December 12, 1997 and is currently eligible to wear a Gold Palm.

Loren Christopher Robinson also began his Scouting career as a member of Cub Scout Pack 779 in 1989. He earned both the God and Me and God and Family Religious Awards, and nineteen Activity Badges on his way to becoming a WEBELOS Scout in 1992. He became a Boy Scout in 1993 after achieving the Arrow of Light Award. As a member of Troop 779, Loren has served as Patrol Leader and as Assistant Senior Patrol Leader. To date, Loren has earned 50 Merit Badges and is currently a Brotherhood Member of the Order of the Arrow.

Loren is currently a Junior at Erwin Triton High School where he excels in the sport of swimming. He has won many state and local awards, including representing the state of North Carolina in national competition. Loren earned his Eagle Scout Award on August 17, 1998.

As a former Scout leader myself and a recipient of the Silver Beaver Award, I know the difference that Scouting can make in young lives. I congratulate Joshua Westly Robinson and Loren Christopher Robinson on their momentous achievements. I wish them both all the best in their future endeavors.

ART OF THE GOLD RUSH—A FASCINATING AND IMAGINATIVE EXHIBITION AT THE NATIONAL MUSEUM OF AMERICAN ART

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my distinguished colleagues in the House to an outstanding exhibition entitled ''Art of the Gold Rush,'' which will be on display at the Smithsonian Institution's National Museum of American Art from October 30, 1998 until March 7, 1999. I am pleased that the Smithsonian has chosen to celebrate the 150th anniversary of this defining moment in the history of Northern California and in the development of the American West in such an appropriate manner.

On January 24, 1848—nine days before California was formally ceded to the United States by Mexico—an obscure laborer and European immigrant named James W. Marshall discovered a few nuggets of gold in the South Fork of the American River at Sutter's Mill. He presented his find to his employer, Captain John A. Sutter, who joined Marshall in a fruitless attempt to keep news of the treasure secret.

Slowly, but with unabashed excitement inspired by the hope of a quick fortune, reports of the discovery leaked throughout the Bay Area. Proclaimed the Californian newspaper on May 29: ''The whole country from San Francisco to Los Angeles, and from the sea shore to the base of the Sierra Nevadas, resounds with the sordid cry of GOLD, GOLD, GOLD!''

Before long, the gold euphoria spread across the entire country and around the world. Declared President James K. Polk in a message to Congress on December 5: ''The accounts of abundance of gold are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service.'' The following year, tens of thousands of adventurers and dreamers descended upon San Francisco, hoping for a ''lucky strike'' and a lifetime of wealth. In the process, the City by the Bay swelled from a sleepy outpost of 800 non-Native American individuals in 1848 to a major city of over 100,000 by the end of the following year. The first public schools, representative governmental bodies, and cultural institutions in the State of California evolved from this unplanned invasion of explorers, immigrants, and deserting seamen.

''Art of the Gold Rush'' highlights the social and cultural transformation wrought by these extraordinary changes. Taking place just a few years after the invention of the daguerreotype (photograph), the Gold Rush was the first major event in history to be photographed. The ''Art of The Gold Rush'' captures this historical coincidence skillfully, as emotions such as ambition, disappointment, hope, and confusion can be observed in the 150 rare images featured in the exhibition. Each of the subjects of these pictures presents a unique and evocative perspective of this turbulent time, from the mourning mother and child wearing blank expressions of loneliness and fear to the macho miner whose tough exterior hides his pain as both a failed miner and a sufferer of cholera, ''500 miles away from my wife and not a person about me who would do any thing without pay.''

Mr. Speaker, these photographs, along with the sixty-five significant paintings, watercolors, and drawings that also make up this beautiful exhibition, represent the true, lasting gold of the 49ers. The outstanding and talented curators of ''Art of the Gold Rush,'' Drew Heath Johnson and Marcia Eymann, deserve the gratitude of all who love the history of our great land and all who appreciate and cherish the city of San Francisco.

I urge my colleagues to see Art of the Gold Rush at the National Museum of American Art where it will be on display from October 30, 1998, to March 7, 1999, and in celebrating the 150th anniversary of Northern California's Gold Rush.

IN HONOR OF THE 50TH ANNIVERSARY OF ST. ELIAS POST 1618 OF THE CATHOLIC WAR VETERANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to St. Elias Post 1618 of the Catholic War Veterans on the occasion of their 50th anniversary.

The date October 7, 1948 is very significant for members of St. Elias Church and the Catholic War Veterans community. On this date, St. Elias Post 1618 was installed as a Catholic War Veterans Post under the leadership of George Kudlak as Commander and Rev. Demetrius Yackanich as Chaplain. Stephen J. Zipay was a member of the initial Officers Roster and Charter Membership.

Throughout the years, veterans of World War I and World War II were joined by veterans of the Korean and Vietnam conflicts to create a unified veterans organization in Greenpoint, Brooklyn. These veterans combined their Catholic heritage and patriotism as veterans of the United States Armed Forces.

With the establishment of a headquarters building, many visitors joined in annual events sponsored by the St. Elias Post 1618. Special guests included sports figure Stan Musial and Bishop Fulton Sheen. St. Elias Post sponsors annual parades throughout the streets of Greenpoint.

On November 15, 1998, St. Elias Post 1618 will celebrate the 50th anniversary of their post and of the installment of their officers. Stephen J. Zipay will maintain the exclusive honor of having been installed for the 50th time. He has maintained every position in St. Elias Post 1618 throughout his tenure, including an entire decade as post commander.

Mr. Speaker, I am honored to bring to your attention this important anniversary in the history of St. Elias Post 1618 of the Catholic War Veterans. I am proud to have such a dedicated veterans organization in my district.

CELEBRATING THE 87TH ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SALMON. Mr. Speaker, I extend my best wishes and greetings to the Republic of China on Taiwan on the 87th anniversary of the founding of their nation.

Under President Lee Teng-hui and Vice President Lien Chan's leadership, the Republic of China continues its excellent record of economic growth and its historic democratization. Since I lived in Taiwan in the 1970's, we have seen a different Republic of China emerge. It is now a major trading nation, and its GNP is one of the world's largest. Its growth in per capita income has improved the lives of the 21 million hardworking men and women of Taiwan. Furthermore, the rapid democratization and constitutional reforms on Taiwan in recent years have made Taiwan a model for many nations.

I also applaud President Lee for resuming bilateral discussions between Taiwan and the Chinese mainland.

Happy Birthday to Taiwan.

HONORING RONALD L. MACE FOR PUBLIC SERVICE FOR AMERICANS WITH DISABILITIES

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ETHERIDGE Mr. Speaker, I rise to honor the life of Ronald L. Mace, a North Carolinian who worked to make the world a more accessible place for persons with disabilities. Mr. Mace was an architect who envisioned environments that were accessible and comfortable for everyone. He was a pioneer in the fight for the rights of millions of disabled Americans and by removing architectural barriers.

Mr. Mace cannot be recognized enough for his contributions. His innovative ideas about incorporating accessible design into the North Carolina building code eventually became the backbone of many State and Federal accessibility laws, including the Americans With Disabilities Act. Mr. Mace coined the term ''universal design'' for his concept.

Mr. Mace was a mentor to thousands of persons with disabilities, himself disabled by polio at the age of 9. By his example and through his work, Mr. Mace instilled confidence and purpose and encouraged many to be proud members of the disability community and to contribute to the cause of disability rights. Life, to Mr. Mace, was to be lived with dignity and integrity. He believed that we should celebrate our differences and tear down the artificial barriers that place unnecessary constraints on our interactions with one another.

When Ronald L. Mace passed away on June 29, 1998, North Carolina and the Nation lost a great citizen. As Americans, we owe him a debt of gratitude because disabled and non-disabled alike benefit from his life's work. It is our responsibility to continue to work toward making his vision of a world of accessible and comfortable environments a reality for everyone.

Dr. Carol Grant Potter, a colleague, friend, and protege of Mr. Mace who continues to be inspired by him, offered the following eloquent tribute to Mr. Mace in the Raleigh News and Observer. Dr. Potter, herself remarkable and born with phocomelia (shortening of the extremities), has contributed immeasurably to efforts to remove architectural barriers. She holds a doctoral degree in rehabilitation from Southern Illinois University, has served on the Governor's Study Commission on Architectural Barriers, was appointed by President Carter to serve on the national Architectural and Transportation Barriers Compliance Board, and is currently a planner with the North Carolina Council on Developmental Disabilities.

I encourage my colleagues to read Dr. Potter's moving tribute.

