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No. 147

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 15, 1998.

I hereby designate the Honorable FRANK RIGGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

On this day, O gracious God, we pray for Your goodness and Your blessings on us and upon all Your people. May the majesty of Your whole world inspire us, may the beauty of Your creation enliven us, may the miracle of Your love surround us, may Your message of faith and hope encourage us and may Your grace be sufficient for all our needs. We pray that Your benediction of good will and Your spirit of peace will be with us and inspire us to do good work, that in all things we will do justice, love mercy and ever walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. JOHNSON of Wisconsin 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 of the House of the following titles:

NOTICE

If the 105th Congress adjourns sine die on or before October 16, 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 S-123 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.*

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

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



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H10919

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The message also 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. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

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

S. 2253. An act to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The message also announced that the Senate agrees to the amendments of the House to the bill (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," with amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute addresses from each side.

CONGRATULATING SAN DIEGO PADRES ON WINNING NATIONAL LEAGUE PENNANT

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

Mr. BILBRAY. Mr. Speaker, it is with great political risk that I speak here today. With the Speaker and the head of the NRCC coming from Georgia, I would like to rise today to congratulate the San Diego Padres for winning the National League championship in Atlanta. I would like to congratulate the Padres owner John Morris, president Larry Lucchino, manager Bruce Bochy and the entire team from the San Diego Padres. I would also like to congratulate the Padre fans. When you look to San Diego you usually think of beaches, beautiful zoos, bays and also Qualcomm Stadium.

Mr. Speaker, my constituents celebrated last night in the 49th District

and sadly I was not there to join them. But today I would like to point out that their celebration is something that we can all join in. In light of the fact that Congress will be out, though, Mr. Speaker, when the Padres win the World Series, I would like to take this opportunity to congratulate them on their pending victories.

Go Padres.

PRESCRIPTION DRUG FAIRNESS FOR SENIORS

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

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to speak about some of the work of Congress, armed with concern and new evidence that senior citizens in America and in northeast Wisconsin from my survey are paying a lot more for needed prescription drugs, on average 85 percent more, than the favored customers of the drug companies.

I have just compiled the results of a new survey of pharmacies across my district in northeast Wisconsin. We asked the price that seniors and other individuals pay for their prescriptions, then compared that price to what the drug companies charge their volume buyers. We found that senior citizens are paying nearly two times as much, 85 percent more, than the big buyers and the insurance companies. It is outrageous. Seniors rely on their prescription medications, and seniors are most likely to be on a fixed income. Most importantly, Medicare the main source of health coverage for seniors, does not cover the cost of most prescription drugs, leaving seniors to pay for their prescriptions out of their own pockets. My study shows that drug companies are making huge profits on the backs of seniors.

I will be fighting, therefore, for new legislation, the Prescription Drug Fairness for Seniors Act, put forward by the gentleman from Maine (Mr. ALLEN) guaranteeing older Americans the same prices for their prescription drugs that the Federal Government gets from drug companies.

EXAMPLE IS THE BEST PRECEPT

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

Mr. PITTS. Mr. Speaker, some have argued that private conduct does not matter. But as leaders we must set the example, guiding our Nation by our actions. Example is the best precept.

Aesop, the learned storyteller, writes the following fable:

One fine day two crabs came out of their home to take a stroll on the sand. "Child," said the mother, "you're walking very ungracefully. You should learn to walk straight forward without twisting from side to side."

"Mother," said the young one, "set the example yourself, and I will follow you."

Example is the best precept.

President Franklin Roosevelt said the following: "The presidency is not merely an administrative office. That's the least of it. It is preeminently a place of moral leadership."

Mr. Speaker, it is time for our leaders to lead, not just fiscally, not just politically but morally.

Example is the best precept.

SCHOOL MODERNIZATION INITIATIVE STILL NEEDED IN BUDGET DEAL

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

Mr. PALLONE. Mr. Speaker, we are still likely to be here a few more days as we hammer out this budget agreement, but I want to say that I am very proud of the Democrats who have stuck it out and demanded that this budget agreement address education initiatives. It appears, and I say it appears because we do not know for sure, but it seems like the Republicans finally have agreed to our proposal for 100,000 teachers that are going to be hired across the country with Federal dollars. I just want to say it is only because Democrats have kept insisting that this education initiative be in the budget that we may finally realize that hope of having those 100,000 extra teachers spread around the country to reduce class size.

But we still do not have the modernization initiative. The Republicans should agree to this as well. This is the initiative that says that we will spend Federal dollars to try to improve schools around the country, to renovate schools, to put in new roofs, to also upgrade, if you will, schools for technology, for computers and other things of that nature. I think it is very important that we continue to stay here until that initiative is also included in this budget.

I know the Republicans do not want to hear it. They keep saying that this is unnecessary, but it is important.

HALLOWEEN MESSAGE TO LIBERALS

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

Mr. GIBBONS. Mr. Speaker, Halloween is right around the corner, conjuring up all kinds of scary stories. Soon I will gather my children around me and tell them just what they might expect from Congress.

Now, I am not talking about candy, trinkets or toys. What I am talking about is bringing home a commitment to a balanced Federal budget, real education reform, meaningful tax cuts, a strong military force and a real commitment to saving Social Security.

There is one problem. My liberal colleagues on the other side of the aisle would rather have me tell them the

story of the headless horseman or a bloated bureaucracy, a hollow military force and more tax increases.

Mr. Speaker, no one wants to go home with the liberals' view of Congress. Rather, we all want to go home with some great news for America's schoolchildren, for America's hardworking families, for the men and women who serve in our nation's armed forces, news that we are working for them, not some fat-cat bureaucrat here in Washington.

To my liberal colleagues, I say this: Let us put an end to wasteful bureaucratic spending. Help us send Federal education dollars directly to the schools and to the classrooms for the benefit of educating children. Help us give back hard-earned tax dollars to America's hardworking families. Help us make the strength of our nation and our national defense a priority again.

Trick or treat, Mr. Speaker. I yield back big government, scary stories, and the headless horseman point of view of my liberal colleagues.

SUPPORT STEEL RESOLUTION AND STAND UP FOR LEGAL TRADE

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

Mr. TRAFICANT. Mr. Speaker, another chapter on American steel. We have already read Chapter 11, Chapter 13, and we are about to read a stone cold Chapter 7 due to illegal trade, dumping steel in America below cost, destroying families, destroying companies, destroying jobs, destroying pensions, and nobody is doing one thing about it.

We pass laws here, and the law is not being enforced. There is such a glut of steel there is a fire sale in America. America is burning. And while America burns, the administration is fiddling doing nothing.

Today you will have an opportunity to vote on a resolution. I predict that there will be an attempt to bring a softer resolution than mine. Today is the time to stand up for legal trade.

THE CHOICE IS CLEAR

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

Mr. HEFLEY. Mr. Speaker, the majority of Republicans are conservative and they are proud of that. The majority of Democrats are liberal and I imagine that they are proud of that as well. One can only imagine what the liberals dream about in their private moments, the number of new government programs they could create if only those Republicans were not standing in the way.

Republicans believe that the country has been going in the wrong direction for far too long, down the road of higher taxes, more government and less freedom. Democrats disagree. They

favor a continuation down this path, and the current negotiations with the White House and with the other side of the aisle over the appropriations bill clearly reflect that. In almost every single case the dispute reflects the Republican desire to hold the line on spending and the Democrat desire to increase it. Although most Americans appear to support less government and lower taxes, you would never know it listening to the other side of the aisle in these negotiations. Spend more or spend less? The choice is clear.

SUPPORT TRAFICANT REAL STEEL RESOLUTION

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

Mr. VISCLOSKY. Mr. Speaker, we have a crisis in steel that my colleague from Ohio (Mr. TRAFICANT) just alluded to. I want to thank the leadership of this House for promising the gentleman from Ohio that we would have a vote on his resolution today, a real steel resolution with real language, real teeth, and I ask every one of my colleagues to support this bipartisan resolution introduced by the gentleman from Ohio, House Resolution 598. It is the resolution I am personally going to support.

We need this, because H. Res. 598 calls for a 10-day review period for all steel imports and a 1-year ban on steel imports from countries found to be violating our law, not 3 months of consultation.

We need this, because the American Institute for International Steel has written to every one of its members and said that because of cases filed on September 30, the earliest date for withholding of liquidations would be December 9.

Translation: Dump your steel before December 9 or it will be too late. Vote for Traficant.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

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

Mr. BALLENGER. Mr. Speaker, for 40 years Washington was on autopilot and heading in one direction and one direction only, toward higher taxes and bigger government. Republicans were elected to a majority in 1994 and things have been different ever since, despite the efforts of the President to raise taxes, to create new government programs and to expand old ones. Republicans passed middle-class tax cuts, welfare reform, IRS reform, and Medicare reform.

Let us just consider for a moment if any of these achievements, even a single one, would have seen the light of day if the liberal Democrats had still been in the majority. Welfare reform? The liberals are still bitter about that.

Tax cuts? They tried to raise taxes, not cut them. IRS reform? Now, why would a liberal ever want to take on his best friend? Medicare reform? This is perhaps the most unlikely proposition of them all. Any effort to reform Medicare was greeted with hysterical cries of extremism by liberal defenders of the status quo in this very body.

No, Mr. Speaker, not a single one of these achievements could have been possible were it not for a Republican majority in Congress.

HONORING WALTER KOHN AND AMERICA'S TEACHERS

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

Mrs. CAPPS. Mr. Speaker, with great pride I rise to congratulate Dr. Walter Kohn, a recent recipient of the Nobel prize for chemistry. Dr. Kohn is a professor of physics at the University of California at Santa Barbara where my husband Walter taught for over 30 years. Walter Kohn's life story is inspirational. He escaped Nazi-occupied Germany on the last children's transport train to England. Dr. Kohn's contributions to chemistry and physics are immense, and he also contributes greatly to our society as a teacher and role model for young people.

As we honor our Nobel winners, let us remember the priceless values of teachers in our country. Motivated, well-trained teachers are the heart and soul of our schools.

Mr. Speaker, I am very pleased that Congress will soon pass a budget bill that will provide our local school districts with the capable teachers that they need to educate our children. I strongly support more teachers. I am glad we have put partisanship aside to invest in the future of our nation.

REPUBLICAN-LED CONGRESS IGNORES CRIES OF "EXTREMISM" TO PASS MEANINGFUL REFORMS

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

Mr. SHIMKUS. Mr. Speaker, most Americans do not think it is extremist to want to reduce the size and power of the Federal Government. In fact after 40 years of Democratic control in which the Federal Government got bigger and bigger, more costly, more out of touch, more meddlesome and less accountable to the people, the majority of Americans finally had had enough in 1994 and they have not looked back since.

What has the Republican majority in Congress done since 1995 to reverse course? A Republican-led Congress passed the first balanced budget since 1969 and the first tax cuts in 16 years after it ignored the charges of extremism and warnings that it could not be done. A Republican-led Congress passed

welfare reform after years of hearing the other side defend a system that everybody knew was broken, again after ignoring the other side cry "extremism" at every opportunity. And a Republican-led Congress reformed Medicare for the first time ever, something that should have been done a long time ago, so that our seniors would be able to retire with peace of mind.

□ 1015

I think the American people are right. It is not extremist, but responsible good government.

WHAT A DIFFERENCE A REPUBLICAN CONGRESS HAS MADE

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

Mr. GUTKNECHT. Mr. Speaker, let us look back at where we were just four short years ago.

Deficits were headed up to \$300 billion. Millions of Americans were being trapped in a welfare cycle. Medicare was headed towards bankruptcy, and that was threatening seniors' health care. Billions were being wasted on Washington programs that were unnecessary or ineffective. Interest rates were too high, and our economy was teetering, and taxes on families were going up and up and up.

Mr. Speaker, let us look at where we are today.

Deficits no longer exist. We have balanced the budget. We have taken 2 million families off of welfare rolls and put them on payrolls. Medicare is solvent. Three hundred programs have been eliminated here in Washington. Interest rates have dropped by over 2 percent, and taxes on families is going down.

Mr. Speaker, what a difference a Republican Congress has made.

WE MUST HAVE SCHOOL MODERNIZATION AND QUALITY EDUCATION

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

Mr. LAMPSON. Mr. Speaker, I did not intend to come here this morning and deliver a message, but in following the discussion that we have had on education in the last several days, particularly really for a lifetime as being a former teacher, I saw the opportunity now that we are going to have in improving our classrooms certainly by increasing the number of teachers, and it brought a story to mind that happened to me in 1970 when I was transferred to one of the high schools in which I taught.

Within the first week, as I tried to raise the blinds of the one of the windows, the window shade fell off the wall and cut my face on my cheek. I noticed that 2 weeks later when it began to rain the walls leaked, the roofs leaked,

and water ran down the side of the walls, and the children had to be evacuated from some of the classrooms in which they were.

I could not teach. The children were there to learn, but they were so distracted by their surroundings that they were not focused.

We have to give our children an opportunity for a better future, and that is going to be through a quality education. We know we are going to have more teachers now. That is going to be in this budget. Thank goodness for that. Now we need the classrooms to put them in, good, quality classrooms to do it.

Mr. Speaker, we must have school modernization. We must pass that in this particular bill in this Congress now. Let us do it before we leave.

FROM DEFICITS TO SURPLUSES—WHAT THE VOTERS SHOULD REMEMBER WHEN THEY GO TO THE POLLS

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, late last night the Republican Congress and the Democrat President arrived at an agreement on the Nation's spending plan.

Now our disagreement up to this time has delayed our adjournment by 6 days now. What were we arguing about, one might ask. Well, Mr. Speaker, we were debating the merits of spending a budget surplus.

Now before we get on to details of the spending, let us talk about this surplus. See, Mr. Speaker, were it not for the Republican Congress, we would still be debating the travesties of deficit spending. But today we are not. And that is what Americans should keep in mind. From deficits to surpluses, from runaway spending to lower spending, from higher taxes to lower taxes, from bondage to liberty. That is what happened when control of this Congress went from Democrat to Republican, and that is what voters should remember when they go next month from their homes to the polls.

CONGRESS' UNFINISHED BUSINESS

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

Mr. WYNN. Mr. Speaker, good morning. I would like to talk about Congress' unfinished business.

My colleagues on the other side rattle when we say it has been a do-nothing Congress, but it has been. We really have not addressed the big issues, the concerns that people in America want to see resolved by Congress. They have failed to achieve anything on tobacco reform. Thousands of our young people will die as a result. They have failed to do anything about HMO reform. Pa-

tient after patient, seniors across the spectrum, have said we need to reform HMOs to give patients a bill of rights. The Republicans have not delivered they fail to achieve. We know the biggest problem facing our country is Social Security. What are we going to do about it? Again, this do-nothing Congress, these under-achievers, have failed to address the real problem. We need to save the surplus and put it into saving Social Security. They want to give an election year tax break. It is a gimmick.

But most importantly, Mr. Speaker, I think they fail to address the problem of our future in terms of education and school construction. We need modern classrooms, we need to invest in education, we need to solve the overcrowding problem, and they have not done it.

TWO CRITICAL ISSUES THAT NEED TO BE ADDRESSED

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

Mr. GEJDENSON. Mr. Speaker, the President and the people of this country have forced this do-nothing Congress to take some actions, and we have begun a process of dealing with issues they have avoided for 2 years. But there are two critical issues that still are not addressed.

One is fixing the pensions of people in our Armed Services to make sure that they get a decent retirement so we can keep quality people in the Armed Services. The second affects almost every American, and that is HMO reform.

Mr. Speaker, seniors are losing their HMOs as they hop from city to city trying to get only healthy seniors. Every citizen who has to deal with their doctor or hospital is frightened that their HMO will not pay the bill or will not allow them to get service. Hospitals and doctors and patients are being run by people who have never seen the patient and never seen the inside of a medical facility. These people are in danger physically.

This Republican Congress has to address these two issues. There are others, but certainly the life and death of our constituents, the viability of our hospitals, is something we ought not to be able to ignore.

THIS IS NOT A DO-NOTHING CONGRESS

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

Mr. KINGSTON. Mr. Speaker, I am often amused when I hear Democrats say this is a do-nothing Congress. What they mean is we have done nothing towards increasing the taxes, we have done nothing towards increasing the size of government, and then nothing to further destroy the American dream which they seem to be so intent on.

What we have done though is pass the first tax cut in 16 years, we have balanced the budget for the first time since 1969 when Woodstock was at Max Yasgur's farm, and Mod Squad was on TV, and Neil Armstrong was on the moon. We have reformed Medicare on a bipartisan basis. We have reformed welfare, and almost 40 percent of the people on welfare have gotten off it in the last 3 years. What have we done in this budget agreement? Strong drug interdiction, strong prevention and rehabilitation programs. What have we done for education? We have returned more dollars and more power and more flexibility to the local level where the teacher in the classroom gets most of the money, where the teacher in the classroom can make most of the decisions, where the teacher in the classroom can call the shots on how to teach Johnnie to read and how to teach Susie to read because they might be a little bit different in Georgia then they are in California or New York.

These are important steps. This is not a do-nothing Congress.

THE HIT-AND-RUN CONGRESS

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

Ms. DELAURO. Mr. Speaker, this Republican controlled Congress has failed, and it has wasted the American people's time. Let me just say that what they have not done is they have accomplished less than a Congress typically does across a 2-year period. On specific issues, they made no progress on making sure that Social Security and Medicare were preserved for future generations. They did not change the way, in fact, we run our campaigns and the amount of money that is raised in those campaigns, and they have done nothing about protecting patients' rights and managed care reform.

Last night they caved under the President's pressure, Democrats' pressure, to allow 100,000 new teachers to go into our schools in grades 1 through 3 to help our children, and yet today they take pride and view it as a victory that they did not want to move on modernizing our schools, to wire up our schools so that kids can get the opportunity to be on an Internet, so they can in fact be able to compete in the future. They view that as a badge of honor.

Quite frankly, this is a Congress that has done a hit and run on the American people.

DO-NOTHING CONGRESS? I DO NOT THINK SO

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

Mr. RIGGS. Mr. Speaker, good morning. As my colleagues know, I guess this partisan debate really boils down

to whether we want to see the glass as half empty or half full, and it is too reminiscent of I think the all too common American mindset of what have you done for me lately. The do-nothing charge though does not stand up to scrutiny because this is the Congress that balanced the budget and passed major tax relief for working Americans for the first time in a generation. We have fundamentally, as earlier speakers have pointed out changed, the debate in Washington, and we can take pride not in being the do-nothing Congress, but in being the surplus Congress.

We have also reigned in the IRS through real reform of the IRS, shifting the burden of proof from taxpayers to the IRS in legal proceedings, and we put Medicare, the health insurance program for older Americans, on solvent solid footing.

Do-nothing Congress? I do not think so. The glass is half full and only getting better as the Republican majority grows in Congress and in the country.

WE DO NOTHING TO HARM THE AMERICAN PEOPLE

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

Mr. GEKAS. Mr. Speaker, do-nothing indeed. Members forget that just about a month ago the President of the United States signed into law a little recognized bill that we had been working on for about 2 or 3 years, the Bio Materials Access bill. This provides a steady flow of vital materials to people who need medical devices like hip replacements, and heart shunts and brain shunts. That was a bill that this do-nothing Congress put into place and attacked the problems of health care, prevention of disease and products liability all in one bill. The President signed it right after we promoted it and passed it into law.

Do-nothing indeed. That is a slander to say something like that.

At the same time we passed an IRS reform bill that the American people by 90 to 10 advocated, supported and applauded when it finally became law.

Do-nothing indeed. We will do nothing to harm the American people. We will do nothing to harm Social Security. We will do nothing to harm the prospects of a steady economy in the near and far future. That is what we are, we do something.

□ 1030

TAKING CREDIT FOR BALANCING THE BUDGET

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

Mr. PAYNE. Mr. Speaker, let me take a minute to look at this question of a balanced budget. We hear our Re-

publican colleagues talk with pride about the fact that they passed a balanced budget and we have a surplus.

Let us go back five short years ago when there was a bill in 1993 before this House. The bill said let us cut \$250 billion of programs, and let us increase \$250 billion of taxes on the top 2 percent of Americans. Ninety-eight percent of the Americans were exempt from that tax increase.

At that time, not one single Republican vote was cast for that plan that President Clinton gave to the American people. It was passed overwhelmingly by Democrats, without one single Republican vote, a \$500 billion process that put us on the target now where we have over 16 million new jobs, a \$70 billion surplus and many other positive things. We did it, not them.

FOREIGN AID BUDGET

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

Mr. CALLAHAN. Mr. Speaker, sometimes it is amazing to me the memory of some of our colleagues about we did nothing this year.

One of my responsibilities in the House is to Chair the Subcommittee on Foreign Operations, Export Financing and Related Programs, how much money we are going to give the President for foreign aid. It is not a pleasant job.

But just to remind my colleagues, we did our job. The President wanted \$13.5 billion. We did our job, but we would not give him all he wanted. We passed the bill through the House, we passed it through all the committees, we passed it through the Senate, but the President said, "There is no sense in sending it down here, because I will veto it if you do not give me another \$1 billion."

Well, we felt like we had better things to do with that \$1 billion. But the President said no, and there we were faced with the possibility of shutting the government down or giving him his \$1 billion.

So it was not that we did not do our job, because we did everything we were supposed to do, except the President refused to sign the bill, telling us that unless we gave \$1 billion more, that he was going to shut the government down.

BLOCKING DOLLARS FOR THE CLASSROOMS

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

Mr. OWENS. Mr. Speaker, the Republicans are standing in the schoolhouse door and they refuse to allow Federal dollars to build classrooms or to modernize and renovate classrooms. The Republicans are blocking dollars for the classrooms. They have a bill called

“dollars for the classrooms,” which is really dollars to the governors and state bureaucracies to play around with Federal money.

But when it comes to straight bulleting of money for construction, which most school boards in America realize is one of their greatest needs. They understand that they need help; they cannot get local or state dollars. Why not bring home our Federal dollars? All taxes are local. They come from the local level. They just print money here. They do not really have taxes based in Washington. It comes from the local level. Give it back to the local level, without strings attached.

This is the best deal ever for local school boards and states. It says you can have the money. You can float the bonds, and the Federal Government will pay the interest on the debt you accumulate to build classrooms. What better deal is there; or has ever been offered? The Republicans are blocking dollars to build classrooms in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 3 p.m. today.

EXTENDING VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS DUE TO EMBASSY BOMBINGS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

The Clerk read as follows:

H.R. 4821

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

SECTION 1. EXTENSION INTO FISCAL YEAR 1999 OF VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS WHOSE VISA PROCESSING WAS SUSPENDED DURING FISCAL YEAR 1998 DUE TO EMBASSY BOMBINGS.

(a) EXTENSION OF PERIOD.—

(1) IN GENERAL.—Notwithstanding clause (ii)(II) of section 204(a)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(G)), in the case of an alien described in paragraph (1) or (2) of subsection (b)—

(A) the petition filed for classification under section 203(c) of such Act (8 U.S.C. 1153(c)) for fiscal year 1998 is deemed approved for processing for fiscal year 1999, without the payment of an additional \$75 filing fee; and

(B) the priority rank for such an alien for such classification for fiscal year 1999 is the earliest priority rank established for such classification for such fiscal year.

(2) VISAS CHARGED TO FISCAL YEAR 1999.—Immigrant visas made available pursuant paragraph (1) shall be charged to fiscal year 1999.

(b) ALIENS ELIGIBLE FOR BENEFITS.—

(1) PETITIONING ALIEN.—An alien described in this paragraph is an alien who—

(A) had a petition approved for processing under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 1998; and

(B)(i) had been scheduled for an immigrant visa interview on or after August 6, 1998, and before October 1, 1998, at the United States embassy in Nairobi, Kenya, at the United States embassy in Dar Es Salaam, Tanzania, or at any other United States visa processing post designated by the Secretary of State as a post at which immigrant visa services were suspended in fiscal year 1998 as a result of events related to the August 7, 1998, bombing of those embassies; or

(ii) had been interviewed for such a visa but refused issuance under section 221(g) of such Act (8 U.S.C. 1201(g)) during fiscal year 1998 at such an embassy or post.

(2) FAMILY MEMBERS.—An alien described in this paragraph is an alien who—

(A) is a family member described in section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) of an alien described in paragraph (1); or

(B)(i) is a family member described in such section of an alien described in paragraph (1)(A); and

(ii) meets the requirement of clause (i) or (ii) of paragraph (1)(B).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4821.

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

There was no objection.

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

Mr. Speaker, last August 7, as everyone will recall, our Nation was shaken by the news that our embassies in Kenya and Tanzania were bombed and hundreds of natives and American diplomats as well were killed.

As tragic as that is, and it still has tragic consequences in leftover items that will haunt us for years to come, there was another unintended but serious consequence of those bombings. That is, there were many people filing into those embassies prior to this bombing who were making application for diversity visas to which they might have been entitled.

Now, with the extinction of these embassies, these people, who might have a right to come to the United States to exercise their skills, were denied that privilege of applying for this diversity visa. What has happened is they may lose that chance forever, unless we pass

this piece of legislation, because what this does is in effect put a hold on the deadlines that would have ordinarily applied to these applicants for diversity visas, thus, allowing the system to move ahead into 1999, without allowing it to come to an end by the process that would have come to an end this year, but for the bombings of the embassies in those countries.

We urge the passage of this legislation as one that is absolutely necessary. This would not guarantee, by the way, that those applying would automatically be granted the visa, but we do not want to rob them of the opportunity to file an application to receive such a visa. That is the purpose of the bill, and what it does is make up for lost time by reason of the destruction of the embassies.

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

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

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. GEKAS) for his support of this legislation. I rise in support also today of H.R. 4821, a bill to extend into next year the visa processing period for Nairobi, Kenya, and Dar es Salaam, Tanzania, due to the U.S. embassy bombings.

This is one of the most heinous acts of state-sponsored terrorism that has been done anywhere in a long time. The bombs that exploded on August 7th at the U.S. embassies in Nairobi and Dar es Salaam killed 247 people in Kenya and 10 people in Tanzania and left more than 5,500 people injured, including many Americans. Sadly, on August 7th of this year, the U.S. embassies in East Africa were the target of state-sponsored terrorism backed by financier Osama Bin Laden.

Fighting terrorism is a complex and very, very difficult task, and in the aftermath of every sinister terrorist act a rebuilding process must occur to restructure buildings, send food and shelter and rehabilitate the lives of the victimized men, women and children, so I am pleased to hear that the U.S. will extend a helping hand to the innocent victims during this tragic period.

Our immigration process is oftentimes complicated, as we know. It is mired with confusion and, at many times, is discriminatory. The annual diversity visa lottery permits 50,000 applicants from countries that are underrepresented in legal immigration to qualify for a U.S. immigrant visa.

At the time of the bombings, hundreds of visa applicants were suspended because of lack of manpower to operate our counselor services. The temporary closure meant that applicants were unable to process their visas.

One story that has particular meaning to me was from a young lady named Maritee who lived in Nairobi. She had told her family she was looking forward to coming to the United States of America with her sister. She was at the U.S. embassy's consular office waiting in line filling out an application to come to her dream country,

the USA, when the truck bomb exploded, ripping out the walls of the consular section. She did not make it through the blast. She died.

When she was buried, her family with tears streaming down their eyes remembered the jubilation of her getting up that morning and going to the embassy to apply, for her dream to come to this country to study. It was not Maritee's fault, the bombs were targeted for Americans.

We cannot bring Maritee back, but we can pass a bill and show our support and sympathy for the Kenyan and Tanzanian people.

Also at this time, in concluding this portion, I would like to express my gratitude to France, Israel and South Africa for their valor, dedication and commitment. I know that Israel brought in sniffer dogs to locate missing people trapped in the rubble and debris.

South Africa responded almost immediately. They facilitated and expedited a route allowing our Air Force and the FBI to fly through South Africa to Nairobi and Dar es Salaam. They also brought back injured people, lifting visa restrictions, and sent their medical experts to care for the wounded.

Months later they had a similar bombing at the Hard Rock Cafe in Cape Town, South Africa. I know they had to work very closely with our FBI during this second attack in South Africa, and they have been very, very supportive in working closely with us.

In closing, I would like to express support for the immediate and decisive decision taken by the President. The strikes at the Shifa Pharmaceutical Plant in Khartoum and the terrorist camps in Afghanistan will help to stave off impending terrorist threats by Osama Bin Laden and his Taliban terrorist groups.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I rise in strong support of this legislation, because I think it is evidence of the great Nation of America acting in a small way to deal with a problem. It will probably be ignored and not recognized. Nobody knows it, but in very small ways we have attempted to provide as much assistance as possible to all the victims of the bombings in Kenya and elsewhere. We have taken steps to deal with the medical bills, the hardship suffered by the people surrounding the embassy and those killed in the embassy.

The whole matter has been brought home to us as members of the Congressional Black Caucus because two very close members of the Congressional Black Caucus family were involved. Consul General Julian Bartley had served as a fellow on the hill here for a half a year and worked with the Con-

gressional Black Caucus. His son, Jay Bartley, we also got to know, and his daughter, Edith Bartley, is still active in Congressional Black Caucus matters. It was brought home to us in a very personal way. But I think the important thing here is that this legislation is designed to help people we will never know. It is designed to help people that happened to be unfortunately there on that awful day.

The message that should go out to all across the world is you need never fear being a friend of America. To be an ally of America, to host an embassy in your country, there is nothing unique to fear. We will stand by our friends.

We have many enemies in the world, and for good reason. We have enemies who are seeking to maintain old systems that we are definitely against. We are against slavery in the Sudan and slavery in Mauritania. We are against the Taliban enslavement of women in Afghanistan. We are against a lot of things that create a lot of enemies.

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But we are also the most admired country in the world. People know that we will stand by our friends in every way. We stood by France a couple of centuries after they helped us in the Revolutionary War. Our troops were on the beaches of Normandy.

This is the American colossus which is unlike any empire that ever existed; not an empire, really, but we have influence all over the world. We probably have more friends and more people who admire Americans than any other Nation in the world. That is for a good reason, because we do stand by our friends. We do stand for principles and values that large numbers of people identify with.

That creates incidents. It leads to bombings, like the one in Kenya. We have retaliated, and many people are upset with the fact that we did retaliate by sending bombs into Afghanistan and then into Sudan. But if we are in a situation where terrorism is the way of the future, and there is a new form of war which can strike anybody, and you are guilty even by association, by friendship, then everybody is included. Terrorism can strike anywhere and we must strike back.

The fact that we are acting today to indicate that we recognize that innocent victims need to be compensated; innocent victims need to be recognized. This Act is addressing the fact that there were people who wanted to obtain visas and wanted to come to this country whose visas were not prosecuted in a timely way. But we have also had legislation for which I understand monies are being appropriated to deal with the expenses incurred by people who suffered hardships from this awful tragedy.

I want to salute the sponsors of this legislation, Mr. Speaker, and the whole spirit of the legislation, which sends a clear message to all those nations in the world, and certainly the under-

developed Nations, which is that you need not fear, you need not back away from an alliance with America. You need not fear standing for the same kind of principles that we do. You need not fear hosting our personnel or being the home of one of our embassies. We are in a world where everybody is targeted by terrorists, and anybody at any time can be a victim. But this Nation will stand by its friends. This Nation has shown that it is ready to act in a humane manner.

In the case of Julian Bartley and his son, Jay Bartley, I think special efforts were made and a special dispensation was undertaken. Both of them were buried in Arlington Cemetery. That is the kind of gesture of a great president, of a great Nation, that is indicative of what is happening here. We are taking care of people who were victimized unnecessarily, and I wholeheartedly support this legislation.

Mr. Speaker, I urge support of H.R. 4821.

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

Mr. Speaker, I just wanted to pay tribute to the gentleman from Texas (Mr. LAMAR SMITH), our colleague on the Committee on the Judiciary, who supported the production, promotion, and the final passage, as we envision it, of this legislation. He has also worked hard on questions of immigration and visas for these purposes, and he deserves a lot of credit for what has occurred here, along with the inspiration of the legislation, the gentleman from New York (Mr. BEN GILMAN), who, in his position as chairman of that relevant committee, also has worked very hard to get to our final stages.

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

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4821.

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

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 35) granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The Clerk read as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the Pacific Northwest Emergency Management Arrangement entered into between the States of Alaska,

Idaho, Oregon, and Washington, and the Province of British Columbia and the Yukon Territory. The arrangement is substantially as follows:

"PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT"

"Whereas, Pacific Northwest emergency management arrangement between the government of the States of Alaska, the government of the State of Idaho, the government of the State of Oregon, the government of the State of Washington, the government of the State of the Providence of British Columbia, and the government of Yukon Territory hereinafter referred to collectively as the 'Signatories' and separately as a 'Signatory';

"Whereas, the Signatories recognize the importance of comprehensive and coordinated civil emergency preparedness, response and recovery measures for natural and technological emergencies or disasters, and for declared or undeclared hostilities including enemy attack;

"Whereas, the Signatories further recognize the benefits of coordinating their separate emergency preparedness, response and recovery measures with that of contiguous jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting any one or more of the Signatories in the Pacific Northwest; and

"Whereas, the Signatories further recognize that regionally based emergency preparedness, response and recovery measures will benefit all jurisdictions within the Pacific Northwest, and best serve their respective national interests in cooperative and coordinated emergency preparedness as facilitated by the Consultative Group on Comprehensive Civil Emergency and Management established in the Agreement Between the government of the United States of America and the government of Canada on Cooperation and Comprehensive Civil Emergency Planning and Management signed at Ottawa, Ontario, Canada on April 28, 1986: Now, therefore, be it is hereby agreed by and between each and all of the Signatories here-to as follows:

"ADVISORY COMMITTEE"

"(1) An advisory committee named the Western Regional Emergency Management Advisory Committee (W-REMAC) shall be established which will include one member appointed by each Signatory.

"(2) The W-REMAC will be guided by the agreed-upon Terms of Reference-Annex A.

"PRINCIPLES OF COOPERATION"

"(3) Subject to the laws of each Signatory, the following cooperative principles are to be used as a guide by the Signatories in civil emergency matters which may affect more than one Signatory:

"(A) The authorities of each Signatory may seek the advice, cooperation, or assistance of any other Signatory in any civil emergency matter.

"(B) Nothing in the arrangement shall derogate from the applicable laws within the jurisdiction of any Signatory. However, the authorities of any Signatory may request from the authorities of any other signatory appropriate alleviation of such laws if their normal application might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.

"(C) Each Signatory will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into or across its territory, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating Signatories.

"(D) In times of emergency, each Signatory will use its best efforts to ensure that the citizens or residents of any other Signatory present in its territory are provided emergency health services and emergency social services in a manner no less favorable than that provided to its own citizens.

"(E) Each Signatory will use discretionary power as far as possible to avoid levy of any tax, tariff, business license, or user fees on the services, equipment, and supplies of any other Signatory which is engaged in civil emergency activities in the territory of another Signatory, and will use its best efforts to encourage local governments or other jurisdictions within its territory to do likewise.

"(F) When civil emergency personnel, contracted firms or personnel, vehicles, equipment, or other services from any Signatory are made available to or are employed to assist any other Signatory, all providing Signatories will use best efforts to ensure that charges, levies, or costs for such use or assistance will not exceed those paid for similar use of such resources within their own territory.

"(G) Each Signatory will exchange contact lists, warning and notification plans, and selected emergency plans and will call to the attention of their respective local governments and other jurisdictional authorities in areas adjacent to intersignatory boundaries, the desirability of compatibility of civil emergency plans and the exchange of contact lists, warning and notification plans, and selected emergency plans.

"(H) The authority of any Signatory conducting an exercise will ensure that all other signatories are provided an opportunity to observe, and/or participate in such exercises.

"COMPREHENSIVE NATURE"

"(4) This document is a comprehensive arrangement on civil emergency planning and management. To this end and from time to time as necessary, all Signatories shall—

"(A) review and exchange their respective contact lists, warning and notification plans, and selected emergency plans; and

"(B) as appropriate, provide such plans and procedures to local governments, and other emergency agencies within their respective territories.

"ARRANGEMENT NOT EXCLUSIVE"

"(5) This is not an exclusive arrangement and shall not prevent or limit other civil emergency arrangements of any nature between Signatories to this arrangement. In the event of any conflicts between the provisions of this arrangement and any other arrangement regarding emergency service entered into by two or more States of the United States who are Signatories to this arrangement, the provisions of that other arrangement shall apply, with respect to the obligations of those States to each other, and not the conflicting provisions of this arrangement.

"AMENDMENTS"

"(6) This Arrangement and the Annex may be amended (and additional Annexes may be added) by arrangement of the Signatories.

"CANCELLATION OR SUBSTITUTION"

"(7) Any Signatory to this Arrangement may withdraw from or cancel their participation in this Arrangement by giving sixty days, written notice in advance of this effective date to all other Signatories.

"AUTHORITY"

"(8) All Signatories to this Arrangement warrant they have the power and capacity to accept, execute, and deliver this Arrangement.

"EFFECTIVE DATE"

"(9) Notwithstanding any dates noted elsewhere, this Arrangement shall commence April 1, 1996."

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this particular piece of legislation is mandated, actually, by the Constitution. The Constitution says that when two States arrive at some kind of arrangement between the two that arises to the level of a compact, a binding agreement, that then the Congress of the United States must approve such a compact, else the Framers of the Constitution felt that would lead to conflict that might turn even violent if it were not guaranteed by the Federal Government, as one of the oversee functions it would have, should such an agreement be reached. So the Congress of the United States has, from time to time, approved these compacts.