N.S.'S GIFT TO BARRIER-FREE LIVING

(By Carol Grant Potter)

Raleigh.—For once, the 5-year-old was tall enough to do whatever she wanted to do. She didn't have to stand on tiptoe or be lifted up to the ''adult'' height, as was usually the case. Some day she will know that the man who played a major role in making that happen was the man she was gazing at in the casket, set on a low-bred stand a foot off the floor.

As the child touched the man's shirt lightly, her mother directed her attention to the side of the casket.

''See his wheelchair, honey. That's how he got around. It's motorized and it can go fast!''

Ronald L. Mace, the Raleigh architect and disability rights leader who died June 29, dreamed of environments that are accessible and comfortable for everyone, regardless of age or ability. He coined the term ''universal design'' for the concept.

All of us at Ron's funeral could reach his body and share equally in the grief of his death and celebration of his life. We gathered as a community, people who use wheelchairs, guide dogs, interpreters and other means of accommodation, along with just as many folks who have no disabilities.

People came from everywhere to share memories filled with humor, tears, gratitude, respect and love for a man who touched so many lives.

I first met Ron when he consulted with Governor's Study Commission on Architectural Barriers in 1972. We on the commission gained tremendously from his innovative ideas about incorporating accessible design into the North Carolina building code. Who could have known then that his designs would shape the landscape of the entire country? Eventually they became the backbone of many state and federal accessibility laws, including the Americans with Disabilities Act.

Personally, Ron taught me a lot about living—really living—with a disability. He encouraged me, by example, to be a proud member of the disability community to contribute my individual strengths, whatever they may be, to the cause of disability rights.

Ron reached out to thousands of people with disabilities, instilling confidence and purpose by sharing his knowledge and expertise with everyone. Being a mentor was second nature to him, although he probably never realized he was ''mentoring.'' He had a way of promoting others rather than himself, a quality that made him a leader in the truest sense of the word.

Ron's life was not about heroism or inspiration. It was about having the courage to be true to your beliefs and experiences, living with integrity, dignity and respect for everyone, and celebrating differences among us without the constraints of unnecessary, artificial barriers. His life challenges us to continue building community among people with disabilities and our families, and use our collective strength for the common good.

As Ron did, we who are older must share our disability experience, both the struggles and victories, with the next generation who will be tomorrow's disabilities rights leaders. Finally, Ron would expect us to keep the Americans with Disabilities Act strong and meaningful in North Carolina and our nation so that everyone benefits—disabled and non-disabled alike.

At Ron's funeral, parked on the street was a long line of modified, accessible vans, some with wheelchair lifts extended, bringing the community together once again. Like the 5-year-old girl, I also gazed at the man in the casket and felt deeply the blessing of his life. I didn't have to stand on tiptoe or be lifted up to tell him goodbye. That day, the little girl and I could do what we wanted to do.

REMARKS OF UN DEPUTY SECRETARY GENERAL LOUISE FRÉCHETTE AT RECEPTION MARKING 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LANTOS. Mr. Speaker, this year marks the 50th anniversary of the signature of the Universal Declaration of Human Rights, which was proclaimed on December 10, 1948, after its adoption by the General Assembly of the United Nations without a dissenting vote.

Mr. Speaker, the Universal Declaration sets forth fundamental human rights for women and men everywhere, and it is ''a common standard of achievement for all peoples and all nations.'' It has become the most widely accepted international statement of fundamental human rights. It is frequently referred to in resolutions and covenants adopted by international organizations, in multilateral and bilateral treaties, and in laws and decrees of many nations.

Earlier this year, this House adopted H. Con. Res. 185, a resolution which I introduced with the support of our colleagues JOHN EDWARD PORTER of Illinois, the co-chairman of the Congressional Human Rights Caucus, and CHRISTOPHER SMITH of New Jersey, the Chairman of the Subcommittee on International Operations and Human Rights of the House Committee on International Relations. That resolution notes the important 50th anniversary of the Universal Declaration of Human Rights this year and recommits the United States to the principles expressed in the Universal Declaration.

Mr. Speaker, earlier this week, the distinguished Deputy Secretary General of the United Nations, Louise Fréchette, represented the United Nations and spoke at a reception here on Capitol Hill in honor of the 50th anniversary of the Universal Declaration of Human Rights. The reception was given by the United Nations in cooperation with the Congressional Human Rights Caucus. On that occasion, Mr. Speaker, Mme. Fréchette delivered an excellent statement.

Louise Fréchette has had a distinguished diplomatic career in her native country of Canada. Prior to her appointment as Deputy Secretary General of the United Nations, Mme. Fréchette served as the Deputy Defense Minister of Canada and played a particularly important role in Canada's participation in a number of United Nations peacekeeping operations.

Mr. Speaker, I ask that Mme. Fréchette's speech be included in the RECORD, and I urge my colleagues to give it careful and thoughtful attention.

DEPUTY SECRETARY-GENERAL STRESSES UNITED NATIONS DUTY TO TRANSLATE INTO PRACTICE ORGANIZATION'S COMMITMENT TO HUMAN RIGHTS

I would like, at the outset, to extend the appreciation of all of us in the United Nations system for the commendable work of the Human Rights Caucus in focusing the attention of Congress on human rights and violations of those rights around the world.

In this fiftieth anniversary year of the Universal Declaration of Human Rights, that focus has never been more important. The world is changing: modern technology, communications and open borders have led to a movement and exchange of ideas on a scale never seen before. Those nations which fail to uphold basic principles of acceptable behavior can no longer hide behind their borders.

For the United Nations, that makes all the more compelling our duty to translate into practice our commitment to human rights. For decades, the primary focus in human rights was on establishing international norms and standards. That work was largely successful.

In the 1990s, the emphasis has shifted to implementation. Human rights monitors are often attached to peacekeeping operations. We run advisory services to strengthen the judiciary. Special rapporteurs are investigating torture, child labor and child prostitution, religious intolerance and violence against women. I am pleased to report that we now have more staff working on human rights in the field than at Headquarters.

And, of course, the United Nations provides global leadership on human rights in the person of Mary Robinson, who, as High Commissioner for Human Rights, has raised the profile of the issue around the world.

Hand in hand with human rights come issues of democratization and good governance. Increasingly across the world, it has become an established norm that military coups by self-appointed juntas against democratically-elected governments are simply not acceptable. The United Nations is receiving more requests for electoral assistance than ever before. In the past five years, we had no fewer than 80 such requests. The United Nations helps teams of international observers assess the legitimacy of an electoral process and its outcome. We guide, monitor and sometimes run elections in various countries.

The Declaration of Human Rights is not a legally binding document. Yet, it has been a fundamental source of inspiration for national and international efforts to protect and promote human rights and freedoms.

The main principles of the Declaration have inspired the constitutions of many countries which have become independent since it was written. Conceived as a ''common standard of achievement for all peoples and all nations'' the Declaration has become a yardstick by which to measure the respect for, and compliance with, international human rights standards.

The first article of the Declaration is quite simple. Let me quote it to you ''All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.''

Nobody personified that spirit of brotherhood better than Raoul Wallenberg. That fact was acknowledged here in Washington 17 years ago yesterday, when Wallenberg became the third foreigner to be given honorary citizenship of this country—thanks to legislation written by you, Congressman [TOM] LANTOS.

Wallenberg's life and achievements highlighted the vital difference an individual can make amidst conflict and suffering. His intervention gave hope to victims, encouraged them to fight and resist, to hang on and bear witness.

Remembering his life should be an inspiration for others to act; for future generations to act; for all of us to act.

Congressman LANTOS, I know that you owe much to Raoul Wallenberg. But I also know we owe much to you, to your indefatigable work in the cause of human rights and in keeping his legacy alive. You, like him, provide an example to us all.

And the work of the Congressional Human Rights Caucus provides an invaluable example of what can be achieved when we join forces to achieve common goals. Such partnerships strengthen immeasurably the work of governments and the United Nations.

For although the United Nations is an association of sovereign States, the rights it exists to uphold and defend belong to people.

It follows that people everywhere have a responsibility to speak up for those rights, whenever they see them threatened, wherever they know them to be violated. For your work in that regard, I thank you all.

INTRODUCTION OF LEGISLATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to introduce legislation that will restore the dream of homeownership to middle-and low-income families.

Mr. Speaker, the sight is all too familiar in urban and rural America: boarded-up homes, abandoned lots, blighted communities. These sights demonstrate that the dream of homeownership is fleeting for some and that these dreams can become nightmares when financial hardship occurs. But what often goes unspoken in discussing this issue is the fact that some of these abandoned properties were purchased under federal mortgage programs intended to help middle-and low-income Americans. This leads us to ask: what improvement can we make to federal mortgage assistance programs so that people can keep their homes and live the American dream?

This is the goal of my legislation, the Homeowners Emergency Mortgage Assistance Act. This bill makes needed changes in the way the Federal Housing Administration (FHA) administers its mortgage guarantee program and will keep the dream of homeownership alive for people facing temporary financial difficulties. Under the bill, property owners who fail to pay their mortgage for two months, due to no fault of their own, would not be subject to immediate foreclosure. Often, homeowners cannot honor their mortgage payments because of factors beyond their control. For example, the FHA does not require inspections on homes it guarantees. After a home is purchased, serious structural dilapidation may be uncovered. In such cases, the home may be falling apart and the homeowner will not be able to both repair the damage and pay their mortgage. The home becomes unlivable and is foreclosed. This further blights the neighboring area and ends the homeowners's dream.

To resolve this unfortunate situation, my bill would provide temporary mortgage assistance to homeowners in needed for a period no longer than 36 months. The assistance would have to be payed back to the FHA and would not be offered if FHA officials deem that the homeowner would be able to honor their mortgage obligations and pay back the emergency assistance after this time period.

Saving people's homes in this manner is a win-win proposition for the government, for the homeowners, the lenders and for the adjacent communities. As you know, the FHA guarantees 100 percent of mortgage loans provided by private leaders to middle- and low-income families under the National Housing Act. Yes, 100 percent. When a home is foreclosed, the FHA has to pay the lender the entire cost of the mortgage. As you can imagine, this is tremendously costly. It can also be avoided in many cases.

In such cases, temporary assistance can make all the difference for homeowners, allowing homeowners to pay for repairs and honor their mortgages. The FHA saves money because the temporary assistance they provide is far less costly then paying the full cost of the mortgage. In addition, the temporary assistance must be payed back thus recouping additional taxpayers' dollars. The lenders are equally satisfied because they are receiving their monthly assessments. And the community is preserved from blight that would otherwise reduce property values throughout the area. The Homeowners Emergency Mortgage Assistance Act is a solution that restores the dream of homeownership for everyone concerned.

The program has also been ''battle-tested.'' My legislation is based on a very successful program in Pennsylvania. More than 24,000 Pennsylvania families faced with possible foreclosure have received help from the state's Homeowners Emergency Mortgage Assistance Program (HEMAP). Pennsylvania's Republican Governor Tom Ridge and Democratic leaders throughout the state have hailed the program as a cost-efficient means to prevent homelessness. In Pennsylvania, 90 percent of assistance payments have been payed back and only eight percent of HEMAP loans have resulted in foreclosure. This record of success should be duplicated at the federal level.

Saving homes, money and neighborhoods is what government programs should work to achieve. The Homeowners Emergency Mortgage Assistance Act will accomplish these vital goals. I urge my colleagues to co-sponsor this legislation and work with me to maintain the dream of homeownership for middle-and low-income Americans.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: "This matter will be the most divisive issue this nation has faced since Vietnam. While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why—during the Vietnam War, as has been the case with every war or military conflict since our Nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moment's notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our Founding Fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty, and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other toward fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office. The same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

THE GOOD FRIDAY TRADE AND INVESTMENT ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce legislation that targets a trade and investment initiative toward Northern Ireland and the border counties of the Irish Republic. My view is that using existing trade and investment tools to stimulate economic hope and opportunity in the Irish region is the best chance we have for ensuring the Good Friday Peace Agreement is fully implemented.

Over the past few months, my thoughts, hopes, and concerns have fixed upon the Irish region. From the peaks of the Good Friday Peace Agreement and election of the first local government in Northern Ireland in over twenty five years, to the valleys of Drumcree, the arson deaths of three young brothers in Ballymoney, and the horrors of the Omagh bomb, my hopes for that troubled land have twisted and turned with events seemingly beyond our ability to impact or entirely understand.

Northern Ireland needs our nation's support and assistance at one of its most critical stages along the path to lasting peace and consensual self government. On the very edge of undertaking their governmental duties and offices as set forth in the Good Friday Peace Agreement, the political leaders face one final fence—the decommissioning issue—that stands between them and the promise of a democratic and prosperous government for both communities. Time is short and a clear sign of support from Congress could help lift the parties over the last hurdle.

As you know, Irish free trade legislation has been slowed by resistance from the European Union, which considers a free trade agreement between the U.S. and Northern Ireland and the Border counties as a threat to their customs union. As member states of the EU, both Ireland and Britain have viewed free trade legislation with some trepidation.

Faced with continued resistance to the Irish free trade legislation, I concluded that a fresh attempt to fashion legislation that could address European reticence while quickly delivering meaningful trade and investment assistance to Northern Ireland was in order.

I have developed legislation that targets existing trade and investment tools such as the Generalized System of Preferences (GSP) to assist Northern Ireland's exporters to grow their economy and job base. The legislation also ensures that the Overseas Private Investment Corporation (OPIC) generates private sector focus and interest in Northern Ireland and the Border area and makes sure that women entrepreneurs have meaningful access to that funding. I have additionally utilized the International Fund for Ireland as a channel to increase funding for projects that will create rapid job growth in the private sector. Finally, I have targeted five projects for funding and support that will provide both immediate and mid-term job generating growth.

While there are few days left before adjournment, I am determined to advance this new bill as far as the legislative schedule and the leadership will allow. I ask for your help, assistance, and cosponsorship. A clear, serious and solid signal of support to the parties in Northern Ireland is crucial for their continued forward progress. For your information, I have attached an executive summary of the bill and some recent news items which illustrate the need for a reinvigorated effort on our part.

GOOD FRIDAY TRADE AND INVESTMENT ACT

(1) Statement of policy/findings:

a. Economic growth and stabilization of Northern Ireland (NI) and Irish Republic Border Counties (IR) are key to full implementation of the Good Friday Peace Agreement.

b. The Omagh bombing is a clear example of a small town that desperately needs immediate relief and assistance for reconstruction. The pace and scale of aid and investment in Omagh and other towns recently bombed—Banbridge, Markethill, and Newtownhamilton—could determine whether the Agreement holds.

c. The International Community, including the European Union and the World Trade Organization (WTO), has a strong record of responding to historic political and economic circumstances. It has fought for and approved WTO waivers, such as transitional measures to take account of German Unification and the Treaty of Lome, that allow necessary international flexibility and cooperation to enhance trade and investment and stabilize economically deprived and politically revitalized regions.

d. The U.S. can continue its crucial role in the peace process by creating and promoting economic growth through trade and investment in the region's severely economically deprived areas. In addition to promoting trade and investment in NI and IR, the U.S. should consider grant assistance to aid communities suffering terrorist attacks.

e. Fair employment practices in Northern Ireland are an essential element for an expanding full employment economy. Congress notes with approval the constant efforts undertaken by the Northern Ireland Fair Employment Commission and Employment Tribunal to achieve this end. Congress is also aware that the Good Friday Peace Agreement established an Anti-discrimination Committee to augment the work done by the Committee and Tribunal. Congress believes their continuing efforts constitute persuasive evidence that economic justice principles contained herein are being effectively safeguarded, secured and promoted for all communities. (Assistance in legislation is contingent on MacBride principles as agreed to in H.R. 1757 conference report).

f. The strengthening of a police force acceptable to both communities in Northern Ireland is essential for the formation and success of a peaceful and prosperous civil society. The Congress notes the Independent Commission on Policing is to report on the policing problems in Northern Ireland. The President, taking into consideration the recommendations of the Commission, shall report to Congress on a bi-annual basis how the United States can assist in the establishment of an acceptable policing force in Northern Ireland with the highest level of professionalism.

(2) OPIC directive: OPIC shall establish $300 million in equity funds for infrastructure and business development in NI and IR. Funds should emphasize investment in severely economically deprived counties in NI and IR as well as emphasize the role of women.

a. Women into Business Fund: No less than 20% of the equity fund should be dedicated to encourage investment by women entrepreneurs and should be targeted to ventures headed or owned by women.

b. New Technology Fund: No less than $10 million shall be dedicated to investment in projects emanating from new technologies.