Such a compact was proposed a long time ago now, it seems, with respect to the Pacific Northwest Emergency Management Arrangement between the States of Alaska, Idaho, Oregon, Washington, and the provinces of British Columbia and the Yukon Territory.

In this bill, this compact has to do with the coordination of emergency services in disaster relief and all the hundreds of scenarios that many of us, through our years of service, have seen examples of time and time again on the floor of this Chamber.

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

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

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

Mr. PAYNE. Mr. Speaker, I rise in support of Senate Joint Resolution 35. Mr. Speaker, this bill would grant the consent of Congress to two compacts among Northwestern States and Canadian provinces to coordinated responses to forest fires and other emergencies.

These compacts, which have already been ratified by the affected States and provinces, require the consent of Congress to take effect under the Compacts clause of the Constitution.

This particular bill has bipartisan support of members of the other body and from States participating in these compacts. They were passed by unanimous consent in the Senate. I am not aware of any opposition to this bill.

The need for a coordinated response to fires and other emergencies is clear. I want to commend the participating States and provinces for their effort to protect human lives and property, and to safeguard the environment in this region. We need to have continued cooperation between bordering areas. I commend those who are involved in this, and I urge adoption of this measure.

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

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

Mr. Speaker, I want to take some time to pay tribute here to another colleague, the gentleman from Washington (Mr. DOC HASTINGS), who, in his endeavors over the course of time in the last session and before, has come to us time and time again to press for not just this compact, but another one that we will be taking up as the next order of business.

He has worked tirelessly in this regard, and because of his perseverance, has helped to solve some serious problems in his region of the world.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of Senate Joint Resolution 35, a joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement. A compact entered into by the states of Alaska, Idaho, Oregon and Washington, as well as the Province of British Columbia and the Yukon Territory.

Mr. Speaker, these state and provincial governments have negotiated this compact to coordinate regional responses to natural disasters. As we all know, disasters do not respect state or national boundaries. To plan for and respond to these events, these northwest states and provinces have chosen to adopt a cooperative regional approach. This will improve the allocation of material, personnel, and services to mobilize as many resources as possible in the event of a natural disaster. Furthermore, the compact allows for cooperation across state and national borders without sacrificing the state or national sovereignty.

Mr. Speaker, this regional effort is non-controversial and was passed unanimously by the other body on July 31 of this year. The compact is a local and regional effort that requires the consent of Congress to take effect.

I urge my colleagues to support the efforts of these northwest states and provinces to improve emergency preparedness and pass this bipartisan legislation.

Mr. GEKAS. 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 Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 35.

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.

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

Mr. GEKAS. Mr. Speaker, pursuant to House resolution 589, I hereby give notice that the following suspensions will be considered today:

H.R. 4572, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income;

H.R. 4831, to temporarily reenact chapter 12 of title 11 of the United States Code;

S. 417, Energy Conservation Reauthorization Act;

H.R. 4660, to amend the State Department Basic Authorities Act 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics-related offenses, or for serious violations of international humanitarian law relating to the former Yugoslavia.

GRANTING CONSENT AND APPROVAL OF CONGRESS TO AN INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1134) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Clerk read as follows:

S. 1134

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

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

“THE NORTHWEST WILDLAND FIRE PROTECTION AGREEMENT

“THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as “Members”.

“FOR AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

“Article I

“1.1 The purpose of this Agreement is to promote effective prevention, presuppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, presuppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

“Article II

“2.1 The agreement shall become effective for those Members ratifying it whenever any two or more Members, the States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

“2.2 Any State, Province, or Territory not mentioned in this Article which is contiguous to any Member may become a party to this Agreement subject to unanimous approval of the Members.

“Article III

“3.1 The role of the Members is to determine from time to time such methods, practices, circumstances and conditions as may be found for enhancing the prevention, presuppression, and control of forest fires in the area comprising the Member’s territory; to coordinate the plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

“3.2 The Members may develop cooperative operating plans for the programs covered by this Agreement. Operating plans shall include definition of terms, fiscal procedures, personnel contacts, resources available, and standards applicable to the program. Other sections may be added as necessary.

“Article IV

“4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members present shall be carried by a simple majority except as stated in Article II. Each Member will have one vote on motions brought before them.

“Article V

“5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree, to the extent they possibly can, to render all possible aid.

“Article VI

“6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall operate under the direction of the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have the same privileges and immunities as comparable employees of the Member to which they are rendering aid.

“6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

“6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in connection with such request in accordance with the provisions of the previous section. Nothing contained herein shall prevent any assisting Member from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

"6.4 For purposes of the Agreement, personnel shall be considered employees of each sending Member for the payment of compensation to injured employees and death benefits to the representatives of deceased employees injured or killed while rendering aid to another Member pursuant to this Agreement.

"6.5 The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

"Article VII

"7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

"7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

"7.3 The Members may accept any and all donations, gifts, and grants of money, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

"Article VIII

"8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territory, or Province.

"8.2 Nothing in this Agreement shall be construed to affect any existing or future Cooperative Agreement between Members and/or their respective Federal agencies.

"Article IX

"9.1 The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

"9.2 The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

"9.3 Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

"Article X

"10.1 This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

"Article XI

"11.1 Nothing in this Agreement shall obligate the funds of any Member beyond those approved by appropriate legislative action."

SEC. 2. OTHER STATES.

Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SEC. 3. RIGHTS RESERVED.

The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I could almost place ditto marks over the remarks that I made in the previous bill that we have considered, because this, too, is a compact of special arrangements between two States or more in matters of mutual interest which must be approved by the Congress, as we have stated.

On this one, too, the gentleman from Washington (Mr. DOC HASTINGS), our colleague, has been instrumental in driving it to this moment. This is the Northwest Wildland Fire Protection Agreement, which will help the States in that region respond more quickly and more efficiently to the wildfire syndrome about which we read and learn too much, it appears. But nevertheless, this goes a long way to prevention and to quick resolution of the disastrous consequences of such wildfires.

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

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

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

Mr. PAYNE. Mr. Speaker, I, too, would like to concur that this is almost a ditto of the previous bill. This bill would grant the consent of Congress to the compact between the Northwestern States and the Canadian provinces to coordinate the response to forest fires and other emergencies. As we have indicated, these compacts have already been ratified by the affected States and provinces, but it is required to give the consent of Congress for this legislation to take effect, under the Compacts clause of the Constitution.

As has been indicated, we have bipartisan support of the members of the other body and of the States that are participating. Therefore, I would ask that our colleagues pass the Senate bill, S. 1134.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of S. 1134, a bill granting the consent and approval of Congress to an interstate forest fire protection compact entered into by the states of Alaska, Idaho, Montana, Oregon and Washington, as well as the Provinces of Alberta and British Columbia, and the Yukon Territory.

Mr. Speaker, this bill fulfills the Constitutional requirement for Congressional consent to the compact negotiated by these eight states and provinces. Specifically, the compact enables the fire management agencies of the

participating states and provinces to cooperate in combating wildfires across state and national borders.

As the representative of a district that frequently experiences extensive and destructive wildfires, I am well aware of the need for regional cooperation in containing them. This compact will allow the region to mobilize all its available resources to combat wildfires and minimize their damage.

This locally driven legislation was passed unanimously by the other body on July 31 of this year, and has strong bi-partisan support from the northwest congressional delegation.

I urge my colleagues to support this cooperative effort to suppress wildfires in the northwest and pass this bi-partisan legislation.

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

Mr. GEKAS. 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 Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 1134.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 597) expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard.

The Clerk read as follows:

H. RES. 597

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

(1) Mr. Matthew Shepard, a 21-year-old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead;

(2) Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital surrounded by his loving family and friends; and

(3) the House—

(A) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(B) urges each Member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(C) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and

(D) pledges to do everything in its power to fight the sort of prejudice and intolerance that leads to the murder of innocent people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

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

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentleman from Wyoming (Mrs. CUBIN), and I ask unanimous consent that she be permitted to control the time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wyoming (Mrs. CUBIN) is recognized.

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

It is with sadness that I bring this to the floor of the House today, Mr. Speaker. In the wake of the tragic death of Matthew Shepard, my husband Fritz and I, along with our sons, Bill and Eric, who knew Matthew, join the people of Wyoming in offering our most heartfelt sympathy to Matthew's parents, his family, and his friends. Our thoughts and prayers are with all of them. There is no greater loss than that of a son or a daughter. However, we can take solace in knowing that Matthew's kind and gentle spirit will be a legacy that stays with those who were fortunate enough to know him.

The resolution the House is considering today condemns in the strongest possible way the brutal killing of Matthew Shepard. No attack of this kind can ever be forgotten.

□ 1100

No attack of this kind can ever be excused and no attack of this kind can ever go unpunished. It is my hope, and the hope of the caring people of Wyoming and the people throughout our country, that swift and judicious punishment will fall upon those who committed this heinous act.

Our country must come together to condemn these types of brutal, nonsensical acts of violence. We cannot lie down. We cannot bury our heads. And we cannot sit on our hands. Though our actions, we must be deliberative and our actions must also at the very same time send a strong and ardent message to those who are intolerant of others. We will not stand for the arbitrary killing of others due to any hateful act of intolerance.

Mr. Speaker, I am honored to be joined today in offering this resolution by the gentleman from Colorado (Ms. DEGETTE).

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

Ms. DEGETTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, those of us in the West believe that we have a special caring for individual liberties and individual

expressions and that we care about this more than anybody else. That is why the tragic murder of Matthew Shepard has shaken all of us in the West so to our core.

I want to thank and commend the distinguished gentlewoman from Wyoming (Mrs. CUBIN) for swiftly acting to denounce the deplorable actions of Matthew Shepard's murderers. I know that all of our thoughts and prayers in the House of Representatives and in Washington in general go out to the Shepard family and to Matthew's friends during this very difficult time.

The United States has come a long way in combating the prejudice and discrimination that is such a tragic part of our history. But what happened last Friday night at a ranch in Wyoming shows we still have work to do before our country is truly the country of freedom and justice for all.

Something like this could occur anywhere. Gay men and lesbians all across the country live in fear that some tragic and brutal crime like this will happen to them. And when an appalling crime like this happens, it proves that this fear is not unjustified. Sometimes it takes a tragic and brutal crime like this to point out that every day in cities across our country, gay men and lesbians are being beaten and brutalized simply because of their sexual orientation.

I want to share an example of this that is even sadder. As Matthew Shepard lay dying in a Colorado hospital in Fort Collins, a nearby State university was holding its annual homecoming parade. And on one of the floats in that parade, someone actually stuck a scarecrow that was covered with anti-gay graffiti. Mr. Speaker, even if Matthew Shepard had not been left beaten and hanging on a fence the night before, this incident, and the countless incidents that happen throughout this country, are unacceptable.

There is still much education that needs to be done. Discrimination of any kind is abhorrent. And this horrible incident illustrates once again that prejudice is a terrible thing, no matter who the target is.

Everyone in this country deserves to pursue the American dream and that includes gay men and lesbians. Individual freedom and liberty are what makes this country like no other, and we owe it to ourselves and we owe it to our country to refuse to accept bias of any kind. For those who would stand in the way of an individual's right to live as they see fit, I say, and I hope my colleagues will join me, "There is no room in this country for your kind of bigotry."

Mr. Speaker, that is why we must act swiftly and strongly at the Federal level, at the State level, at the local level, and every level of government to pass strong hate crimes legislation saying this is not the way we operate in this country.

I urge people from all walks of life, all political parties, all genders,

straight and gay, to speak out against this horrible crime. Those of us who seek equality and justice far outnumber those who are gripped by fear and intolerance. We must make our voices drown out their voices.

Mr. Speaker, we will not be held hostage to individuals who act on the basest and most animal of instincts. We will continue the fight against hatred. We will continue to resist violence.

Last night at the vigil, Matthew's friend said that Matthew always wanted to make his life mean something, that he always wanted to have an impact on society. I pledge that we will do everything to see that happen. But Matthew's friend also said: The price here was too great.

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

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Colorado (Mrs. DEGETTE) for bringing this resolution to the floor.

Mr. Speaker, I would like to also express my condolences to the Shepard family, and to say that I commend my colleagues who last night participated in the vigil where Senator KENNEDY and the gentleman from Massachusetts (Mr. FRANK) and others spoke out about this tragic act.

I think that it is clear with an act like this, that no one is free until everyone is free. And in many instances when we have talked about hate crimes as African-Americans, we have talked about the fact that lynchings went on in this country; that even less than a year ago a black man walking home was tied to the back of a truck and drug for miles until his body was decapitated and he of course died with this brutal treatment. Many people said it was too bad, many did not comment, and it passed by.

But once again I repeat that no one is free until everyone is free. Who would have ever dreamed that in the middle of Wyoming, a place that is talked about with its tranquility and rugged individualism, would turn to one of the most heinous crimes that we have seen anywhere in this Nation.

So I think that we have to rededicate ourselves to taking a look at us and where we stand. The President this year had a commission on race to talk about and have a dialogue about where race stands in this country. I think that we need to have a dialogue about many issues. About immigrant bashing, about gay bashing, about anyone who seems different.

Mr. Speaker, that is why we have the first amendment. People who are different can speak up. The first amendment was not passed for everyone who thinks alike, because we would not need the amendment. I think we need to rededicate ourselves to wiping out hate crimes.

Even in my State of New Jersey there has been an increase in the number of hate crimes. So I commend my colleagues who brought this resolution and ask that it be passed unanimously.

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

Mr. Speaker, we should not turn Matthew into a martyr, and his family has asked that we do not turn Matthew into a martyr. He would not want that and his family does not want that.

Out of respect for Matthew, this resolution is not about advancing legislation. It is about advancing our tolerance in others, regardless of their gender, race, or sexual orientation.

At the end of his life, the defining element of Matthew's life should not be his sexuality. It should be the kind, gentle, intelligent, wonderful person that Matthew was. That is how Matthew should be remembered. That is what his family wants, and that certainly is what I wish for them today.

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

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today to sadly offer my condolences to the family and the friends of Matthew Shepard. I deeply thank my colleagues, the gentlewoman from Colorado (Ms. DEGETTE) and the gentlewoman from Wyoming (Mrs. CUBIN) for introducing this resolution and giving us all an opportunity to voice our sorrow at this horrifying act of violence.

It is difficult for any of us to fathom the sort of hatred and prejudice that could lead a young person to carry out such a horrible attack on another young person. What leads to that sort of pent-up anger and hatred?

Accounts from family and friends tell us that Matthew was a kind, a gentle and a caring young man who was always ready to lend a helping hand, always ready to try to figure out what he could do to help others make their way.

So, it is a sad day, and I am sad that today as we are moving into a new century that we still see this kind of fear and this hatred directed toward people simply on the basis of who they are, based on their sexual orientation or based on the color of their skin or based on anything that anyone views as different from what they know.

It is wrong. We are truly a Nation of differences. We are built from people who came from so many different lands from so many different backgrounds and we need to learn to accept and to embrace these differences. Our diversity, in fact, is what makes us so strong as a Nation. It should never tear us apart and it should never do anything to inflict pain and suffering on others.

I hope that we learn a lesson from this tragedy, though it is hard to fathom that we could learn something from this awful act. But we do not want to have Matthew die in vain.

I hope that the Congress will stand together to pass the Hate Crimes Prevention Act. I think we need to send a strong message that there is no place for hatred in this land of ours, and that these types of horrifying crimes cannot and will not be tolerated.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my friend and classmate.

Mr. MCGOVERN. Mr. Speaker, I am here in support of this resolution because I, like so many others, am deeply outraged at the death of Matthew Shepard. It is a terrible, unspeakable and horrible crime, but words cannot express how horrible this action is.

I wish I could say to Matthew's family how much they are in my thoughts and prayers and emotions. As a new father of a 5½-month-old baby boy, I cannot possibly imagine the pain and suffering of the Shepard family. From all I have read and heard about Matthew Shepard, he was an incredible young man who had wonderful gifts to offer this world. We will never know now his potential, what his long life might have brought to us all.

So what do we do now? That is the question we must all ask ourselves. And it is my view that we should and we must pass the Hate Crimes Prevention Act now, and we should do it before this Congress adjourns.

But that alone is not going to stop the kind of action that led to Matthew's death. This terrible tragedy highlights the need for us to teach our children in our homes, in our churches, and in our schools that every human being deserves our respect, our tolerance, and the right to live their lives secure from the threat of violence.

Whatever their race, their religion, their color, their sexual orientation, their beliefs, their creed, their gender, their language, their nationality, their age, all men and women are endowed with basic human dignity and the right to live their lives to their full potential.

Mrs. CUBIN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. Cubin) for yielding me this time. I also thank both the gentlewoman from Wyoming and the gentlewoman from Colorado (Ms. DEGETTE) for introducing this resolution.

Mr. Speaker, I was with a large group of people last evening at the vigil to commemorate the tragic death of Matthew Shepard, and I join my colleagues and I join all other Americans in offering my sympathy and my prayers for the family of Matthew Shepard.

We like to think in America that hate crimes are a phenomenon of the past. But the death of Matthew Shepard is a tragic reminder that this just is not so. We do have to recognize that many citizens of our country cannot take for granted the right to live life without fear of violence simply

based on their race, their ethnicity, religion, disability or sexual orientation.

James Byrd, the African-American man who was dragged to his death behind a truck in Texas in July, is an example of that. Indeed, Matthew Shepard who was beaten and left for dead outside Laramie, Wyoming, tells us that we need to do more to prevent hate crimes.

We in America pride ourselves on the fact that all people are entitled to life, liberty, the pursuit of happiness, as well as freedom from violence and from hate crimes. I hope that we will be resolved and that we will pledge that we will take this tragedy and translate it into action. Into action and pass the Hate Crimes Prevention Act; into action in terms of changing our attitude in making sure that we educate people and making sure that each and every one of us has a responsibility for each other.

□ 1115

It was Thornton Wilder who once wrote, there is a land of the living and a land of the dead and the bridge is love, the only survival and the only meaning.

May Matthew Shepard live on in love and may we resolve to remedy this problem so there are no hate crimes in our country or in our world.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, first I want to express all of our deep feeling of sympathy for the family of Matthew Shepard and for the friends and all the people that knew Matthew Shepard personally.

He was taken from his family by a heinous act, an evil act, an outrageous act of violence. I join with my colleagues in offering our condolences and our prayers to his family and his friends.

This awful crime shocks an entire Nation, and it shocks our consciences. It reminds us that we have a long, long, long way to go before all Americans can feel safe from this kind of heinous attack.

Matthew was a promising young man who happened to be gay. He was killed because of a chance encounter with a random act of hatred and violence. But it is important to remember that no one in our society is safe from this kind of random act as long as the impulse of intolerance lives among our fellow Americans. Any one of our sons or daughters could have come in contact with the perpetrators on that grim night. Any of us could be in the place of Matthew's parents.

I have a son by the name of Matthew. He is about 27 years old now. I cannot imagine, if I put myself into the shoes of this young man's parents, I cannot

imagine the outrage, the desire for retribution that I would feel today. I cannot imagine their grief and their sorrow.

So we stand here today knowing that no gesture will return this young man to earth. Resolutions are no match for harsh punishment for these crimes. It is vitally important for Congress to speak with one voice on this issue as we do today, to condemn the manifestation of hatred in our society against any one of us and to say clearly that we reject prejudice and intolerance wherever and whenever it rears its ugly head.

All Americans join together today as one in sending our deep and prayerful feelings to these parents. May this never happen again and may the meaning of his life be that we pass a hate crimes act in this Congress before we leave so that we say to all, there is punishment for this kind of hatred.

Ms. DEGETTE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Colorado (Ms. DEGETTE) has 8½ minutes remaining, and the gentlewoman from Wyoming (Mrs. CUBIN) has 14½ minutes remaining.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank my colleague from Colorado for yielding me the time and to the gentlewoman from Wyoming (Mrs. CUBIN) for putting forth this resolution today. I particularly want to thank the gentlewoman from Colorado (Ms. DEGETTE) for her courage in putting this forth, also in terms of pointing out the need for hate crimes legislation.

Let us focus on Matthew Shepard. Matthew Shepard was a lovely young man. He was willing to be open about who he was. That took courage. Clearly, it took a great deal of courage. I cannot help but think if Matthew would not still be alive had people not known that he was a gay person.

I think the tragedy of his death points out the need for hate crimes legislation. But as we consider this issue, I am going to submit my statement for the record, Mr. Speaker. I just want to speak as one who has the privilege of representing a district with a large number of gay and lesbian people. They are part of the success of our community. They help build our community.

When I hear people talk about tolerance for gay and lesbian people, it is interesting to me, because in our community tolerance is an issue of long ago. Certainly we tolerate. That is not even the issue. We respect our gay and lesbian community. More than that, we take great pride in them, in each and every one of them and collectively in the contribution that they make to our community in San Francisco, indeed, to our great country.

So it is such a tragedy when a young man has the courage to be open about who he is and his life is taken for it.

What more needs to happen? How many more deaths, how many assaults on the personal integrity of people physically and otherwise need to happen before this Congress will see the need for the hate crimes legislation? There are those who say that we should not be talking about that today. Of course, we should. If this young man had the courage to be open about who he is, cannot this Congress be courageous enough to honor his memory by passing the hate crimes legislation?

Mr. Speaker, I rise to join my colleagues in remembering the life of Matthew Shepard and deploring his tragic death. Matthew was willing to be open about who he was, and we should celebrate the courage and the dignity that he embodied during his too short life. I send my condolences to his family and loved ones.

Matthew's brutal murder was a tragedy, but, unfortunately, not an isolated incident. Harassment of gays, lesbians and bisexuals is not limited to one period in our history, or one region of the country. We read today in the paper yesterday that in a study of community college students in the San Francisco Bay Area, 32% of male respondents said they had verbally threatened gays, and 18% said they have physically threatened or assaulted them.

According to statistics kept by the National Coalition of Anti-Violence programs, at least 18 Americans were murdered in 1997 because they were gay or lesbian. Also last year, there were over 2400 reports of anti-gay or lesbian incidents in the United States.

Hate crimes take many forms and affect many different kinds of victims. The horrible murder of James Byrd, Jr., an African-American man in Texas, is still fresh in our memories. According to the Federal Bureau of Investigation, in 1996 there were over 8700 reported incidents of hate crimes because of race, religion, national origin, or sexual orientation. And reported incidents of hate crimes on college campuses are increasing at a disturbing rate.

It is because of these hard realities, and the circumstances of the murder of Matthew Shepard, that his eulogy should be accompanied by action. The Hate Crimes Prevention Act would not end all violence against people because they are gay, or African-American, or Jewish, or come from another country. But it would allow the federal government to investigate and punish crimes motivated by hate.

Matthew's murder is the manifestation of enduring bigotry still all too prevalent in our society. These attacks demand a national response that enables federal law enforcement officials to fight these crimes and punish their perpetrators.

The Hate Crimes Prevention Act will provide needed tools to law enforcement, and it will serve as a lasting tribute to the life of Matthew Shepard. Before we take the final vote of the 105th Congress, I urge my colleagues to remember Matthew by passing the Hate Crimes Prevention Act.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me time.

Thousands gathered last night at the west steps of the Capitol to mourn the loss of Matthew Shepard. The vast ma-

majority of us did not know Matthew personally, but we were united in our belief that the hate that took Matthew's life is unacceptable in America. We were united in our belief that America still has a long way to go before our gays and lesbians can stop fearing for their lives because of who they are. We were united in our belief that Congress can help prevent and prosecute these terrible crimes by passing tough hate crimes legislation. We were united in our belief that we will never be silenced until gays and lesbians can live without fear. And we were united in our commitment to speak out with our voices and our votes against anti-gay rhetoric, against anti-gay newspaper ads, against anti-gay legislation and against the thuggery that took Matthew Shepard's life.

Mr. Speaker, if there is one thing that this entire body can agree on, it is that the hate that took Matthew Shepard's life should be condemned. I urge my colleagues to support this resolution.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. Gejdenson).

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

Mr. GEJDENSON. Mr. Speaker, I join my colleagues.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. I join my colleagues in support of this effort.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise today to support House Resolution 597 and to offer my sincere sympathies to the family of Matthew Shepard. I cannot imagine their pain. I offer my sympathies also to all families who have suffered needless losses due to discriminating hate and prejudice.

What happened to Matthew Shepard in Laramie, Wyoming is not an example of a breakaway faction, of an out-of-touch community in rural America. What happened to Matthew Shepard happens every day to citizens in our very own country whose only crime is to be honest, honest about who they are and what they believe.

Mr. Speaker, it is time to pass the Hate Crimes Prevention Act. Harassment and hate crimes against the gay community is commonplace. It is time to come together as a Nation to condemn such hate crimes.

Mr. Speaker, I am greatly disturbed that hate crimes like the murder of Matthew Shepard are on the rise. This is a type of crime that embodies intolerance, an act of violence against a

person based on a victim's race, color, gender, religion or sexual orientation. Hate crimes leave deep scars not only to the victim's family but also to the larger community. Unfortunately, every year thousands of Americans are victims of hate crimes, and we suspect that many, many hate crimes go unreported.

To honor Matthew Shepard, Mr. Speaker, we must as a Congress make sure that families like Matthew's know that there is not a person in this body that would make it easy or easier by making it OK for a hate crime to be carried out, for a person to have a prejudice against another person because of their sexual orientation.

Mr. Speaker, we must pass this resolution.

Ms. DEGETTE. Mr. Speaker, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON), who has been working on this issue for many years.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 3 minutes.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I thank her and the gentlewoman from Wyoming (Mrs. CUBIN) for their initiative, timely and important these last days.

My sympathies are with Matthew Shepard's family and friends. At the same time I recognize that they deserve much more from this body.

Last night I welcomed thousands of people to the west steps of the Capitol on behalf of the jurisdiction that has the strongest human rights laws and the strongest hate crime laws in the United States of America. That was not the United States of America; it was the District of Columbia. I wish I could have said the same about the country that we in this body serve.

As I speak, indeed there are anti-gay measures on the D.C. appropriation. This body has to take responsibility for the fact that when people read that this body wants gays not to be able to adopt children, when this body wants clean needles not to be available even with the District's own money, this body has sent a homophobic message that is picked up by people like those who murdered Matthew Shepard.

Last night was a very moving memorial of its own. But the Members who came in large numbers surely thought, do we not have in our hands the ability, the capacity to come forward with the most meaningful memorial of all, the bill pending for years now in this House that would deter this crime and when it occurs, punish this crime?

So this afternoon while we all commiserate and grieve for this family, this should be a moment of introspection for this body, because the question for this body is what are we going to do about it and is it enough to grieve about it.

The Hate Crimes Prevention Act is what is left to be done about it. Imag-

ine human rights legislation that left you out. If you are white, if you are black, if you are male, if you are female, you are included within the great American family of human rights laws, but not if you are gay. We must use what amounts to human sacrifice, the sacrifice of this young man, to include gay people in the family of American people.

We must also be very careful with our own talk. No one who speaks about their disagreement with the homosexual lifestyle means for somebody to go out and murder gays. But we must come to grips with the fact that is how that message is perceived and taken by many.

Pass the Hate Crimes Prevention Act and, while you are at it, pass the Employment Nondiscrimination Act.

□ 1130

Mrs. CUBIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Wyoming and the gentlewoman from Colorado for their important initiative here. I think it is important that the House go on record as supporting this resolution, expressing their condemnation of hatred and violence, especially obviously in this situation, and encouraging diversity and tolerance and compassion in American life.

As I was in the chair and listening to the minority leader's comments, I heard him mention that the Gephardt family has a son by the name of Matthew. The Riggs family has a son by the name of Matthew, so it is a pretty special name in our household. It is also a Biblical name. I guess what I find so shocking about this crime is its brutality, its callousness and the youthful age of the perpetrators. It suggests to me that these young people accused of this crime are typical of too many people in their generation who have not gotten the appropriate education, knowledge and adult supervision and guidance that they need to live lives as productive citizens, who embrace those American qualities of tolerance and compassion.

Again, I think the resolution is commendable and worthwhile. I do have misgivings about whether we need to create a new Federal crime category of hate crimes and would respectfully suggest to my colleagues that perhaps it is more important that we address the root causes of these kind of crimes in American society. I think we all have some idea as to the root causes. One certainly is a modern media culture that all too often passes as mainstream culture in American life that glamorizes and even glorifies violence and brutality, a lack of character, values and training in our schools, in our education system, and fundamentally a breakdown of the American family. I am really concerned about the last two categories and have worked hard on those two initiatives, fatherhood and

education, over the last 2 years in this Congress and understand that it is far less likely that a child will go astray if, again, they have proper adult role models, hopefully an intact nuclear family, a father and mother who care for that child in that household.

I think one of the other things we can do as we reflect on this tragic, horrific crime and send our hearts and our prayers to the family of Matthew Shepard is rededicate ourselves to addressing the root causes of these type of crimes in American life.

I thank the gentlewoman for yielding me this time and for her leadership on this initiative.

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

Mr. Speaker, every crime that is committed is a hateful crime. Brutalizing another person is a reprehensible act regardless of the motivation of the criminal or the affiliation of the victim. If convicted of first-degree murder in Wyoming, the suspects could be sentenced to death. Hate crime laws are enacted to enhance punishment. No sentence could be stronger, even if hate crimes legislation was enacted.

The crime committed against Matthew Shepard is not only a crime against Matthew Shepard, but it is a crime against the dignity of all humanity. It is a crime against all of us. This cannot and will not be tolerated. This is not a time to divide our country over the differences that we have over certain legislation. Matthew's family has asked that that not happen. This is a time to unite in our common goal of ridding our country of intolerance, bigotry and prejudice and to offer comfort to Matthew's family and friends.

Matthew left this world as an example to each one of us. He would want us to work against violence and hatred and toward peace and tolerance. There will be a memorial service for Matthew Shepard held in Laramie, Wyoming, tomorrow at 1:30 p.m.

Mr. CUMMINGS. Mr. Speaker, I rise today with a somber heart and a troubled soul.

I rise today to grieve the loss of a young man.

Matthew Shepard was a 21-year-old college student majoring in political science because he—like many Members of this body—wanted to fight for civil and human rights.

But Matthew will never join this fight because Matthew died on Monday.

Matthew's death was no accident.

It was a conscious act of hate and intolerance taken to such an extreme that a 21-year-old man was brutally and savagely beaten, strapped to a fence like an animal, and left to die.

Matthew was murdered for one reason: Hate.

Hate directed at Matthew because he was gay and he dared share that fact with others.

Mr. Speaker, this body must share in the responsibility and the guilt for Matthew's brutal murder.

We are fostering a culture of intolerance and hate in this body with words and even legislation that denies equal standing and protection under the law to others due solely to their sexual orientation.

Matthew's death at the butt of a .357 magnum is the result.

In 1962, on the acceptance of the Nobel Peace Prize, Dr. Martin Luther King, Jr. said "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love."

Mr. Speaker, I make a plea that we in this body heed Dr. King's words and work for a culture of tolerance.

In the name of Matthew Shepard we must finally act on and pass the Hate Crimes Prevention Act, a bill which I have proudly co-sponsored.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Res. 597.

The cruel and senseless torture and ultimate death of Matthew Shepard has lit a fire under the national discourse surrounding the prevention of hate crimes. It is a tragedy that such a horrible crime against humanity must serve as the rallying point for the passage of hate crimes prevention legislation. In fact, it is a tragedy that this country should even have the need for hate crimes prevention legislation. But sadly, we do.

The murder of Matthew Shepard in Wyoming too vividly brings to mind the vicious assault of an African-American man, James Bryd, who was dragged to his death from the back of a pickup truck this past June in Texas. These are two cases that have grabbed national headlines because of their atrociousness. But these are only two of the far too many instances where people are singled out and victimized because of their race, religion, color, national origin, sexual orientation, gender or disability.

No Federal law exists to address hate crimes. Ten states do not have any hate crime prevention laws. Of the 40 states that have passed hate crime legislation, 19 do not cover attacks motivated by sexual orientation. We need Federal legislation to provide a clear and consistent standard that outlines the offenses that comprise a hate crime.

My friend and colleague Representative CHARLES SCHUMER introduced a bill that would establish a national standard to deal with hate crimes, the Hate Crimes Prevention Act of 1997, H.R. 3081. This bill would expand existing law to facilitate the assistance of federal authorities in crimes motivated by hate. Unfortunately, failure to pass the Hate Crimes Prevention Act is yet another failure to act by the 105th Congress. But this issue will not die with this Congress. I intend to continue fighting for justice for everyone—for Matthew Shepard, for James Byrd, and for every other American who is a victim of a hate crime.

Matthew Shepard's death was needless. Passing this legislation will not bring him back, nor will it erase the pain suffered by his family, his friends, and our nation as a whole. But with an explicit and consistent law outlining the offenses that constitute a hate crime, our Nation will be better armed to fight and prevent the prejudice and ignorance that result in tragic hate crimes.

Mr. NADLER. Mr. Speaker, the tragic and brutal murder of Matthew Shepard reminds us how far we still need to go to eliminate violence and bigotry in this country.

Our thoughts and prayers are with the Shepard family and Matt's friends in Wyoming.

It sickens me every time I hear news of violent attacks against gay, lesbian, bisexual, and

transgender men and women. Tragically, these types of incidents are not rare.

Today, we are here to condemn the savage, brutal, vicious attack against Matthew Shepard. It is entirely proper for us to do so. However, gays, lesbians, bisexuals, and transgender people need real protection, not just a sense of Congress that something must be done. We have a real plan, real legislation, that is before this House that must be enacted.

We owe it to our nation to take action immediately to reduce the number of these incidents and to punish those who attack others based on the victim's actual or perceived sexual orientation.

There is no simple solution to this problem. We should support hate crime prevention programs, fund special training for law enforcement professionals, teach tolerance and support for diversity in our schools, and confront head-on the daily prejudice that we see in our communities. We must also address the fundamental bigotry that leads to these crimes. However, passing the Hate Crimes Prevention Act and the Bias Crimes Compensation Act are important first steps.

I am proud to be an original cosponsor of the Hate Crimes Prevention Act, which would allow federal law enforcement authorities to investigate and prosecute violent hate crimes when the state and local authorities are either unable or unwilling to do so. This bill has more than 160 co-sponsors and has already had a lengthy hearing in the Judiciary Committee.

We should also pass a bill I introduced entitled "The Bias Crimes Compensation Act", which would provide a civil claim for individuals who are victims of hate crimes, so that they could sue their attackers for compensatory damages. These two simple proposals ought to be brought up on their own or included in the final appropriations measure. The country has demanded action and we ought to respond with meaningful legislation.

Hate crimes deserve special attention, since they can have such devastating and lasting effects on victims and the communities from which they come. They are not simply attacks against one individual, rather, they affect whole communities and are acts of ideological terrorism.

The time to act is now. The need is clear. We ought to pass hate crimes legislation today.

Mr. MILLER of California. Mr. Speaker, I rise today to join the millions of Americans who are mourning the death of Matthew Shepard, who died Monday, at the age of 21 years old after being beaten, robbed, and left to die, tied to a fence near Laramie, Wyo. I wish to express my sadness to Matthew's family and send them my prayers as they grieve over his death.

It is a tragedy anytime a young person is a victim of violence, which we all know happens far too often. The murder rate for young people in this country is a national crisis and a national disgrace.

According to police reports, Matthew Shepard was targeted by his killers because of his sexual orientation. Thus his murder is particularly saddening and disturbing.

Matthew Shepard's death is, unfortunately, not an isolated incident. According to the FBI, more than a thousand gay and lesbian men and women were the victims of violent "hate crimes" last year.

In this way, Matthew Shepard's death reflects a much wider problem in our society. But the public reaction may also signal a turning point in efforts to prevent similar tragedies in the future.

It is my hope that something positive will be extracted from this senseless and despicable act by our working even harder against such hate crimes in our country. We need to send the message that these crimes will not be tolerated, and that those who commit them will be duly punished.

I would also hope that those who seek to demonize homosexuality, and who may in turn, intentionally or unintentionally, fuel hatred against gays and lesbians, reflect on the possible consequences of their actions. No single person or movement can be blamed for Matthew's death. But everyone should examine the way in which their words or actions may help contribute to an atmosphere of intolerance that makes such tragedies more likely.

Bigotry, prejudice, and hatred are not American values. Our diversity is our strength. If we are to thrive as a society, every institution—our families, schools, government, businesses, and places of worship—must work together to bridge our differences and to respect the rights and freedoms of every individual.

Mr. FARR of California. Mr. Speaker, this has been a rough week for parents.

I think every mother and father in America trembled when we heard about Matthew Shepard's beating in Wyoming, and anxiously waited for word of his condition. And we all must have wept at the thought of a child tortured and left to die on a country road.

I hope every parent did what I wanted to do: hug your children, and hold them close. But along with the rest of the House and Senate, I am trapped in Washington while Congress debates our budget. And being 3,000 miles away meant, unfortunately, that I was not able to stand with my neighbors at the local events organized to remember Matt.

This was a crime beyond words, and I have not yet found a way to sufficiently express my grief and compassion for the Shepard family, just as our nation has not yet found a way to respond to this tragedy. As a legislator, my thoughts turn to the actions our nation can take through our lawmaking process.

It is a sad but bitter truth that no law can return this talented, kind-hearted young man to his family and friends. But we are a nation of laws, and our government cannot stand by without a response.