(3) Increased funding for the international fund for Ireland (IFI) by $30 million this year and that U.S. contribution to IFI shall not fall below $40 million/year through 2003. The President shall ensure that enhanced contribution is used for projects in severely economically deprived areas.

a. 50% of annual U.S. contribution should go to projects that are most likely to produce jobs and economic expansion. The projects funded shall be selected by the Directors of the IFI in consultation with members of the Economic Development Committee of Northern Ireland Assembly, and members of the Cross Border Economic Committee from the Republic of Ireland. The President also shall report to Congress a list of suggested projects. For FY '99 the following projects shall be given first consideration.

i. $8 million in financing for Omagh Memorial and other Science Parks. The UK plans to set aside $16 million to support the creation of Science Parks in Northern Ireland to bring to the marketplace the fruits of the scientific research undertaken in Northern Ireland's two universities. The IFI should consider leveraging this investment by allocating funds to establish 5 science parks in Belfast, Coleraine, Magee College, Armagh, and Omagh—each of which are located near existing research centers and campuses. It is the hope that these parks could attract additional private sector businesses and generate between 20 and 30 viable businesses over a 5-year period.

ii. $5 million in co-financing to the $8 million Innovation Fund established by the UK to provide support for technology-transfer start-ups with commercial potential.

iii. $250,000 over 2 years toward the strengthening of existing ties between Handmade in America and the Northern Ireland craft sectors. Enhancing the existing partnership would go a long way toward boosting the contribution of craft industry to employment and economic growth and deepen cultural, heritage, artistic, and commercial relations between the U.S. and Northern Ireland.

iv. $250,000 for executive development. One of the key weaknesses in the Northern Ireland economy is the relatively low level of skills and competency at the middle management level in both the public and private sector. Closing the skills gap must include continuous executive development. An executive development program for up to 50 executives drawn from local government and private sector can be developed to meet these training needs. A 20-week program of workshops, peer learning, peer assessment and internships could be implemented between a university such as the Ulster Business School and a U.S. Business school. Local government and business could be encouraged to co-finance the project with the IFI.

v. $13 million for Springvale Project to tackle twin problems of urban economic regeneration and the growth of further and higher education. Springvale would be a university campus in a very deprived area of West Belfast, the scene of much of the terrorist violence and community strife over the past 30 years. Springvale project would be supported by the Central Government, the University of Ulster and Belfast Institute of Further and Higher Education. IFI support would represent a significant vote of confidence for this important initiative.

(4) Department of Commerce initiatives for NI and IR shall emphasize the awareness of U.S. business opportunities and the creation of joint ventures in the region. DOC shall consolidate its current activities and focus on promoting awareness of regional business opportunities, encouraging joint ventures, and emphasizing the development of women-owned businesses.

(5) Generalized system of preferences amended to allow NI & IR Border Counties to qualify as a ''beneficiary developing country'' through 2008 or 10 years after receipt of WTO waiver. (Requirements of eligibility—transhipment protections—based on 1985 U.S.-Gaza free trade agreement that includes Qualified Industrial Zones, territories of Egypt and Jordan.)

Implementation of provision contingent on USTR receiving waiver from WTO. USTR must work with EU, UK, and IR to seek waiver from WTO and it must be sought within one year of enactment of this legislation. USTR must report on an annual basis to Congress on the progress of their waiver attempt and the status of US–IR–NI trade relations. USTR report must also include recommendations on how to effectively expand US–NI–IR trade.

(6) Definitions of eligible counties and fair employment principles (MacBride principles of H.R. 1757 conference report).

[From USA Today, May 5, 1998]

JOBS, INVESTMENT KEY TO PEACE IN NORTHERN IRELAND

(By David J. Lynch)

DERRY, NORTHERN IRELAND—One in every seven jobs in this city is with a U.S. company, the legacy of a friendly financial invasion the past decade. Now, further such investment is critical. If the economy doesn't produce more jobs, last month's historic peace deal could be stillborn.

''There's a direct correlation between unemployment and violence,'' says former U.S. senator George Mitchell, who chaired the Northern Ireland peace talks.

Despite 30 years of sectarian conflict, Northern Ireland's economy in the 1990s has grown jobs faster than any other part of the United Kingdom. But early hopes for a peace boom likely are unfounded. Instead, job growth threatens to stall—just when it is most needed to bolster political stability. An overvalued currency is pinching exporters. Budget cuts promise pink slips in government offices, where a stunning one-third of all workers are employed. And the European Union is expected to trim subsidies to farmers, still reeling from the mad cow disease export ban.

BOOSTING TRADE WITH USA

So, Northern Ireland officials are accelerating efforts to promote trade and investment with the USA.

U.S. companies already are prominent fixtures here. DuPont has produced synthetic materials at a giant plant outside this city since 1960. Seventy miles southeast in Belfast, Ford Motor employees 650 workers making water pumps and other car parts.

The past four years, U.S. employers accounted for more than 53% of foreign investment in Northern Ireland. The USA is a key part of the province's economic strategy—and nowhere more so than in Derry.

In July, local officials expect to welcome a 60-member Silicon Valley delegation, including executives from Hewlett-Packard and Informix, headed by San Jose, Calif., Mayor Susan Hammer. And this fall, about a half-dozen would-be entrepreneurs from Derry and San Jose will switch cities for six months to two years, says Barney Toal, a development officer with Derry Investment Initiative, a public-private partnership.

The U.S. participants will get access to the local university's supply of well-educated though inexperienced, computer whizzes. Those headed to the USA are hoping Silicon Valley's Midas touch rubs off. ''There is a risk they'll develop the business and stay over there,'' Toal says. ''At the same time, we're hoping some Americans stay here.''

If they do, they will be living in a city founded in 546, which more than a millennium later gave birth to the Catholic civil rights movement. Early protest marches in the late 1960s drew the world's attention to British rule. When British paratroopers shot 13 demonstrators to death in January 1972, the bloody course of the next two-and-a-half decades was fixed.

A major issue in those early marches was economic discrimination against the city's Catholic majority. But the spreading violence brought the economy to a standstill for everyone. At one point in the summer of 1973, only 20 of the city's 150 shops were undamaged by terrorist bombs. Maeve Gallagher, a teen-ager at the height of the conflict known simply as ''The Troubles,'' worked in her father's plastics store. ''It was blown up several time. We were actually down there helping clean up the broken glass,'' she says.

Today, Gallagher, 33, an accountant, and her engineer husband work here for Seagate Technology, the U.S. disk-drive maker. The Gallaghers are among the beneficiaries of a flood of foreign cash.

FROM SHIPYARDS TO SEAGATE

For much of its 77-year existence, the province was a heavy manufacturing arm of the British economy. But recent years have seen changes that would be familiar to residents of the ''Rust Belt'' states of the midwestern USA. Belfast's Harland & Wolff shipyard once was famed as the builder of the SS Titanic. Today, the yard's idle elbow-shaped cranes bear mute witness to the region's de-industrialization.

An early coup in the ongoing economic overhaul was Seagate's 1994 opening of a disk-drive component plant. The company, which had been wooed by Ireland and Scotland as well, settled on the North largely because of the ready supply of educated workers, says Ken Allen, 38, a Seagate vice president. Salaries for similar workers in Ireland have been bid up because of Dublin's success in attracting high-tech companies.

Meanwhile, concerns over possible workforce instability amid Northern Ireland's periodic turmoil were easily assuaged. ''The hard fact is that when somebody gets a job, they're going to damn well hang onto it,'' says Town Clerk John Keanie. ''They're not going to put it at risk.''

Last year, Northern Ireland's output grew 3.1% while unemployment fell to 7.9%, well below 1990's 12%. If peace takes hold, the province could see a tourist bonanza. Up to 20,000 new jobs would result if tourism rose to the 7% of gross domestic product that it constitutes in Ireland, Coopers & Lybrand says. Meanwhile, the North's jobless rate is still higher than in the rest of the United Kingdom, and its growth rate pales compared with that of its southern neighbor, the best-in-Europe ''Celtic Tiger'' economy.

TRAILING ITS NEIGHBORS

The North suffers because of the high value of the British pound, which has cut exporters' profits and thus depressed hiring. And too many workers—193,000 of a total workforce of about 600,000—draw government paychecks. The economy must grow by about 2% just to absorb likely public sector cuts, says Coopers & Lybrand.

Prolonged joblessness is an especially malignant problem. Almost half of the 60,000 unemployed have been without work for more than one year. Until early last year, Eddie McIntyre was among them. Then, thanks to a last-minute cancellation, he got into a coveted computer training program. Early last year, when a job operating production machines opened up at Seagate's local

factory, he was chosen. ''It's changed everything for me,'' says McIntyre, 45, who was born and raised in the Catholic ghetto here known as the Bogside.

Derry's efforts to cultivate U.S. economic links began about a decade ago. On frequent trips to the USA, Derry's John Hume, an architect of the peace agreement as leader of the Social Democratic Labor Party, tapped an extensive network of Irish-American political contacts, including Sen. Edward Kennedy, D–Mass. Hume pitched Northern Ireland to companies looking for a European foothold. ''There had been a substantial amount of support for violence coming from America,'' Hume says. ''I told them the real help they could give us was economic.''