In a year when voices from our Capitol have likened homosexuality to kleptomania, in a year when our newspapers and magazines have been filled with the harmful words of groups urging gay men and lesbians to change who they are, we must respond. We must counter these dangerous, hateful words, because they send a message to our nation's youth that the Matt Shepherds of our nation are not entitled to love who they want, be who they are and live lives of dignity, security and liberty.

The cowardly thugs who left Matthew to die on that cold night used these words to take matters into their hands. I feel personally obligated as an elected official to make sure these criminals know their actions will not be tolerated.

I am proud to be a co-sponsor of H.R. 3081, the Hate Crimes Prevention Act. This bill was introduced to Congress last year, and would

classify crimes committed on the basis of sexual orientation—as well as race, religion, national origin, religion, gender or disability—hate crimes.

That is a very important distinction. Hate crimes are a federal matter, which means their victims are protected by our country when local agencies fail them. This bill would authorize the U.S. Department of Justice to treat hate crimes as a particularly dangerous matter, with research and prosecution funds to match.

That seems reasonable, you must be thinking. But the Republican leadership has refused to allow Congress to vote on this bill.

Our nation has paid the price for intolerance too many times. But we can turn this into a bittersweet blessing, if we open one mind or prevent one hateful act. I am reminded of San Francisco Supervisor Harvey Milk's words: "If a bullet should enter my brain, let that bullet destroy every closed door."

Nothing will reverse the fact that Matthew Shepard is dead. But we now find ourselves faced with two options. We can let this session of Congress end without responding, without taking the opportunity to prevent this kind of tragedy from happening again. Or we can vow to do whatever we can to make sure that never again will a person's life be cut short so cruelly because of hate.

Mr. GEJDENSON. Mr. Speaker, public officials have to ensure that nothing we say could ever be interpreted to give comfort to people who would commit brutal acts such as what happened to Matthew Shepard. As elected leaders of our nation, we have a responsibility to remember that what we say and do is important, that if we are not careful with our words, they can be used by hateful individuals.

Dr. Martin Luther King, Jr., once said: "Injustice anywhere is a threat to justice everywhere." If this young man can be killed because of his sexual orientation, than all of our liberties are at risk. If a person can be killed for his sexual orientation, for his race, for his gender, than none of us are truly free.

My parents escaped Europe at a time when Hitler and Stalin were trying to exterminate entire peoples. I was born in a camp for refugees. After the war we promised to never forget the suffering of the Holocaust. I am proud that all of us are joining together today to condemn this brutality. We must always stand up against such acts of hatred.

After the war, Pastor Martin Niemoeller said in a letter: "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up." We should all remember the Pastor's words, especially after events like this.

Mr. LANTOS. Mr. Speaker, I would like to express my strong support for House Resolution 597, and express my deep remorse and sorrow at the tragic murder of Matthew Shepard, an openly gay student at the University of Wyoming. He was brutally attacked last Thursday and left to die while tied to a wooden fence. He was found near death eighteen hours later, yet he continued to fight for his life

through the weekend until his tragic death Monday morning. I join my colleagues in sending my deepest condolences to Matthew's family and friends.

Mr. Speaker, I am appalled by this senseless crime, which reflects the cowardly prejudice of the thugs who committed this outrage. The House must honor Matthew's memory not only by adopting this resolution of respect that we are considering here today, but we must also pass legislation that upholds the right of all Americans to live free of bigoted violence, regardless of race, color, religion, national origin, or sexual orientation.

As we remember Matthew Shepard, Mr. Speaker, I urge my colleagues to join in support of H.R. 3081, the Hate Crimes Prevention Act. This important bill would perform two very vital legal functions. It would eliminate gaps in Federal authority that have restricted the Justice Department's ability to prosecute hate crimes in a significant number of cases. While this reform would greatly enhance Federal authority to fight hate crimes, its significance pales in comparison to the second major provision of H.R. 3081, which would extend the Justice Department's authority to combat such violence to include cases involving death or serious bodily injury resulting from crimes directed at individuals because of their sexual orientation, gender, or disability. Under existing law (Section 245 of Title 19 U.S.C., in effect since 1968) only those individuals whose rights are obstructed on the basis of their race, color, religion, or national origin merit this protection. It is time to expand the Federal Government's legal authority to cover all Americans who are victims of the coarsest and most malicious expressions of bigotry, and, regrettably, Mr. Speaker, this all too often includes gay Americans.

Mr. Speaker, the horrendous murder of Matthew Shepard underscores the importance of our moving quickly to adopt the Hate Crimes Prevention Act. As Elizabeth Birch, the Executive Director of the Human Rights Campaign, points out:

Federal law enforcement agencies have no jurisdiction over hate crimes motivated by a person's sexual orientation. Although the Albany County, Wyoming, authorities have made arrests in the case, if they were to request forensic resources or assistance from the Federal Bureau of Investigation (FBI), the FBI would not be able to provide assistance due to lack of jurisdiction.

Mr. Speaker, this loophole in our nation's hate crime laws must be closed and we can close it now. We cannot afford to wait for more tragedies to further sensitize us to the outrageousness of anti-gay violence.

I would also like to note, Mr. Speaker, that the crisis of violence against homosexual men and women extends across international boundaries. Two months ago, I chaired a forum of the Congressional Human Rights Caucus which drew attention to the global prevalence of violence and abuse based on sexual orientation. Our well-informed witnesses cited in nations ranging from Uganda to Lithuania, from Turkey to Peru, where governments have failed and continue to refuse to protect their own gay citizens from unspeakable crimes and violations of their human rights.

America rightly holds its elected leaders to a much higher standard, and it is time for us to justify this trust of decency and honor by passing the Hate Crimes Prevention Act. It is

long past time to send this vital legislation to President Clinton, who, along with Vice President AL GORE, has expressed firm support of this initiative. The memory of Matthew Shepard merits no lesser consideration.

Mr. CASTLE. Mr. Speaker, I rise today to express my support for H. Res. 597, Expressing the Sense of the House regarding the death of Mr. Matthew Shepard. Last week, Matthew Shepard, a student at the University of Wyoming, was lured off campus by two young men, driven to a remote location, bludgeoned with the butt of a gun, burned, and strapped to a fence to die. There is strong evidence that his attackers were motivated because Matthew Shepard was gay.

Unfortunately, Matthew Shepard's death is not an isolated incident. It is the latest in a series of brutally violent crimes committed against people for no other reason than the color of their skin, their sexual orientation or their religion. In April 1994, two African-American men murdered a white man in Lubbock, Texas. The killers later admitted that they had set out to find a white victim. In 1997, an African-American man in Virginia was soaked in gasoline, burned alive, and then beheaded. It was later discovered that he was targeted because he was black. Earlier this year, James Byrd, a disabled black man in Texas, was lured into a pickup truck and driven to a remote location where he was beaten unconscious, chained to the truck, and dragged around until he was beheaded.

I look forward to the upcoming debate on expanding the Hate Crimes legislation to include acts of violence against people based upon their sexual orientation. Matthew Shepard's death should focus our attention on and spur us to complete a careful analysis of this issue. Today, Matthew Shepard is to be remembered. His friends and family are in our prayers.

Mr. SCHUMER. Mr. Speaker, I rise in support of H. Res. 597 and commend my colleagues, Congresswoman DEGETTE and Congresswoman CUBIN, for introducing this resolution. At times like this we should come together as a Congress to focus on this tragedy and state our strong abhorrence to such crimes.

I would like to join with my colleagues and offer my sincere condolences to the family and friends of Matthew Shepard.

We are here today to condemn the horrific murder of Matthew Shepard. Through this resolution we are making a pledge to do everything in our power to fight the prejudice and intolerance that leads to the murders of innocent victim like Matthew Shepard. We should challenge ourselves to do just that.

Once again, our Nation awoke to another needless tragedy of an innocent victim. When a man is brutally murdered because he is gay, the damage has far surpassed the individual victim.

When a hate crime is committed, the entire community is wounded.

The tragic death of Matthew Shepard is a vivid and shocking reminder that even in a civilized society there are those motivated by vicious hate. We can no longer stand by and wait for another tragedy to happen before we pass legislation. The Hate Crimes Prevention Act is a powerful and essential law that not only says that crimes of hate are unacceptable, but that they will be punished severely.

We are standing here today to condemn this hateful crime and the men who committed it.

But we should also be urging the Republican Leadership to pass this essential legislation that would allow these criminals to be prosecuted with the full arm of the Federal law. Federal hate crime legislation is essential in the goal to eliminate crimes motivated by prejudice.

In June, the Nation was horrified by the tragic death of James Byrd. This event sparked concern and debate about hate crimes across our Nation. But sadly it wasn't enough. Now another tragedy has occurred. We cannot pass up the opportunity to make this crucial legislation a reality.

There are some who have said this bill will give special protection to certain groups. To that I say that this bill is in response to the hate that people have in our society towards gay men and women. The perpetrators in this crime did not choose their victim randomly, they chose him because he was gay.

If we stay silent, the bigots win.

I believe this legislation is a crucial part of our answer to hate crimes.

This is not about "special preferences," nor is this about some theoretical identity-politics agenda. This is about combating the very real threat of violence faced by too many Americans.

Every hate crime is an offense against the most basic values of American society. Sadly it takes tragedy to galvanize America's attention. We have to seize the moment and pass a tougher law, or else the brutal deaths of Matthew Shepard and James Byrd will have been in vain.

There are those who fail to believe that this legislation would be a deterrent to these horrific crimes. I am still hopeful that the Republican leadership will endorse our effort. We need to pledge to ourselves that we will pass this legislation. When we do pass it, and I do believe we will pass it, it must be before another horrible crime is committed. We must act now.

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

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and agree to the resolution, House Resolution 597.

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

A motion to reconsider was laid on the table.

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

The Clerk read as follows:

S. 1733

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

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

“(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

“(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

“(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.”

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture \$500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, the purpose of this legislation is to ensure that deceased people do not receive food stamp benefits. In February of this year, the General Accounting Office published an audit of four large States that account for 35 percent of the Nation's participants in the food stamp program. They found that nearly 26,000 deceased individuals were included in households receiving food stamps. These households improperly collected an estimated \$8.5 million in food stamp benefits. This outrageous waste, fraud and abuse cannot be tolerated. While there may be differences of opinion on how this money should be spent, I believe that we can all agree that the nutritional needs of deceased individuals are substantially less than the needs of the living, and this abuse must end.

Under food stamp rules, households must notify their welfare office of any change in the makeup of the household within 10 days. The GAO report titled "Food Stamp Overpayments: Thousands of Deceased Individuals are Being Counted as Household Members" shows that the names of the deceased individuals it found were counted in the food stamp households for an average of 4 months, and in a few instances the deceased persons were counted for the full 2 years of the review.

I introduced H.R. 4366, the Food Stamp Verification Act of 1998, in response to this report. This bill requires food stamp State agencies to enter into a cooperative agreement with the Commissioner of Social Security to obtain information on individuals who are deceased. The bill we consider today, S. 1733, is the Senate version of H.R. 4366. It allows the Social Security Administration to share all of its information on deceased individuals with State agencies administering food stamps. This would enable States to use the most comprehensive information available on deceased persons and cross-check it with their food stamp rolls.

S. 1733 also requires the Secretary of Agriculture to conduct a study of options for the design, development, implementation and operation of a national database to track participation in the food stamp program. This study should address the feasibility and cost-benefit ratio of every available option for a national database.

Mr. Speaker, this is simple, common-sense legislation. The CBO estimates that it will save American taxpayers \$17 million plus it allows States to administer their programs more efficiently. Welfare programs with lives of their own that continue into the after-life are not acceptable. This problem should have been corrected long ago

and the solution is only a matter of requiring cooperation between government agencies.

I want to thank the gentleman from Texas (Mr. STENHOLM) the ranking member of the Committee on Agriculture and the gentlewoman from North Carolina (Mrs. CLAYTON) for their support for this legislation as well. I urge support of S. 1733 and request its quick passage by the House of Representatives.

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

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

Mr. Speaker, I rise in strong support of S. 1733, a bill that will require that food stamp State agencies take steps necessary to ensure that food stamp coupons are not issued to deceased individuals.

As the gentleman from Virginia has explained, this is a rather common-sense bill today, something that needs to be done and in my judgment is another step in a series of steps that the House Agriculture Committee has taken in cooperation with our various States to see that the food stamp program works better to ensure that the food gets to the people that need the food and that waste and fraud and sometimes plainly mistakes, many of those, where we cannot be in a perfect world we can in fact ensure that we make the least amount of mistakes. That is what this bill is about.

I commend the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for holding a hearing on this issue. Far too few hearings have been held this year on matters of substance within the Committee on Agriculture. This is one of them in which substance was worked on and a desired result occurs now today. I want to thank him for his diligence and work in continuing to work to ferret out this kind of issues and present to the full House this bill today which will result in a savings, as has already been pointed out, \$1 million savings over the period of 1999 to 2002 and \$17 million over a period of 1999 to 2008.

This is a good bill, I commend its support to all of my colleagues, I support this legislation and urge its passage.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank the chairman of the subcommittee for introducing this bill and want to join with him in strong support of this legislation which indeed removes deceased persons from the rolls and from receiving food stamps.

The food stamp program is the Nation's best and strongest program for providing nutrition to American persons who need food. Certainly we should do everything to remove fraud

from it. This is a common-sense measure. It is one I agree with the ranking member should have been done. I am delighted it is now being done. It is a step in the right direction. It will save moneys for food for the needy, those who need America's resources. It is indeed as a result of the 1996 welfare reform which gave the Agriculture Department the authority to move forward and I think they have moved in a number of ways. I want to say parenthetically having relationship with the States, showing that there is greater monitoring of the process, also there are greater penalties for failure to do that. So as this bill is introduced, there is the capacity for making sure that we have the penalties and the resources and technical assistance of coordinating with various States. More importantly, there is the mechanism that this particular bill gives for the coordination between the Social Security Administration and monitoring those persons who are deceased with the food stamp programs so there can be a collaboration of that information.

I would say, also, the ability to now have food stamps electronically the way we transfer adds again to the efficiency for monitoring food stamps. All of these things combined, I think, adds to the efficiency and, therefore, for the greater utilization of American moneys and resources for those who need food.

I join with my colleagues and urge all of us to support this worthwhile legislation.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of the bill S. 1733. I congratulate the Chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for his hard work on this subject. He introduced a similar bill, H.R. 4366, and has held several hearings on the subject of the administration of the food stamp program.

S. 1733 amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between state food stamp agencies and the Social Security Administration. The purpose is to ensure that food stamp benefits are not issued for deceased individuals. Each state is required to establish a cooperative relationship with the Social Security Administration to obtain information on deceased individuals and then use that information to make sure food stamp benefits are not issued on their behalf.

Additionally, the Secretary of Agriculture is required to study options for design of a system to track participation in Federal means-tested programs to ensure, among other things, that people do not receive food stamp benefits in more than one state at a time.

The General Accounting Office has conducted several reviews of the operation of the food stamp program and most recently identified areas in which computer matching can reduce fraud and abuse in that program. In a February 1998 report, the GAO identified nearly 26,000 deceased individuals in four states who were included in households improperly collected \$8.5 million in benefits over a two-year period.

In an August 1998 report, the GAO found that, in four widely separated states, over 20,000 individuals were identified who were

potentially improperly included in food stamp households in at least two of the four states at the same time.

Based on the identification of these problems by the GAO, S. 1733 was passed by the Senate and I urge my colleagues to support this bill.

Mr. Speaker, I want to include in the RECORD letters that have been exchanged between the Committee on Agriculture and the Committee on Ways and Means. I appreciate the assistance of the Chairman and the Ranking Members of the Committee on Ways and Means and the Subcommittee on Social Security and I thank them for their cooperation.

COMMITTEE ON AGRICULTURE,
Washington, DC, October 10, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to S. 1733, as amended, a bill that amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between State food stamp agencies and the Social Security Administration for the purpose of ensuring that food stamp benefits are not issued for deceased individuals. This bill is similar to H.R. 4366 which was primarily referred to the Committee on Agriculture and additionally to the Committee on Ways and Means. Please find the enclosed copy of S. 1733. In the event that the Senate passes S. 1733, I am requesting that you waive your Committee's jurisdiction over S. 1733 in order to allow the timely consideration by the entire House of Representatives during the remaining period in the 105th Congress.

In the unlikely event that this bill or a similar measure should go to conference, I will support your Committee's representation on the conference committee. I understand that such an action is not intended to waive your Committee's jurisdiction over this matter or any similar legislation.

I thank you for your attention to this legislation.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 14, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth House Office Building, House of Representatives, Washington, DC.

DEAR BOB: Thank you for your letter regarding S. 1733, a bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals. The bill contains provisions within the jurisdiction of the Committee on Ways and Means similar to those in H.R. 4366, which was referred to the Committee on Agriculture and in addition to the Committee on Ways and Means.

I understand that you will seek shortly to consider the bill in the House under suspension of the rules following passage by the Senate. Accordingly, in order to expedite consideration of this noncontroversial legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding that you will bring the bill to the House floor for a vote under suspension of the rules, and that you have agreed to accept no additional changes on matters of concern to this Committee during further consideration of this legislation. In addition, this action is being done with the understanding that it does not in any way

prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you again for your letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Record during floor consideration. Thank you for your cooperation and assistance on this matter. With best personal regards, I am

Sincerely,

BILL ARCHER,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1733, which asks the Social Security Administration (SSA) and the states to work together to avoid waste in the administration of the Food Stamps program.

This bill takes a common sense approach to a sizable problem. Recently the General Accounting Office (GAO) released a study that found that due to a lack of communication between the states and the SSA, over 26,000 dead people in four states, including my home state of Texas, were erroneously issued food stamps. The cost of that oversight to the Food Stamps Program totalled over \$8.6 million—a sizable amount of money that could be better used elsewhere.

The bill fixes this problem simply by requiring that the SSA and state agencies that help administrate the program, share information about the people that receive food stamp benefits. That information sharing should all but eliminate the erroneous issuance of food stamps to people that have deceased. In addition, the bill requires that the SSA submit reports to Congress on the progress that they have made on this issue, and on the savings that the bill produces.

Food stamps area matter of life and death for many people throughout the United States, including children. As the Founder and chair of the Congressional Childrens Caucus, I know that food stamps are often the lifeline for families that are trying to stay afloat in an turbulent and difficult economy. Many of those families reside in my district and in the State of Texas, where a study a few years ago concluded that Food Stamps and Aid for Families with Dependent Children (AFDC) contribute over \$675 million to the local economy.

We must do what we can to improve this important and vital program, and I believe that this bill is a step in the right direction. Furthermore, I look forward to working with all of you next year to make sure that the savings we have realized from this bill are funneled back into the Food Stamps program.

I urge all of my colleagues to support this bill, and to work with me in supporting food Stamps every year.

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

Mr. GOODLATTE. 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 Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733.

The question was taken.

Mr. GOODLATTE. 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.

□ 1145

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1733.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROTECTING SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

The Clerk read as follows:

S. 2500

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

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled "An Act for the protection of surface rights of entrymen", approved March 3, 1909 (30 U.S.C. 81), or the Act entitled "An Act to provide for agricultural entries on coal lands", approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98-290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, I rise in strong support of S. 2500 which, as passed by the other body, is identical to my bill, H.R. 4598. This bill is a bipartisan response to the vexing question of the rightful ownership of methane gas which resides in the voids of coal seams; in other words, their coal will be so many feet deep, and then there will be space where methane gas exists, and beneath that will be another seam of coal.

S. 2500 takes the position that where the United States has patented the surface estate together with all minerals except coal under the authority of either the 1909 or 1910 Coal Lands Act that the methane molecules belong to the patentee or his successor or interest. The bill excludes all interests where the United States has transferred its reserved coal interest to the third parties such as the Southern Ute Tribe in southwest Colorado.

Mr. Speaker, this bill is necessary because of a recent Tenth Circuit Court decision concerning the aforementioned tribe and an oil company producing coalbed methane from the private lands within the Southern Utes' reservation. Again though, this bill has no effect whatsoever upon that court case for which we expect the United States Supreme Court will grant a writ of certiorari and decide the ownership question for those situations where the U.S. has granted its reserve coal rights to third parties. In the meantime, however, S. 2500 will allow patentholders to be secure in the knowledge that whatever leases or contracts that they have already entered into with coalbed methane producers are valid. Without such relief, these landowners would be left in a legal conundrum not of their own making.

A Solicitor's opinion issued in 1981 appeared to settle the ownership question. My constituents in the Powder

River basin and others in the West where most coal seams are federally owned relied upon the Solicitor's analysis to assert their claims of coalbed methane ownership before leasing their rights to this gas.

Mr. Speaker, I have a college degree in chemistry, and I am here to tell my colleagues that an atom of carbon that is bound to four hydrogen atoms is methane, it is a methane molecule pure and simple, and in my view and in the view of many other people the genesis of that molecule is unimportant when it comes to mineral ownership questions. What counts is who has the right to develop oil and gas resources within a particular tract of land, and without the common sense certainty of S. 2500 we have gridlock in the Powder River Basin coalbed methane business and in other places, too, such as the San Juan Basin of New Mexico.

Mr. Speaker, natural gas, which is composed primarily of methane, is thought by many to be the fuel of the future. It is a very clean burning fuel. As a matter of fact, the competition between burning coal and clean coal and burning methane goes on within industry all the time. But methane certainly is a good fuel and a promising fuel to use.

With S. 2500 enacted into law, our Nation's supply of natural gas from available domestic sources will be enhanced. This can only be good for the country, and I urge my colleagues to support this bill.

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. MILLER of California. Mr. Speaker, I had a lot I wanted to say on this legislation, but having just heard Professor CUBIN's discussion of this, I do not think I want to match wits, her chemistry degree against my degree in American humor, on this topic, although I still do not quite get how the molecules belong to the surface guys, but the coal belongs to the subsurface. But we can go into that at another time. I think the gentlewoman has explained this bill quite properly.

Mr. Speaker, this is an important piece of legislation, it is necessary to provide certainty for people with the existing agreements, and I support the legislation.

This bill is very important to the western states and for those individuals who own or lease federally-owned coal. We understand that the bill's sponsors have been working with other members and with the Department of Interior to craft this agreement.

As many of my colleagues know, in the west, it is not uncommon for the mineral estate, in this case oil and gas, to be in separate ownership from the surface of the land—what is commonly known as "split-estate." This system of split mineral estates is the result of the many federal statutes that granted varying levels of patents to homesteaders.

In 1981, the Interior Department Solicitor issued an opinion that allowed surface owners in public lands states, like Wyoming and New Mexico, to lease the rights to coalbed methane gas to companies interested in developing this resource.

Subsequent to that decision, other mineral estate owners, such as the Southern Ute Tribe, challenged the decision. Initially the Interior opinion was upheld, but on July 20, of this year, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas.

Consequently, the coalbed methane gas—instead of belonging to the owners of land as previously believed—is held to be owned by the owner of the mineral estate, or the owner of the coal. Therefore, in many places where these two resources occur together, there are separate owners.

The bill's sponsors, and many of the landowners affected by the judicial decision, believe that the judicial decision will strip away a majority of the private ownership of gas in certain western states, and at a minimum, will cause a certain amount of confusion and potential monetary loss.

To alleviate this situation, the bill would grandfather the leases that have been negotiated, in good faith, according to the policies of the federal government. The legislation would ensure that existing leases to produce methane remain valid and that there is no future assertion of ownership by the federal government on these parcels. The bill before applies only to federally owned coal. It would not have any effect on tribally owned or state-owned land or coal.

While this bill provides an opportunity to provide some certainty for people with existing agreements, I would note that it has not been subject to any hearing or consideration by either the House Resources Committee or the Senate Energy Committee—despite the fact that the Court decision occurred approximately three months ago. The Interior Department has assured us that this bill is acceptable to them, and therefore, we will not oppose it today.

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

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

Mr. Speaker, I would like to let the body know for certain that I would never match my degree in chemistry against the gentleman from California's Ph.D. in humor.

Mr. MCINNIS. Mr. Speaker, my colleague, Mrs. CUBIN and I would like to clarify several issues regarding S. 2500, the coalbed methane gas bill, for the record. We understand that this bill is very important to this country, including the Third District of Colorado and the State of Wyoming, as well as large parts of at least six states with coalbed methane gas patents, contracts and leases. This bill will address the uncertainty that has arisen elsewhere following a decision in the case *Southern Ute Reservation v. Amoco Production Company* in the 10th Circuit Court of Appeals. People may not realize the impact the litigation has made upon an area in the district of the gentleman from Colorado, Mr. MCINNIS. We wanted to take this opportunity to discuss and clarify some issues on behalf of constituents of the gentleman from Colorado, Mr.

MCINNIS, who are concerned about the possible impact of this bill.

First, this bill specifically exempts any interest in coal that was transferred, conveyed or restored by the United States to a federally recognized Indian tribe. The goal of this bill was not to impact the ongoing *Southern Ute* litigation. This bill is meant to address concerns raised elsewhere as to the ownership of coalbed methane gas and prevent financial hardship and disruption.

Second, this bill is not intended in any way to be construed to prejudice the right of any person to petition the Supreme Court of the United States for a writ of certiorari in the case of *Southern Ute Reservation v. Amoco Production Company*. This legislation specifically carves out the subject matter of the *Southern Ute* case and should not impact any decision by the United States Supreme Court as to whether to take the case on appeal from the 10th Circuit Court of Appeals.

Third, supporting passage of S. 2500 should not be considered opposition to the Supreme Court hearing the *Southern Ute* case. Several parties, including many of the states impacted by the *Southern Ute* case, plan to offer briefs urging the United States Supreme Court to hear this case. This bill, S. 2500, should not prevent any interested parties from seeking Supreme Court review. Moreover, the gentlelady from Wyoming, Ms. CUBIN, has pledged to work towards getting appropriate interested parties to write amicus briefs asking the United States Supreme Court to hear arguments in the *Southern Ute* case. After all, as discussed above, this legislation specifically carves out interests in coal transferred by the United States to Indian tribes. The normal appeals process to the United States Supreme Court is the appropriate manner for resolving the ongoing *Southern Ute* litigation.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 2500, legislation dealing with the ownership of coalbed methane as a source of energy in situations where a federal coal estate is involved.

Until July of this year, the issue of how to allow the development of coalbed methane resources where a federal mineral estate was present seemed to be well settled. As a result of two Department of the Interior Solicitor opinions, it was held that the right to extract coalbed methane was vested with the owner of oil and gas rights rather than the coal resources. In situations where the federal government owned both, the Department required that an oil and gas lease be issued to extract the coalbed methane.

There are other situations, however, where the federal government reserved to itself just the rights to the coal resource. These situations arise from federal policies pursued during the early part of this Century. Starting with the Coal Lands Act of 1909, the United States reserved coal deposits in lands subsequently disposed for agricultural purposes. This policy was also elaborated upon in a 1910 Act. And it culminated with the 1916 Stock Raising Homestead Act which extended the reservation to all minerals whenever lands were patented to ranchers. But with respect to the 1909 and 1910 Coal Acts, it had been held that only the coal was reserved to the United States. The owner of any oil and gas rights could validly extract coalbed methane. Subsequently, a thriving coalbed industry has grown encouraged to a great part by the section 29

non-conventional fuel tax credit enacted in 1980.

Indeed, when I championed coalbed methane legislation as part of the Energy Policy Act of 1992 in my then capacity as chairman of the House Subcommittee on Mining and Natural Resources, we examined this issue and found no need to include provisions relating to situations where coalbed methane was being developed in situations involving federal estates or the reservation of the coal resources.

However, on July 20th of this year, in a somewhat tortured manner, the Tenth Circuit Court of Appeals asserted that coalbed methane is part of the coal, rather than a separate mineral resource. This ruling came as a result of litigation pursued by the Southern Ute Tribe in Colorado which claimed ownership of coalbed methane from coal it acquired under the terms of the Indian Reorganization Act of 1934 as a successor in interest to the statutory reservation of coal by the United States under the terms of the 1909 and 1910 Acts.

This ruling, obviously, has far-reaching ramifications for any entity which is producing coalbed methane where a federal land or mineral interest lies. In effect, the rules of the game have suddenly been changed on them in a manner which jeopardizes millions of dollars of investment.

The legislation before us seeks to mitigate the potentially disastrous affects of the Court's ruling by preserving the sanctity of existing coalbed methane leases associated with federally-owned coal reserves. It does not apply to such leases where the coal reserves have been conveyed to a federally-recognized Indian Tribe, thus upholding the Court's ruling as it would narrowly apply to the interests of the Southern Ute and similar tribes.

Mr. Speaker, I commend this bill to the House. While the focus of this legislation is on coalbed methane in the western States, this energy resource is of increasing importance to the Nation as a whole especially as we continue to work to foster a coalbed methane industry in the East on private lands under the terms of the Energy Policy Act of 1992.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 2500.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUANCE OF OIL AND GAS OPERATIONS PURSUANT TO CERTAIN EXISTING LEASES IN WAYNE NATIONAL FOREST

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest, as amended.

The Clerk read as follows:

H.R. 1467

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

SECTION 1. OIL AND GAS WELLS IN WAYNE NATIONAL FOREST, OHIO.

(a) *AUTHORITY.*—The Secretary of the Interior may enter into noncompetitive oil and gas production and reclamation contracts in accordance with this section with operators of wells in the Wayne National Forest in the State of Ohio who meet the criteria of section 17(b)(3)(A) of the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A)) pursuant to private land mineral leases which were in effect on and after the date of the enactment of this section, subject to the same laws and regulations that applied to those private land mineral leases.

(b) *ADDITIONAL DRILLING.*—No contract under this section may authorize deeper completions or additional drilling.

(c) *BONDING.*—

(1) *WAIVER OF FEDERAL BONDING.*—Each contract under this section shall require the contractor to provide a Federal oil and gas bond to ensure complete and timely reclamation of the former lease tract in accordance with the regulations of the Bureau of Land Management and the Forest Service, unless the Secretary of the Interior accepts in lieu thereof assurances from the Ohio Department of Natural Resources, Division of Oil and Gas, that—

(A) the contractor has duly satisfied the bonding requirements of the State of Ohio; and following inspection of operator performance, the Ohio Department of Natural Resources is not opposed to such waiver of Federal bonding requirements;

(B) the United States of America is entitled to apply for and receive funding under the provision of section 1509.071 of the Ohio Revised Code so as to properly plug and restore oil and gas sites and lease tracts; and

(C) during the 2 years prior to the date on which the contract is entered into no less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

(2) *CONTINUED COMPLIANCE WITH 20 PERCENT REQUIREMENT.*—In entering into any contract under this section, the Secretary of the Interior shall reserve the right to require the contractor to comply with all Federal oil and gas bonding requirements applicable to Federal oil and gas leases under the regulations of the Bureau of Land Management and the Forest Service whenever the Secretary finds that less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. Cubin).

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

Mr. Speaker, I rise in strong support of this bill by our colleague from southern Ohio (Mr. NEY) which addresses a problem encountered by small businessmen operating Federal oil and gas leases on the Wayne National Forest. The situation these folks find themselves in is rather unique. These lessees formerly held private oil leases from individuals owning the reserve mineral estate beneath the Forest Service administered surface estate. A few years ago the private reservations began to expire, and the United States is now the mineral owner.

Our colleague from West Virginia (Mr. RAHALL) in 1992 added a provision to the 1992 Energy Policy Act to allow a private lessee to acquire a Federal lease for the same tract on the Wayne National Forest without need of competitive bidding. Mr. Speaker, this was only fair given these small businessmen already owned the wells and the equipment that was necessary to pump and store the production.

However, these operators soon discovered that ownership of a Federal lease meant having to financially guarantee proper abandonment of their lessees, plugging the wells properly and reclaiming the surface impacts. This was despite the fact that they had long ago met the State of Ohio's bonding requirements back when they drilled the private wells.

The gentleman from Ohio (Mr. NEY) sought to remedy this situation with his original bill but the Department of Interior, as lessor of the mineral rights, opposed that text. As chairman of the Subcommittee on Energy and Mineral Resources, I asked the Federal agency and the State of Ohio's Department of Natural Resources to try to find an acceptable remedy.

Mr. Speaker, the substitute before us today is the answer and is supported by the administration and by the Ohio DNR.

The substitute codifies a recognition by the Secretary of Interior as to the adequacy of Ohio State's Orphan Well Fund to provide financial guarantees for the proper plugging and abandonment of preexisting wells on these special leases and these leases only.

No precedent is being established elsewhere, although I do happen to think that many States' oil and gas commissions do a fine job in regulating the industry within their borders, and especially my State of Wyoming.

The substitute provides opportunity for the Secretary to review the continuing adequacy of the Ohio law to ensure reclamation in the unlikely event of multiple bankruptcies.

The Secretary may require the lessees to meet the Federal standard bonding requirements for these wells if the State of Ohio fails to fund the program at 20 percent of the State's severance tax levels that it currently has.

Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr. NEY), for his willingness to aid these small businesses in the Wayne National Forest. They are not his constituents, per se, but he saw their plight and decided to help them nonetheless.

I also want to thank the ranking member on our subcommittee, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his staffer, who helped the administration see the need to find a reasonable solution to the problem of double bonding.

Mr. Speaker, I urge my colleagues to support H.R. 1467, as amended.

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. MILLER of California. Mr. Speaker, once again, the gentlewoman from Wyoming (Mrs. CUBIN), the subcommittee chair, has properly explained this legislation and the need for it. We support the legislation.

The U.S. Forest Service has been acquiring lands in southeastern Ohio for the Wayne National Forest for many years. Typically, these land purchases are subject to reservation of the mineral estate by the seller for a term of 25 to 40 years.

Upon expiration of the term, the mineral rights revert to the United States. However, until that term expires, the private owner of the mineral rights retains the rights to develop these minerals and many of them lease the rights to local operators who drill wells on the property. The private lessors have no rights to lease beyond the expiration of their mineral rights and thus the mineral leases expire with their reservations.

However, producers in the Wayne National Forest were under the mistaken belief that they could simply continue operating under the same terms they had with the private lessors and simply pay royalties to the Forest Service.

Under the terms of the Federal Oil and Gas Leasing Reform Act, the BLM could not offer noncompetitive leases to these producers. This was not acceptable to the local producers. In 1990, BLM attempted to resolve the problem through an administrative remedy that hinged on drainage compensation agreements. However, after executing seven such agreements, the Department's Solicitor determined that this method violated the competitive leasing law.

In response, under the leadership of Representative NICK RAHALL, Congress enacted, as part of the Comprehensive National Policy Act of 1992, authorization for the BLM to issue noncompetitive leases to the owners of "stripper wells" upon reversion of mineral interests.

Most of the eligible operators applied for the federal leases. However, they continued to disagree with BLM's interpretation of the law. The producers contend that the new provision of law actually allowed continuation of their existing private leases, with no changes to the terms and conditions other than paying royalties to the U.S. instead of the former owners. The Department's Solicitor affirmed BLM's position that new Federal leases are required. And, the Department's Board of Land Appeals upheld this position.

H.R. 1467 would prevent BLM from requiring the operators to post bonds or other financial guaranties which the administration opposes. But, the administration does not object to a legislative solution to for the operators in the Wayne National Forest if one can be found that requires the producers to enter into production and reclamation contracts with the BLM, as well as several other conditions. Since the Committee adopted such an amendment, we do not object to the House acting favorably on this bill.

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

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

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

the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 1467, 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.

AMENDING OUTER CONTINENTAL SHELF LANDS ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3972) to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the Outer Continental Shelf.

The Clerk read as follows:

H.R. 3972

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

SECTION 1. AMENDMENT.

Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended by striking "an agency of the Federal Government" and inserting "a Federal, State, or local government agency".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, I rise in strong support of this measure introduced by our colleague, the gentleman from Virginia (Mr. PICKETT). H.R. 3972 is a reasonable response to efforts by the Minerals Management Service of the Department of Interior to charge State and local governments for the use of sand dredged from the Outer Continental Shelf for beach nourishment projects.

Our colleague, the gentleman from Corpus Christi, Texas (Mr. ORTIZ) led a successful effort in 1994 to amend the Outer Continental Shelf Lands Act of 1953 to allow the Secretary of Interior to dispose of sand, gravel and shell resources beneath the Federal waters.

Depletion of sand resources beneath closer in State waters prompted the amendment, and the National Park Service obtained sand necessary to replenish the Padre Island National Seashore at no cost.

Mr. Speaker, it is evident that several coastal State and local governments will need sand from the Federal OCS for beach replenishment projects on their shorelines, particularly given the nor'easter storms and hurricanes that have racked the Gulf coast and many Atlantic beaches this year, but the MMS insists upon charging non-Federal government entities for such sand, whether it is a public project or not.

Yes, under the current rules the fee is reduced for governmental projects but it is not free, as it is to Federal agencies, and, yes, the fee for the sand is generally only a small fraction of the total cost of such projects.

In the case which prompted the gentleman from Virginia (Mr. PICKETT) to act, I believe it was about two and a half percent, but that still added up to over \$200,000, which is a burden on the citizens of Virginia Beach.

We should all understand that the sand dredged from the Outer Continental Shelf is only on loan because as the storms come it goes right back out there. So we could call this a good recycling program if we wanted to do that as well.

In many cases, within a decade or two, the sand used in beach nourishment really is returned by mother nature.

Now it is my turn to have a bachelor of science in humor.

In many cases, within a decade or two, the sand used in beach nourishment is returned by mother nature to offshore shoals.

Mr. Speaker, as a Member from Wyoming, I do not think I need to remind anyone that we do not have any beaches but that sand and gravel resources from public lands in the West are disposed, without charge, to State and local governments for use in public projects.

H.R. 3972 should merely be viewed as the coastal States' equivalent to the 1947 Act governing onshore public lands mineral materials. And, like that law, commercial projects seeking OCS sand, gravel or shell resources should continue to pay the full fair market value of the materials after the enactment of the bill offered by the gentleman from Virginia (Mr. PICKETT).

□ 1200

Mr. Speaker, I urge my colleagues' support of this bill.

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. MILLER of California. Mr. Speaker, I think now the gentlewoman is drifting over into my area of expertise, and that is American humor, with the argument for this legislation that somehow because we pump the sand up on the beaches from the Federal OCS, the Outer Continental Shelf, that it is just a loan, because then the sand goes back to the Outer Continental Shelf, which is probably accurate. But what is not a loan is the taxpayer dollars to continue to do this year after year after year as we try to defeat nature because of storms and hurricanes and what have you.

I think this bill is seriously flawed in the sense of the kind of revenues that it loses, and it raises questions about

whether or not we are really engaging in products that simply are not feasible when we are trying to allow development and activities on lands that are subject to nature in terms of the storm patterns that develop annually along the eastern sea coast.

I might also mention that the administration has sent both a letter and a statement of administration policy against this legislation for the reasons that I have raised with respect to the cost of this, the direct spending, which they estimate will be about \$10 million over the next few years, and they believe that the Secretary ought to be able to continue to charge those fees. They also make their point in the statement of administration policy that "enactment of H.R. 3972 would thus deny the American taxpayer a fair return on the use of the public resources, as well as fuel the demand for OCS sand and gravel and shell and competitively disadvantage the private onshore sand and gravel suppliers."

What this means is because the Federal Government is not going to charge a fee, the projects you want to engage in do not really have to have a positive cost-benefit ratio or be feasible because you are getting the Federal Government to pump the sand and not charging the municipality for this project.

Not only are you doing that, but the private sand and gravel people who are in business trying to sell sand and gravel to these people are now disadvantaged, so they will not be able to participate in that market because they cannot sell it for free. So we have kind of come up with what is bad sometimes about government involvement in subsidizing various activities, that not only do we undermine bad decisions being made because the theory is, they used to say well, it is free dollars, it is just Federal dollars, so it does not matter how we design it. We are putting them back into that category, but we are also hurting the business people in the community who this is their business, providing sand and gravel to developers, to municipalities, to landowners and all of the rest.

So I am not in agreement with this legislation and the administration is not in agreement with this legislation.

Mr. Speaker, I include for the RECORD the administration policy on this matter.

U.S. DEPARTMENT OF THE INTERIOR,
MINERALS MANAGEMENT SERVICE,
Washington, DC, Sept. 23, 1998.

Hon. GEORGE MILLER,
Senior Democratic Member, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. MILLER: I understand that the Resources Committee is considering various ways to move H.R. 3972, a bill to amend section 8(k) of the Outer Continental Shelf (OCS) Lands Act. In general, the bill proposes to waive the fee provisions associated with making OCS sand, gravel and shell resources available for certain publicly-beneficial beach nourishment and wetlands restoration projects undertaken by State or local government entities. Currently, section 8(k) of the OCS Lands Act authorizes the

Secretary of the Interior (Secretary) to charge a reasonable fee for the use of such resources when conveyed non-competitively.

On July 21, 1998, the Minerals Management Service (MMS) testified on behalf of the Department of the Interior (Department) on the proposed legislation and opposed enactment for several reasons. I am writing now to reiterate the Department's opposition to the bill. We continue to feel strongly that it is important to provide the Secretary with the authority to assess a fee. Although the fee typically represents only a small fraction of a project's total cost, in a larger sense it also represents the Federal government's commitment to provide a fair return to the Nation for the use of the public's resources.

As you are aware, Public Law 103-426, passed by Congress in 1994, authorized a negotiated agreement process (in lieu of competitive bidding) to better facilitate a way for OCS sand, gravel, and shell resources to be made available for certain publicly-beneficial projects like beach nourishment and wetlands restoration projects undertaken by Federal, State, or local government agencies. Section 8(k)(2)(B) provides that "the Secretary may assess a fee based on the value of the resources and the public interest served by development of the resources, except that no fee would be assessed against a Federal agency."

This valuation method allows the Secretary to determine an appropriate fee that takes into account both the value of the Federal minerals and the public benefits gained by providing affordable access to OCS sand, gravel and shell resources to support public projects. The "no fee" exemption for Federal agencies was included to prevent the transfer of funds from one Federal agency to another and to prevent local project sponsors from passing back to the federal government the expense of fees for use of the Federal sand paid under this law (e.g., through a cost-sharing agreement with the United States Army Corps of Engineers).

MMS, as the agency in the Department responsible for administering the OCS sand and gravel program, developed guidelines describing how fees for sand and gravel conveyed pursuant to negotiated agreements would be determined. The MMS methodology provides for a determination of sand values based on references to market values and provides for discounts to reflect the public interest in the fee assessment, reducing the market-based estimate of value by the same percentage amount (typically 65%) used to represent the congressionally-mandated Federal share of project construction costs. Thus, this balancing of resource value with public interest considerations provides for a significant discount for State and local governments, resulting in a quite reasonable fee for the Federal resource.

Further, the Department's OCS Policy Committee (Committee) reviewed the guidelines and urged MMS to adopt them since the approach was reasonable and consistent with the OCS Lands Act. The Committee includes representatives from coastal States, local governments, the environmental community and industry and provides advice to the Secretary on a wide range of issues associated with OCS mineral development. The Committee recommended that the guidelines be made available to the public to enhance the timely dissemination of information and to assist governmental planners as they contemplated costs associated with beach nourishment projects.

Because of the bill's significant policy and budget implications, I urge you to give the issues raised by H.R. 3972 more consideration. First, enactment of this proposal could competitively disadvantage private onshore sand and gravel suppliers even further.

Second, by making a Federal resource more readily available to State and local governments, we anticipate that requests for access to OCS sand, gravel and shell resources will rise even more than originally anticipated. This increase could put severe strains on existing MMS resources to undertake the necessary environmental studies, analyses, and administrative work associated with facilitating State and local requests. Given current budgetary resources, an unintended result of the bill could be to put MMS in the unfortunate position of not being able to respond to State and local government requests in a timely fashion or even having to turn down future requests.

Third, the budgetary implications of this expected rise in requests for free OCS sand could be substantial. Although the Congressional Budget Office has indicated that the scoring implications of passing the bill are fairly minimal, our recently-completed analysis indicates otherwise. For example, within the next 5 years, we estimate that 8.5 to 12 million cubic yards of OCS sand will be needed for at least 8 shore protection projects. As currently envisioned, these projects would generate total fees of between \$1.3 to \$1.8 million. However, there are an additional 24 potential projects (needing between 46 and 74 million cubic yards of sand) that could be implemented during this period and may need access to OCS sand. If any of these projects materialize, significantly more fees could be generated for the Federal Treasury in any given year.

In conclusion, I urge you to defer further action on H.R. 3972. Like other mineral resources that reside on Federal lands, the American public has a right to a fair return on its sand, gravel and shell resources. The provisions currently contained in the OCS Lands Act provide for that right while also ensuring that those States and localities needing OCS sand and gravel can receive the resource in an expedited fashion and pay a price that reflects the public interest served.

An identical letter is being sent to the Honorable Don Young, Chairman, Committee on Resources.

Sincerely,

CYNTHIA QUARTERMAN,
Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
OCTOBER 15, 1998

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3972—OUTER CONTINENTAL SHELF LANDS ACT AMENDMENT (REP. RICKET (D) VA AND 6 COSPONSORS)

The Administration opposes H.R. 3972, which would waive the fee for Outer Continental Shelf (OCS) sand, gravel, and shell available for certain beach nourishment and wetlands restoration projects undertaken by State or local governments. The Administration, however, supports the limited waiver, as passed by the Senate in S. 2131, the "Water Resources Development Act of 1998," since it would waive fees for those Federal projects jointly undertaken by the Army Corps of Engineers in partnership with State and local sponsors.

The Outer Continental Shelf Lands Act authorizes the Secretary of the Interior to charge a reasonable fee for OCS sand, gravel, and shell when conveyed noncompetitively. This fee is based on both the value of the resources and the public benefits gained and, typically, represents only a small fraction of a project's total cost. Most important, the fee represents the Federal government's commitment to provide a fair return to the Nation for the use of public resources, while ensuring that those States and localities

needing OCS sand, gravel, and shell can receive those resources and pay a price that reflects the public interest served. Enactment of H.R. 3972, however, would thus deny the American taxpayer a fair return for the use of this public resource, as well as fuel the demand for OCS sand, gravel, and shell and competitively disadvantage private onshore sand and gravel suppliers.

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

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

Mr. Speaker, I understood that there was a statement of administration policy, but we have not seen it and did not know whether it had been delivered or not.

I think one thing we have to consider here is are all states equal? When the Constitution was established, it was established that all states would be equal. Well, inland states get sand and gravel for government projects from the Federal Government for free. Only the sand would be free. Ninety-eight percent of the costs incurred in these projects would still have to be paid and they would be paid. Those costs are dredging and bulldozing. And all Corps of Engineers projects must pass cost-benefit analysis.

While I think that the gentleman from California does have a good point about this, and one which, frankly, I do not understand, which is why people will rebuild and rebuild in the same place that storms wash away, nonetheless, that is what is going on, and I do not think it is fair to treat coastal states differently than inland states as far as the Federal state of sand gravel and shell resources is concerned. So I continue to urge my colleagues to support this bill.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT), the sponsor of the legislation.

Mr. PICKETT. Mr. Speaker, I would like to thank the Committee on Resources chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member the gentleman from California (Mr. MILLER), as well as the gentlewoman from Wyoming (Mrs. CUBIN) the chairman of the Subcommittee on Energy and Mineral Resources and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for their help and assistance in helping bring H.R. 3972 to the floor.

Mr. Speaker, I introduced this legislation last May because of a new policy initiative by the Minerals Management Service to assess a tax against state and local governments for the use of Outer Continental Shelf sand and gravel for public projects.

This law was enacted during the 103rd Congress to remove procedural obstacles and allow governmental agencies to negotiate and obtain OCS sand and gravel. The Federal Government was exempted from being assessed under this act. In October 1997,

MMS formalized its guidelines regarding this charge for OCS sand and gravel when used in shore protection and beach restoration projects by state and local governments. Under this new policy, MMS decided to assess state and local governments a tax for sand and gravel used in these shore protection projects, even in those cases where the projects are authorized by Federal law. I do not believe it was the intent of Congress to impose an additional charge on state and local governments for costly, yet necessary, shore protection projects.

In 1947 Congress passed the Minerals Sales Act. This law allows localities to take mineral resources from public lands for public works projects, such as road construction, without the payment of any kind of a charge. Although localities pay money into an account to reclaim the land from which the sand and gravel is taken, there is no requirement to pay for the material, as in the case of coastal states that use offshore mineral resources for shore protection projects.

Sand and gravel mined from the OCS is reclaimed through a natural hydrodynamic process. Although the cost involved for OCS sand and gravel may not be significant when compared to the overall cost of a shore protection or beach restoration project, it is considerable enough to make such projects less attractive and more costly when undertaken by state and local governments.

An example occurred in my district where a local government recently paid MMS approximately \$200,000 for about 1 million cubic yards of OCS sand for a federally authorized project that had already been planned, approved and funded.

Paying this tax caused the local government to reduce by about one-fourth the quantity of sand called for in the original plans and specifications. With a reduced volume of sand, the project will now have a shorter useful life and will require the local government to replace the project earlier than planned at an increased cost.

As the administration seeks to change the Nation's shore protection policy, the costs incurred by state and local governments for OCS sand and gravel will continue to rise dramatically unless this ill-advised tax law is changed.

Historically, the Federal Government has entered into 65-35 cost share agreements with local governments for federally authorized shore protection projects. A recent proposal by the administration, if adopted, will reverse this cost share ratio upon completion of the initial construction project, with the local sponsor paying almost double the share of the project maintenance costs. The typical MMS tax for the local government sponsor for OCS sand and gravel will also double as a result of this policy change.

This excessive and inequitable tax will become a serious and insurmount-

able burden for local governments. It is clearly another unfunded mandate on state and local government and should be eliminated here and now. I strongly urge the House to adopt H.R. 3972 to restore equity among Federal, state and local government projects by eliminating this unfair tax.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3972.

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

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Agua Caliente Indians.

The Clerk read as follows:

Senate amendment:
Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 951 et seq.) (referred to in this section as the "Act") was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

(2) the Act was enacted in response to litigation in Federal courts in *Segundo, et al. v. United States*, 123 F. Supp. 554 (1954);

(3) the case referred to in paragraph (2) was appealed under the case name *United States v. Pierce*, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

(4)(A) to achieve the equalization referred to in paragraph (3), section 3 of the Act (25 U.S.C. 953) provided for the allotment or sale of all remaining tribal lands, with the exception of several specifically designated parcels, including 2 parcels in the Mineral Springs area known as parcel A and parcel B;

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Band and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau

of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

(D) as a result of the annual budgets referred to in subparagraph (C), no net revenues from parcel B were available for distribution to tribal members entitled to equalization under section 3 of the Act referred to in paragraph (1);

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

(7) on March 16, 1983, the Secretary of the Interior published notice in the Federal Register that full equalization had been achieved within the meaning of section 7 of the Act (25 U.S.C. 957);

(8) section 7 of the Act states that "allotments in accordance with the provisions of this Act shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation"; and

(9) the regulations governing the equalization of allotments under the Act referred to in paragraph (1) were rescinded by the Secretary, effective March 31, 1983.

SEC. 2. DEFINITIONS.

In this Act:

(1) **BAND.**—The term "Band" means the Agua Caliente Band.

(2) **PARCEL B.**—The term "parcel B" means the parcel of land in the Mineral Springs area referred to as "parcel B" in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EQUALIZATION OF ALLOTMENTS.

(a) **IN GENERAL.**—The full equalization of allotments within the meaning of section 7 of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 957) is deemed to have been completed.

(b) **EXPIRATION OF ENTITLEMENT.**—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)) shall be deemed to have expired.

SEC. 4. REMOVAL OF RESTRICTION.

(a) **IN GENERAL.**—The fourth undesignated paragraph in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)), is amended by striking "east:

Provided," and all that follows through the end of the paragraph and inserting "east."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

(c) **SUBSEQUENT DISTRIBUTIONS.**—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act shall be made to all members of the Band in equal amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86-339, a 1959 statute which related in part to the distribution of certain revenues to certain members of the Agua Caliente Band of Cahuilla Indians.

This bill is an amended version of H.R. 700 which we passed last year. Since we passed H.R. 700 last year, the Bureau of Indian Affairs and the Agua Caliente Band have discovered that a different piece of legislation is needed.

H.R. 700, as amended, reflects the changes which the Senate Committee on Indian Affairs has made to the bill which we passed last year. I agree with those amendments.

H.R. 700, as amended, finds that equalization allotments on the Agua Caliente Reservation have been completed and that the regulations governing the equalization allotments under the 1959 Agua Caliente Equalization Act were rescinded in 1983.

H.R. 700, as amended, provides that the special entitlements of certain members of the Band have expired and, thus, that any per capita distribution of tribal revenues of the Band shall be made to all members of the Band in equal amounts.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on state, local or tribal governments. I recommend that H.R. 700 be adopted by this body.

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. MILLER of California. Mr. Speaker, I am supporting this bill. We passed it out of the House last year. Basically the bill removes a restriction on a piece of property owned by the Agua Caliente Tribe in downtown Palm Springs, California. The restriction, part of the 1959 law, provides that revenues from this property would first go to the 85 Members of the Tribe who lost lands in the use to create tribal property. This asks Congress to remove the restriction so it can distribute the rev-

enues general rated from the Spa Casino, which sits on the property, to all members of the Tribe.

The House-passed bill would have compensated 85 members with a cash payment of \$22,000 each. The Senate determined that the 85 Members have already been compensated and the property restriction was not intended to last indefinitely.

I want to once again, however, state for the record my objection to per capita payments to tribal members from any gambling casino. I think that ultimately, this is unwise, and if we are ever to amend the Indian gaming act, this is one of the issues that Congress will have to reexamine. The administration supports this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for yielding me this time.

Mr. Speaker, I am proud to join the gentlewoman from California (Mrs. BONO) in supporting H.R. 700. As Chairman Richard Milanovich indicated to the members of the Committee on Resources, this bill will resolve a dilemma which has been hanging over the Agua Caliente tribe for almost 50 years.

This legislation reflects the solution to a long-standing problem that the tribe has addressed within their governmental process and structure. The only reason Congress must consider this issue is because back in 1959, we imposed restrictions on how the tribe was to resolve an internal issue. I want to point out that both the Justice Department and the Department of the Interior have reviewed this legislation and the tribe's proposed solution to their problem as embodied in H.R. 700, as amended by the Senate.

The amendments added by the Senate improve the bill and recognize the fact that full equalization to all members of the tribe was achieved in 1961.

Mr. Speaker, this bill enjoys the overwhelming support of the tribe and the 85 affected allottees. In fact, over 60 percent of the voting-age members of the tribe have taken the time to write to this committee expressing their support for this legislation.

Mr. Speaker, I urge my colleagues to support this bill that should have been adopted nearly 40 years ago.

Ms. BONO. Mr. Speaker, I rise today in support of H.R. 700.

The Agua Caliente Band of Indians, located in California's 44th Congressional District, have suffered a dilemma for nearly 50 years. This legislation addresses this problem by seeking to remove the restriction on the distribution of certain revenues from the mineral springs parcel to certain members of the Agua Caliente tribe.

H.R. 4699 recognizes that full equalization under the law was provided to all members of the tribe in 1961. Regrettably, the 1959 act that outlined the equalization procedures, failed to contain a critical provision that removed the distribution restrictions once full

equalization was attained. That mistake is rectified today by this legislation.

Through the passage of this bill, the tribal council has informed me that they intend to provide health insurance and decent housing as well as educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

This bill enjoys a tremendous amount of support. The House of Representatives passed by voice vote similar legislation introduced by my late husband, Congressman Sonny Bono, and Congressman DALE KILDEE last year. In addition, this legislation has been reviewed by, and enjoys the support of, both the Justice Department and the Department of the Interior.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance.

I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

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 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1215

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4829) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

The Clerk read as follows:

H.R. 4829

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

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land

located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) TERMINATION.—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

The SPEAKER pro tempore (Mr. BALENGER). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4829 is a bill introduced by my colleague, the gentleman from New York (Mr. JERRY SOLOMON). The gentleman from New York (Mr. SOLOMON) deserves a great amount of credit for working out a bill which responds to a need for improving the management of a site honoring one of our country's great leaders, Franklin D. Roosevelt.

I also want to say the bill's sponsor, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, has been a great leader here. He will be remembered as a distinguished colleague and friend, and we all wish him well in his future pursuits.

Mr. Speaker, H.R. 4829 authorized the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin D. Roosevelt National Historic Site from the North Carolina Park Service to the Archivist of the United States.

The land transfer is needed so the Archivist can construct a joint library and visitors' center on one acre of land, which will be mutually agreed upon. The transfer of jurisdiction and subsequent construction of the facility will help visitors enjoy the life and story of one of our great presidents. I urge my colleagues to support H.R. 4829.

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. MILLER of California. Mr. Speaker, this bill was introduced yesterday by the gentleman from New York (Mr. SOLOMON) and the National Park Service to transfer not one more than one acre of land within the Franklin D. Roosevelt memorial site to the Archivist of the United States to build a joint archival/visitor center.

The NPS supports this initiative. However, there also is a Senate-passed bill here in the House which also deals with the FDR Historic Site. This bill, which the National Park Service wants, simply would allow the National Park Service to acquire lands within the boundaries of the Historic Site using appropriated funds. Currently the NPS can only acquire by donation. We would urge that that bill be put up for consideration.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to my colleague, the gentleman from New York (Mr. SOLOMON), the sponsor of the bill.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Utah (Mr. HANSEN), as well as the gentleman from California (Mr. MILLER), for their help in bringing this bill to the floor on perhaps the last day, the next-to-the-last, or the next-to-the-next-to-the-last-day, but certainly it will be one of those days.

Mr. Speaker, this bill, which I introduced just yesterday, was inadvertently left out of the Interior appropriation bill. That is why it was introduced as late as yesterday.

The bill, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin Delano Roosevelt National Historic Site in Hyde Park, New York, transfers jurisdiction to the Archivist of the United States for the construction of a visitors' center and library.

In the past few years I have made it my personal challenge to return the home of our 32nd president to a place of honor in the national park system. As part of meeting this goal, I was pleased to help the FDR Library, with the help of the gentleman from Ohio (Mr. RALPH REGULA), the gentleman in well. It received \$4 million in Federal funds in last year's Treasury-Postal appropriations for the construction of a new library/visitors' center.

This money, along with the private funds, will build a new center that will provide a comprehensive orientation to this site, as well as contribute to the economic growth of the Hudson Valley.

Mr. Speaker, in creating this visitors' center and library, we can significantly upgrade visitors' services at the FDR site, and welcome visitors to spend a moment in this important period of American history.

Following this appropriation, the National Park Service and the National

Archives extensively discussed the best location for the library and visitors' center, finally agreeing that the plot of land within the park would be the most acceptable for the center. However, to build the library there, the National Park Service must transfer authority to the National Archives.

My bill sets forth the legislative language necessary to transfer that authority, and will allow this important project to go forward. This bill has the full support of the National Park Service and the National Archives, and in fact, was written with their complete authorization.

I might also add that the gentleman from Illinois (Mr. SID YATES), who I do not think is on the floor right now, who will be retiring along with me, has been a great friend of the Franklin D. Roosevelt and Eleanor Roosevelt national park system, and has helped me for many years now to make sure that that is going to be preserved.

This site, as I said before, is located in my district in the town of Hyde Park, the gentleman from Illinois was immensely helpful when he was chairman, as of course was the gentleman from Ohio (Mr. RALPH REGULA), who I mentioned before. He has been extremely helpful in preserving the historic site.

Mr. Speaker, I just want to commend the gentleman from Utah (Chairman HANSEN), the gentleman from Alaska (Chairman YOUNG), and their staffs. They have one of the best staffs in this entire Congress, Mr. Speaker, and we thank them for allowing this measure to come to the floor today.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

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

The point of no quorum is considered withdrawn.

GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2272) to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The Clerk read as follows:

S. 2272

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 "Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act of 1998".

SEC. 2. ADDITIONS TO GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE.

The Act entitled "An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes", approved August 25, 1972 (86 Stat. 632), is amended by striking the last sentence in the first section and inserting: "The boundary of the National Historic Site shall be as generally described on a map entitled, "Boundary Map, Grant-Kohrs Ranch National Historic Site", numbered 80030-B, and dated January, 1998, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 2272 is a bill introduced by Senator CONRAD BURNS and supported by the gentleman from Montana (Mr. RICK HILL). Mr. BURNS has crafted a bill that responds to a need to increase the size of a historic site in Montana.

Mr. Speaker, S. 2272 authorizes the boundary expansion of the Grant-Kohrs Ranch National Historic Site by 120 acres. This parcel is a critical component of the cultural landscape, and better defines the character of this historic site. Including this property into this site will also contribute to conserving the open space surrounded by the ranch.

Mr. Speaker, I urge my colleagues to support S. 2272, and 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. MILLER of California. Mr. Speaker, this bill is a National Park Service initiative. It would simply place within the boundaries of the Historic Site 120 acres that the NPS previously purchased as an uneconomic remnant of another parcel they acquired.

Mr. HILL. Mr. Speaker, I rise to strongly support S. 2272 and urge my colleagues to pass this important legislation. This bill, introduced by my Montana colleague, Senator CONRAD BURNS on behalf of the Clinton administration, will amend the boundaries of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

Congress authorized the Grant-Kohrs Ranch National Historic Site on August 25, 1972, to preserve the Grant-Kohrs Ranch. The ranch was in operation from 1860 to 1972. Along

with the ranch's existence came a rich history upon which the culture of the West is still built. Preserving the ranch provides a vivid reminder of our Nation's frontier cattle era.

Today the ranch offers an intact 120-year archive, upward of 26,000 artifacts, and 88 historic structures that capture the heritage of the American cowboy and cattlemen. The ranch is the hub of a thriving tourism industry and provides many unique educational opportunities. The Grant-Kohrs Ranch offers a honest recollection of life on the frontier while providing a great experience for visitors and jobs for local residents. The ranch has been designated a National Landmark and is a true asset to Montana.

This legislation allows for a boundary adjustment that will incorporate an additional 120 acres of land into the authorized boundary of the Grant-Kohrs Ranch National Historic Site. The 120 acres included in the new boundary of the ranch are already owned by the National Park Service and their inclusion in the ranch's boundary is recommended as a means of conserving the property of the original ranch from future development.

I hope that my colleagues will join me in recognizing the importance of preserving this portion of Western history by supporting the passage of this bill in the House.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

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

The point of no quorum is considered withdrawn.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2133) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

The Clerk read as follows:

S. 2133

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities

that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall

management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

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

Mr. Speaker, S. 2133, sponsored by Senator DOMENICI of the Senate side and the gentlewoman from New Mexico (Mrs. HEATHER WILSON) on the House side, would protect and preserve the Route 66 corridor.

Route 66 was an important part of America's history between 1933 and 1970. This bill would authorize the Secretary to support and collaborate with local entities to facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66.

The preservation of Route 66 shall include the preservation or restoration of portions of the highway, businesses, and sites of interest, and other contributing resources along the highway that were important during the 1933 to 1970 period.

Mr. Speaker, S. 2133 is a good bill that would help preserve an important part of American history for future

generations. I ask my colleagues to support it.

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. MILLER of California. Mr. Speaker, this bill and its House companion bill, H.R. 4513, have had no hearings or markups in the House. The bill directs the National Park Service to undertake a number of cultural resource programs along the Route 66 corridor.

The National Park Service already has authority to do such programs. What the National Park Service does not have the authority to do and what is the real purpose of this act is to provide funding to nonfederal entities. This bill includes a \$10 million authorization.

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

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

Mr. Speaker, the highway systems of America are probably one of the more important things that link our country together. This particular Route 66 is one which has had shows made about it, and all kinds of history went into it. Many of us have traveled it from one area to the other. I think there was even a song written about it.

We find ourselves in a position later on, now that that is diminishing and going out, we are trying to find a way to take care of our highways. I think it is interesting that President Dwight Eisenhower came to Congress and asked for a penny a gallon so that he could establish an interstate system. Now that interstate system laces the land. If it was not for that, the commerce and trade, the moving of goods and services and people, would almost be impossible.

So this is a very historic time in our lives to see that we have this one that was so interesting and there for such a long time, and that we could have the opportunity of now giving a bill for on behalf of this piece of legislation.

I really respect our new member, the gentlewoman from New Mexico (Mrs. HEATHER WILSON) for introducing this, along with Senator DOMENICI. Every one of us can look at various pieces of highways and trails. As Members know, Mr. Speaker, in the Committee on Resources we have bills regarding historic trails and byways.

As we look at the history of the western movement, and we look at the Mormon pioneers and the people who went on the Santa Fe Trail and the Oregon Trail, they spent absolutely years trying to figure a way to make it from one point to the other. Mr. Speaker, now, as we fly in airplanes and do other things, it is nice to look back and say that at one time this was one of the more interesting and famous areas of

America. If Members will notice now, there there are being documentaries done on it people are talking about it. We would urge people to go take a look at it.

Just last year they reenacted the trip along the trail from Nauvoo to Salt Lake that the early Mormon pioneers did. They used wagons and horses and mules, and it got national attention as they did that. At this particular point, this one is also receiving a lot of national attention, which was a great highway at one time, and immediately following the war was so important. People could speed up and down that highway. I wish they would speed to this floor a little faster so they can speak on pieces of legislation that they find interesting and important.

Mr. Speaker, the purpose of S. 2133 as reported is to designate former United States Route 66, Route 66 National Historic Highway, to authorize the Secretary of the Interior to establish a cultural resource program in support of cultural resources related to Route 66, providing technical assistance to State, local, and private persons, participate in cost-sharing programs, and administer a grant program.

U.S. 66, popularly known as Route 66, is significant as the Nation's first highway linking Chicago with Los Angeles.

□ 1230

In its day, Route 66 symbolized freedom and mobility for every citizen who could afford to own and operate a car.

Beginning at the Corner of Jackson Boulevard and Michigan Avenue in Chicago, Route 66 wound 2,400 miles to Santa Monica, California. Route 66 linked the rural West to the densely populated urban Midwest and Northeast. Gas stations, motels, restaurants and grocery stores were built along the route to serve an increasingly mobile public. Route 66's period of greatest significance was between 1933 and 1970.

Congress authorized a Special Resource Study (Public Law 102-400) for Route 66 in 1990. The study was completed in July 1995. The study found that Route 66 is nationally significant and that representative structures, features, and artifacts remain along this historic route, although remnants of the road are quickly disappearing.

The study identified five alternatives. This legislation closely depicts alternative five. Under this alternative, Route 66 will be designated as a National Historic Highway. Partnerships between the Federal Government and local organizations will be established to preserve historic resources along Route 66. The National Park Service will provide technical assistance, participate in cost-sharing programs, and administer a grant program.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), one of the sponsors of this legislation.

Mrs. WILSON. Mr. Speaker, it is a real pleasure to be here today to sup-

port this bill. In 1990, Senator PETE DOMENICI called for a study of Route 66, America's Main Street. It goes from Chicago all the way to L.A. The report was filed with Congress, and this year Senator DOMENICI and I introduced legislation, both in the House and in the Senate, to designate this road as America's Main Street, and to preserve it to provide a center and a focus for tourism.

Route 66 is 2,448 miles long. It crosses eight States and three time zones. It was commissioned in 1926 when America began its move westward, and we all remember the great part it has played in American history. It was paved from end to end in 1936, and finally decommissioned in 1985. But it still remains an important part of our history, an important part of our culture.

Even though I-55 and I-44 and I-40 and I-15 and I-10 will take us faster, Route 66 is firmly a part of our memories and a part of our history. It is rooted in Americana. John Steinbeck called Route 66 the Mother Road, and it has been called the Main Street of America and the Will Rogers Highway.

Who can forget that Bobby Troup song, "Get Your Kicks on Route 66," which was also recorded by the Acid Visions, Asleep at the Wheel, Charles Brown? And most of us here in this room here today could probably hum a few bars; even Frank Sinatra sang "Get Your Kicks on Route 66."

Senate bill, S. 2133, the Senate companion to the House bill, H.R. 4513, is going to help small businesses, including motels and gas stations and diners that have blue plate specials and neon signs outside of their doors; State historical preservation offices, and small towns all along that famous route; and even schools, including a little school called the Route 66 Elementary School in Moriarty, New Mexico. They just had their grand opening in September and they gave to me a hubcap. It says "Route 66 Elementary Grand Opening, September 19, 1998." They have got 259 students there, and they have a Route 66 Diner as well.

The Route 66 National Historic Highway Act authorizes the National Park Service to support State and local and private efforts to preserve Route 66 corridor by providing technical assistance, participating in cost-sharing programs, making grants and loans. It also acts as a clearinghouse for communication among Federal, State, local, private, and American Indian entities interested in the preservation of the Route 66 corridor and it authorizes the expenditure of up to \$10 million over 10 years for this purpose.

The U.S. National Park Service endorses this bill and it enjoys bipartisan support. So, whether we live in Chicago, Bloomington, or Springfield, Illinois; or St. Louis or Joplin, Missouri; or Tulsa or Oklahoma City, Oklahoma; or Amarillo; or Santa Fe or Albuquerque, New Mexico; or Santa Rosa, Tucumcari Grants, Winslow, Arizona;

Flagstaff, Kingston, Barstow, San Bernardino or Los Angeles, we are part of the Route 66 corridor and part of a great piece of Americana.

I thank Senator DOMENICI for working on this bill on the Senate side, and I appreciate the assistance of the gentleman from Utah (Chairman HANSEN) in bringing it to the floor here as we are closing our business for this year.

Mr. Speaker, I support this bill, and I think that it is something that preserves our unique character as Americans, and I am pleased and very proud to have helped bring it to the floor of the House.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I rise in support of this legislation. In 1990, I introduced legislation for a study for the historic preservation of Route 66. I appreciate the leadership on both sides of the aisle for promoting this legislation. In fact, when I introduced the Route 66 legislation I was on the other side of the aisle.

Mr. Speaker, I rise in support of this legislation because of an emotional feeling from my experience traveling Route 66. In fact, between 1942 and 1946, my family left Oklahoma and Arkansas and went to California in search for jobs. When we left Arkansas the first time, there were nine of us in an old 1934 Ford car heading out to California. We were the Oakies and Arkies.

Some may wonder what is the difference in the Okies and the Arkies. The Arkies had two mattresses on top of their car and we just had one from Oklahoma.

But that started probably the largest migration of people ever in the history of our country from rural America to the urban centers of America. That migration started many social problems in the cities, but also created social problems in the rural, economic depressed areas of America.

I know the first trip in 1942 when I was 4 years of age. The gentlewoman from New Mexico (Ms. WILSON) was talking about some of those towns along that route. I remember stopping and we would get the water bag filled that we would have on the front of the car so we could make it across the desert. I can remember when we returned from that first trip, I got out of the car barefooted in Flagstaff, Arizona, and my nose started bleeding because the pavement was so hot at that time.

I point this out because Route 66 was a highway of hope and dreams for a lot of people. The dreams of being able to survive. The dreams of being able to maybe accumulate something along the way. And, I might say, if we look in California today we will find a lot of those successful business leaders and landowners are Okies and Arkies that made the trip.

I know I have talked to a lot of them each year that come back for homecomings, class reunions and family reunions and literally they tell me they would like to come back home to Oklahoma, but they cannot because now their children and grandchildren are in California, so they are locked into staying because they want to be around their family.

I had to step forth today and express my thanks to the gentleman from Utah (Mr. HANSEN) and the gentlewoman from New Mexico (Ms. WILSON), and the leadership of the gentleman from California (Mr. MILLER) and others for pursuing this legislation because Route 66 is not just any road. Yes, it is the Mother Road, the Highway of Hope for many of us. It is a road that allowed a lot of people to survive coming out of the worst economic conditions they possibly could have had during the Great Depression.

I know that my mom and dad and three of us children and other kinfolks traveled that route. I am glad that I made the route back on Route 66 to Oklahoma. I grew up in Bermington, a small rural community in the southeast part of the State of Oklahoma. I think this road will provide many memories, but we will be able to preserve historically many of the hopes and dreams because it made opportunities available for a lot of people.

Mr. Speaker, I thank the gentleman from Utah for letting me have the opportunity to say a few words.

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

Mr. HANSEN. Mr. Speaker, I appreciate the comments of the gentlewoman from New Mexico (Ms. WILSON) and the gentleman from Oklahoma (Mr. WATKINS). I have no further 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

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.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice to the House of my intention to offer a Question of Privilege to the House and offer a resolution expressing the sense of the House that its integrity has been impugned because

the anti-dumping provision of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced.

The text of the resolution is as follows:

Now, therefore, be it *Resolved* by the House of Representatives, that the House of Representatives calls upon the President to—

(1) Immediately obtain voluntary restraint agreements from Japan, Russia, Ukraine, Korea and Brazil which limit those countries in July-to-June Fiscal Year 1999 to the level of their exports as calculated from July-to-June Fiscal Year 1998;

(2) Immediately impose a one-year ban on imports of hot-rolled steel products and plate steel products that are the product or manufacture of Japan, Russia, Ukraine, Korea and Brazil if he is unable to obtain voluntary restraint agreements within 10 days;

(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 or 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.

□ 1245

The SPEAKER pro tempore (Mr. BALLENGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. KUCINICH) will appear in the RECORD at this point.

The Chair at this point will not determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

The Clerk read as follows:

S. 1132

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 "Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a "vanished people, with as much land as may be necessary for the proper protection thereof. . . ." (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of "pueblo-type archeological ruins germane to those in the monument" (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve "their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes" of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94-578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no

lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER), each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 1132 is a bill introduced by Senator JEFF BINGAMAN and has support from the gentleman from New Mexico (Mr. REDMOND), both from the State of New Mexico.

Senator BINGAMAN and the gentleman from New Mexico (Mr. REDMOND) have worked to develop a bill that will increase the size of Bandelier National Monument and protect its watershed.

Mr. Speaker, 1132 modifies the boundary to include lands within the upper watershed of the Bandelier National Monument which potentially can threaten the monument with flooding, erosion and water quality. The expansion will include approximately 935 acres of land and can only be acquired with the consent of the landowner.

This boundary expansion will enhance the protection of lands within the Bandelier National Monument.

I urge my colleagues to support S. 1132.

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.

This bill adds 935 acres in the northern boundary of the national monument. The lands include the headwaters of a watershed that drains into the park. The bill has had no hearings or markups in the House.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the 8 bills just debated.

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

There was no objection.

REGARDING HOUSE RESOLUTION 598

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

Mr. TRAFICANT. While we are waiting, I would just like the Members of Congress to know that later today House Resolution 598 will be brought to the floor relative to the problem of illegal dumping of foreign steel in our markets that has destroyed American families, our economy, destabilized much of our industry. And this is a very important vote in a very important debate today because, regardless of your personal persuasion on trade policy, this is not a debate about free trade today. This is not a debate about fair trade today, to a degree. It is a debate about illegal trade and enforcement of our trade laws.