In those days, when car bombs and bullets appeared to fill Northern Ireland's streets, the province was a tough sell.

Declan O'Hare, who ran the investment promotion office in New York in the late 1980s, says, ''You'd have doors slammed in your face. You'd say you were from Northern Ireland and people didn't want to see you.''

Now, with U.S. investment last year of $620 million, vs. about $50 million 10 years ago, the Derrymen get a different reception. In March, Hume spoke to more than 500 U.S. executives on a tour of Boston, New York and Washington—several times the number he attracted during previous visits.

And for those who still think Northern Ireland is synonymous with random violence? Says Allen: ''I feel a lot safer in Derry than in Minneapolis or Chicago or many other American cities.''

[From the Irish Times, Sept. 9, 1998]

POVERTY IN REPUBLIC IS SECOND IN UN REPORT

(By Paul Cullen)

The Republic has the highest concentration of poverty among Western countries outside the U.S., according to a United Nations report published today.

In spite of growing wealth and improving social services, the Human Development Report 1998 reveals wide disparities in the distribution of wealth within the State.

Irish women are worse off economically than in any other industrialised country. They are also less likely to hold positions of influence in business or politics. Functional illiteracy here is higher than in the 16 other industrialised states covered by the survey, and Irish long-term unemployment ranks second-highest.

The report, from the UN Development Programme, echoes the annual report of the Combat Poverty Agency published earlier this week. This said that up to onethird of the population is at risk of poverty, while 9 to 15 percent live in persistent poverty.

Most of the data in the UN report comes from 1995, before the Celtic Tiger phenomenon took effect. Some indicators, such as unemployment, have improved since then, while others have remained static.

The Human Poverty Index (HPI) ranks Ireland 16th out of the 17 countries, with 15.2 percent of the population in poverty. Only the U.S., with 16.5 percent in poverty, is worse. The UK comes 15th and top of the list is Sweden, with a rating of 6.8 percent.

The HPI was included in the report for the first time this year to expose internal disparities in wealth within the richer countries.

In the main measure of quality of life contained in the report, the Human Development Index, the State comes 17th out of 175 countries. This is the same as last year, and marks the end of a period of steady improvement in the rankings.

Since it was first compiled in 1990, HDI has become a widely accepted measure of quality of life. It is based not only on income levels but also on life expectancy and education levels.

For the fifth year in a row, Canada tops this index. Canadians rank first in overall health, general level of education and the degree to which an average person enjoys a decent standard of living. France and Norway follow in second and third places.

African countries occupy the bottom 15 places in the index. Sierra Leone comes last, but other politically unstable countries such as Rwanda are not listed this year because of the difficulties in gathering information.

The report says consumption, if properly regulated and directed, offers a route out of poverty for the world's poor. ''For the more than one billion people living at or near the margin, increased consumption is essential. For those at the top, it has become a way of life,'' says the UNDP administrator, Mr. Gus Speth.

Mr. Speth says massive increases in consumption often place at risk those who benefit least in the first place. Thus, global warming caused by increases in carbon dioxide emissions primarily threaten the poor of low-lying developing countries such as Egypt and Bangladesh.

While consumption increases have proved ''the life-blood of human advances'', spending is misdirected. Europe spends £8 billion a year on ice-cream, when £6 billion would provide water and sanitation for all. Almost £12 billion is spent annually on pet food in Europe and the U.S., when £9 billion would provide basic health and nutrition for the poor.

According to the report, the wealth of the world's 225 richest people is equal to the annual income of half the world's population. The richest three people are wealthier than the poorest 48 countries.

[From the Financial Times, Sept. 22, 1998]

RURAL AREAS COMPLAIN OF PITIFUL NEGLECT—TOWNS SUCH AS BALLINA IN COUNTY MAYO TYPIFY THE REGION'S POOR RELATION STATUS

(By Kieran Cooke)

The town of Ballina lies on the western edge of Ireland, surrounded by the bleak but hauntingly beautiful landscape of County Mayo. The Moy, one of Europe's finest salmon rivers, flows by churches and old warehouse buildings. The Atlantic wind whips down streets lined with fishing tackle shops and pubs.

Mention of the Celtic tiger brings a wry smile to the face of Terry McCole, a Ballina college principal and former head of the local urban district council. ''People round here say Ireland's economic tiger must have run out of steam on its journey to the west from Dublin. The politicians and planners have largely ignored this part of the country. Dublin and the east have been grabbing the bulk of investment and benefits of economic growth—we're left to fight over the crumbs.''

Mr. McCole's views are echoed all along Ireland's Atlantic seaboard—from County Donegal in the northwest to County Clare in the southwest. Ireland, say the government's critics, is fast becoming a two-nation state. On the eastern side of the country are the increasingly wealthy areas around Dublin and Cork, sucking up inward investments and EU funding. On the other are the disadvantaged border, midland and western counties, bereft of investment and facing serious population declines.

Ballina, County Mayo's biggest town with a population of 8,000, has an unemployment rate of 25 per cent—over twice the national average. In the early 1970s Asahi, the Japanese group, opened a synthetic fibres plant near the town with the promise of 1,100 jobs. At its peak, employment reached 500—the plant was forced to close down last year due to worldwide overcapacity for its product.

''The government does not have any proper regional policy,'' says Mr. McCole. ''The whole system is designed for the cities. The one place in the west that is really thriving is Galway, which has attracted millions in investment and is now the fastest growing city in Europe. But we have had to fight very hard to achieve some progress.''

Ballina's efforts have met with some success. A 1£10m hotel and apartment complex is being built in central Ballina. The tourism industry is flourishing. More than 150,000 attended a recent festival there—attractions included an animal olympics, with heavy betting on the duck and pig races.

A number of small industries, including a seed potato enterprise, have been established. A computer company is creating 100 jobs. Coca Cola recently announced a multimillion pound investment in a research facility in the town which will employ 150 people. And there are plans to set up a small university institution, specializing in theological studies.

''There's no doubt there is a confidence that was absent five years ago,'' says Terry Reilly, editor of the local Western People newspaper. ''But in comparison with what's going on in the east of the country, development in this area is still slow. The great worry is when the economic downturn comes—as it inevitably will—what will happen here? The west has always been the last area to receive the benefits of economic growth and the first to be hit by a decline.''

Many schools, hospitals and police stations in the area have been forced to close. The road and rail network is in dire need of updating. Graduates are forced to migrate to the east in search of jobs—the result is a declining skills pool in the west and problems of overcrowding and rapidly increasing house prices in the east, primarily in Dublin. More than a third of Ireland's population now lives in the Dublin area.

Next year Brussels is due to review Ireland's Objective One status, under which the country has received millions of pounds of EU development funding. Mr. Reilly and many others say the government won those funds due to the underdeveloped state of the west of the country—but then proceeded to spend the bulk of the Brussels money in the east.

Due to the rapid growth of its economy, Ireland is almost certain to lose its Objective One status. However, many in the west are determined to fight for its retention in their region.

''So far we've had lots of government reports and initiatives but no real action,'' says Mr. McCole. ''What's encouraging is that local people are now getting on with developing the area, with or without government help. Perhaps we'll breed our own Celtic tiger.''

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CONYERS. Mr. Speaker, I am inserting into the RECORD two insightful and useful editorials from The Nation magazine. The first one, titled ''Clinton, Starr and the Constitution'' points out that ''this inquiry has been driven by politics from the start.'' The Nation, which has been a strident critic of Bill Clinton almost from the beginning of his Presidency, states that ''Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy.''

It also rightly points our that ''What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform.''

The second editorial points out that the tactics of this investigation have amounted to ''sexual McCarthyism.'' In drawing a powerful historical analogy, the Nation points suggest that ''the Enemy Other is sexual rather than political deviance.'' Just like during the 1950's, there have been secret grand jury leaks, wiretapping has been used to entrap witnesses and the legal process is being used to punish or defame people for activities that may be ''politically and culturally anathema,'' but not necessarily crimes. Hence the need for the public to hear all the salacious details contained in the Ken Starr report.

I bring these fine editorials to the attention of my colleagues and the public.

[From The Nation, Oct. 5, 1998]

CLINTON, STARR AND THE CONSTITUTION

Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy. It is crucial to the future of all three that it be repudiated before its damage becomes irreversible.

We have no great affection for the President, who has systematically betrayed almost everyone and everything for which he professed to stand during his six years in office. But those failings should not obscure the great danger posed by the possibility of Starr and his minions forcing Bill Clinton out of office. Whatever the degree of the President's responsibility for bringing this calamitous situation on his own head—and that responsibility is considerable—the nation cannot allow itself to be decapitated by what is, at its core, a politically motivated witch hunt.