We can pass laws, but they are not ours to enforce. We will ensure today by the vote of the Congress that this illegal dumping be addressed and challenged. I am hoping that all Members will participate and support that resolution, H. Res. 598.

MORE ON H. RES. 598

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

Mr. GEKAS. Mr. Speaker, I apropos to the remarks by the gentleman from Ohio, I remember the first time that I was in the Oval Office was during the Reagan administration, at which time the President then was adamant about the voluntary restraints that foreign steel producers would be subjected to were we to continue our program and

which we assented was necessary to protect our steel making jobs.

Ever since then we have been on a highly visible plain of watching carefully the steel dumping syndrome across the world. I join with the gentleman from Ohio to keep on alert as Members of Congress and as citizens on this clandestine way of ruining our ability to keep our steel industry intact.

When that resolution comes up, I hope that the common sense of our Chamber will take hold.

TREATMENT OF GOVERNMENTAL PENSION PLANS AS STATE PENSION PLANS FOR CERTAIN PURPOSES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4572) to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income, as amended.

The Clerk read as follows:

H.R. 4572

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

SECTION 1. CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME.

(a) IN GENERAL.—Subparagraph (G) of section 114(b)(1) of title 4, United States Code, is amended by inserting before the semicolon "or any plan which would be a governmental plan (as so defined) if possessions of the United States were treated as States for purposes of such section 414(d)".

(b) CORRECTION OF CLERICAL ERROR.—Section 114 of such title 4 is amended by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

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

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

There was no objection.

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

During the last session, the Congress passed a very useful piece of legislation which in essence said that when someone retires with a pension in a particular State and then moves to another State, that we would end the process by which that State could still follow and reach out with its long arm and gain tax revenues from a pensioner no

longer in the State but who earned that pension in that State. We felt that that was an unfair proposition.

I remember very well my congressional classmate Barbara Vucanovich spearheaded the effort because, as it turned out, in her State there were many former California residents who were under double taxation. They were retired in her State, yet they had to pay California taxes on their pensions which were coming from California. But we decided to end that process. We did happily for all Americans.

But in doing so, a glitch occurred with the Commonwealth of Puerto Rico. It appears that the definitions of "State" and of "possessions," et cetera, which the bill intended to cover back then in and the law now on the books intended to cover, did not include the status of Puerto Rico as a commonwealth. So all we are doing with this piece of legislation, Mr. Speaker, is bringing Puerto Rico into the plan that was originally set forth for all Americans. And that is why this bill is necessary.

It is a technical amendment because it just catches up with the legislation that we passed last term. But it is not just a technical amendment to those former residents of Puerto Rico who earned a pension there and who live elsewhere now when they have to be compelled to pay taxes to Puerto Rico. So it is more than technical to them, but for our purposes, it is a catchup technical amendment.

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

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

I want to concur with the assessment of this legislation by the gentleman from Pennsylvania (Mr. GEKAS). We want to thank the gentleman from Pennsylvania (Mr. GEKAS) for the fine job he has done not only on this but many other pieces of legislation relative to these matters.

This bill, as stated, clarifies the tax treatment of certain pensions. More specifically, as was stated by the gentleman from Pennsylvania (Mr. GEKAS), technical to others but to the people impacted very substantive, because the bottom line, this deals with an issue passed in the last Congress which protects the pension income of retirees who retire from a State which has an income tax to a State with no income tax, as cited by the gentleman from Pennsylvania (Mr. GEKAS).

Having said that, I believe it is the right thing to do. It makes the correction which is necessary under law. We support the legislation.

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

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

I thank the gentleman from Ohio for cooperating and seconding the proposition before us. I urge support of this bill. I state for the RECORD that the manager's amendment contains one

minor clerical change. Mr. Speaker, this does not require a filibuster of any type.

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 Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4572, 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.

TEMPORARY REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4831) to temporarily reenact chapter 12 of title 11 of the United States Code, as amended.

The Clerk read as follows:

H.R. 4831

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

SECTION 1. TEMPORARY REENACTMENT OF BANKRUPTCY PROVISIONS RELATING TO FAMILY FARMERS.

(a) *REENACTMENT.*—Chapter 12 of title 11 of the United States Code, as in effect on September 30, 1998, is hereby reenacted for the period beginning on October 1, 1998, and ending on April 1, 1999.

(b) *CONTINUATION OF CASES.*—All cases commenced or pending under chapter 12 of title 11, United States Code, as reenacted under subsection (a), and all matters and proceedings in or relating to such cases, shall be conducted and determined under such chapter as if such chapter were continued in effect after April 1, 1999. The substantive rights of parties in connection with such cases, matters, and proceedings shall continue to be governed under the laws applicable to such cases, matters, and proceedings as if such chapter were continued in effect after April 1, 1999.

SEC. 2. EFFECTIVE DATE.

This Act shall take effect on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. 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 Pennsylvania?

There was no objection.

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

Throughout a full year now, as the Speaker knows, we have been considering bankruptcy reform. And as it turned out, the House, in a bipartisan

vote, overwhelmingly approved bankruptcy reform twice, both in the original bill and in the conference report.

The Senate, on its side, approved on a great bipartisan vote with only one dissenting vote, I think 97 or 98 to 1, a similar bankruptcy reform bill. The conference was never able to have the bill passed in both chambers. It succeeded only in the House. So it sort of fell by its own weight over in the Senate.

□ 1300

But an important feature of the bankruptcy reform legislation, right from the start, was an extension of chapter 12. What does that mean? Chapter 12 is devoted specifically and uniquely to the farmers of our Nation who experience unique types of financial crises almost on a monthly basis.

We, through chapter 12 in the current code, accord our farmers a special set of rights and abilities to cope with their financial situation. So we had hoped that, with the total bankruptcy reform bill it seemed on a way to a successful conclusion, to also extend the benefits of chapter 12 which we did have in the bill.

But if the bill fell, then chapter 12 had to fall with it. That meant that, on October 1 of this year, the authorization previously in effect for chapter 12 ended.

So what we are about here is an extension of that chapter 12 set of benefits. A leader in this movement, I must tell my colleagues, from the first day that we began contemplating bankruptcy reform was the gentleman from Michigan (Mr. SMITH), who doggedly pursued for his purpose, for his great cause, the farmers' financial situation, the extension of chapter 12.

I had assured him on many occasions that we are going to make sure that it is going to be part of the bankruptcy reform bill, but I really did not expect that it would crash down as it did in the last minutes of this session.

But that sets the stage, then, for the passage of this legislation, which everyone should agree has to occur, else the October 1 end of chapter 12 authority for special treatment of farmers will also crash down. So we are eager to extend the benefits of chapter 12, the sole purpose of this piece of legislation.

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

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

Mr. Speaker, I want to join in support of this legislation. Mr. CONYERS is not here today. He is very busy. He supports extending these protections in bankruptcy, chapter 12 protections for the farmers.

There is a concern that we have, but it is not enough of a concern for us to oppose this legislation. Our concern is that this is but a 6-month extension, and we would have liked to have seen a little more of an extension and perhaps maybe even a permanent correction.

But not being of the committee, and representing the committee on this suspension, I would like to say this: Many Members on this side of the aisle respect the efforts of the gentleman from Pennsylvania (Mr. GEKAS), and we know that the gentleman from Pennsylvania (Mr. GEKAS) has taken what he could in the process with the other body.

What he has brought to the floor is good enough for us. We would like to see it better. We are hoping and appealing to the chairman that, in the next opportunity, that that broader extension and perhaps a permanent delineation could be effected.

Having said that, I would also like to say that I have passed laws on home mortgages and now veterans' VA loans to provide for, upon one-month, 4-day delinquency, a notice of counseling programs available with a 1-800 number where the delinquent owner and mortgage holder can call for assistance. They have had great success in working this out.

I want to also let the Congress know that I am going to attempt to have that type of language inserted for specific small farm and farm activities to make sure and ensure that, when they get in trouble, they will know what the service is.

What the gentleman from Pennsylvania (Mr. GEKAS) is doing today, we support. We would appreciate his consideration in the future.

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

Mr. GEKAS. I yield myself such time as I might consume.

Mr. Speaker, I want to launch a filibuster now to give ample opportunity to our colleague the gentleman from Michigan (Mr. SMITH) to appear if he is on his way so that he may give his personal witness to this legislation.

So I will recite the Gettysburg Address and a few other staples from American history, but I am being urged by staff to bring us to a quick close.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, there is no question that farmers and agriculture are currently in a very serious plight, and there is no question that much-needed work has been done on bankruptcy reform in the 105th Congress. Our bankruptcy laws are too lenient and have become a source of debt evasion rather than a means of equitably resolving differences between debtors and creditors.

While we have been hammering out an agreement, one important issue got lost in the shuffle. Bankruptcy relief for farmers has been allowed to expire during the period of severe hardship for American farmers.

American farmers are going to be losing this year between 10 and 20 percent of their income, over \$8 billion, as a

drop in farm income. Some farmers have been and are going to be forced into bankruptcy.

There has been a problem of weather, of disease, of low commodity prices, of a loss of Asian markets. What we need to do is we need immediate action to ensure that the chapter 12 reorganization is restored to American producers as soon as possible. Both the chairman and the ranking member also have felt that this is important.

Chapter 12 expired on September 30 of this year. Enacted during the 1986 farm crisis, chapter 12 made significant bankruptcy relief available to a group of Americans that has difficulty in getting credit and managing their assets since the country's founding, and of course that is the American farmers.

Specifically, it opened many of the advantages of chapter 13 filings to farmers who were, for the most part, too indebted to take advantage of chapter 13 and had to use other less advantageous provisions of the bankruptcy code.

For example, chapter 7 was accessible to farmers to give them some of the, if you will, fresh start promise to debtors under the bankruptcy code. But under chapter 7, the farm which might have been in the family for generations was usually lost. Congress needed to find a way to ensure that creditors are protected while at the same time being able to maintain that family farm.

I understand that chapter 12 may need some changes. Both the gentleman from Pennsylvania (Chairman GEKAS) and Senator GRASSLEY, the father of chapter 12, have proposed changing chapter 12 in various ways. It may well be that chapter 12 should be changed, but this needed provision to extend it from the current sunset of last October 1 needs not to lapse.

Currently, we are in the midst of another crisis in the saga of the American farmer. The weather, the disease, the devastated crops, export markets shrinking, commodity prices at historic lows, changes to chapter 12 can and must be maintained.

It is unacceptable to allow the desire for reform to prevent the renewal of this program in this time of need for the American agriculture.

My bill, H.R. 4831, would extend the chapter 12 provisions so that we can debate needed changes in a period of less urgency for farmers. This legislation that makes the farmer provisions of chapter 12 retroactive to last October 1st is supported by the Senate and the administration. I hope all my colleagues will join me today in passing this legislation.

Mr. GEKAS. Mr. Speaker, we thank the gentleman for his heroic efforts in bringing this to a successful conclusion.

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the

House suspend the rules and pass the bill, H.R. 4831, 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.

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The Clerk read as follows:

Senate Amendments to House Amendments:

Page 13, after the matter following line 19, of the House engrossed amendments, insert:

SEC. 9. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

“(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BINDING OFFER.—The term ‘binding offer’ means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

“(B) CATEGORY OF PETROLEUM PRODUCT.—The term ‘category of petroleum product’ means a master line item within a notice of sale.

“(C) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that owns or controls a refinery that is located within the State of Hawaii.

“(D) FULL TANKER LOAD.—The term ‘full tanker load’ means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

“(E) INSULAR AREA.—The term ‘insular area’ means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(F) OFFERING.—The term ‘offering’ means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

“(G) NOTICE OF SALE.—The term ‘notice of sale’ means the document that announces—

“(i) the sale of Strategic Petroleum Reserve products;

“(ii) the quantity, characteristics, and location of the petroleum product being sold;

“(iii) the delivery period for the sale; and

“(iv) the procedures for submitting offers.

“(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

“(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

“(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a

category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

"(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

"(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

"(3) Limitation on quantity.—

"(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

"(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/12 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

"(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

"(4) ADJUSTMENTS.—

"(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

"(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

"(i) less than 1 full tanker load; or

"(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

"(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

"(7) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

"(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

"(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of

sale is issued), the Governor shall not certify the company under this paragraph.

"(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the Governor of an insular area, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area or the President of a Freely Associated State in its efforts to maintain adequate supplies of petroleum products from traditional and nontraditional suppliers."

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (a).

SEC. 10. INDIAN ENERGY RESOURCE DEVELOPMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking "and 1997" each place it appears and inserting "1999, 2000, 2001, 2002 and 2003" in lieu thereof.

SEC. 11. REMEDIAL ACTION.

(a) Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended by striking "\$85,000,000" and inserting "\$140,000,000".

(b) Section 1003(a) of such Act (42 U.S.C. 2296a-2) is amended by striking "\$415,000,000" and inserting "\$490,000,000".

(c) Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1) is amended by striking "\$480,000,000" and inserting "\$488,333,333".

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

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

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 417.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today, the House does consider S. 417, the Energy Conservation Reauthorization Act of 1998. S. 417 improves U.S. energy security by reauthorizing various conservation programs. It also reduces the energy bills paid by low income consumers, cuts the energy bill paid by the taxpayers through improving the energy efficiency of Federal agencies, and promotes energy security by encouraging the use of biodiesel fuel to reduce dependence on the petroleum motor fuels.

This is not a controversial bill. It passed the House on September 28 by a

voice vote, and it had very strong bipartisan support. The original House bill was introduced jointly by the ranking member of the Subcommittee on Energy and Power, the gentleman from Texas (Mr. HALL), and was strongly supported by many on the other side of the aisle. When the House considered the bill last month, not one Member rose in opposition.

The Senate approved an amendment to S. 417 that adds three sections to the bill. One section assures that the State of Hawaii has access to oil from the Strategic Petroleum Reserve in the event of a drawdown. Another reauthorizes a program that assists Indian tribes develop energy sources of their own. The final section provides for cleanup of contaminated thorium sites. I have no objections to the Senate amendment.

The first section of the Senate amendment assures the State of Hawaii has access to oil supplies in the event of a Strategic Petroleum Reserve drawdown. The State of Hawaii needs assurance of access to oil during a SPRO drawdown because it is much more dependent on oil in other parts of the U.S.

This amendment does not undermine the SPRO of which I am very favorable to for many years. I have spent the last 4 years fighting to protect the SPRO against misguided attempts to sell off our Nation's oil stockpile. I have done so to assure that the SPRO is available in the event of an oil supply emergency. I would not support the Senate amendment if it undermined the SPRO reserves.

The Senate amendment also reauthorizes a program that provides grants and loans to Indian tribes to assist their development of energy resources. Many Indian tribes are in remote areas that are not well-connected to the electric and natural gas transmission system. This program provides funding to assist Indian tribes develop energy resources.

The new thorium section addresses concerns about the adequacy of funding for contaminated thorium sites. In the Energy Policy Act of 1992, the Federal government accepted responsibility for funding its fair share of cleanup at such sites. The Senate amendment simply ensures the Federal government continues to own up to its responsibility for thorium cleanup.

I urge support for S. 417.

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

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

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

Mr. HALL of Texas. Mr. Speaker, I am pleased, of course, today to rise in support of this bill, the underlying vehicle for this package of legislation, H.R. 4017, which was introduced by the chairman of the Subcommittee on Energy and Power, my good friend, the gentleman from Colorado (Mr. DAN SCHAEFER), and have joined him as a cosponsor. That measure passed the House, I think, back in September.

Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, the Senate bill, S. 417, and forwarded to the Senate.

The other body added three other provisions to the measure, and they returned it to us. The provisions would ensure, and this is a very important segment of it, ensure that Hawaii was guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, and extend the authorization of some things.

But because of the distance of Hawaii, and not being contiguous to the other 48 States, they are in a peculiar and a different position and have an access to the SPRO, as does the State of Texas and other States that are here in the 48.

This bill is a companion to H.R. 2472 that the President signed into law on June 1. A new energy security law reauthorized the SPRO and amended the international energy agency statutes to comply.

Actually, the use of biodiesel, that is a part of this that the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) have added that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992 that will give them some more leeway and some more help in addition to having access to the SPRO. The use of biodiesel will reduce the carbon dioxide emissions. There is a lot of good things it does.

□ 1315

It reduces other air pollutants, particulates, carbon monoxide and sulfur dioxide. Our new Secretary of Energy also, Mr. Bill Richardson, highlighted these facts when as a member of the House he joined 33 of the other colleagues here writing to then Secretary of Energy Mrs. O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act.

I think it is a good act. I urge that we pass this act.

Mr. Speaker, I am pleased to rise today in support of S. 417. The underlying vehicle for this package of legislation, H.R. 4017, was introduced by the chairman of the Energy and Power Subcommittee, my good friend DAN SCHAEFER. I joined him as an original cosponsor, and that measure passed the House by voice vote on September 28. Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, S. 417, and forwarded to the Senate. The other body added three other provisions to that measure and returned it to us. Those provisions would ensure that Hawaii has guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, extend the authorization of the Indian Energy Resources Program through 2003, and authorize additional funding for cleanup of a thorium-contaminated site in West Chicago, Illinois.

This bill is a companion measure to H.R. 2472, which the President signed into law on June 1st. That new energy security law reauthorized the Strategic Petroleum Reserve and amended the International Energy Agency statutes.

The bill before us today reauthorizes several small, but important, energy conservation programs for five years. They include: the State Energy Conservation Program and Institutional Conservation Program; and the weatherization conservation program in the Energy Conservation and Production Act.

The bill also includes a number of technical changes to the three statutes that are being reauthorized or amended: the Energy Policy and Conservation Act; the Energy Conservation and Production Act; and the National Energy Conservation Policy Act. I commend the staff, both with our Committee and with the Legislative Counsel's office, for their attention to detail and for the time they have committed to this effort to make our public laws as accurate and as easy to interpret as possible.

Additionally, S. 417 makes legislative and judicial branch entities eligible to enter into Energy Savings Performance Contracts and extends permanently the provisions of the Defense Production Act of 1950 which provide the President with priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

This legislation also includes a very important, bipartisan amendment, authored by Representatives SHIMKUS of Illinois and KAREN MCCARTHY of Missouri, that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992. This amendment sets up a credit mechanism, through which heavy duty vehicle users may accumulate modest credits that may be used, under the existing provisions of the 1992 Act, to help fleets meet their petroleum displacement requirements. This language, which was adopted by the Commerce Committee after lengthy, bipartisan negotiations that included representatives of the Natural Gas Vehicle Coalition and the National Biodiesel Board, is a modified version of H.R. 2568, legislation introduced by Representatives SHIMKUS and MCCARTHY.

Mr. Speaker, the use of biodiesel will reduce carbon dioxide emissions. Biodiesel use also substantially reduces other air pollutants—particulates, carbon monoxide and sulfur dioxide. Our new Secretary of Energy, former House Commerce Committee member Bill Richardson, highlighted these facts when, as a member of this House, he joined with 33 of his colleagues in writing to then-Energy Secretary O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act. I include a copy of this correspondence with my statement and urge my colleagues to support this legislation today so it can be sent to the President for his signature.

U.S. CONGRESS,

Washington, DC, October 25, 1996.

Hon. HAZEL R. O'LEARY,
Secretary, U.S. Department of Energy,
Washington, D.C.

DEAR SECRETARY O'LEARY, As members of the U.S. House of Representatives concerned with our nation's energy security, we would like to express our support for biodiesel, a renewable alternative fuel for diesel engines derived from vegetable oils, such as soybean oil. We believe the Department of Energy

(DOE) should initiate a rulemaking to include B20, a 20% biodiesel/80% diesel fuel blend, as an alternative fuel under the Energy Policy Act of 1992 (EPACT). B20 is good for farmers, good for the environment, good for the economy and will contribute to national energy security. Including B20 as an alternative fuel would also be consistent with the legislative intent of EPACT.

Biodiesel has important environmental benefits. Biodiesel is registered with the EPA as a fuel and fuel additive. Scientific evidence demonstrates that using B20 reduces most harmful exhaust emissions from diesel engines. Biodiesel can also be processed from recycled cooking oils and waste animal fats.

Biodiesel promotes economic development and energy security. As a renewable fuel, biodiesel offers America's farmers stable, long-term markets for efficiently-produced soybean oil. Biodiesel also means jobs and tax revenues from processing a greater portion of our domestic soybean oil in the U.S. Use of domestic biodiesel improves national energy security by displacing imported energy.

Under current DOS regulations, 75% of affected federal and state government fleet vehicle purchases and 90% of affected fleet vehicle purchases by private alternative fuel suppliers must be alternative fueled vehicles by the year 2001. Future DOE EPACT regulations may extend similar vehicle purchase requirements to municipal and other large private company fleets.

Congress clearly intended that EPACT should be "fuel neutral." Fuel neutrality simply means there is no presumption in the law to favor any particular alternative fuels as a means of compliance with the goals of EPACT. Congress made EPACT fuel neutral to give regulated fleets the flexibility to decide which alternative fuels are compatible with their operations. B20, therefore, will give regulated fleets greater flexibility to comply with EPACT.

B20 is the most popular biodiesel blend tested so far with diesel consumers and engine manufacturers. B20 provides many of the environmental and safety benefits of pure biodiesel at a fraction of the cost. B20 is also compatible with existing diesel engine maintenance and refueling facilities. More than 10 million miles of in-service pilot programs have been conducted across the nation using B20. For these reasons, B20 should be a popular EPACT compliance option for regulated fleets that use diesel vehicles.

Before B20 can be included as an EPACT alternative fuel, the DOE must amend its current regulations. The American Soybean Association and other supporters of B20 have recently submitted a petition to the DOE to initiate a B20 rulemaking. Initiating a rulemaking will allow the DOE to collect data on B20 and to render a reasoned decision. Once all of the data on the benefits of B20 is placed in the public record, we are confident that you will decide to include B20 as an alternative fuel. Therefore, we urge you to immediately initiate a rulemaking to amend existing DOE regulations to include B20 as an EPACT alternative fuel.

The recent re-escalation of conflict in the Middle East has again highlighted our nation's dependence on imported energy. Including B20 as an EPACT alternative fuel will allow domestically produced biodiesel to immediately play a role in reducing that dependence. It will also benefit the environment, our farmers and our economy, as well as assist regulated fleets to comply with EPACT.

We appreciate your active interest in expanding the role of renewable fuels in U.S.

energy policy. Please keep us apprised of your progress on this important matter.

Sincerely,

Tom Latham, — —, Jim Bunning, Dick Durbin, Jerry F. Costello, Doug Bereuter, Jan Meyers, Lane Evans, Bill Richardson, Ed Bryant, John Spratt, Tom Ewing, Tim Hutchinson, John D. Dingell, Glenn Poshard, James A. Leach, — —Ed Whitfield, David Minge, Jim Lightfoot, Collin C. Peterson, Charles T. Canady, Ron Lewis, John Joseph Moakley, Roger F. Wicker, Jim Nussle, Greg Ganske, — —, Walter B. Jones, Jr., — —, Dave Camp, Saxby Chambliss, Eva M. Clayton.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, Steven Covey in his book "The Seven Habits of Highly Effective People" says one of the most important habits is to think win-win. I am very happy about this bill today and I am very happy to stand in support, particularly of the biodiesel portion of this because this is not just win-win, it really is win-win-win. It is a win for our environment because when you blend soybean oil with diesel fuel, you cut particulates by almost half. If you have ever sat behind a diesel truck or a bus when it was taking off, I think the whole notion of eliminating or cutting those particulates by 50 percent is something that clearly is a win for the environment. It is also a win for our farmers because the Soybean Growers Association says this bill will add between 7 and 10 cents to the price of a bushel of soybeans. Particularly in this market, that is very much an important win for our farmers. But finally it is a win for our energy independence. We really have not had much of an energy policy for the last several years. This is a good step in the right direction.

I want to congratulate the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all of the Members of Congress who have worked on this very important piece of legislation. It really is a win-win-win situation.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the comments of our chairman the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all the supporters of this bill. I believe energy independence should be a goal of the Congress in addition to conservation and our environment. But I have asked for this time for a different reason. Our illustrious chairman, the gentleman from Colorado (Mr. DAN SCHAEFER), this is probably and, unless he has another bill today, could be his last bill.

There are so many Members that love DAN SCHAEFER. He has been a great chairman, a great friend and ev-

erybody on both sides of the aisle appreciates that. I want you to know that from the bottom of my heart and I thank you.

I want to cite one example. Although he destroyed the Democrat baseball team every year, he is undefeated with help from guys like SHIMKUS and LARGENT, et cetera, but he even played ILEANA ROS-LEHTINEN and JO ANN EMERSON. And I said to him, "Chairman, you're playing these two women and if you had any guts you'd call them into your office and cut them," naturally jokingly. And he laughed. But then he not only played ILEANA and JO ANN EMERSON, he found the time to put them in the game and reward them, two great women in our Congress, for having practiced. I cite that, because that is about the way DAN SCHAEFER is; fair, he made sure everybody got a shot, he did that with me and my district, and we thank you, Chairman. With that, I support this bill very strongly.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. HALL of Texas. Would the gentleman also join me in this next session if in the event we are both back, and I am hoping we will be, that when we do finally deregulate electricity that that bill be named the Electrical Deregulation Schaefer Bill of 1999 or maybe the Schaefer Bill of the Year 2010 or something like that?

Mr. TRAFICANT. Reclaiming my time, I think we could also say that this chairman has his fingerprints on changing the tax policy in America, too. But if I am back, I want to see a building named after the illustrious chairman.

I thank him for all he has done.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), the author of the biodiesel bill.

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. DAN SCHAEFER) and I want to thank the gentleman from Virginia (Mr. BLILEY) for their hard work and persistence in bringing S. 417 to the floor today. Included in this legislation is language which the gentlewoman from Missouri (Ms. MCCARTHY) and I authored to promote the use of biodiesel fuel.

Our legislation would afford vehicle fleet managers affected by the Energy Policy Act of 1992 more flexibility to comply with the onerous mandates of this act by allowing them to substitute actual biodiesel fuel used for vehicle acquisitions.

This legislation would also enhance our national energy security by developing an environmentally friendly diesel fuel which is made in America. As many of my colleagues know by now, biodiesel is derived from agricultural products such as soybeans, rapeseed or beef tallow. Some producers even make this fuel out of reprocessed deep fryer

fat. In short, biodiesel will reduce our nation's dependence on foreign oil imports.

This legislation is supported by numerous organizations, including the American Soybean Association, the Natural Gas Vehicle Coalition, the American Farm Bureau Federation and many others.

Mr. Speaker, I also want to thank a staff member of the House Commerce Committee, Joe Kelliher. He has done excellent work on this issue and has always made his services available to me and my staff. Thank you, Joe.

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of S. 417, the Energy Conservation Reauthorization Act of 1998.

The legislation we are considering today is important to the State of Hawaii and the Nation. Hawaii and the Pacific territories have special needs during an energy emergency since we are isolated from the U.S. energy supply by more than 7,000 miles or one-quarter of the way around the globe. Oil accounts for more than 90 percent of Hawaii's energy and almost all of our oil is imported. In addition, we depend entirely on oil for our electricity generation.

The U.S. Strategic Petroleum Reserve in Louisiana and Texas is designed to help all consumers by dampening price rises and using markets to allocate oil efficiently through swaps or proximity delivery. Even so, time emergency deliveries are still problematic. Since all of our oil is delivered by tanker, we are very vulnerable to a cutoff of oil supplies. This bill gives Hawaii emergency access to the Strategic Petroleum Reserve so that we can submit a special bid for oil during a declared emergency.

The oil price from the Strategic Petroleum Reserve would equal the average of all SPR bids accepted by the Department of Energy. This bill also permits Hawaii to enter into an exchange agreement directing the SPR oil to be delivered to locations other than Hawaii.

Another important provision in this bill is the biodiesel amendment. This provision should be important to all farmers and people concerned about the environment. Biodiesel is a renewable alternative fuel derived from vegetable oil or animal fat. It can be made from soybeans, canola, and even waste oils from fast food restaurants.

Biodiesel fuel has many advantages. It is nontoxic. It can cut emissions of particulate matter and hydrocarbons in half. It can also reduce greenhouse gas emissions. Most important, biodiesel can reduce our national reliance on foreign oil.

Biodiesel can be used directly in bus, truck, and marine vessel diesel engines. It does not require new refueling stations, new parts or expensive engine modifications.

Islands are particularly suited to the manufacture of biodiesel fuels, as shown by Pacific Biodiesel. All islands have a difficult time disposing of waste products since landfill space is limited. On the islands of Hawaii, used cooking oils were unnecessarily taking up landfill space. Pacific Biodiesel currently processes 10,000 gallons of used cooking oil each month into premium biodiesel fuel. Many of the hotel buses in Hawaii now use biodiesel fuel that is produced by Pacific Biodiesel. Boats in the marinas are also using this high-quality fuel.

The amendments to this bill will protect Hawaii from an energy crisis. They will also help our farmers and our environment. I urge my colleagues to support S. 417.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of S. 417 as amended by the Senate last week. This legislation, a companion to H.R. 4017 of which I am a co-sponsor, represents a bipartisan, bicameral, win-win solution for communities like Kansas City which currently find it cost-prohibitive to comply with the requirements of the Energy Policy Act.

On September 29, 1998, the day after H.R. 4017 passed the House, I participated in a Forum on Transportation, sponsored jointly by the Kansas City Chamber of Commerce and the Mid America Regional Council. When I shared with the Forum participants the news of our success with H.R. 4017 in the House, they were very excited about the opportunities this legislation would present for the use of biodiesel products in metropolitan transportation fleets and for the growth of associated markets, such as agricultural waste products and soybean products.

S. 417 is a step in the right direction—for cleaner air, for less dependence on foreign petroleum, for opening up new markets for indigenous energy use, and for cost-effective compliance with EPA standards. I urge my colleagues to support this measure. Thank you.

Mr. DINGELL. Mr. Speaker, I am pleased to support S. 417, which incorporates legislation previously reported by the House as well as several new provisions added by the Senate. The bill is companion legislation to H.R. 2472, which was signed into law by the President earlier this year and reauthorized other provisions of the Energy Policy and Conservation Act (EPCA).

The measure before us today reauthorizes several other EPCA programs pertaining to energy conservation for a period of five years. The bill makes needed technical changes to EPCA, the National Energy Conservation Policy Act, and the Energy Conservation and Production Act. In addition, the bill authorizes legislative and judicial branch entities to enter into Energy Savings Performance Contracts and extends a provision of the Defense Production Act of 1950 granting the President priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

In addition to these important reauthorizations, S. 417 amends the Energy Policy Act of 1992 to help biodiesel blended fuel a more attractive option as a replacement fuel. This bipartisan amendment, coauthored by Representative SHIMKUS and Representative KAREN MCCARTHY, will reduce emissions of carbon dioxide and air pollutants.

The legislation also reauthorizes a program initiated under the Energy Policy Act of 1992 to promote energy resource development on Indian reservations, and amends that Act to facilitate the continued clean up of a contaminated thorium site in West Chicago, Illinois.

Finally, the legislation amends EPCA to provide the State of Hawaii special access to the Strategic Petroleum Reserve (SPR) during a declared oil supply emergency. Agreement to include this provision would not have been achieved without the tireless efforts of Mr. ABERCROMBIE, who brought this issue to our attention and helped forge a consensus.

Hawaii depends entirely on oil imports for electric generation, and this provision is critical

to ensuring its citizens' well-being during an oil supply emergency. The legislation authorizes Hawaii to submit a special bid for SPR oil during a declared oil emergency, and to purchase the oil at the average price of other bids accepted by the Department of Energy.

Of course, other parties also are entitled to bid on SPR oil in an emergency, and the Secretary of Energy may limit the amount of oil made available to Hawaii under this measure. Finally, in keeping with other provisions in ERCA, the bill allows Hawaii to enter into an exchange agreement directing that SPR oil be delivered to locations other than Hawaii. The right to exchange SPR oil, however, is conditioned on the obligation to deliver oil of similar quantity to Hawaii. This will help ensure that the benefits reach the citizens of Hawaii, rather than speculators who might wish to resell SPR oil for great profit on the open market.

I commend my colleagues on both sides of the aisle for their cooperation in crafting and reaching agreement on this important legislation, and urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

STATE DEPARTMENT BASIC AUTHORITIES ACT AMENDMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

“(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

“(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

“(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

“(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

“(B) the killing or kidnapping of—

“(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

“(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

“(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5,000,000.

"(2) APPROVAL.—A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-

nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States."

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the "Extradition Treaties Interpretation Act of 1998".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnapping" and "kidnapping" to include parental kidnapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) 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 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. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, this measure enjoys strong bipartisan support in the Congress and the executive branch. It raises the rewards that can be offered to arrest terrorists, narcotraffickers and Yugoslav war criminals. The House passed this measure by voice vote on October 8 and the Senate passed it yesterday.

When the other body considered this measure, it deleted the separate funding authorization for rewards related to the arrest of Yugoslav war criminals and added the text of S. 1266, the Extradition Treaties Interpretation Act. S. 1266 passed the Senate by voice vote last year and would permit divided American parents to levy extradition requests on their former spouses who have kidnapped their children. I will note that this language also has strong bipartisan support and the backing of the administration.

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

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4660, as amended.

I would like to commend the gentleman from New York (Mr. GILMAN) for his leadership in bringing H.R. 4660 to the floor today. I understand that the Senate has amended the bill. The amendment will interpret the term "kidnapping" in any extradition treaty to which the U.S. is a party to include parental kidnapping.

The amendment will result in three important changes: First, it will cure a disparity between list and dual criminality extradition treaties. Parental kidnapping is an extraditable offense under dual criminality treaties but not list treaties. Second, it will enable the Departments of State and Justice to pursue extradition requests under list treaties for parental kidnapping. This change will grant law enforcement offi-

cial the necessary flexibility to process extradition requests. Currently we have two outstanding list treaty requests that cannot be processed because this legislation is not in place. Finally, it will harmonize the term "parental kidnapping" in list treaties with U.S. domestic law which makes parental kidnapping a crime. The bill has the support of the Department of Justice and State, and State and local prosecutors.

Mr. Speaker, I support this important bill and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, if I can yield to the chairman of the committee for a question, I think we are doing good work here. Some of us are concerned that the implementation language for the chemical treaty, the ban on chemical weapons, could end up dying because there are so many other issues that have been added to that particular bill. I am just wondering what the chairman's intention is. I can guarantee you near Democratic support if it is a clean bill on the chemical treaty. If it has a number of other items on it, I am afraid we may not see that bill pass in this session. I think that would just be wrong. It is late in the session. We have got agreement on the chemical portion. I would hope the chairman's plan is to bring a clean bill to the floor rather rapidly.

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

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

Mr. GILMAN. Mr. Speaker, I would be pleased to relate the status. We have been negotiating with regard to the proponents of the omnibus bill to try to get as much of our reauthorization language in as well as the chemical weapons measure. We are awaiting a final decision with regard to that. It is still under negotiation.

Mr. GEJDENSON. I hope the chairman could at this point release the chemical treaty while he is negotiating in the omnibus. The advantage of that, of course, is that this is an important thing that I think the chairman should if he does not, I think he does support, we ought to get that done and you can continue to negotiate on the other matter.

Mr. GILMAN. If the gentleman will yield further, we certainly recognize the importance of the chemical weapons bill. I want to assure the gentleman we will try our best to try to make certain that we get the reauthorization language and the chemical weapons measure before the full House before we adjourn.

□ 1330

Mr. PAYNE. 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.

In concluding, Mr. Speaker, this bill says to terrorists they can run but

they cannot hide. Terrorists everywhere will have to live with the paranoia that a price is on their head dead or alive, and it sends a very important message, too, toward criminals, Number 1; and 2, Karadzic and Milosevic that their days of freedom are numbered.

Mr. Speaker, I urge support for the measure.

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

The SPEAKER pro tempore (Mr. BALLENGER). 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 the bill, H.R. 4660.

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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3:00 p.m.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess until approximately 3:00 p.m.

□ 1508

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 3 o'clock and 8 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 2536. An act to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1525) "An Act 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.”.

ANNOUNCEMENT OF LEGISLATION
TO BE CONSIDERED UNDER SUS-
PENSION OF THE RULES

Mr. ENGLISH of Pennsylvania. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered today:

Senate Concurrent Resolution 120, Eney, Chestnut, Gibson Memorial Building; and Senate Concurrent Resolution 83, remembering the contributions of George Washington to the Nation.

REGARDING STEEL IMPORTS

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) calling on the President to 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.

The Clerk read as follows:

H. RES. 598

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, South 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 the United States, through the International Monetary Fund, generously participates in a bailout of the crisis countries on terms that do not deter and in fact encourage them to export their way out of the crisis; and

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, That—

(1) in accordance with rule IX, clause 1, of the Rules of the House of Representatives, it is the sense of the House of Representatives that its integrity has been impugned by the failure of the executive branch to expeditiously enforce title VII of the Tariff Act of 1930 in response to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions; and

(2) the House of Representatives calls upon the President—

(A) to immediately review, for the 10-day period beginning on the date of the adoption of this resolution, the entry into the customs territory of the United States of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(B) if, after the 10-day period described in subparagraph (A), the President finds that the Governments of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, to immediately impose a 1-year ban on the imports of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(C) to establish a task force within the executive branch to closely monitor imports of steel products into the United States from other countries to determine whether or not international trade agreements are being violated; and

(D) not later than January 5, 1999, to report to Congress on any other actions the President has taken, or intends to take, to ensure that all trading partners of the United States abide by the spirit and letter of international trade agreements with respect to imports of steel products into the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Illinois (Mr. CRANE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that I be allowed to yield 10 minutes to the gentleman from Ohio (Mr. TRAFICANT) and ask that he be allowed to further yield that time.

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

There was no objection.

GENERAL LEAVE

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution, House Resolution 598, now under consideration.

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

There was no objection.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I rise today in support of House Resolution 598. This resolution calls on the administration to act. That is exactly what this issue really boils down to. We in Congress can look at this issue all we want, but without the administration enforcing the laws that we pass, it will be for naught.

This resolution is in response to the crisis facing the U.S. steel industry. But it is not just steel. It is not just the 100,000 jobs that are directly related to the steel industry that may be affected by this growing crisis. It is also about the many other industries that may similarly face import challenges that will arise from the financial crises around the world. This issue is not about protectionism. On a level playing field, American steel producers can compete with anyone in the world. The real issue is whether we are prepared to regard with indifference the wholesale dumping of subsidized and devalued foreign steel products into our domestic market and whether our basic industries are allowed to compete in a marketplace with rules, or a Hobbesian state of nature.

I urge my colleagues to vote for this resolution as a means to send a powerful message to our trading partners that Congress will not tolerate predatory trading practices and a strong message to the Clinton administration that the time has come for concrete action to protect American jobs.

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

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H. Res. 598 which calls upon the President to impose an import ban on steel products from 11 steel producing countries. While I support using our trade laws to address the question of whether steel is being traded unfairly resulting in injury to the U.S. industry and its workers, I oppose H. Res. 598 because it would circumvent this established process in violation of our obligations in the World Trade Organization.

The normal procedure provided under law for U.S. industries to seek relief from dumped imports begins with the domestic industry filing an antidumping petition with the Commerce Department. The law in this area has been developed in compliance with U.S. obligations in the Antidumping Code under the WTO.

H. Res. 598 not only violates the procedures established under U.S. law for making dumping determinations, it calls for action, specifically an outright import ban, that is well beyond the remedy prescribed in this situation. The action proposed by H. Res. 598 would make us vulnerable to challenge in the WTO and possible retaliation by our trading partners against U.S. exports in their own markets, a completely counterproductive result. Moreover, noncompliance with our own antidumping procedures makes it more difficult for us to convince our trading partners not to erect arbitrary barriers

to U.S. exports that they consider undesirable. As Ben Franklin rightly pointed out, "A good example is the best sermon."

Recently I understand that the U.S. steel industry filed a number of anti-dumping petitions with the Commerce Department in compliance with U.S. law. I would encourage them to continue to pursue relief consistent with U.S. law. Passage of H. Res. 598, however, undermines U.S. interests and objectives in the WTO and puts at risk U.S. exports in other sectors.

I urge my colleagues to oppose H. Res. 598.

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

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR) the distinguished minority whip.

Mr. BONIOR. I thank my colleague for yielding time. Mr. Speaker, all across the United States, from the mighty foundries of the Monongahela Valley to the mills in Gary, Indiana, the men and women who make the steel that makes America strong are in danger of losing their jobs. They are in danger of losing their jobs because foreign steel is being dumped into the United States, dumped below cost. It is the same old story. We have heard this before. While a lot of these countries set quotas to limit the import of U.S. steel, we have an open market. Of course the result is America has become a dumping ground.

Have we not seen this happen before? I have seen it happen in autos, I have seen it happen in agriculture products. In steel, Russia, Korea, Japan, Indonesia, these and other countries are flooding the United States with cheap steel.

□ 1515

Just over the past year imports from Russia rose 45 percent, from Korea they jumped 9 percent. Japan, they doubled. Imports from Indonesia tripled. Their economies are in such shambles and they are so desperate for dollars that they are willing to sell their steel for less than it cost them to produce.

Mr. Speaker, it is wrong, it is illegal, and we will not allow it to continue.

The United States should do what it can to help these countries return to prosperity; it is in our interests. But this does not mean, it does not mean sacrificing American jobs to do so, and we are talking about 100,000 plus jobs here.

There are steel workers in my State of Michigan right now that are doing well, but they see what is happening, and they see the oncoming typhoon and the oncoming storm out in the Pacific. They want to keep their jobs. Layoffs have begun.

Enough is enough. We have got to take strong action to guarantee a fair market and save our steel industry. Tens of thousands of jobs are at risk. We need action today, not a year from now, not a few months, but today.

Stop the illegal dumping and support the resolution of my colleague.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), probably the most aggressive leader in this body on this issue and the chairman of the Congressional Steel Caucus.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding this time to me, and first I would like to commend the gentleman from Alabama (Mr. ADERHOLT) for all of his work with the Congressional Steel Caucus to protect steel jobs in the United States. I understand that he will support H. Res. 598 today, and certainly I will, and I urge all my colleagues to do so.

This resolution calls on the President to take all necessary measures. What are these? The tools are there.

One, the most significant and far-reaching powers under the International Economic Emergency Powers Act. Under this act, the President may block imports to deal with any unusual and extraordinary threat to the national security, foreign policy or the economy of the United States if he declares a national emergency, and this is a threat to our economy.

Two, under the anti-dumping laws the President may impose anti-dumping duties that equal the amount of dumping if injury to the United States industry is shown, and these duties may be imposed retroactively if the administration finds critical circumstances which they can do; and B, the President may accelerate the statutory deadlines for determining whether dumping exists so that duties may be imposed sooner.

Three, under the countervailing duty law the President may impose countervailing duties that equal the amount of any subsidy provided by the foreign government if injury to the U.S. industry is shown, and this injury is not only to the U.S. industries' star people, people that will not have a paycheck between now and Christmas, people that will be suffering because of layoffs due to the dumping.

Four, under section 201 the President may take action including imposing duties, a tariff rate quota or quantitative restrictions to respond to a surge of imports that is exactly what this bill calls for that is substantially causing serious injury to the United States industry.

Lastly, under section 301 the President must take unilateral action, action on his part alone if he determines that a country is taking action in violation of trade agreements.

The President has the tools. Mr. President, use them.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

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

Mr. HOUGHTON. Mr. Speaker, I have been sort of a hard hat all my life about countries and industries taking

advantage of the United States. One of the hardest things for me to have seen in terms of our basic materials are consumer electronics, things like that, where as countries come in and put our businesses out of business and yet at the same time we cannot get back into their countries.

Now having said that, we must be careful in how we counterattack. The idea of banning steel I think is very, very risky. We have provisions in the trade law called 301 and super 301 as against dumping which we can enact. They are on the books; we can do something about it.

Furthermore, even with the depreciation of the currency where there is no dumping at all there are opportunities to use section 201 which allows endangered industries to appeal and get some sort of relief.

Those 2 provisions are on our books. We must use them, use those provisions. That is what the trade law was supposed to do.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY), who along with the gentleman from Ohio (Mr. REGULA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. ENGLISH), is largely responsible for these measures.

Mr. VISCLOSKEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time to me, and I think thank you's are also in order for the leadership for finally bringing this important issue to a vote on a real steel resolution for the House of Representatives, and I do want to add my compliments as well to the gentleman from Ohio (Mr. REGULA) for his leadership on this issue.

The gentleman from Illinois in his remarks indicated that we might be vulnerable, if we pass this resolution today, to retaliation. I will sharply disagree. We have been attacked already. Imports are up from Japan in the first 7 months of this year 114 percent. We have been attacked by Indonesia whose exports to the United States of steel products are up over 300 percent. We have been attacked by South Korea whose steel exports to the United States are up 89 percent.

Now, as I mentioned earlier on the floor today, there is a letter being circulated by the so-called American Institute for International Steel. Because the steel companies on behalf of themselves and behalf of those workers whose jobs are threatened have finally filed trade cases to protect themselves in their very existence, the International Steel Institute has sent out a letter dated September 30 saying the earliest date for the withholding of liquidations would be December 9. Under the law, any imports that arrive during this period, i.e., September 30 to December 9, cannot be touched by any dumping duty that may be found.

Thank you, International Steel Institute. The translation is, dump now,

dump often, dump a lot but do it by December 9.

I am not worried about retaliation, Mr. Speaker. I am worried about the attack we are under.

The administration has not acted and that is why we are here today in this House under the bipartisan resolution of the gentleman from Ohio (Mr. TRAFICANT) to call upon the administration to act.

I would further disagree with the assertions of the gentleman from Illinois (Mr. CRANE). This does not demand a ban. It allows a ban, and I ask my colleagues to support the Traficant bipartisan resolution.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 16½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), our distinguished colleague from the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Trade for yielding.

Mr. Speaker, this resolution is very troubling. It demands that the President impose a 1-year ban on foreign steel imports which is completely counter to our anti-dumping laws and the rules-based trading system that we have in both the general agreement on tariffs and trades and the World Trade Organization.

Mr. Speaker, the bill is an outrageous Smoot-Hawley-style response to the economic difficulties brought about by the Asian financial crisis. Support for this caveman economic policy would show the world that the United States Congress is prepared to repeat the mistakes of the great depression.

There is no question that American steel producers are facing a stiff test from foreign steel that is priced at devalued currencies. However, steel is not the only American industry challenged by the economic downturn in Asia and Russia and which threatens to spread to Latin America. In California, millions of working families depend on producing computers, electronic components, industrial machinery, communications equipment, aircraft, semiconductors, textiles, apparel, autos, glassware, engineering and management services and a whole range of agriculture interests, and all are facing tough times because of the very, very sad problems that we are facing with the international economy.

Why are we taking one industry, steel, and offering it the most outrageous protectionist, special interest assistance while so many of those industries that I mentioned and so many workers go without help?

Of course, my colleagues Congressmen Smoot and Hawley might simply

propose that we build the same steel wall of protectionism around all of those industries as well. The line forms right out on the Capitol steps just behind the steel guys.

The right response to the very real international economic challenges facing this country is to focus on broad, national solutions, rather than attempting to protect one single industry.

Mr. Speaker, this resolution is bad trade policy. It offers nothing more than a rapid descent into a collapse of the international trading regime and a repeat of the 1930s. It is an insult to the millions of hard working Americans feeling the pressure of the global economy who do not work in steel mills.

I urge opposition to this resolution.

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

Mr. DREIER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it says in the resolution that the countries are not abiding by the letter of international trade agreements. In the gentleman's opinion, should we allow these countries to violate, that is an operative word, violate, international trade agreements?

Mr. DREIER. Reclaiming my time, no, I do not believe they should. Based on what I have seen, this resolution is a violation of, as I said, not only our anti-dumping laws but the rules-based trading system that has been put into place by the WTO and the general agreement on tariffs and trade.

Mr. REGULA. Do not we have a problem with these countries who are violating trade agreements and dumping into our markets? Should they not be enforced? Should they not be required to meet the law?

Mr. DREIER. I strongly support enforcement of those agreements and I believe it should be done by way of the WTO, which is an organization which an overwhelming majority of the United States Congress got us involved in.

My view is that this resolution is counter to the structure that has been put into place to address this, and if the gentleman looks at those industries, as I said, in my State of California and in other parts of the country, that are being devastated because of the crisis that exists in the Pacific Rim and now in Latin America, it seems to me that moving in one single area is a real mistake for us and could have a devastating impact.

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, maybe we should broaden this to take in some of the other illegal and dumped imports into our markets.

Mr. DREIER. Reclaiming my time, I would say once again that there are a litany of industries and there may be some people who believe that we should take on every single industry, go ahead and pull up the drawbridge, and while 96 percent of the world's consumers are

outside of our borders and we are trying our darnedest to take advantage of that, we clearly would get into a major international trade war. That is why I believe that this is very bad policy.

I would be happy to further yield to the gentleman, if he would like.

Mr. REGULA. I think the only thing, I think the gentleman would agree that if we are going to have trade agreements and they are going to mean anything, they should be respected by our trading partners and they should not be allowed to violate them?

Mr. DREIER. I totally agree in strong enforcement of those but I believe that this kind of action is, in fact, counterproductive.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

Mr. TRAFICANT. Mr. Speaker, what is the breakdown of the time?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 11½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, I rise in support of this bipartisan effort to help save steel jobs in Illinois and throughout this country.

The question is simple. When we are losing jobs, steel jobs, good paying jobs in Illinois, why has there been no action by the Clinton administration? Why does the Clinton administration do nothing while Illinois steel workers lose jobs? We have 6,000 steel workers in Illinois and, frankly, this resolution is a call to arms. It is a call for action.

□ 1530

There are over 20 firms producing steel or steel product in the district I have the privilege of representing. It is an issue of jobs for the folks back home.

Here is what it means. Birmingham Steel shut down for a week, is now only working four days a week. Belson Steel has cut their payroll by 10 percent. Acme Steel in Chicago has filed bankruptcy. Northwestern Steel and Wire Company has said it may cut up to 450 jobs at Illinois mills.

It is time for action, Mr. Speaker. Japanese steel imports have almost doubled, Korean steel imports are up 89 percent, imports in general are up 45 percent. To quote Marc Pozan of Belson Scrap and Steel, "it is not a flood, it is a deluge." We need to put a stop to it. It is time for action.

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

[From the Kankakee Daily Journal, Oct. 11, 1998]

STEEL IMPORTS HIT AREA HARD
(By Roy Bernard)

A tidal wave of foreign steel and scrap is swamping the U.S. market, and its impact is being felt by two Bourbonnais businesses.

Birmingham Steel was forced to close one week at the beginning of September, idling 285 workers, said plant manager John Ohm.

He added that since then, employees have returned to work in the mini-mill, but their schedules have been reduced to 32-hour work weeks. Birmingham Steel's workforce in Joliet also had a one-week stoppage, and now people there are working four days a week instead of five.

The company is trying to avoid permanent cutbacks.

"There is a flood of foreign steel into this country," Ohm said. "We've had to cut back both operations, but we're not planning any layoffs."

Meanwhile, at nearby Belson Scrap and Steel, the company is facing a double whammy. Cheaper foreign scrap is being shipped to the United States and Belson can't compete on price.

At the same time, the Belson Steel Center is losing business from companies that are buying cheaper foreign steel.

"Warehouses and manufacturers normally buy their steel from the domestic markets," said Marc Pozan, president of Belson Scrap & Steel.

The two-way attack has resulted in a 10 percent reduction in the number of Belson's employees, or about 15 workers, he said.

Foreign scrap and steel is "affecting every part of our business," Pozan said.

"This glut of foreign steel is causing an oversupply of steel for the consuming industry," he added. "They're cutting back production and using less scrap. There is an oversupply of scrap."

Because of the dumping of foreign steel, the Belson Steel Center has had to lower its price for its product and that caused a decrease in the company's profits and forced the Belson's to reduce its overhead by laying off workers, said Pozan.

The steel is coming from Asia and lately Russia. Many of the Asian and Russian companies are desperate to keep their employees working, so they are selling the steel for even less than what it costs to produce, Pozan said.

He is calling for the federal government to step in and issue tariffs on foreign steel.

"I strongly urge that something needs to be done to deal with these foreign practices," Pozan said. "Countries are giving these companies subsidies to sell steel cheaper in our market."

"We need to put tariffs on this foreign steel, to stop this flood of imported steel. It's not a flood, it's a tidal wave," Pozan added.

For people who make a little extra income collecting steel and aluminum cans, they will find the price soon will be dropping. Belson's is paying 32 cents a pound for aluminum. About three years ago, the price was 45 cents a pound.

Pozan said he began noticing signs of the foreign flood about three months ago. Most ports are seeing 50 percent increases in steel imports this year.

Ohm said Birmingham Steel saw the first signs of steel dumping in the South in May and June. Since then, the foreign steel has made its way up the Mississippi River and into the Chicago area.

Birmingham Steel in Bourbonnais Township continues to buy domestic scrap because it is too expensive to ship the scrap upriver to Chicago.

The company's plants in the South have been buying foreign scrap. While that might

appear to make the Southern mills more efficient, Ohm noted that the Bourbonnais Township facility underwent extensive modernization, and that makes the cost of reinforcing bar production here to be competitive with the Southern plants.

"That modernization has certainly helped us," said Ohm.

One of the possible bright spots for Belson and Birmingham Steel is the announcement that the Chapel Steel Co. and the Alabama Metal Industries Corp. are moving to the former CBI building, which is near Belson's and Birmingham Steel. Both new companies are from Birmingham, Ala.

"This is great news for the area," said Pozan. "Hopefully, they will buy some scrap and some steel. We hope the companies will be great trading partners."

Ohm said Alabama Metal Industries operated a facility in Chicago and is moving to CBI. Alabama Metal "has been a customer, so I don't see any benefit except that the company will be closer to us."

Chapel Steel would be a new customer that could bring more business to Birmingham Steel, Ohm said.

Mr. TRAFICANT. Mr. Speaker, I yield one minute to the gentleman from Minnesota (Mr. OBERSTAR), our distinguished ranking member of the Committee on Transportation and Infrastructure and a fighter for years for the steel industry and for fairness.

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

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

Mr. Speaker, I am for free trade, fairly conducted. Steel? Why steel? Because it is the most versatile building material of an industrial society. It is vital to a nation's progress, both here and abroad.

Twenty years ago when steel was under assault, we were told then by the free-traders, the unlimited, no-holds-barred free-traders, you are old, outmoded and inefficient; you ought to modernize. That is why foreign steel is coming into this country.

Today, 350,000 jobs fewer, \$50 billion more invested in the steel industry and an efficient industry that produces the best steel in the world, we are now told, oh, you are trying to draw a moat around the industry.

All we are trying to do is tell the Federal Government, enforce the laws that set forth the conditions for free and fair trade. The previous speaker said, why has the Clinton Administration done nothing?

Well, we asked the same question in 1981 of the Reagan Administration; because there are free-traders in both administrations that say no-holds-barred, play by the Marquis of Queensberry rules, while our adversaries are using black-belt karate.

It is time to stand up for steel.

Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

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

Mr. Speaker, I am pleased to rise in strong support of the bipartisan resolution offered by the gentleman from Ohio (Mr. TRAFICANT). We have a growing concern that steel imports are flooding into our Nation without any effective response from the administration. Scores of our Nation's highly efficient steel producers are at risk, as are the jobs of thousands of steel workers across the country.

While I know that several of my colleagues on this side of the aisle have some concerns and reservations about the imposition of an immediate ban on steel imports into this country, surely our trade negotiators can now begin the long overdue effort to put voluntary constraints in place on below-market-priced steel from foreign nations that are dumping steel and steel products into our Nation.

This resolution asks for a report and monitoring by the administration on the extent to which our international trade agreements are being violated. I think it is long past due for the administration to demand, as this resolution does, that our trade partners abide by the spirit and letter of our trade agreements.

Despite the fact that American firms are now the lowest cost, most flexible producers among the industrialized nations, our overall merchandise trade deficit in 1997 reached \$198 billion. At current rates this deficit is expected to reach some \$282 billion by the end of the year. Our deficit with Japan is expected to reach \$72 billion in this year alone.

Accordingly, Mr. Speaker, in the interests of protecting our steel industry, I urge adoption of this measure.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. NEY), a strong friend of steel.

Mr. NEY. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Ohio (Mr. REGULA) for their hard work on an extremely important issue.

Somebody mentioned today about special interests. We are talking about special interests today: American men and women, working Americans. That is a good special interest. There is nothing wrong with working people and for this Congress to stand up for them.

It is time for the Congress to wake up. It is time for the White House to wake up. I talked to day to the mayor of Weirton, West Virginia. He is having a rally tonight in Weirton.

They have to rally and try to beg their government to do something to help them? The mayors in Europe did not have to beg European governments to help them. What is going on? What is wrong with our thinking?

The United States wheel workers of America, the gentleman from Ohio (Mr. TRAFICANT), the gentleman from Ohio (Mr. REGULA), many others, the companies, are in this fight for their survival; not for the holy dollar. For

the survival of workers, their communities, their families, their ability to pay for their schools, their ability to pay their taxes, their ability to keep their communities going and to survive. That is what this argument is about.

It is a very clear choice. Now is the time to stand up for a change for our workers. Now is the time to stand up for a change for our jobs. Now is the time to stand up for America. Vote yes.

Here is your vote. It is very clear cut. Are you going to vote for Weirton, West Virginia, New Philadelphia, Ohio, and Zanesville, Ohio, or Russia? Are you going to vote for Steubenville, Ohio, Toronto, Ohio, Youngstown, Ohio, Bellaire, Ohio, or Japan? That is the clear-cut choice.

A yes vote stands up for a change for working Americans. This is good for the country, this is good for our workers. I urge support of this measure.

Mr. TRAFICANT. I to yield 30 seconds to the gentleman from Pennsylvania (Mr. DOYLE), a great young member from the Pittsburgh area.

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

Mr. DOYLE. Mr. Speaker, I rise today to urge support of the Traficant resolution. The U.S. steel industry and its workers are suffering tremendously from reduced orders as a result of dumping by Asian and Russian producers, but the administration has not acted to stop this illegal practice.

The members of the European Union have been smart enough to protect their steel industry from dumping by erecting temporary barriers to steel imports during the financial crisis. Their steel industry will weather this storm.

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. The House must act today.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is a privilege for me to yield one minute to the gentleman from Indiana (Mr. BUYER), a friend of steel.

Mr. BUYER. Mr. Speaker, I am here to also speak on behalf of steel workers across the country, and particularly those in Indiana, who are in the midst of an unprecedented flood of foreign steel.

The steel industry is an industry fueled on the backs of hard-working Americans. I toured the Bethlehem steel net and spoke with many of the steel workers. They are the best in the world, but they can compete only if it is fair competition.

A decade ago the steel makers were forced, again feeling the surge of imports being dumped on our markets at below cost, and we acted, but it was only a short-term fix.

I suppose what bothers me most is when I look across the country at

many different industries, steel is an industry that is most vital to our Nation's security. It is a national security issue, and that is what has me most concerned.

I am a supporter of GATT, I am a supporter of NAFTA, and I voted against Fast Track. You say why would you vote against Fast Track? Because it bothers me that the administration has negotiated so many trade agreements out there, and then they do not even enforce the trade agreement and even violated some of those trade agreements.

This is a prime example where the administration should be leaning forward, not with bended-knee to these nays nations that violate these trade agreements. So this is a strong message. Let us do the right thing and let us back the American worker.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS), the distinguished ranking member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise on behalf of the hard working steel workers in my district and the 450 employees of Northwestern Steel and Wire who were informed last week that their jobs would be eliminated at the end of this year.

We have a responsibility to our steel industry and its employees to ensure a level playing field. This means aggressively enforcing our own trade laws and imposing a moratorium on steel imports from Asia, Russia and Brazil until our industry is back on its feet. This means demanding that the administration provide us with concrete evidence that they have responded to this steel crisis.

We can no longer stand idly by as more and more steel workers lose their jobs. I urge my colleagues to support the Traficant resolution.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH), one of the youngest mayors ever elected in the big city of Cleveland, doing a fine job in Cleveland.

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

Mr. KUCINICH. Mr. Speaker, I rise on behalf of Cleveland steel workers. Steel imports have reached a crisis level. Thousands of steel workers are in danger of losing their jobs. We have to take strong action, which is what this resolution does.

Opponents are more concerned with the integrity of the World Trade Organization than with the integrity of American anti-dumping laws and the jobs of American steel workers. I say we should stand up for steel and American steel workers. Support H. Con. Resolution 598.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCARELL), a distinguished member of the Committee on Transportation and Infrastructure.

Mr. PASCARELL. Mr. Speaker, a one-year ban is a reasonable and just response to the countries that have defied international law and compromised the security of our own Nation.

As to the issue of the World Trade Organization, all I can say is that we do not represent the World Trade Organization. We represent the American people. They want action. They do not want consultation, they do not want negotiation, they do not want litigation. They want jobs. And that is what we are here to uphold, and that is what we should be standing for today. Everybody should be voting yes on this resolution.

Members of this body did not take an oath to uphold and protect GATT; we took an oath to uphold and protect the Constitution of the United States. Do it!

And the Constitution says that Congress shall have the power and authority to regulate commerce with foreign nations—not the WTO.

Finally, the President took an oath to uphold and enforce the laws of the United States—not the WTO. That's what we're asking the President to do: uphold the trade laws of the United States.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from California (Mr. HORN), a strong friend of steel.

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

Mr. Speaker, I happen to represent the two largest ports in the United States, the Port of Long Beach and the Port of Los Angeles. I want to see steel moving both ways through those great ports. They are among the top in the world. But, right now, 90 percent of the steel from those ports comes in from Asia. Only 10 percent goes out from the United States.

Now, if this were 1959 when we had the six month steel strike, that would be one thing. We were not competitive then. We are now competitive. We have quality steel, and we can match wits with anybody. But when you get into dumping, and we had a lot of that in the fifties, we have had it periodically, it means they are simply selling below market price, and that is what they are doing now in this recession that has cut its way across Asia.

We need to call them to the bar of justice. The fact is, the laws are on the books. The administration knows it. Now let us have the administration use the power and enforce the law. The only thing these countries understand is a tough trading mission, and if we are going to have fair trade, that is what we have to have.

□ 1545

Mr. TRAFICANT. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. ENGLISH) for the purpose of closing debate.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Pennsylvania (Mr. ENGLISH) will be recognized for the remainder of the time of

the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Speaker, I again rise in strong opposition to House Resolution 598. I do this not because I dispute the seriousness of the issue at hand, but because I believe that the methods being used are significantly misguided, and will lead to a downward spiral of protectionism.

The proponents of this resolution argue that the Asian financial crisis has led countries to dump their products on the U.S. market at below fair market prices. In response, the proponents of House Resolution 598 call upon the President to impose a 1-year ban on imports of steel products from the countries listed in the resolution, many of whom are suffering from severe financial and economic difficulties.

I believe that this response would send a very bad signal to the governments of the targeted countries, at a time when the United States is encouraging them to adopt market-opening policies which will bring long-term stability to their economies. Moreover, terminating U.S. purchases of steel from these countries through an import ban would likely worsen the economic crisis faced by these countries and create more turmoil in the region.

I believe it is in our interest to maintain a more constructive approach to this problem by working with our friends and allies in this critical region of the world. On this basis, the gentleman from Texas (Chairman ARCHER) introduced a resolution, House Concurrent Resolution 350, which was brought to the House floor for a vote on October 12.

This resolution called upon the President to pursue vigorous enforcement of U.S. trade laws with respect to steel; to negotiate with Japan, Korea, and the European Union to eliminate barriers and open their markets to the glut of steel on the market; to closely monitor import levels; and to report to Congress by January 5 on the impact the significant increase in steel imports is having on employment, prices, and investment in the United States.

Passage of House Concurrent Resolution 350 would have sent a strong, clear, and united message to the President and to the world that Congress is deeply concerned about this issue. Unfortunately, many of the proponents of the resolution before us today chose to politicize this matter by voting against House Concurrent Resolution 350, and they defeated the resolution.

Mr. Speaker, I have no disagreement with the proponents of House Resolution 598 about the seriousness of the impact that the increase in steel imports is having on the U.S. industry and on its workers. However, I believe that their approach is not only the wrong solution, but that it may lead to more severe problems in Asia that could have far more serious repercussions for the world.

I urge my colleagues to oppose House Resolution 598.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield all my remaining time to the gentleman from Ohio (Mr. TRAFICANT), the prime sponsor of this legislation, to close debate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT) is recognized for 3½ minutes.

Mr. TRAFICANT. Mr. Speaker, I thank my neighbor, who has done an outstanding job in western Pennsylvania, which has been devastated for yielding.

I want to rise to thank the gentleman from Ohio (Mr. RALPH REGULA). If it were not for him working out the machinations of whatever instrument might pass, we would not be here; the gentleman from Ohio (Mr. BOB NEY) representing steelworkers; the gentleman from California (Mr. STEVE HORN) for looking at fairness; the gentleman from Indiana (Mr. PETE VISCLOSKEY).

Let me just say, Mr. Speaker, in October of 1977 the first major steel mill in America closed, and it was in my district. Since then, thousands and thousands and thousands of workers not only have lost their jobs, their homes, their pensions, their health care, they lost everything. But do Members know what? They never lost hope, hope that the Congress of the United States would some day look at illegal trade.

This is not a debate about free trade. Many free traders understand the game, and who was more of a staunch free trader than Ronald Reagan? But in the early eighties, when Japan literally almost destroyed an American icon, Harley-Davidson, Ronald Reagan said, enough is enough. He imposed quotas. He imposed sanctions. He forced the Japanese to open up 20 percent of their semiconductor business market. Ronald Reagan did what he had to do that day. Many of us felt he could have even done more.

We know this president is not going to implement a ban, but we also know that this House is telling the President, by God, if you are going to worry about violating the WTO and GATT, what about their illegal trade? Is that not a violation of the WTO and GATT?

The President must act. The Congress today will tell the President, he has not acted. He must use whatever means necessary to stop illegal trade. That is a violation of law.

I want to say one last thing. I think Congress is coming together to look at a major phenomenon, Mr. Speaker. We are the marketplace. We cannot be a protectionist Nation, but we cannot allow our Nation's sovereignty and national security to be put at risk by illegal practices.

There is a mechanism for it. If this president has the anatomy to do what is necessary, they may take him to the WTO. By God, so be it. If we are going to have a WTO, let us have a ruling. We allow the President to take that stand.

I appreciate the support offered by the gentleman from New York (Mr. GILMAN) more than the gentleman knows. I think it shows that many free traders want fairness. We will not tolerate illegal trade. I am asking for an aye vote on behalf of American workers, American business. I am asking for an aye vote on behalf of farmers, on behalf of vegetable growers, on behalf of our high-tech industries.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Ohio (Mr. REGULA) for the great job they have done.

Mr. STUPAK. Mr. Speaker, I rise today to urge the Republican leadership to take up H. Res. 598, a resolution demanding the Administration to stop the illegal dumping that is going on in our nation's steel markets.

While, the House Leadership delays and refuses to schedule a vote on this urgent issue, American jobs are being lost every day. In my district, jobs are being lost because American steel producers cannot compete with the illegally priced steel.

The resolution would call for an immediate review and investigation of this situation. It would call for a one year ban on steel from any country that refuses to enforce international trade law. It would establish a task force to ensure that this critical situation is closely monitored. Finally, the resolution asks for a report to Congress from the Administration for its plan for dealing with this crisis.

Mr. Speaker, while the Republicans play politics, Americans are losing their jobs. Stop playing politics and pass H. Res. 598.

Mr. COYNE. Mr. Speaker, I rise today in support of this important legislation, and in support of America's threatened steel workers.

Mr. Speaker, today foreign countries like Japan, Russia, and Brazil are dumping millions of tons of steel in this country below cost. Their economies are in trouble, and they are trying to export their way out of financial calamity.

I am concerned about America and American jobs. American steel workers should not bear the burden of solving the world's economic crisis.

My good friend, Mr. TRAFICANT, has introduced the legislation which is before us today, and I for one am going to vote in support of it. This resolution calls upon the President to impose a one-year ban on steel imports from Japan, Russia, and Brazil. In addition, it calls for the administration to closely monitor steel imports from other countries to determine whether they, too, are dumping steel in the United States.

America's steel workers and their families are depending on us today to do the right thing. They need our help in combating this unfair competition from overseas. I urge my colleagues today to join me in standing in solidarity with America's steel workers and pass this important resolution.

Mr. SOUDER. Mr. Speaker, I rise in support of H. Res. 598. This is an issue we have struggled with for a while now and I am pleased to see increasing support here in the House. The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russian, 50.6%.

This is not because they are producing better steel, and they certainly aren't more efficient. Since restructuring in the mid-80's the US steel industry is the world leader in quality, efficiency and productivity. On an even playing field, US steel producers are second to none.

Dumping of steel is occurring because many countries in economic crisis have adopted policies of exporting their way out of their mess. They will do this at any cost, including selling prices that don't remotely cover their costs of production.

Foreign steel is being sold in the US at far below market value. Import prices, traditionally \$20-\$30 per ton less than domestic prices, are now \$80-\$100 per ton less than domestic prices—according to David Higbee, President of Sawhill Tubular Division of Armco, Inc.

The combination of massive tonnages of steel arriving at US ports and the aggressively low prices at which they are being sold has caused intense price distortion through our industry, even during a period of strong domestic demand for steel products. In the face of deteriorating prices, US producers have been forced to cut production, slash expenditures, and lay off employees.

This is not trade based on comparative advantage. It's time we require those foreign countries that we assist to stop unfairly propping up their dying steel industries at the expense of our American companies.

I believe the onus should be put on foreign companies and governments to prove that they are not dumping steel below cost. They simply need to be held accountable for selling one penny below their manufacturing cost. A slap on the wrist with a countervailing duty just isn't enough.

We are not talking about protecting American industry here. Rather, it's about achieving equity. A foreign company selling steel under market value is a question of competitiveness. A foreign company selling steel under cost is a question of fairness.

I would also like to submit for the RECORD the remarks of Keith Busse, CEO of Steel Dynamics International, during a hearing of the steel caucus last month.

It is time to send a message to those countries that knowingly dump with intent to cause severe injury to our steel industry. We can no longer in good faith continue to help those that continuously injure us.

STATEMENT OF KEITH BUSSE, PRESIDENT AND CEO, STEEL DYNAMICS, INC., MEMBER, BOARD OF DIRECTORS, STEEL MANUFACTURERS ASSOCIATION

Mr. Chairman, and Members of the Steel Caucus, I appreciate the opportunity to appear before you today along with other representatives of the US steel industry. I am Keith Busse, President & CEO of Steel Dynamics Inc. (SDI), in Butler, Indiana. SDI is a minimill producing carbon steels utilizing the electric arc furnace production process and thin slab casting to make hot rolled, cold rolled, and galvanized sheet steels. The company, which is one of the nations newest and most efficient steel producers, was established in 1994. We cast our first heat of steel in 1996 and became profitable in only 6 months. Since 1994, SDI has invested over \$600 million in equipment, implementing the most advanced technology. This year, we completed the installation of an additional thin slab caster and a new state-of-the-art cold rolling mill. Later this year, SDI will commission a revolutionary new technology to manufacture virgin iron units for con-

sumption in electric arc furnaces at a cost of \$90 million. We also anticipate starting construction late this year of a \$350 million structural mill, also in Indiana.

SDI is one of the most cost efficient steel producers in the world. We provide 560 high-paying manufacturing jobs at our new mill in Indiana, and hundreds more in related industries. Accordingly, we support free trade flows based on comparative advantage.

I am commenting today on behalf of my company and also for the Steel Manufacturers Association (SMA), the primary trade association of steel minimills, which account for almost half of the steel produced in the US today. The SMA consists of 61 member companies, geographically dispersed across North America, with representation in 88 Congressional districts and 34 states.

THE U.S. STEEL INDUSTRY

The steel industry has undergone a remarkable transformation, beginning in the mid-1980s and continuing today as evidenced by SDI's success. Steel's revival can be attributed in large part to the minimills—efficient, low-cost producers that have grown rapidly during a time when many other steel companies in the US contracted or shut down.

With few exceptions, the minimills have seldom relied solely on US antidumping and countervailing duty laws to challenge unfairly traded imports. Competition is so strong in our end of the business that we believe in exhausting all competitive means available to improve our efficiency, in order to meet importers' prices, rather than just reacting with trade law cases. In the past, we have been successful in meeting or beating our foreign competitors' prices. Events of the past few months, however, have reached crisis proportions, with even the most competitive US steel producers responding to import prices that reflect a desire of certain foreign producers to earn dollars at any price—at selling prices that don't remotely cover their costs of production. Even Nucor, the largest minimill and now the second largest steel company in the US, a company who has long supported a free trade stance, has recently written to members of the Administration complaining about the surge of unfairly traded imports at insane dumped prices. In response to the import surge, Nucor has recently announced two price reductions on hot rolled sheets, steels' most common product, a \$50-\$60 per ton (16-20%↓).

THE PROBLEM

The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russia, 50.6%. Steel from Russia, Japan, Korea, and other trading partners is being sold in the US today at far below market value, and in some instances below variable cost of production, in the home countries.

The import surge can be specifically linked to the Asian and Russian economic crises. To some extent the crisis is driven by emerging nations whose currencies have been sharply devalued, a crisis that we have never before faced and that our trade laws are not prepared to handle. Collapsing non-market economies where cost accounting is an unknown art is also a major trade problem that can threaten this nation's basic industries. The other driver in this calamity relates to Japan's failed financial programs, which are now substantially affecting it as well as other nearby nations.

A diversion of steel trade into the US is occurring from Asian economies, which are no longer importing steel, and have also lost their own home markets. Other industrial

countries have either closed or limited access to their own markets through negotiated bilateral agreements or understandings to limit their steel imports from Asia and Eastern Europe.

The countries in crisis have adopted policies of exporting their way out of their economic mess, at any cost, including selling at prices far below costs of production.

The result is wreaking havoc on the US steel industry—injuring almost every US steel producer, including some of the most competitive steel mills in the world.

The combination of massive tonnages of steel arriving at US ports of entry and the aggressively low prices at which they are being sold has caused intense price distortion across the US steel industry, even during a period of strong domestic demand for steel products. Deteriorating prices have forced US producers to cut back production, slash expenditures, and lay off their own employees in reaction to the flood of imports traded far below market value.

This is not trade based on comparative advantage. We are, in fact, confronted with an economic crisis in the US steel industry, stemming directly from the structural mismanagement by several other governments of their economies.