Clinton's actions ought not to be the subject of an impeachment inquiry. Starr went after possibly more serious allegations against the President related to Whitewater, Filegate and Travelgate, but despite a nearly crazed obsession with nailing his prey, he apparently came up empty-handed. He has therefore been forced to base an impeachment case entirely on Clinton's adulterous affair and attempts to cover it up.

A principled man, comfortable with himself and the Constitution, should be able to argue that no citizen may be compelled to testify about intimate details of his sex life unless there is a showing of transcendent public need. Clinton could have invoked provisions of the First, Fourth and Fifth amendments to create a zone of privacy, a so-called intimacy privilege. But instead, Clinton appears to have lied—more than once. Let the lawyers argue whether this technically qualifies as perjury. Clinton would be wise to quit quibbling and rely on the good sense of the American people to see that Congress addresses this transgression (which does not compare with Clinton's more serious failures in addressing the nation's problems of growing corporate power and inequality) with a punishment that fits the crime. One of the most striking aspects of this surreal situation has been the consistency of the public's insistence that what happened between Monica Lewinsky and Bill Clinton is their own business, and that of their families. The punditocracy's obsession with the salacious details of Oval Office sex has been matched by its hypocrisy in playing morality police to an audience that does not care what the pundits think.

The Constitution says that Congress shall impeach only for ''treason, bribery, or other high crimes and misdemeanors.'' The President's lawyers are on firm ground when they assert, ''The impeachment clause was designed to protect our country against a President who was using his official powers against the nation, against the American people, against our society. It was never designed to allow a political body to force a President from office for a very personal mistake.''

This inquiry has been driven by politics from the start. Kenneth Starr is a partisan conservative Republican who has been the spearhead of an unprincipled, well-funded attack on the Administration almost from the moment it took office. Lest we forget: Starr, former chief of staff to Reagan Attorney General William French Smith, was chosen for his current job in 1994 by a three-judge panel that itself was selected by Chief Justice William Rehnquist, who would preside over the Senate in the event of an impeachment trial. Starr considered writing an amicus brief to advance Paula Jones's case against the President. Starr continued, as a million-dollar-a-year lawyer, to represent the tobacco industry while investigating Clinton and planned to accept a Richard Mellon Scaife-funded deanship at Pepperdine University until a national uproar forced him to give it up. And Starr's office is under investigation for the unprofessional and possibly illegal manner in which it leaked information designed to damage the President.

Whether it achieves its goal of inspiring Clinton's impeachment, Starr's investigation has succeeded beyond its originators' wildest dreams. It has crippled the Administration and the Democratic Party. What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform. Not much planning for the future appears to be under way in the White House, as Democrats run for cover in hopes of surviving what could be major Republican gains come November.

More significant, however, is the damage that Starr and his team have done to time-honored constitutional prerogatives and common decency. President Clinton's right to privacy has been shredded. Starr has used his unlimited powers to threaten White House staff and to intimidate Lewinsky and her family. He has eviscerated the right of attorney-client privilege for public officials, and he has abused the grand jury system. And the hymn-singing, Bible-quoting Starr has produced the best-read piece of Puritan pornography in human history. In his zeal to remove the President, he has transformed the American political process into an exercise in voyeurism.

Rather than needlessly drag the country through the degrading process of impeachment hearings based on Starr's document, the House Judiciary Committee might consider conducting a debate that assumes the truth of all the allegations in the Starr report. The question for the committee would then become: Are these charges serious enough to rise to the level of being ''high crimes and misdemeanors''? If not, in what would essentially be the granting of a motion to dismiss, the committee could decide not to present the House with articles of impeachment. The process could stop right there. It would then remain only for Congress to decide whether to drop the matter or to censure the President, in a form to be determined. The President, for his part, could do his party and the country a favor by admitting he lied and making clear that he would accept such a censure. A censure resolution, if it comes to that, should be narrowly focused on the nation's top law-enforcement official lying under oath in his Paula Jones deposition. It should not give credence to Starr's unproven claims of grand jury perjury and obstruction of justice.

Going forward, Congress should also insure, by way of changes in statutes governing the independent counsel's office, that no person will ever again be vested with the uncontrolled power that Kenneth Starr has so effectively misused. Inquisitions, sexual or otherwise, are ''inappropriate'' in a constitutional democracy.

STARRISM

Everyone from Alan Dershowitz to a front-page classified advertiser in the New York Times has sounded the alarm about ''sexual McCarthyism'' in connection with Kenneth Starr, his report and all the rest.

The word ''McCarthyism,'' as many have pointed out [see Navasky, ''Dialectical McCarthyism(s),'' July 20] is a misnomer since it describes a phenomenon that began before the junior senator from Wisconsin arrived on the scene and persisted after he was retired from it. And each time this umbrella term for the excesses of the anti-Communist crusade is recycled as a metaphor for the latest political mugging, it loses something of its original power and precision as a description of a social pathology.

Moreover, in the case of Starr & Co. the metaphor seems inexact because McCarthy was notorious for the sloppiness of his methods, the manipulation of numbers (first there were 205, then fifty-seven, then eighty-one card-carrying Communists in the State Department) and, as often as not, getting the wrong guy. Whereas the sexual allegations against Clinton appear to be well documented, and Starr seems obsessively precise and meticulous (although the closer one looks at his report the less confidence one has in its integrity).

Is ''sexual McCarthyism'' a misleading metaphor for what is happening? Not really. Though there are obvious differences, there are at least three significant similarities between then and now. It's important to identify what they are before too many reputations get shredded, too many democratic values violated, too many dangerous precedents established, too much privacy invaded.

First and foremost, there is the attempt to demonize a political target as the Enemy Other. Historians like the late Frank Donner have demonstrated how the great Red hunt

of the fifties exploited the nativist impulse, which identifies the foreign with the radical and the immoral.

In the days of the domestic cold war it meant Hoover, McCarthy, Nixon, HUAC, et al.—cheered on by such as the Rev. Billy Graham and the American Legion—arguing that to be a Communist (or fellow traveler) was to be a ''dirty Red,'' an agent of an international conspiracy, a spy. The reason Arthur Miller's play The Crucible, about the Salem witch trials of the 1600s, spoke so eloquently to the 1950s was that just as there were no witches in Salem, there was no internal Red menace in the United States of the fifties—no Enemy Other that justified the hysteria that resulted in the wholesale invasion of the rights and liberties of citizens.

Today we have independent counsel Kenneth Starr, Representatives Henry Hyde and Newt Gingrich, with Chief Justice William Rehnquist waiting in the wings to preside over impeachment proceedings in the Senate—cheered on by such as the Christian Coalition and William Bennett—arguing in effect that to have (dirty) sex in the Oval Office means one should be thrown out of office. The Enemy Other is sexual rather than political deviance, the target of opportunity is the President rather than the CP. Arthur Miller's image of a witch hunt fueled by repressed sexuality leading to a form of cultural hysteria survives from the fifties to link the two episodes.

Second, the Red hunters of the fifties succeeded in deploying the legal process to punish people for activities that may have been politically and culturally anathema, but in and of themselves were not crimes. During the fifties, that meant summoning accused members of the Communist Party (a legal organization) before official tribunals and asking them questions the investigators knew would be difficult or impossible for them to answer, thereby forcing them to choose among silence (which landed the Hollywood Ten in prison for contempt of Congress), blacklisting (which was visited on anyone who invoked the Fifth) or betrayal (former comrades who answered the $64 question—''Are you now or have you ever been . . .?''—were next asked to name the names of others).

Today Starr uses Clinton's unwillingness to testify about the intimate details of his (perfectly legal) sex life, and his inability—for reasons of *Realpolitik*—to invoke his Fifth Amendment right not to incriminate himself, to try to trap him into the crimes of perjury, obstruction of justice and the abuse of power. When is the last time a ''target'' was forced to answer questions, especially intimate ones, before a grand jury?

Third, in the fifties, under the rubric of national security, the FBI and other investigative agencies routinely violated the privacy and civil liberties of alleged subversives via legally dubious wiretapping, bugging, the use of informers and intrusive interrogations. Today, Linda Tripp, acting in tandem with the independent counsel and perhaps lawyers for Paula Jones, tries to induce Monica Lewinsky to say things that can be used to entrap the President in contradictory testimony. This may or may not qualify as perjury or grounds for impeachment but is calculated to cause personal and political embarrassment and shame.