INADEQUACY OF US TRADE LAWS

In time of trouble, the steel industry has often looked to US antidumping and countervailing duty laws to remedy the problems caused by unfairly traded imports. Unfortunately, these remedies take time, and, if successful, often provide relief too late to forestall serious injury from occurring. Furthermore, US trade laws were not designed to address structural failures of economic management by governments, triggering massive currency devaluations or the disruptive incursions of non-market economies in the world steel market.

US trade laws require US steel producers to prove injury before a remedy, in the form of a duty or quota, can be applied. Trade law remedies are limited in scope and may not be able to address effectively the structural economic problems that are contributing to massive import surges.

SMA members do support the maintenance and strict enforcement of our nation's trade laws, as one component of US trade policy. Our trade laws are effective in responding to dumping and subsidization on a product-by-product basis involving a limited number of steel trading partners. Alone, they are insufficient to cope with the structural flood of imports we face today.

PROPOSED STEPS

Neither the US Government nor its steel industry can afford to wait for the trade law process to take its course. Accordingly, we propose the following specific actions, and urge the Congress to request the Administration to implement these measures:

INITIATE BILATERAL DISCUSSIONS WITH OFFENDING COUNTRIES

In Russia, steelmakers simply do not know their cost of production. Having visited and talked with many of these producers I can assure you that cost accounting, as we know it, is not an art which is practiced there. US steel industry analysts and US steel companies agree that Russian steel producers are selling at prices that don't remotely cover their costs. Other countries, including Japan, are also engaging in similar predatory behavior in the US market.

US acceptance of undervalued imports is an ineffective way to help these countries obtain hard currency or solve the World's economic crisis.

We respectfully request Members of the Congress to urge the Administration to

begin bilateral discussions with the exporting countries currently responsible for the disruptions in the US steel market, with a goal towards establishing voluntary export limitations, similar to those which the European Union has had in place with its East European trading partners.

EXERCISE LEVERAGE

Our trade negotiators should use every possible forum to alert our trading partners to the nature and depth of injury their policies are causing the US steel industry.

US trade negotiators should warn of potentially severe steel import limitations emanating from trade cases, and suggest that offending governments and their industries take immediate action to alleviate US market disruptions.

CONCURRENT RESOLUTION

Mr. Chairman, and the other Members of the Steel Caucus, we would like to express our appreciation for the concurrent resolution you intend to introduce "calling on the President to take all necessary measures to respond to the surge of steel imports." We shall urge the Members of Congress in those states and districts in which our member companies have plants to support this resolution. In addition, we urge the Congressional Steel Caucus to press the Administration to initiate bilateral discussions with the countries that have caused this problem, in order to provide us with some potential for prompt relief.

Thank you for your continuing support and for the opportunity to address the Congressional Steel Caucus on this urgent matter.

Mr. ADERHOLT. Mr. Speaker, I would like to announce my support of House Resolution 598, introduced by Mr. TRAFICANT. I am pleased that today Members have an opportunity to vote on a tough, reasonable House Resolution addressing this issue.

The leadership has been negotiating almost around the clock with the Clinton administration on the budget, so I appreciate their attention to this also very important matter of aiding the U.S. steel industry.

With all the budget talks going on, why have we members of the Congressional Steel Caucus pressed so hard for a vote on steel in these last days of the session? It is because the U.S. steel industry is in a crisis. It is too late to make leisurely proposals as if we were addressing a problem of the future. The problem is NOW; orders to U.S. steel companies are at 50% of normal NOW; families are out of work NOW.

Some oppose a one-year ban on certain foreign steel products and say that such an action is too strong. Consider these two facts: (1) U.S. companies wishing to file a trade petition about dumping must first spend six months gathering data so that their case will be taken seriously; (2) there is approximately six months of foreign steel currently piled up in ports from Alabama to Maryland to Ohio.

Voting yes on this resolution is the very least we should do as Members of Congress to help a U.S. industry which is unfairly being sacrificed in the name of global stability. I have said before and say again—it is wrong to kill U.S. jobs for the purpose of keeping afloat foreign governments and economies.

The U.S. steel industry has streamlined and modernized. No one can compete against unfair, below production-cost prices. This resolution is similar to my bill H.R. 4762, and I commend Mr. TRAFICANT on his long-term leadership on this issue. Vote yes on this resolution to urge President Clinton to take immediate action. I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, let us be clear, the government of South Korea provided Hanbo Steel with a \$6 billion subsidy to continue producing steel. Hanbo is producing the same steel that sits in our ports and results in American steel workers losing their jobs.

Its time we stand up for steel. If the South Koreans protect their workers at our expense, why do we stand back and allow them to continue this illegal act. It is an abomination. This has nothing to do with free trade and whether you support increased trade. This issue is about how we react when other nations take advantage of our strong economy and our market.

Its time to take a stand. I urge all members to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a cosponsor of H. Res. 598, I rise to speak in favor of the passage of this resolution, which expresses the sense of the House that provisions of the Trade and Tariff act of 1930 must be vigorously enforced.

We all know that several regions of the world are currently suffering from tremendous economic turmoil. Specifically, East Asia, Russia, and South America have all suffered catastrophic fiscal upheavals causing government and industry to take drastic action to save what little money they have.

One of the actions that countries such as Russia and Brazil have taken is to flood our markets with cheap imports. Those imports include steel, which has had a drastic effect on our industry here at home. Just this year, steel imports from Asia have increased 70%, and Russian importers are enjoying their highest-ever level of steel exports to the United States. The result is that the steel industry here at home has been forced to lower their prices in order to compete—20% in the last three months.

This resolution tries to remedy the situation by asking the government to vigorously enforce treaties that govern this type of trade, such as the Trade and Tariff Act of 1930. Although I am sympathetic to the plight of those countries, we must still vigorously enforce our laws to avoid desuetude and the entrenchment of a policy that does us substantial more harm than good.

H. Res. 598 also calls on the Administration to immediately review, for a period of ten days, the import of hot-rolled steel products into the United States from Japan, Russia, Brazil and numerous other countries that have been accused of dumping. This review would help us collect information that will affirm or deny whether or not these countries have been undercutting our industry.

To further enhance our understanding of the problem, the resolution also asks the Administration to establish a task force which would further investigate our importation practices, as they relate to steel, and verify whether or not our current trade agreements, treaties, and laws are being violated in any way. I applaud this effort, because it provides us with another resource for getting reliable information that is necessary for our assessment of the national economy.

Lastly, the resolution asks the Administration to provide us with a report, early next year, detailing what steps should be taken to ensure the enforcement of our laws and the protection of our steel industry. Hopefully, this report can be used to start a bipartisan and cooperative relationship with the Administra-

tion that can be used to make better foreign policy decisions for the benefit of all of our industries.

While we do live in a global economy, we are still a nation of laws—laws that must be respected and enforced by all who encounter them. I urge all of my colleagues to support this resolution and the American worker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on the pending motion, and then each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 598, the pending motion;

S. 1733, by the yeas and nays;

H.R. 700, concurring in the Senate amendment, de novo;

H.R. 4829, de novo;

S. 2272, de novo;

S. 2133, de novo; and

S. 1132, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

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

Mr. ENGLISH of Pennsylvania (during consideration of H. Res. 598). Mr. Speaker, Pursuant to House Resolution 589, I hereby give notice of the following suspension to be considered today:

H.R. 2204, Coast Guard Authorization Act of 1997.

REGARDING STEEL IMPORTS

The SPEAKER pro tempore. The pending business is question is the question of suspending the rules and agreeing to the resolution, H. Res. 598.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 598.

The question was taken.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 44, not voting 45, as follows:

[Roll No. 532]

YEAS—345

Abercrombie	Baker	Bartlett
Aderholt	Baldacci	Bass
Andrews	Barcia	Bateman
Bachus	Barrett (NE)	Becerra
Baesler	Barrett (WI)	Bentsen

Bereuter
 Berry
 Bilirakis
 Bishop
 Blagojevich
 Blumenauer
 Boehlert
 Boehner
 Bonilla
 Bonior
 Borski
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brown (CA)
 Brown (FL)
 Brown (OH)
 Bryant
 Bunning
 Burton
 Buyer
 Calvert
 Canady
 Cannon
 Capps
 Cardin
 Carson
 Castle
 Chabot
 Chambliss
 Chenoweth
 Christensen
 Clay
 Clayton
 Clement
 Clyburn
 Coburn
 Combest
 Condit
 Conyers
 Cook
 Costello
 Cox
 Coyne
 Cramer
 Crapo
 Cubin
 Cummings
 Cunningham
 Danner
 Davis (FL)
 Davis (IL)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Deutsch
 Diaz-Balart
 Dickey
 Dicks
 Dingell
 Dixon
 Doggett
 Dooley
 Doolittle
 Doyle
 Duncan
 Edwards
 Ehrlich
 Emerson
 Engel
 English
 Ensign
 Eshoo
 Etheridge
 Evans
 Everett
 Ewing
 Farr
 Fattah
 Fazio
 Filner
 Foley
 Forbes
 Ford
 Fox
 Franks (NJ)
 Frelinghuysen
 Gallegly
 Ganske
 Gejdenson
 Gekas
 Gephardt
 Gibbons
 Gilchrest
 Gillmor
 Gilman
 Gonzalez

Goode
 Goodlatte
 Goodling
 Gordon
 Goss
 Granger
 Gutierrez
 Gutknecht
 Hall (OH)
 Hall (TX)
 Hamilton
 Hansen
 Harman
 Hastert
 Hastings (FL)
 Hefley
 Hill
 Hilleary
 Hilliard
 Hinchey
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Hooley
 Horn
 Hostettler
 Hoyer
 Hunter
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson (WI)
 Johnson, Sam
 Jones
 Kanjorski
 Kasich
 Redmond
 Kennedy (MA)
 Kennedy (RI)
 Kildee
 Kilpatrick
 Kim
 Kind (WI)
 King (NY)
 Kingston
 Kleczka
 Klink
 Klug
 Kucinich
 LaFalce
 LaHood
 Lampson
 Latham
 LaTourette
 Lazio
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 LoBiondo
 Lofgren
 Shaw
 Lucas
 Luther
 Maloney (CT)
 Maloney (NY)
 Manton
 Markey
 Martinez
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCrery
 McDermott
 McHale
 McHugh
 McInnis
 McKeon
 McKinney
 McNulty
 Meek (FL)
 Meeks (NY)
 Menendez
 Metcalf
 Mica
 Millender
 McDonald
 Miller (CA)
 Minge

Mink
 Moakley
 Mollohan
 Moran (KS)
 Moran (VA)
 Morella
 Murtha
 Myrick
 Nadler
 Neal
 Neumann
 Ney
 Norwood
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Owens
 Oxley
 Pallone
 Pappas
 Parker
 Pascrell
 Pastore
 Paxon
 Payne
 Pease
 Peterson (MN)
 Petri
 Pickering
 Pickett
 Pitts
 Pombo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Quinn
 Radanovich
 Rahall
 Rangel
 Frank (MA)
 Frost
 Furse
 Graham

Tanner
 Tauscher
 Tauzin
 Taylor (MS)
 Thornberry
 Thune
 Thurman
 Tiahrt
 Tierney
 Towns
 Traficant
 Turner
 Archer
 Armye
 Ballenger
 Barton
 Bilbray
 Bliley
 Bono
 Brady (TX)
 Burr
 Camp
 Campbell
 Coble
 Crane
 Davis (VA)
 DeLay

Green
 Greenwood
 Hastings (WA)
 Hefner
 Hutchinson
 Hyde
 Inglis
 Johnson, E. B.
 Kaptur
 Kennelly
 Lantos
 Largent
 Lipinski
 McDade
 McGovern

Upton
 Velazquez
 Vento
 Visclosky
 Walsh
 Wamp
 Watkins
 Watt (NC)
 Watts (OK)
 Waxman
 Weller
 Wexler

Weygand
 White
 Whitfield
 Wicker
 Wise
 Wolf
 Woolsey
 Wynn
 Yates
 Young (AK)
 Young (FL)

Northup
 Packard
 Paul
 Ramstad
 Rogan
 Rohrabacher
 Royce
 Sanford
 Sessions
 Shadegg
 Smith (MI)
 Stump
 Sununu
 Thomas

McIntosh
 McIntyre
 Meehan
 Pelosi
 Peterson (PA)
 Poshard
 Pryce (OH)
 Scarborough
 Taylor (NC)
 Thompson
 Torres
 Waters
 Weldon (FL)
 Weldon (PA)
 Wilson

Abercrombie
 Aderholt
 Andrews
 Archer
 Armye
 Bachus
 Baesler
 Baker
 Baldacci
 Ballenger
 Barcia
 Barrett (NE)
 Barrett (WI)
 Bartlett
 Barton
 Bass
 Bateman
 Becerra
 Bentsen
 Bereuter
 Berry
 Bilbray
 Bilirakis
 Bishop
 Blagojevich
 Bliley
 Blumenauer
 Boehlert
 Boehner
 Bonilla
 Bonior
 Bono
 Borski
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brady (TX)
 Brown (CA)
 Brown (FL)
 Brown (OH)
 Bryant
 Bunning
 Burton
 Buyer
 Calvert
 Camp
 Campbell
 Canady
 Cannon
 Capps
 Cardin
 Carson
 Castle
 Chabot
 Chambliss
 Chenoweth
 Christensen
 Clay
 Clayton
 Clement
 Clyburn
 Coble
 Coburn
 Combest
 Condit
 Conyers
 Cook
 Costello
 Cox
 Coyne
 Cramer
 Crane
 Crapo
 Cubin
 Cummings
 Cunningham

Danner
 Davis (FL)
 Davis (IL)
 Davis (VA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 DeLay
 Deutsch
 Diaz-Balart
 Dickey
 Dicks
 Dingell
 Dixon
 Doggett
 Dooley
 Doolittle
 Doyle
 Dreier
 Duncan
 Dunn
 Edwards
 Ehrlich
 Emerson
 Engel
 English
 Ensign
 Eshoo
 Etheridge
 Evans
 Everett
 Ewing
 Farr
 Fattah
 Fazio
 Filner
 Foley
 Forbes
 Ford
 Fossella
 Fox
 Franks (NJ)
 Frelinghuysen
 Gallegly
 Ganske
 Gejdenson
 Gekas
 Gephardt
 Gibbons
 Gilchrest
 Gillmor
 Gilman
 Gonzalez
 Goode
 Goodlatte
 Goodling
 Gordon
 Goss
 Granger
 Gutierrez
 Gutknecht
 Hall (OH)
 Hall (TX)
 Hamilton
 Hansen
 Harman
 Hastert
 Hastings (FL)
 Hayworth
 Hefley
 Herger
 Hilleary
 Hilliard
 Hinchey
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Hooley
 Horn
 Hostettler
 Houghton
 Hoyer
 Hulshof
 Hunter
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson (WI)
 Johnson, Sam
 Jones
 Kanjorski
 Kasich
 Kennedy (MA)
 Kennedy (RI)
 Kildee
 Kilpatrick
 Kim
 Kind (WI)
 King (NY)
 Kingston
 Kleczka
 Klink
 Klug
 Knollenberg
 Kolbe
 Kucinich
 LaFalce
 LaHood
 Lampson
 Latham
 LaTourette
 Lazio
 Leach
 Lee
 Levin
 Lewis (GA)
 Lewis (KY)
 Linder
 Livingston
 LoBiondo
 Lofgren
 Lowey
 Lucas
 Luther
 Maloney (CT)
 Maloney (NY)
 Manton
 Manzullo
 Markey
 Martinez
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McCrery
 McDermott
 McHale
 McHugh
 McKeon
 McKinney
 McNulty
 Meek (FL)
 Meeks (NY)
 Menendez
 Metcalf
 Mica

pending the rules and passing the Senate bill, S. 1733.
 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. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 1, not voting 47, as follows:

[Roll No. 533]

YEAS—386

NAYS—44

NOT VOTING—45

□ 1615

Messrs. ARCHER, THOMAS, SMITH of Michigan, COBLE, FOSSELLA, and BRADY of Texas changed their vote from “yea” to “nay.”

Mr. BARTLETT of Maryland changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 532, I was inadvertently detained. Had I been present, I would have voted “yes.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings today.

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

The SPEAKER pro tempore. The pending business is the question of sus-

Millender- McDonald	Redmond Regula	Solomon Souder
Miller (CA)	Reyes	Spence
Miller (FL)	Riggs	Spratt
Minge	Riley	Stabenow
Mink	Rivers	Stark
Moakley	Rodriguez	Stearns
Mollohan	Roemer	Stenholm
Moran (KS)	Rogan	Stokes
Moran (VA)	Rogers	Strickland
Morella	Rohrabacher	Stump
Murtha	Ros-Lehtinen	Stupak
Myrick	Rothman	Sununu
Nadler	Roukema	Talent
Neal	Roybal-Allard	Tanner
Nethercutt	Royce	Tauscher
Neumann	Rush	Tauzin
Ney	Ryun	Taylor (MS)
Northup	Sabo	Thomas
Norwood	Salmon	Thornberry
Nussle	Sanchez	Thune
Oberstar	Sanders	Thurman
Obey	Sandlin	Tiahrt
Olver	Sanford	Tierney
Ortiz	Sawyer	Towns
Owens	Saxton	Traficant
Oxley	Schaefer, Dan	Turner
Packard	Schaffer, Bob	Upton
Pallone	Schumer	Velazquez
Pappas	Scott	Vento
Parker	Sensenbrenner	Visclosky
Pascrell	Serrano	Walsh
Pastor	Sessions	Wamp
Paxon	Shadegg	Watkins
Payne	Shaw	Watt (NC)
Pease	Shays	Watts (OK)
Peterson (MN)	Sherman	Waxman
Peterson (PA)	Shimkus	Weller
Petri	Shuster	Wexler
Pickering	Sisisky	Weygand
Pickett	Skaggs	White
Pitts	Skeen	Whitfield
Pombo	Skelton	Wicker
Pomeroy	Slaughter	Wise
Porter	Smith (MI)	Wolf
Portman	Smith (NJ)	Woolsey
Price (NC)	Smith (OR)	Wynn
Quinn	Smith (TX)	Yates
Radanovich	Smith, Adam	Young (AK)
Rahall	Smith, Linda	Young (FL)
Ramstad	Snowbarger	
Rangel	Snyder	

NAYS—1

Paul

NOT VOTING—47

Ackerman	Green	McInnis
Allen	Greenwood	McIntosh
Barr	Hastings (WA)	McIntyre
Berman	Hefner	Meehan
Blunt	Hutchinson	Pelosi
Callahan	Hyde	Poshard
Collins	Inglis	Pryce (OH)
Cooksey	Johnson, E. B.	Scarborough
Deal	Kaptur	Taylor (NC)
Ehlers	Kennelly	Thompson
Fawell	Lantos	Torres
Fowler	Largent	Waters
Frank (MA)	Lewis (CA)	Weldon (FL)
Frost	Lipinski	Weldon (PA)
Furse	McDade	Wilson
Graham	McGovern	

□ 1624

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and concurring in the Senate amendment to the bill, H.R. 700.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

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.

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4829.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

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

A motion to reconsider was laid on the table.

GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 2272.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

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

A motion to reconsider was laid on the table.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

The SPEAKER pro tempore. The pending business is the question de novo of suspending rules and passing the Senate bill, S. 2133.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

The question was taken.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 201, noes 190, not voting 43, as follows:

[Roll No. 534]
AYES—201

Aderholt	Gibbons	Parker
Archer	Gilchrest	Paxon
Armey	Gillmor	Pease
Bachus	Gilman	Peterson (PA)
Baesler	Goodlatte	Petri
Baker	Goodling	Pickering
Ballenger	Goss	Pitts
Barrett (NE)	Granger	Pombo
Bartlett	Gutknecht	Porter
Barton	Hall (TX)	Portman
Bass	Hansen	Quinn
Bateman	Hastert	Radanovich
Bereuter	Hayworth	Ramstad
Bilbray	Hefley	Redmond
Bilirakis	Herger	Regula
Bliley	Hill	Riggs
Boehlert	Hilleary	Riley
Boehner	Hobson	Rogan
Bonilla	Hoekstra	Rogers
Bono	Horn	Rohrabacher
Boswell	Hostettler	Ros-Lehtinen
Brady (TX)	Houghton	Roukema
Brown (CA)	Hulshof	Royce
Bryant	Hunter	Ryun
Bunning	Istook	Salmon
Burr	Jackson-Lee	Saxton
Burton	(TX)	Schaefer, Dan
Buyer	Jenkins	Sessions
Calvert	Johnson (CT)	Shadegg
Camp	Johnson, Sam	Shaw
Canady	Jones	Shimkus
Cannon	Kasich	Shuster
Castle	Kelly	Skeen
Chambliss	Kim	Smith (MI)
Chenoweth	King (NY)	Smith (NJ)
Christensen	Kingston	Smith (OR)
Coble	Klug	Smith (TX)
Coburn	Knollenberg	Smith, Linda
Combust	Kolbe	Snowbarger
Cook	LaHood	Solomon
Cox	Latham	Souder
Crane	LaTourette	Spence
Crapo	Lazio	Stearns
Cubin	Leach	Stump
Cunningham	Lewis (CA)	Sununu
Danner	Lewis (KY)	Talent
Davis (IL)	Linder	Tauzin
Davis (VA)	Livingston	Taylor (NC)
DeLay	LoBiondo	Thomas
Diaz-Balart	Lucas	Thornberry
Dickey	Manzullo	Thune
Doolittle	McCollum	Tiahrt
Dreier	McCrary	Traficant
Duncan	McHugh	Upton
Dunn	McInnis	Walsh
Ehrlich	McKeon	Wamp
Emerson	Metcalf	Watkins
English	Mica	Watts (OK)
Ensign	Moran (KS)	Weller
Everett	Morella	White
Ewing	Myrick	Whitfield
Fawell	Nethercutt	Wicker
Foley	Ney	Wilson
Forbes	Northup	Wolf
Fossella	Nussle	Young (AK)
Fox	Oxley	Young (FL)
Galleghy	Packard	
Gekas	Pappas	

NOES—190

Abercrombie	Carson	Doggett
Andrews	Chabot	Dooley
Baldacci	Clay	Doyle
Barcia	Clayton	Edwards
Barrett (WI)	Clement	Engel
Becerra	Clyburn	Eshoo
Bentsen	Condit	Etheridge
Berry	Conyers	Evans
Bishop	Costello	Farr
Blagojevich	Coyne	Fattah
Blumenauer	Cramer	Fazio
Bonior	Cummings	Filner
Borski	Davis (FL)	Ford
Boucher	DeFazio	Franks (NJ)
Boyd	DeGette	Frelinghuysen
Brady (PA)	Delahunt	Ganske
Brown (FL)	DeLauro	Gejdenson
Brown (OH)	Deutsch	Gephardt
Campbell	Dicks	Gonzalez
Capps	Dingell	Goode
Cardin	Dixon	Gordon

Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jefferson
John
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klecza
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowe
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale

NOT VOTING—43

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fowler
Frank (MA)
Frost
Furse
Graham

□ 1636

Mr. CUNNINGHAM and Mr. BROWN of California changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the Senate bill, S. 1132.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132, 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 194, nays 190, not voting 50, as follows:

[Roll No. 535]
YEAS—194

Aderholt
Archer
Arney
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Bilirakis
Bilely
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Candey
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly

Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Granger
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourrette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Pappas
Parker
Paxon

Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers

Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Gejdenson
Gephardt

Gonzalez
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)

Klecza
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)

Murtha
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez

NOT VOTING—50

Ackerman
Allen
Barr
Berman
Blunt
Brown (FL)
Callahan
Collins
Cooksey
Deal
Edwards
Ehlers
Fawell
Fowler
Frank (MA)
Frost
Furse

Graham
Green
Greenwood
Hastings (WA)
Hefner
Hobson
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McCollum
McGovern

McIntosh
McIntyre
Meehan
Mica
Northup
Norwood
Pelosi
Poshard
Pryce (OH)
Scarborough
Spratt
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)

□ 1643

Mr. Crane changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 535, I was inadvertently detained. Had I been present, I would have voted "yes."

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 361, RHINOCEROS AND TIGER CONSERVATION ACT OF 1998

Mr. CRANE. Mr. Speaker, I rise to raise a question of the privileges of the House, and I offer a privileged resolution (H. Res. 601) returning to the Senate the bill S. 361, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Resolved, That the bill of the Senate (S. 361) entitled the "Rhinceros and Tiger Conservation Act of 1998", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House

and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The gentleman from Illinois (Mr. CRANE) is recognized for 30 minutes.

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

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 361, because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 361 would create a new basis for applying import restrictions and therefore violates this constitutional requirement.

S. 361 proposes amending the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, import and export of products intended for human consumption or application that contain, or are labeled as containing, any substance derived from rhinoceroses or tigers. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a "revenue affecting" infringement on the prerogatives of the House which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving imports of perishable agricultural products. On February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that fail to eliminate large-scale driftnet fishing.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. In fact, the House passed H.R. 2807 on April 28, 1998, which contains an import ban on the same products covered by the Senate bill. S. 361, however, was passed by the other body as a freestanding bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives. Since the passage of S. 361, the Senate amended the House-passed bill, H.R. 2807, on October 13, 1998, and on the following day the House agreed to the Senate amendments. By amending a House-passed bill which already contained a revenue provision, the Senate acted on this matter in compliance with the Constitution and the House has responded by concurring in the Senate language.

Accordingly, the proposed action today is purely procedural in nature

and is necessary to preserve the prerogatives of the House to originate all revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR ACQUISITION OF LANDS FORMERLY OCCUPIED BY FRANKLIN D. ROOSEVELT FAMILY

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2241) to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, 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. 2241

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

SECTION 1. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by purchase with donated or appropriated funds, by donation, or otherwise, lands and interests in lands located in Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death as depicted on the map entitled "F.D. Roosevelt Property Entire Park" dated July 26, 1962, and numbered FDR-NHS 3008. Such map shall be on file for inspection in the appropriate offices of the National Park Service.

SEC. 2. ADMINISTRATION.

Lands and interests therein acquired by the Secretary shall be added to, and administered by the Secretary as part of the Home of Franklin D. Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are 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.

DIRECTING CLERK OF THE HOUSE TO MAKE A TECHNICAL CORRECTION IN ENROLLMENT OF H.R. 3910, AUTHORIZING AUTOMOBILE NATIONAL HERITAGE AREA IN MICHIGAN

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 351) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes, the Clerk of the House of Representatives shall strike section 406 and insert the following new section 406:

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking "on the day occurring 5 years after the date of the enactment of this Act" and inserting "on November 18, 2003".

SEC. . CORRECTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS. "There is authorized to be appropriated to the Administrator the following:

"(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, and \$35,000,000 for fiscal year 2001.

"(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, and \$37,000,000 for fiscal year 2001. Of these amounts, no more than \$16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

"(3) To carry out geodetic functions under the Act of 1947, \$25,000,000 for fiscal year 1999, \$30,000,000 for fiscal year 2000, and \$30,000,000 for fiscal year 2001.

"(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of fiscal years 1999 through 2001. Of these amounts \$4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and \$7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4)."

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 3461, APPROVING THE GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND POLAND

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 352) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 352

Resolved by the House of Representatives (the Senate concurring) That, in the enrollment of the bill, H.R. 3461, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 305, strike subsections (a) and (d).

(2) Amend section 306 to read as follows:

SEC. 306. AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, and \$35,000,000 for fiscal year 2001.

(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, and \$37,000,000 for fiscal year 2001. Of these amounts, no more than \$16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, \$25,000,000 for fiscal year 1999, \$30,000,000 for fiscal year 2000, and \$30,000,000 for fiscal year 2001.

(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of fiscal years 1999 through 2001. Of these amounts \$4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and \$7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING THE CONTRIBUTIONS OF GEORGE WASHINGTON TO THE NATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Commit-

tee on Government Reform and Oversight be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 83) remembering the life of George Washington and his contributions to the Nation, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

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

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

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

Mr. GILMAN. Mr. Speaker, I yield half of my time to the gentleman from Maryland (Mr. CUMMINGS).

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. GILMAN) and the gentleman from Maryland (Mr. CUMMINGS) will each control 30 minutes.

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

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

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this legislation remembering our first President and founding father George Washington.

This legislation will commemorate the 200th anniversary of George Washington's death on December 14, 1999.

George Washington was a peerless military leader in the Revolutionary War, able Chairman of the Constitutional Convention and brilliant first President.

George Washington is truly the father of this great country. Because of George Washington's actions in life, we are free and we are Americans.

"Our cause is noble," Washington said, "It is the cause of mankind!"

Pursuit of liberty and justice under God is still the most inspiring, the most successful, most revolutionary idea the world has ever known.

Mr. Speaker, as Americans, let us rededicate ourselves to the ideals by which George Washington lived his life.

I believe another great Virginian, Thomas Jefferson, may have said it best when describing George Washington: His integrity was the most pure and his justice the most inflexible we have ever known.

He is in every sense of the word a wise and great person.

As the bicentennial of Washington's death approaches, I ask the House to join me in celebrating the life of our founding father George Washington.

Let us dedicate this year long commemoration to learning more about his fascinating life and career.

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

Mr. Speaker, the resolution before us is to honor George Washington. Next year will be the 200th year of his death. Many of the Nation's children will not and do not know that he is the first President of the United States.

In a document promoting the celebration of Washington's bicentennial, it states that, quote, 200 years after Washington's death, the importance of his leadership has not dwindled. But our knowledge of and respect for Washington has declined to an incredibly low level. In just four decades, Washington's coverage in history textbooks has been reduced so dramatically that some teachers complain that he has been relegated to "footnote status." Educators admit that the teaching of history is woefully inadequate and that only 2 out of 10 students graduating from high school can be described as proficient in history. Today we have reached an agreement on a budget bill

that includes over \$1 billion for 100,000 new teachers to reduce class size in the early grades. Statistics have shown that smaller class sizes contribute greatly toward a student's learning as a result of which their knowledge of math and science will be greatly enhanced and so will their knowledge of our Nation's great history and its leaders.

With that, Mr. Speaker, I urge all Members to support this very, very important resolution honoring President George Washington.

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

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 thank the gentleman from Maryland for his supporting remarks.

Mr. Speaker, S. Con. Res. 83 remembers the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209 which I introduced along with Speaker GINGRICH earlier this year.

I want to thank the Speaker and the gentleman from Indiana (Mr. BURTON) who is the distinguished chairman of our Committee on Government Reform and Oversight for his assistance in moving this important resolution. In addition, I would like to thank the Senator from Virginia (Mr. WARNER) for his assistance in the Senate and the gentleman from Maryland (Mr. CUMMINGS) for his support.

As my colleagues may know, December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties. Throughout his life Washington projected selfless bravery and astute decision-making, all of which helped to formulate our great Nation into what it is today.

No American in the history of our Nation has been more revered and respected than George Washington. His home, Mount Vernon, is our country's oldest and most famous historic preservation property. Each year over 1 million visitors come to see, to learn and to be inspired by the near hallowed estate owned by this extraordinary man.

Finally, I want to thank the Mount Vernon Ladies Association for all of their tireless efforts, day in and day out, to preserve both the heritage of George Washington and his home in Mount Vernon.

The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask our colleagues to join the Speaker, the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

S. Con. Res. 83 will remember the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209, which I introduced, along with Speaker GINGRICH earlier this year.

I want to thank the Speaker, my colleague, the gentlemen from Indiana, the distinguished chairman of the Government Reform Committee, Mr. BURTON, for his assistance in moving this important resolution. In addition, I would like to thank the Senator from Virginia, Mr. WARNER for his assistance in the Senate.

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The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life, to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask my colleagues to join the Speaker, and the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in support of this resolution.

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

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, as a Virginian and the former chairman of Fairfax County, where Mount Vernon is located, I am very pleased to be able to speak in support of S. Con. Res. 83, Remembering the life of George Washington and his contributions to the Nation. I am proud to rise in support of this resolution honoring the Father of our country as we near the historic bicentennial of his death.

The death of George Washington on December 14, 1799 was met with a period of national mourning that was unprecedented, even by modern standards. Many Americans believed that the very existence and security of our country would be jeopardized without his leadership and presence. However, in this day and age, many do not know how to respond to the question—who is George Washington?

The answer to this question may seem apparent, but many of our fellow Americans no longer seem to know the

answer. While he may continue to be the most recognized national figure thanks to his image appearing on the dollar bill and due to his name being used by many towns, cities, counties and even a State, evidence suggests that too few Americans truly understand what he stood for or that our country owes its very existence to his leadership, dedication, hard work, and personal sacrifice.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting terms as our first president. Washington was also considered the "first farmer" of America, a conservationist, and environmentalist ahead of his time. He helped to found the Nation's capital, he supported education with both political influence and personal donations, and he sent a very important message to the world when he freed his slaves in his will. Washington was not just a great man—he was a good man, who always strived to do what was best for his Nation.

As we approach the new millennium, it is imperative that we as Americans not lose sight of the monumental contributions made by George Washington to our Nation. In a eulogy delivered several days after his death, Henry "Light-Horse Harry" Lee said that George Washington was "A citizen, first in war, first in peace and first in the hearts of his countrymen."

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

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

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred.

A motion to reconsider was laid on the table.

□ 1700

ENEY, CHESTNUT, GIBSON MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building."

The Clerk read as follows:

S. CON. RES. 120

Whereas the United States Capitol Police force has protected the Capitol and upheld the beacon of democracy in America;

Whereas 3 officers of the United States Capitol Police have lost their lives in the line of duty;

Whereas Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise;

Whereas officer Jacob "J.J." Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and

Whereas Detective John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the Majority Whip of the House of Representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., shall be known and designated as the "Eney, Chestnut, Gibson Memorial Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Senate Concurrent Resolution 120 redesignates the United States Capitol Police Headquarter Building located at 119 D Street, Northeast, Washington, D.C., as the Eney, Chestnut, Gibson Memorial Building in honor of the three Capitol Police officers who made an ultimate sacrifice by giving their lives in the line of service.

Officer Eney was killed in training exercises in August 1984. Officers Chestnut and Gibson were struck down in the line of fire defending the Members of this body, congressional staff and visitors just a few weeks ago on July 24.

This certainly is a most fitting tribute to these fallen heroes. I support the resolution and urge my colleagues to join me in support.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio (Mr. TRAFICANT), who does such an able job representing us on this committee and in the Congress, for yielding this time to me.

Mr. Speaker, I rise today in strong support of S.Con.Res. 120, a concurrent resolution to rename the Capitol Police Headquarters in the memory of Officers Christopher Eney, Jacob Chestnut and Detective John Gibson.

Mr. Speaker, the distinguished majority leader and I had the opportunity today to participate in the laying of a wreath at the memorial which commemorates those brave American police officers, our domestic defenders who have laid down their life for peaceful and safe communities.

Mr. Speaker, almost 15,000 Americans wearing a uniform or in the service of our law enforcement levels at the Federal, state and local have lost their lives. That is a big number. This year alone, Mr. Speaker, 64,000 officers will be assaulted on the streets and in the communities of America. An officer will be killed once every 54 hours in America. Twelve officers, in addition to Mr. Chestnut and Mr. Gibson, Detective Gibson and Officer Chestnut, were killed in July of 1998. These stark statistics were given at that memorial service in which the majority leader and I participated today.

I introduced a resolution similar to this in the House with Senator PAUL

SARBANES on September 18, 1998, passed Senator SARBANES' resolution, non-partisan-bipartisan, no pride of authorship, but a pride only in the service that these brave men have given. It passed the Senate on October 8.

I want to thank my colleague and friend, the gentleman from Texas (Mr. DELAY); the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and, as I said earlier, my good friend the gentleman from Ohio (Mr. TRAFICANT) as well as the gentleman from California (Mr. KIM) for bringing this bill to the floor in a timely fashion. Susan Brita of the Democratic staff I would also like to personally thank for her attention to this bill as well as the majority staff for their hard work in ensuring its consideration here today.

This resolution names; the building does not have a name right now, but this resolution names the United States Capitol Police Headquarters as the Eney, Chestnut, Gibson Memorial Building. It is right and proper that we do this. This name was selected not by any of us, but by the Capitol Police themselves and reflects the order in which each man lost his life. These men are fallen heroes of the Capitol Police Force.

Let me read now, if I can, Mrs. Eney's remarks that are included at the memorial. She said this:

It is not how those officers died that made them heroes, it is how they lived.

I hope Mrs. Eney is watching today along with Mrs. Chestnut and Mrs. Gibson. I had the opportunity to talk to Wendy today and to Lynn and see the pain of their loss and the anguish that they were experiencing. There is nothing that we can do perhaps to relieve that pain, but it is proper for us to recognize the sacrifice and service of those they loved.

These men are fallen heroes. Officer Christopher Eney lost his life during a training exercise in August 1984, training to be ready to defend this Capitol with his life, if need be. Just as Officer Chestnut and Detective Gibson had trained and were prepared and did, in fact, give their lives in the defense not just of the people in this body, not just of those who work in this building, not even just for those who visit this building, or a combination of all, but in a very real sense in defense of the democracy for which this building stands.

Officer Chestnut and Detective Gibson were struck down in the line of duty on July 24 of this year while defending innocent citizens, staff and Members from a maniacal and senseless shooting spree in our Nation's Capitol. Last week indeed, Mr. Speaker, a grand jury indicted the shooter, charged him with murder in the shooting deaths of Officer Chestnut and Detective Gibson. Hopefully that trial will proceed speedily and will reach a just and appropriate result.