The parade of analogies marches on. There were secret grand jury leaks then; now the special prosecutor, in league with the Republican majority, arranges for the entire grand jury transcript to be circulated on the World Wide Web. The press then was complicit with the McCarthyites in the sense that it passively reported irresponsible charges on the front page and didn't get around to publishing corrections until days later, usually on page 47. These days the conglomerated and highly technologized media are anything but passive. They are leading the posse, attempting to whip up a political hysteria that thus far the public seems disinclined to indulge. We are lucky in that, for it would be a disastrous precedent—far beyond what McCarthy wrought—to drive a President out of office as a result of a public hubbub over his private conduct.

My own study of the McCarthy era led me to conclude that the purpose of the Congressional and other investigations of those years was not to write legislation or to develop new information (HUAC, for example, already had obtained from undercover agents all the names it was insisting witnesses recite in public). Rather, the hearings and trials and investigations of those years were for the most part degradation ceremonies. One shudders at the prospect of Congressional hearings or a Senate trial that recycles the pornographic materials Starr claims it was necessary to assemble. In the long run history has decided that it was not HUAC's or McCarthy's targets that were degraded. It was the country itself. Let us not let it happen again.—VICTOR NAVASKY.

TRIBUTE TO THE UKRAINIAN CULTURAL CENTER IN WARREN, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor the Ukrainian Cultural Center, Warren, Michigan, as they celebrate 20 years as the heart of the Ukrainian community in Michigan. The Center will commemorate this occasion with a banquet and cultural celebration on October 18, 1998.

The Ukrainian Cultural Center is home to more than forty arts, civic, cultural, educational, social, sports and youth organizations. Included in these are the member organizations of the Ukrainian Congress Committee of American branch for Southeastern Michigan.

In addition to lending financial support in grants and aid to community organizations and individuals, the Center's beautiful conference halls, classrooms, gym and social club host a variety of programs and special events throughout the year. The Ukrainian Cultural Center is not only a showpiece in the community but serves as a key site for instruction on Ukrainian literature, history, language, arts and leisure activities.

The Ukrainian Cultural Center houses the Ukrainian Museum, which collects and displays historical artifacts and religious relics. The Ukrainian Library makes available to all many Ukrainian language books and periodicals. Additionally, the Center publishes print, audio and video material relevant to Ukraine American community.

The Ukrainian Cultural Center is key to assuring the strength of the Ukrainian ethnic identity and to all teach fellow Americans bout the rich Ukrainian Culture. The Center also serves as an important forum to ring to others the history of Ukraine's successful struggle for independence.

The Center is integral part of not only the Ukrainian community, but all of metropolitan Detroit and Michigan. It remains as one of the best examples of the many colorful ethnic backgrounds that weave such a wonderfully diverse community profile.

The Ukrainian Cultural Center has hosted many distinguished guests in the past 20 years, including two sitting U.S. Presidents and the first President of Independent Ukraine.

I have had the distinct pleasure to attend a wide variety of functions at the Ukrainian Cultural Center. Some have been meetings with leaders of Ukraine; others have been social or cultural events; and still others have been for exchanges of ideas with a wide range of leaders and other members of the Ukrainian-American community which thrives in the 12th Congressional District.

On so many of these occasions, I have seen the particularly effective endeavors of Borys Potapenko, the Center's Director of Operations, Bhodan Fedorak, President of the Center's Board of Directors, and other officers who all devote so much of their time to the Center's unique position in the Ukrainian-American and the broader community.

So, I ask my colleagues to join me as we extend our sincere congratulations to the Ukrainian Cultural Center for their 20 wonderful years, and our hopes for continued success in the future.

IN HONOR OF GEORGIA AND DIMITRIOS KALOIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Georgia Dimitrios Kaloidis. Mr. and Mrs. Kaloidis will be honored by Hellenic Public Radio-COSMOS FM at the Phidippides Award Dinner for their passionate advocacy of Hellenism on Friday, October 9.

Dimitrios Elias Kaloidis and Georgia Christou Kaloidis (nee Manolakos) were born in Laconia, Greece. They graduated from high school in Athens. Dimitrios emigrated to the United States in 1955, followed by Georgia in 1963. Once in the U.S. Dimitrios became involved in the restaurant business and Georgia studied computers and business administration. They married in 1974.

Together they founded a chain of restaurants and initiated major real estate ventures. Currently, the Kaloidises are developing the Terrace on the Park in Flushing Meadow, Queens, and one of the largest multiplex cinemas in the country.

Georgia and Dimitrios Kaloidis' charitable endeavors are wide and varied. Most notably, the Kaloidises have made a strong investment in our youth, most specifically in their education through multimillion dollar gifts to primary schools, cultural and educational centers and scholarship trusts.

His Eminence, Archbishop Spyridon, has charged Dimitrios to head the committee for the unification of the four Greek parochial schools in Brooklyn.

The Hellenic Public Radio COSMOS FM Phidippides Award is presented to persons in recognition of their efforts in the advocacy of Hellenism.

Recipients of this prestigious award have worked to sustain vitality of Hellenism.

Dimitrios and Georgia Kaloids, who have no children of their own, have more than exemplified the characteristics of the Phidippides Award. Their involvement in education plays a substantial role in the growth of future generations of the Hellenic community.

Mr. Speaker, I am honored to bring to your attention the important charitable work Georgia and Dimitrios Kaloidis have done for the Hellenic community. I am proud to have such citizens in my district.

TRIBUTE TO DR. ELIZABETH KARLIN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. NORTON. Mr. Speaker, Dr. Elizabeth Karlin, a physician and humanitarian, who possessed uncompromising compassion and belief in humane medical treatment for women, died of a brain tumor on July 27, 1998. She was 54 years old. Elizabeth Karlin was a mother of two children, an impresario of folk music, a general practitioner of medicine in rural Tanzania, an internist specializing in endocrinology, an abortion provider, and a national leader in the movement to provide access to abortion as part of a full range of health services for women and families.

Dr. Karlin served as Director of the Women's Medical Center in Madison, Wisconsin. She was a founding member of the Board of Directors of Physicians for Reproductive Choice and Health and a Clinical Assistant Professor in the Department of Internal Medicine at University Hospitals in Madison. She received her BA from Antioch College and graduated with honors from the University of Wisconsin Medical School. The American Medical Women's Association awarded her its Reproductive Health Award in 1993 and its highest honor, the Elizabeth Blackwell Award in 1996.

Because of her outspoken belief in providing the best possible care for women faced with unintended pregnancies, Elizabeth Karlin was targeted by extremists, who stalked her in her neighborhood and staged protests in front of her home. In a New York Times article in 1995, Dr. Karlin explained why she had chosen such a courageous, but difficult path when she said: ''I don't do abortions because it's a filthy job and somebody has to do it. I do them because it is the most challenging medicine I can think of. I provide women with nurturing, preventive care to counteract a violent religious and political environment. I hope to do it well enough to prevent repeat abortions . . . My job is to stop the next abortion. To do this we expect our patients to leave us empowered, more informed, healthier, and, yes, happier than when they came in.''

Dr. Karlin testified before the Congressional Women's Caucus in October 1997, urging the importance of American women's access to contraception and new contraceptive research. Following the hearing, the Congressional Women's Caucus, pressed for the full range of contraceptive coverage for federal employees in their benefit plans.

A role model for many and an apologist to no one, Dr. Karlin set a high standard for doctors who strive to provide women with the best medical care possible under the worst of circumstances.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12271–S12354

Measures Introduced: Eight bills were introduced, as follows: S. 2617–2624. **Page S12309**

Measures Reported: Reports were made as follows:

Report to accompany S. 2086, previously reported and passed October 7, 1998. (S. Rept. No. 105–403)

Report to accompany S. 2240, previously reported and passed October 7, 1998. (S. Rept. No. 105–404)

Report to accompany S. 2246, previously reported and passed October 7, 1998. (S. Rept. No. 105–405)

Report to accompany S. 2307, previously reported and passed October 7, 1998. (S. Rept. No. 104–406)

Report to accompany S. 2468, previously reported and passed October 7, 1998. (S. Rept. No. 104–407)

Report to accompany S. 2500, previously reported and passed October 9, 1998. (S. Rept. No. 104–408)

Page S12307

Executive Reports of Committees: Senate received the following executive report of a committee:

Treaty Doc. 105–1(A), The Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II or The Amended Mines Protocol to The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects), with one reservation, nine understandings, and fourteen conditions. (Exec. Rept. No. 105–21)

Pages S12307–09

Nominations Confirmed: Senate confirmed the following nominations:

20 Air Force nominations in the rank of general.

23 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy.

Pages S12272, S12354

Messages From the House: **Page S12305**

Communications: **Pages S12305–07**

Executive Reports of Committees: **Pages S12307–09**

Statements on Introduced Bills: **Pages S12309–48**

Additional Cosponsors: **Page S12348**

Additional Statements: **Pages S12348–54**

Recess: Senate convened at 12 noon, and recessed at 4:10 p.m., until 2 p.m., on Monday, October 12, 1998. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S12273.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 4785–4804; 4 resolutions, H. Con. Res. 348–349 and H. Res. 592–593, were introduced. **Pages H10512–13**

Reports Filed: One report was filed as follows:

Report of the Joint Economic Committee on the 1998 Economic Report of the President (H. Rept. 105–807);

H.R. 3529, to establish a national policy against State and local interference with interstate commerce on the Internet or online services, and to excise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, amended (H. Rept. 105–808 Part 1); and

H.R. 2526, to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals (H. Rept. 105–809). **Page H10512**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Bass to act as Speaker pro tempore for today. **Page H10355**

Consideration of Certain Resolutions: The House agreed to H. Res. 589, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, by voice vote. Earlier, the previous question was ordered by a yea and nay vote of 221 yeas to 201 nays, Roll No. 513.

Pages H10356–65, H10405–06

Uruguay Round Agreements Compliance: The House agreed to H. Res. 588, the rule to provide for consideration of H.R. 4761, to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization, by a yea and nay vote of 243 yeas to 179 nays, Roll No. 514. **Pages H10365–74, H10406–07**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Senate Amendment to H.R. 4110: H. Res. 592, providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110 (agreed to by a yea and nay vote of 423 yeas with none voting ''nay'', Roll No. 515);

Pages H10374–H10400, H10407

Medicare Home Health Care and Veterans Health Care Improvement: H.R. 4567, amended, to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program (agreed to by a yea and nay vote of 412 yeas to 2 nays, Roll No. 516). Agreed to amend the title; **Pages H10407–08**

Taiwan World Health Organization: H. Con. Res. 334, relating to Taiwan's participation in the World Health Organization (agreed to by a recorded vote of 418 ayes with none voting ''no'', Roll No. 517); **Pages H10408–09**

Supporting the Baltic People: H. Con. Res. 320, amended, supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939 (agreed to by a yea and nay vote of 417 yeas with none voting ''nay'', Roll No. 518); **Page H10409**

Community-Designed Charter Schools: Agreed to the Senate amendment to H.R. 2616, to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools (agreed to by a yea and nay vote of 369 yeas to 50 nays, Roll No. 519)—clearing the measure for the President; **Pages H10409–10**

National Salvage Motor Vehicle Consumer Protection: S. 852, amended, to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles (agreed to by a yea and nay vote of 271 yeas to 133 nays with 2 voting ''present'', Roll No. 520);

Pages H10410–11

Condemning Abuses Against Sierra Leone Civilians: H. Res. 559, amended, condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; **Pages H10433–34**

Freedom From Religious Persecution: The House agreed to the Senate amendments to H.R. 2431, to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution—clearing the measure for the President;

Pages H10434–47

Torture Victims Relief: The House agreed to the Senate amendment to H.R. 4309, to provide a comprehensive program of support for victims of torture—clearing the measure for the President;

Pages H10447–50

Regarding Culpability of Hun Sen: H. Res. 533, amended, expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, the People's Republic of Kampuchea, and the State of Cambodia). Agreed to amend the title; **Pages H10450–53**

Regarding Repressive Policies Toward Ukrainian People: H. Con. Res. 295, amended, expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people; **Pages H10453–56**

Regarding Bombing of U.S. Embassies in Africa: H. Res. 523, amended, expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa; **Pages H10456–57**

Alternative Dispute Resolution: Agreed to the Senate amendment to H.R. 3528, to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts—clearing the measure for the President; **Pages H10457–59**

Police, Fire, and Emergency Officers Educational Assistance: H.R. 3046, amended, to provide for financial assistance for higher education to the dependents of Federal, State, and local public

safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty. Subsequently, the House passed S. 1525 in lieu after amending it to contain the language of H.R. 3046 as passed by the House. H.R. 3046 was then laid on the table;

Pages H10459–61

National Oilheat Research Alliance: H.R. 3610, amended, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public; **Pages H10461–64**

Recognizing Accomplishments of Inspector General: S.J. Res. 58, recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government—clearing the measure for the President;

Pages H10464–66

D.C. Courts and Justice Technical Corrections: H.R. 4566, amended, to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997. Agreed to amend the title; **Pages H10466–69**

Honoring Hunter Scott: H. Res. 590, amended, recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS and for the outstanding example he has set for the young people of the United States; **Pages H10469–73**

Wetlands and Wildlife Enhancement: S. 1677, amended, to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act. Agreed to amend the title; and

Pages H10473–75

Mississippi Sioux Tribes Judgment Fund Distribution: S. 391, amended, to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians.

Pages H10477–79

Suspensions—Vote Postponed: The House completed debate and postponed the vote on the following measure:

National Fish and Wildlife Foundation Establishment: S. 2095, amended, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act. **Pages H10475–77**

Question of Privilege: Representative Visclosky rose to a point of privilege. The Chair ruled that his question did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea and nay vote of 219 yeas to 204 nays, Roll No. 512.

Pages H10400–05

Lower East Side Tenement National Historic Site: The House passed S. 1408, to establish the Lower East Side Tenement National Historic Site. Agreed to the Hansen amendment in the nature of a substitute. **Pages H10411–13**

Amending Weir Farm National Historic Site: The House passed S. 1718, to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property. Agreed to the Hansen amendment in the nature of a substitute. Agreed to amend the title. **Pages H10413–16**

Automobile National Heritage Area: The House passed H.R. 3910, to authorize the Automobile National Heritage Area. Agreed to the Hansen amendment in the nature of a substitute. Agreed to amend the title. **Pages H10416–23**

Prohibiting Conveyance of Land in Arizona: The House passed S. 2413, prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or authorized by Act of Congress. **Page H10423**

Arches National Park Expansion: The House passed S. 2106, to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah.

Pages H10423–24

National Cave and Karst Research Institute: The House passed S. 231, to establish the National Cave and Karst Research Institute in the State of New Mexico—clearing the measure for the President.

Pages H10424–25

Sudbury, Assabet, and Concord Wild and Scenic Rivers: The House passed S. 469, to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System. Agreed to the Hansen amendment in the nature of a substitute. Agreed to amend the title. **Pages H10425–27**

Glacier Bay National Park Boundary Adjustment: The House agreed to the Senate amendments to H.R. 3903, to provide for an exchange of lands located near Gustavus, Alaska—clearing the measure for the President. **Page H10427**

Assistance to National Historic Trails Center in Wyoming: The House agreed to the Senate amendments to H.R. 2186, to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming—clearing the measure for the President.

Pages H10427–28

Rogue River National Park Boundary Adjustment: The House agreed to the Senate amendment to H.R. 3796, to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management—clearing the measure for the President. **Page H10428**

Granite Watershed Enhancement and Protection: The House agreed to the Senate amendments to 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. **Page H10428**

National Park Fees: The House passed S. 1333, to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges—clearing the measure for the President. **Page H10428**

National Historic Site Boundary Modification: The House passed S. 2246, to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary—clearing the measure for the President. **Page H10428**

Adams National Historical Park: The House passed S. 2240, to establish the Adams National Historical Park in the Commonwealth of Massachusetts—clearing the measure for the President.

Pages H10428–29

Women's Progress Commemoration: The House passed S. 2285, to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women—clearing the measure for the President.

Pages H10429–30

Legislative Authority for Black Patriots Foundation: The House passed S. 2427, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work—clearing the measure for the President.

Page H10430

Technical Corrections to Omnibus Parks and Public Lands Management: The House passed H.R. 4735, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996. **Pages H10430–32**

Dante Fascell Biscayne National Park Visitor Center Designation: The House passed S. 2468, to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center—clearing the measure for the President. **Pages H10432–33**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Sunday, October 11. Agreed that when the House adjourns October 11, it adjourn to meet at 12:30 p.m. on Monday, October 12. **Page H10461**

Senate Messages: Messages received from the Senate today appear on pages H10356 and H10429.

Referrals: Senate bills referred to committees in the House appear on page H10511.

Quorum Calls—Votes: Eight yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10405, H10405–06, H10406–07, H10407, H10407–08, H10408–09, H10409, H10410, and H10410–11. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:37 p.m.

Committee Meetings

There were no committee meetings today.

Next Meeting of the SENATE

2 p.m., Monday, October 12

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate may consider any conference reports or legislative or executive items cleared for action.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Sunday, October 11

House Chamber

Program for Sunday: No legislative business.

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