Mr. Speaker, August 24, the day on which Christopher Eney died, and July

24, the day on which Detective Gibson and Officer Chestnut gave their lives, those two dates should forever remind us that the risk is always present for those we ask to defend a free society.

As a Capitol Hill family, we in Congress wish to join the Capitol Hill Police Force and the families of the deceased in honoring the memory of their colleagues and loved ones who died while performing their duties by renaming their headquarters after them.

It is appropriate for the Congress to pass this resolution. The men and women of law enforcement, like those we ask to join the Armed Services and defend freedom abroad, are responsible for us being able to meet in this body, in a society that honors peace and order. The least that we could do, as a body and as a people, is to honor our fallen officers by naming the headquarters where they served with dignity and pride and commitment and courage.

I urge my colleagues to support this resolution.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the majority whip, the gentleman from Texas (Mr. DELAY).

Mr. DeLAY. Mr. Speaker, I rise certainly in support of this legislation and am very proud to support it. I want to thank my good friend, the gentleman from Maryland (Mr. HOYER) because I went to the same ceremony just to honor not only the Capitol heroes that have fallen but police officers that have fallen around the country, just to support them.

The gentleman from Maryland (Mr. HOYER) was very gracious in including me in the ceremony. It was a great honor for me to be a part of the ceremony and because of his graciousness and hospitality and thoughtfulness, I really appreciate what he did.

This is a resolution that I am very proud that is coming to the floor. It is obviously on a day like today, when we are honoring all the fallen law enforcement officers around the country, and those that are still living, to pass a resolution like this, particularly in light of the fact that Christopher Eney, who died in a training incident, is also being honored along with Officer Chestnut and Detective Gibson.

The Capitol Police have only lost three officers in its entire history. Christopher Eney was the first, and unfortunately on the same day we lost two more. The Capitol Police Officers want to name their headquarters for these three officers and I, like the gentleman from Maryland (Mr. HOYER), think that is more than appropriate and certainly honorable that their fellow officers want to do so.

Earlier this year, the body knows that my office was the scene of this tragic incident that shook the Nation and it was there that a gunman came into the United States Capitol and started shooting and he killed Officer Chestnut, wounded a tourist and then shot and fatally wounded Detective Gibson.

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Before he died, Detective Gibson was able to shoot the gunman, saving the lives of many innocent bystanders, including members of my staff. For that, my staff and I will be eternally grateful.

We also are grateful to the families that sacrificed these officers. As most can expect, these families are having a very hard time but need to understand that the Nation is praying for them and their families; that they have a lot of support not only within the law enforcement community in Washington, D.C. and in the Metroplex area but in this House and around the country.

The memorial fund that was set up for J.J. and John has been more than successful, although I would like it to be even bigger, but we are very encouraged by the kind of support that we are seeing coming from all around the Nation.

Chestnut and Gibson and Eney are certainly American heroes, not only because they died in the line of duty but also because they exemplified the best of the American spirit when they were alive. All three were family men. All three were patriots. All three were dedicated to the proposition that America is the land of the free and the home of the brave.

John Gibson served on my security detail and became a very close friend to me. We discussed many things in our time together. We talked about our families. We talked about our country and we talked about God. I continue to miss the professional manner, the uncommon wisdom and the wry sense of humor that John brought to our office every day, and I will miss him for the rest of my life.

Both John Gibson and J.J. Chestnut died so that others might live. They gave their lives in the defense of the United States Capitol and they died as American heroes. Naming the U.S. Capitol Police headquarters after these three men, J.J. Chestnut, John Gibson and Christopher Eney, is an altogether, if insufficient, way to memorialize their contributions to the United States Congress and to this country, and I am honored to ask the Members to support this resolution.

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

Mr. Speaker, I want to pay tribute, before I pay tribute to these officers, to the gentleman from Texas (Mr. DELAY) and to the gentleman from Maryland (Mr. HOYER). They have worked so hard to pay tribute to such a needy, worthy situation in our Nation's history, in our Capitol history, that the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) deserve the thanks of every Member, of every family and every police officer in America.

As an old sheriff, I want to thank the gentleman from Texas (Mr. DELAY) and I want to thank the gentleman from Maryland (Mr. HOYER).

Having said that, as sheriff, I lost a deputy who was shot at short range, Sonny Litch, a beautiful family, left two youngsters, and it is a sad, tragic day.

What we do here today is appropriate and fitting. I want to join with the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) and the good Senator from the other side. I want to thank the gentleman from California (Mr. KIM), Rick and Susan, for helping with this, and I hope that this will last forever and their memory will last forever for the great service, the ultimate sacrifice, they give to their Nation. Every law enforcement officer deserves a pat on the back because every day they put their life on the line.

With that, I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 120.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 120.

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

There was no objection.

PROVIDING FOR CONCURRENCE BY THE HOUSE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 602) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204.

The Clerk read as follows:

H. RES. 602

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. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, and the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. LORAN-C.

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Severance pay.
- Sec. 202. Authority to implement and fund certain awards programs.
- Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
- Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
- Sec. 205. Law enforcement authority for special agents of the Coast Guard Investigative Service.
- Sec. 206. Report on excess Coast Guard property.
- Sec. 207. Fees for navigation assistance service.
- Sec. 208. Aids to navigation report.

TITLE III—MARINE SAFETY

- Sec. 301. Extension of territorial sea for certain laws.
- Sec. 302. Penalties for interfering with the safe operation of a vessel.
- Sec. 303. Great Lakes Pilotage Advisory Committee.
- Sec. 304. Alcohol testing.
- Sec. 305. Protect marine casualty investigations from mandatory release.
- Sec. 306. Safety management code report and policy.
- Sec. 307. Oil and hazardous substance definition and report.
- Sec. 308. National Marine Transportation System.
- Sec. 309. Availability and use of EPIRBs for recreational vessels.
- Sec. 310. Search and rescue helicopter coverage.
- Sec. 311. Petroleum transportation.
- Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
- Sec. 313. Ship reporting systems.

TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel identification system amendments.
- Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
- Sec. 403. Documentation of certain vessels.
- Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
- Sec. 405. Unreasonable obstruction to navigation.
- Sec. 406. Financial responsibility for oil spill response vessels.
- Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
- Sec. 408. Penalty for violation of International Safety Convention.
- Sec. 409. Coast Guard City, USA.
- Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
- Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
- Sec. 412. Vessels not seagoing motor vessels.
- Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
- Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.

- Sec. 415. Interim authority for dry bulk cargo residue disposal.
- Sec. 416. Conveyance of lighthouses.
- Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
- Sec. 418. Conveyance of decommissioned Coast Guard vessels.
- Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
- Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
- Sec. 421. Vessel documentation clarification.
- Sec. 422. Dredge clarification.
- Sec. 423. Double hull alternative designs study.
- Sec. 424. Vessel sharing agreements.
- Sec. 425. Reports.
- Sec. 426. Report on tonnage calculation methodology.
- Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
- Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
- Sec. 429. Applicability of authority to release restrictions and encumbrances.
- Sec. 430. Barge APL-60.
- Sec. 431. Vessel financing flexibility.
- Sec. 432. Hydrographic functions.

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

- Sec. 501. Findings.
- Sec. 502. Administrative waiver of coastwise trade laws.
- Sec. 503. Revocation.
- Sec. 504. Definitions.
- Sec. 505. Sunset.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Assessments.
- Sec. 604. Northern Gulf of Mexico hypoxia.
- Sec. 605. Authorization of appropriations.
- Sec. 606. Protection of States' rights.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

- (A) for fiscal year 1998, \$2,715,400,000; and
- (B) for fiscal year 1999, \$2,854,700,000; of which \$25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than \$408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1998, \$399,850,000, of which \$2,000,000 shall be made available for concept evaluation for a replacement vessel for the Coast Guard icebreaker MACKINAW; and

(B) for fiscal year 1999, \$510,300,000, of which \$5,300,000 shall be made available to complete the conceptual design for a replacement vessel for the Coast Guard icebreaker MACKINAW;

(3) To remain available until expended, of which \$20,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than \$62,000,000 shall be available for expenses related to drug interdiction.

(4) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving

the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

- (A) for fiscal year 1998, \$19,000,000; and
- (B) for fiscal year 1999, \$18,300,000; to remain available until expended, of which \$3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

- (A) for fiscal year 1998, \$653,196,000; and
- (B) for fiscal year 1999, \$691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

- (A) for fiscal year 1998, \$17,000,000; and
- (B) for fiscal year 1999, \$26,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$26,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

- (1) 37,944 as of September 30, 1998; and
- (2) 38,038 as of September 30, 1999.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

- (1) For recruit and special training—
- (A) for fiscal year 1998, 1,424 student years; and

- (B) for fiscal year 1999, 1,424 student years.

- (2) For flight training—
- (A) for fiscal year 1998, 98 student years; and

- (B) for fiscal year 1999, 98 student years.

- (3) For professional training in military and civilian institutions—

- (A) for fiscal year 1998, 283 student years; and

- (B) for fiscal year 1999, 283 student years.

- (4) For officer acquisition—
- (A) for fiscal year 1998, 814 student years; and

- (B) for fiscal year 1999, 810 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 1999.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN-C System, for capital expenses related to LORAN-C navigation infrastructure, \$10,000,000 for fiscal year 1999. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) COST-SHARING PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for cost-sharing arrangements among Federal agencies for such

capital and operating expenses related to LORAN-C navigation infrastructure, including such expenses of the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.”.

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.”.

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

Section 93 of title 14, United States Code, is amended—

(1) by striking “and” after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting “; and”;

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

“(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and non-profit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).”.

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking “and” after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting “; and”;

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

“(x) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.”.

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to \$25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

“(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

“(A) To carry firearms.

“(B) To execute and serve any warrant or other process issued under the authority of the United States.

“(C) To make arrests without warrant for—

“(i) any offense against the United States committed in the agent’s presence; or

“(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

“(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

“(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

“(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

“95. Special agents of the Coast Guard Investigative Service law enforcement authority.”

SEC. 206. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate non-profit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 207. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

“(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2001.”

SEC. 208. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of

the Coast Guard shall submit to Congress a report on the use of the Coast Guard’s aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

“(5) ‘Navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

“(17a) ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

(2) Section 2301 of that title is amended by inserting “(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)” after “of the United States”.

(3) Section 4102(e) of that title is amended by striking “operating on the high seas” and inserting “owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured”.

(4) Section 4301(a) of that title is amended by inserting “(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)” after “of the United States”.

(5) Section 4502(a)(7) of that title is amended by striking “on the high seas” and inserting “beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States”.

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

“(2) is operating—

“(A) in internal waters of the United States; or

“(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.”

(7) Section 8502(a)(3) of that title is amended by striking “not on the high seas” and inserting: “not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured”.

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

“(2) operating—

“(A) in internal waters of the United States; or

“(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.”

SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE OPERATION OF A VESSEL.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended—

(1) by amending the section heading to read as follows:

“§2302. Penalties for negligent operations and interfering with safe operation”;

and

(2) in subsection (a) by striking “that endangers” and inserting “or interfering with the safe operation of a vessel, so as to endanger”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2302 and inserting the following:

“2302. Penalties for negligent operations and interfering with safe operation.”

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

“§9307. Great Lakes Pilotage Advisory Committee

“(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

“(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

“(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

“(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

“(4) shall meet at the call of—

“(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

“(B) a majority of the Committee.

“(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

“(2) The membership of the Committee shall include—

“(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

“(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

“(C) 1 member representing the interests of Great Lakes ports;

“(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

“(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

“(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

“(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary’s designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

“(d)(1) The Secretary shall, whenever practicable, consult with the Committee before

taking any significant action relating to Great Lakes pilotage.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

"(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

"(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

"(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date."

SEC. 304. ALCOHOL TESTING.

(a) ADMINISTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: "The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing."

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking "\$1,000" and inserting "\$5,000".

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "\$1,000 for a first violation and not more than \$5,000 for a subsequent violation; or" and inserting "\$5,000; or".

(d) POST SERIOUS MARINE CASUALTY TESTING.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

"§2303a. Post serious marine casualty alcohol testing

"(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

"(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs."

(2) The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

"2303a. Post serious marine casualty alcohol testing".

SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after "pub-

lic" and inserting a period and "This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States."

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

(1) The Secretary of Transportation (in this section referred to as the "Secretary") shall conduct a study—

(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as "Code");

(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candor of such reporting and auditing.

These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

(3) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

(b) POLICY.—

(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

(B) any other measures to achieve full compliance with and effective implementation of the Code; and

(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

"(23) 'oil' means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;"

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Federal Water Pollution Control Act and title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (including ports, waterways, harbor approach channels, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) TASK FORCE.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other nonfederal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) ASSESSMENT.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system, the adequacy of depth of approach channels and harbors, and the cost to the Federal Government to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations;

(C) sponsor public and private sector activities to further refine and implement (under existing authority) the strategies, recommendations, and plan for action;

(D) evaluate the capability to dispose of dredged materials that will be produced to accommodate projected increases referred to in subparagraph (A); and

(E) evaluate the future of the navigational aid system including the use of virtual aids to navigation on electronic charts.

(2) The Secretary shall report to Congress on the results of the assessment no later than July 1, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBs FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by operators of recreational vessels on the Intra-coastal Waterway and operators of recreational vessels beyond the Boundary Line. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual

and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBs and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) identifying waters out to 50 miles from the territorial sea of Maine and other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard search and rescue assets to serve each area referred to in paragraph (1) within 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) DEFINITIONS.—In this section:

(1) FIRST COAST GUARD DISTRICT.—The term “First Coast Guard District” means the First Coast Guard District described in section 3.05-1(b) of title 33, Code of Federal Regulations.

(2) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(3) WATERS OF THE NORTHEAST.—The term “waters of the Northeast”—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the waters of Long Island Sound.

(b) REGULATIONS RELATING TO WATERS OF THE NORTHEAST.—

(1) TOWING VESSEL AND BARGE SAFETY FOR WATERS OF THE NORTHEAST.—

(A) IN GENERAL.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) INCORPORATION OF RECOMMENDATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled “Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States” issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) EXCLUDED RECOMMENDATIONS.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act (Public Law 92-340; 33 U.S.C. 1230), is amended by adding at the end of the following:

“(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W; then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).”

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking “or is not titled in a State” in section 12102(a);

(2) by adding at the end thereof the following:

“§12124. Surrender of title and number

“(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

“(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

“12124. Surrender of title and number”.

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

“(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.”;

(2) by striking “mortgage or instrument” each place it appears in section 31322(d)(1) and inserting “mortgage, security agreement, or instrument”;

(3) by striking section 31322(d)(3) and inserting the following:

“(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.”;

(4) by striking “mortgages or instruments” in subsection 31322(d)(2) and inserting “mortgages, security agreements, or instruments”;

(5) by inserting “a vessel titled in a State,” in section 31325(b)(1) after “a vessel to be documented under chapter 121 of this title.”;

(6) by inserting “a vessel titled in a State,” in section 31325(b)(3) after “a vessel for which an application for documentation is filed under chapter 121 of this title.”; and

(7) by inserting “a vessel titled in a State,” in section 31325(c) after “a vessel to be documented under chapter 121 of this title.”.

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for each of the following vessels:

(1) SEAGULL (United States official number 1038605).

(2) BAREFOOT CONTESA (United States official number 285410).

(3) PRECIOUS METAL (United States official number 596316).

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

(5) SOUTHERN STAR (United States official number 650774).

(6) KEEWAYDIN (United States official number 662066).

(7) W.G. JACKSON (United States official number 1047199).

(8) The vessel known as hopper barge E-15 (North Carolina State official number 264959).

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

(10) MAR Y PAZ (United States official number 668179).

(11) SAMAKEE (State of New York registration number NY 4108 FK).

(12) NAWNSENSE (United States official number 977593).

(13) ELMO (State of Florida registration number FL5337BG).

(14) MANA-WANUI (United States official number 286657).

(15) OLD JOE (formerly TEMPTRESS; United States official number 991150).

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

(18) SOUTHLAND (United States official number 639705).

(19) FJORDING (United States official number 594363).

(20) M/V SAND ISLAND (United States official number 542918).

(21) PACIFIC MONARCH (United States official number 557467).

(22) FLAME (United States official number 279363).

(23) DULARGE (United States official number 653762).

(24) DUSKEN IV (United States official number 952645).

(25) SUMMER BREEZE (United States official number 552808).

(26) ARCELLA (United States official number 1025983).

(27) BILLIE-B-II (United States official number 982069).

(28) VESTERHAVET (United States official number 979206).

(29) BETTY JANE (State of Virginia registration number VA 7271 P).

(30) VORTICE, Bari, Italy, registration number 256.

(31) The barge G. L. 8 (Canadian official number 814376).

(32) YESTERDAYS DREAM (United States official number 680266).

(33) ENFORCER (United States official number 502610).

(34) The vessel registered as State of Oregon registration number OR 766 YE.

(35) AMICI (United States official number 658055).

(36) ELIS (United States official number 628358).

(37) STURE (United States official number 617703).

(38) CAPT GRADY (United States official number 626257).

(39) Barge number 1 (United States official number 933248).

(40) Barge number 2 (United States official number 256944).

(41) Barge number 14 (United States official number 501212).

(42) Barge number 18 (United States official number 297114).

(43) Barge number 19 (United States official number 503740).

(44) Barge number 21 (United States official number 650581).

(45) Barge number 22 (United States official number 650582).

(46) Barge number 23 (United States official number 650583).

(47) Barge number 24 (United States official number 664023).

(48) Barge number 25 (United States official number 664024).

(49) Barge number 26 (United States official number 271926).

(50) FULL HOUSE (United States official number 1023827).

(51) EMBARCADERO (United States official number 669327).

(52) S.A., British Columbia (Canada official number 195214).

(53) FAR HORIZONS (United States official number 1044011).

(54) LITTLE TOOT (United States official number 938858).

(55) EAGLE FEATHERS (United States official number 1020989).

(56) ORCA (United States official number 665270).

(57) TAURUS (United States official number 955814).

(58) The barge KC-251 (United States official number CG019166; National Vessel Documentation Center number 1055559).

(59) VIKING (United States official number 224430).

(60) SARAH B (United States official number 928431).

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) COASTAL TRADER.—Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3978) is amended by inserting "COASTAL TRADER (United States official number 683227)," after "vessels".

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade only for the purpose of carrying passengers for hire for each of the vessels listed in paragraph (2).

(2) VESSEL DESCRIPTIONS.—The vessels referred to in paragraph (1) are the following:

(A) NINA (United States Coast Guard vessel identification number CG034346).

(B) PINTA (United States Coast Guard vessel identification number CG034345).

(C) NAO SANTA MARIA (United States Coast Guard vessel identification number CG034344).

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sections 12102 and 12106 of title 46, United States Code, and the endorsement limitation in section 5501(a)(2)(B) of Public Law 102-587, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658).

(2) LIMITATION.—Coastwise trade referred to in paragraph (1) may not include the transportation of dredged material from a project in which the stated intent of the Corps of Engineers, in its Construction Solicitation, or of another contracting entity, is that the dredged material is—

(A) to be deposited above mean high tide for the purpose of beach nourishment;

(B) to be deposited into a fill area for the purpose of creation of land for an immediate use identified in the Construction Solicitation other than disposal of the dredged material; or

(C) for the intention of immediate sale or resale unrelated to disposal.

(f) FOILCAT.—

(1) IN GENERAL.—Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (United States official number 1063892). The endorsement shall provide that the vessel shall operate under the certificate of documentation only within the State of Hawaii and that the vessel shall not operate on any route served by a passenger ferry as of the date the Secretary of Transportation issues a certificate of documentation under this Act.

(2) TERMINATION.—The endorsement issued under paragraph (1) shall be in effect for the vessel FOILCAT for the period—

(A) beginning on the date on which the vessel is placed in service to initiate a high-speed marine ferry demonstration project sponsored by the State of Hawaii; and

(B) ending on the last day of the 36th month beginning after the date on which it became effective under subparagraph (A).

SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation.

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)(1), by striking "(except)" and all that follows through "(Act)" and inserting a comma; and

(2) by adding at the end of subsection (c) the following:

"(4) CERTAIN TANK VESSELS.—Subsection (a)(1) shall not apply to—

"(A) a tank vessel on which the only oil carried as cargo is an animal fat or vegetable

oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act; and

“(B) a tank vessel that is designated in its certificate of inspection as an oil spill response vessel (as that term is defined in section 2101 of title 46, United States Code) and that is used solely for removal.”.

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) A vessel may not transport Government-impelled cargoes if—

“(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

“(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

“(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

“(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

“(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

“(3) As used in this subsection, the term ‘Government-impelled cargo’ means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1999.

SEC. 409. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as “Coast Guard City, USA”. If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives 90 days prior to approving such recognition.

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the “Town”) unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

(a) CLARIFICATION OF LIABILITY FOR PREVENTING SUBSTANTIAL THREAT OF DISCHARGE.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(8) by striking “to minimize or mitigate damage” and inserting “to prevent, minimize, or mitigate damage”;

(2) by striking “and” after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24)

and inserting “; and”, and by adding at the end of subsection (a) the following:

“(25) ‘removal costs’ means—

“(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

“(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat.”; and

(3) in subsection (c)(4)(A), by striking the period at the end and inserting the following: “relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.”.

(b) OIL SPILL MECHANICAL REMOVAL.—Section 311(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(2)) is amended—

(1) by striking “and (C)” and inserting “, (C)”;

(2) by inserting before the semicolon at the end of the following: “, and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section”.

SEC. 412. VESSELS NOT SEAGOING MOTOR VESSELS.

(a) VESSEL TURMOIL.—

(1) IN GENERAL.—The vessel described in paragraph (2) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(A) it does not carry cargo or passengers for hire; and

(B) it does not engage in commercial fisheries or oceanographic research.

(2) VESSEL DESCRIBED.—The vessel referred to in paragraph (1) is the vessel TURMOIL (British official number 726767).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may establish a pilot program to exempt a vessel of at least 300 gross tons as measured under chapter 143 or chapter 145 of title 46, United States Code, from the requirement to be inspected under section 3301(7) of title 46, United States Code, as a seagoing motor vessel, if—

(A) the vessel does not carry any cargo or passengers for hire;

(B) the vessel does not engage in commercial service, commercial fisheries, or oceanographic research; and

(C) the vessel does not engage in towing.

(2) EXPIRATION OF AUTHORITY.—The authority to grant the exemptions under this subsection expires 2 years after the date of enactment of this Act. Any specific exemptions granted under this subsection shall nonetheless remain in effect.

SEC. 413. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN SAULT SAINTE MARIE, MICHIGAN.

(a) REQUIREMENT TO CONVEY.—The Secretary of Transportation (in this section referred to as the "Secretary") shall promptly convey, without consideration, to American Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101-640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102-580), comprising approximately 0.565 acres, together with any improvements thereon.

(b) CONDITION.—The conveyance under subsection (a) shall be subject to the condition that the property be used as a clubhouse for the American Legion Post No. 3.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) IN GENERAL.—

(1) Subject to subsection (b), the Secretary of Transportation shall continue to imple-

ment and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes and revisions thereto that are made in accordance with that Policy (hereinafter in this section referred to as the "Policy") for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) EXPIRATION OF INTERIM AUTHORITY.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the effective date of regulations promulgated pursuant to legislation enacted subsequent to the enactment of this Act providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted; or

(2) September 30, 2002.

SEC. 416. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) The Mukilteo Light Station, located in Mukilteo, Washington, to the City of Mukilteo.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(K) Coast Guard Light Station Two Harbors, located in Lake County, Minnesota, to the Lake County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term "aids to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term "owner" means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term "Delta County Historical Society"

means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) **DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.**—The term "Dunkirk Historical Lighthouse and Veterans' Park Museum" means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(5) **LAKE COUNTY HISTORICAL SOCIETY.**—The term "Lake County Historical Society" means the Lake County Historical Society (a nonprofit corporation established under the laws of the State of Minnesota), its parent organization or subsidiary, if any, and its successors and assigns.

(d) **NOTIFICATION.**—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard.

(e) **EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.**—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts ("the Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) **IDENTIFICATION OF PROPERTY.**—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) **TERMS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property

retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) **REVERSIONARY INTEREST.**—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) **IN GENERAL.**—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned "White Class" 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of Oregon; in this section referred to as "the recipient"), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least \$400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) **MAINTENANCE AND DELIVERY OF VESSELS.**—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) **OTHER EXCESS EQUIPMENT.**—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking "2 years" and inserting "3 years".

SEC. 420. TRANSFER OF OCRACOE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

SEC. 422. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

"(3) A vessel—

"(A) configured, outfitted, and operated primarily for dredging operations; and

"(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge."

SEC. 423. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S.C. Code 3703a note) is amended by adding at the end thereof the following:

"(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding the Coast Guard opinion of the application of sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

"(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

"(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

"(iii) development of a rationally based approach for calculating an environmental index, to assess overall outflow performance due to collisions and groundings; and

"(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

"(B) A Marine Board committee shall be established not later than 2 months after the date of enactment of the Coast Guard Authorization Act of 1998. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act of 1998.

“(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, \$500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.”.

SEC. 424. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

“(g) VESSEL SHARING AGREEMENTS.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or sub-charters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.”.

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting “authorized by section 5(g) of this Act, or as” before “otherwise”.

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

(d) Section 3(6)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)(B)) is amended by striking “parcel-tanker.” and inserting “parcel-tanker or by vessel when primarily engaged in the carriage of perishable agricultural commodities (i) if the common carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities and (ii) only with respect to the carriage of those commodities.”.

SEC. 425. REPORTS.

(a) SWATH TECHNOLOGY.—The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

(b) MARINE GUIDANCE SYSTEMS.—The Secretary of Transportation shall, within 12 months after the date of the enactment of this Act, evaluate and report to the Congress on the suitability of marine sector laser lighting, cold cathode lighting, and ultraviolet enhanced vision technologies for use in guiding marine vessels and traffic.

SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers and the justification thereof.

SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as “the Secretary”) may convey all right, title, and interest of the Federal Government in and to either or both of the vessels S.S. AMERICAN VICTORY (United States official number 248005) and S.S. HATTIESBURG VICTORY (United States official number 248651) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the “recipient”), and the recipient may use each vessel conveyed only as a memorial to the Victory class of ships.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver a vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of any vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 428. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as “the Secretary”) may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United States official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes

reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least \$100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101-595; 104 Stat. 2988) is amended—

(1) by striking “3 contiguous tracts” and inserting “4 tracts”; and

(2) by striking “Tract A” and all that follows through the end of the paragraph and inserting the following:

“Tract 1—Commencing at a point N45° 28' 31" E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29' 09" E 220 feet; thence N45° 28' 31" E 50 feet; thence N44° 29' 09" W 220 feet; thence S45° 28' 31" W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

“Tract 2—Commencing at a point N45° 28' 31" E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29' 09" E 169.3 feet; thence S45° 28' 31" W 75 feet; (Deed Call S45° 30' 51" W 75 feet), thence N44° 29' 09" W 169.3 feet; thence N45° 28' 31" E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

“Tract 3—Commencing at a point N45° 28' 31" E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29' 09" E 220 feet; thence N45° 28' 31" E 50 feet; thence N44° 29' 09" W 220 feet; thence S45° 28' 31" W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

“Tract 4—Commencing at a point N45° 28' 31" E 123.3 feet and S44° 29' 09" E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29' 09" E 50.7 feet; thence N45° 28' 31" E 75 feet; thence N44° 29' 09" W 50.7 feet; thence S45° 28' 31" W 75 feet (Deed Call S45° 30' 51" W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

“Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28' 31" E 123.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28' 31" E 175.0 feet; thence S44° 29' 09" E 220.0 feet; thence S45° 28' 31" W 175.0 feet; thence N44° 29' 09" W 220.0 feet to the point of beginning, containing 0.8035 acres.”

SEC. 430. BARGE APL-60.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL-60 (United States official number 376857).

(b) LIMITATIONS.—The vessel described in subsection (a) may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(c) TERMINATION.—A coastwise endorsement issued under subsection (a) shall terminate on the earlier of—

(1) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in subsection (b); or

(2) the sale or transfer of the vessel described in subsection (a) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 431. VESSEL FINANCING FLEXIBILITY.

The Secretary of Transportation may guarantee obligations under section 1103 of

the Merchant Marine Act, 1936 (46 App. U.S.C.1273), for the vessels planned for construction to be purchased by the American West Steamboat Company and to be named QUEEN OF THE YUKON, which will operate on the Yukon and Tanana Rivers, and EMPRESS OF THE NORTH, which will operate in Alaska, Washington, and Oregon. Notwithstanding sections 509, 1103(c), and 1104A(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and 1274(b)), the Secretary of Transportation may guarantee obligations of 87½ percent of the purchase price of such vessels. Each obligation guaranteed under this section may have a maturity date of 25 years from the date of delivery of the vessel concerned.

SEC. 432. HYDROGRAPHIC FUNCTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Administrator the following:

“(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, and \$35,000,000 for fiscal year 2001.

“(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, and \$37,000,000 for fiscal year 2001. Of these amounts, no more than \$16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

“(3) To carry out geodetic functions under the Act of 1947, \$25,000,000 for fiscal year 1999, \$30,000,000 for fiscal year 2000, and \$30,000,000 for fiscal year 2001.

“(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of fiscal years 1999 through 2001. Of these amounts \$4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and \$7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).”

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United-States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a small passenger vessel or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term “eligible vessel” means a vessel that—

(A) was not built in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms “small passenger vessel”, “uninspected passenger vessel”, and “passenger for hire” have the meaning given such terms by section 2101 of title 46, United States Code.

SEC. 505. SUNSET.

(a) IN GENERAL.—Subject to subsection (b), this title (other than this section) shall have no force or effect on or after September 30, 2002.

(b) ENDORSEMENTS CONTINUE.—Any certificate or endorsement issued under section 502 before the date referred to in subsection (a) of this section shall continue in effect until otherwise invalidated or revoked under chapter 121 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the “Harmful Algal Bloom and Hypoxia Research and Control Act of 1998”.

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of

Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated \$1,000,000,000 in economic losses during the past decade;

(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of United States estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the "Task Force"). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) ASSESSMENT OF HYPOXIA.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) DISESTABLISHMENT OF TASK FORCE.—The President may disestablish the Task Force after submission of the plan in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) ASSESSMENT REPORT.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) SUBMISSION OF A PLAN.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such

plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, \$15,000,000 for fiscal year 1999, \$18,250,000 for fiscal year 2000, and \$19,000,000 for fiscal year 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) \$1,500,000 for fiscal year 1999, \$1,500,000 for fiscal year 2000, and \$2,000,000 for fiscal year 2001 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) \$4,000,000 for fiscal year 1999, \$5,500,000 for fiscal year 2000, and \$5,500,000 for fiscal year 2001 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102-567;

(3) \$1,000,000 for fiscal year 1999, \$2,000,000 for fiscal year 2000, and \$2,000,000 for fiscal year 2001 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) \$5,500,000 for each of the fiscal years 1999, 2000, and 2001 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration; and

(5) \$3,000,000 for fiscal year 1999, \$3,750,000 for fiscal year 2000, and \$4,000,000 for fiscal year 2001 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCREST) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCREST).

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

Mr. Speaker, I rise in strong support of H.R. 2204. This bill was developed in a bipartisan manner and deserves support of all the Members.

The primary purpose of H.R. 2204 is to authorize approximately \$4.1 billion in expenditures for the United States Coast Guard for the current fiscal year. This is an increase over the level requested by the President for Coast Guard operating expenses of approximately \$83 million. These authorizations support additional Coast Guard efforts to interdict illegal drugs before they reach the United States. The fiscal year 1999 authorization also contains additional funds for Coast Guard acquisition costs.

Specifically this legislation includes \$2.85 billion in fiscal year 1999 for Coast Guard operating expenses, \$510 million in fiscal year 1999 for acquisition of vessels, aircraft and shore facilities, and \$691 million in fiscal year 1999 for Coast Guard retired pay.

I strongly support the increase in funds for drug interdiction, because cuts in resources devoted to drug interdiction in the early 1990s have greatly hindered Coast Guard efforts to fight the war on drugs. The evidence is clear that effective drug interdiction raises the price of drugs, driving use down, especially among casual users. The issue is particularly relevant in light of the continued rise in drug abuse among our young people. As the House overwhelmingly voted to increase drug interdiction activity in H.R. 4300, the Western Hemisphere Drug Elimination Act, I ask for the support of this body in advancing the drug interdiction increases proposed in this bill.

The funds authorized in this bill restore cuts to the Coast Guard drug interdiction program and provide the level of drug interdiction we need to keep drugs from reaching the shores of the United States.

There are many things we as a Nation can do to fight drugs and support a viable war on drugs. Treatment programs and educational programs are important. But until they dampen America's appetite for dangerous drugs, we must pursue a vigorous program of drug interdiction and source country eradication.

Title II of H.R. 2204 deals with several internal Coast Guard administrative and personnel management matters.

Title III of the bill addresses issues related to navigation safety. This title amends the Ports and Waterways Safety Act, and subtitle II of Title 46, United States Code, by extending the territorial sea for these laws from 3 to 12 nautical miles from shore. These provisions will enhance the Coast Guard's ability to fully implement its port state control program and protect U.S. Waters from substandard foreign vessels.

Titles IV and V of the legislation contain several miscellaneous provi-

sions, including enhancements to the Coast Guard vessel identification system.

Title VI of H.R. 2204 provides provisions to allow for the study of toxic algal blooms, such as red tide, brown tide and pfiesteria. These occurrences endanger our natural resources and threaten the delicate ecological balance of our coastal areas and our important estuaries, such as the Chesapeake Bay.

Mr. Speaker, I urge my colleagues to vote for this legislation.

I also want to thank certainly the gentleman from Tennessee (Mr. CLEMENT) on the minority side for his effort in this. I also want to give thanks for all of the effort that the Coast Guard staff went through to shuttle this back and forth between the Senate and ourselves.

I urge my colleagues to vote for this piece of legislation, ensuring them that this money will go to the silent service, the Coast Guard, to do the very diverse, very difficult work on a day-to-day basis, to protect our shores from a whole range of activities.

Mr. Speaker, I urge my colleagues to vote for this bill.

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

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

Mr. Speaker, I rise in strong support of House Resolution 602 and H.R. 2204, the Coast Guard Authorization Act of 1997. I want to say about the gentleman from Maryland (Chairman GILCREST), I think both of us have shown how a Democrat and Republican can both work together to get things accomplished, and that is exactly what we have done for the best interest of America and our international interests.

Mr. Speaker, Members on both sides of the aisle support the Coast Guard in this very bipartisan bill. The Coast Guard is on the front lines every day, saving lives and stopping drugs from entering our country. They are the lead agency in the cleanup of oil spills and protect our fisheries within our 200 mile exclusive economic zone.

Mr. Speaker, these are not partisan issues. The gentleman from Maryland (Chairman GILCREST) and I have worked closely with the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) to craft a bill that will meet the needs of the Coast Guard for fiscal year 1999.

H.R. 2204 authorizes approximately \$4.1 billion for the Coast Guard for fiscal year 1999, including \$2.8 billion for their operations, \$510 million for acquisition and construction of new ships and facilities, \$18.3 million for research and development, and \$21 million for environmental compliance and restoration at Coast Guard facilities.

The only difference between the amounts authorized in this bill and the budget proposed by the President is

that we have added approximately \$125 million for increased drug interdiction operations, which are very badly needed to fight our drug problem in the United States of America.

We have also worked closely with the administration to include much of its legislative program for this year, including extending the U.S. territorial sea from 3 miles to 12 miles. We have also included a number of recommendations made by the maritime industry, such as prohibiting people from interfering with the safe operation of commercial vessels.

Some dinner cruises have had problems with drunk passengers jumping overboard. This disturbance jeopardizes the vessels and all other passengers on board.

I would like to note one provision that I strongly support. Section 408 of H.R. 2204 would help ensure that unsafe vessels and unsafe vessel operators are not employed in the transportation of U.S. Government cargos. Just this week, the Coast Guard detained a Panamanian flag Greek-owned bulker. The hatch covers were locked wide open, through which sea water could flood the ship, the lifeboat did not work, there were not enough life rafts for the crew, and sea water was seeping into the holds, there was no safe drinking water on board and the top toilets were backed up. Any one of these sub-standards conditions could cause the ship to be detained for violation of an international safety convention. However, it would not stop a Federal agency from hiring this ship to transport government cargos. Now Federal agencies will have to make sure they are not using this type of ship to move their goods.

I would like to submit a letter for the RECORD from Captain Westton of the U.S. Coast Guard concerning this provision.

I would like to thank the gentleman from Maryland (Mr. GILCREST) for his cooperative and cordial working relationship that we have had during the 105th Congress. I look forward to working with him next year when we continue our efforts to improve our maritime transportation system. I urge all of my colleagues to support H.R. 2204, the Coast Guard Authorization Act of 1997.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,

Washington, DC, October 13, 1998.

Hon. BOB CLEMENT,
House of Representatives, Washington, DC.

DEAR MR. CLEMENT: This letter is in response to your request for the Coast Guard's position regarding applicability of Section 408 of H.R. 2204 to U.S. Flag vessels. The Coast Guard does not interpret Section 408 as applying to U.S. Flag vessels. U.S. Flag vessels are not subject to detention under the U.S. Port State Control Program for violations of international safety conventions and, therefore, are not subject to publication on an electronic list of foreign flagged vessels that have been detained while in U.S. waters under the Port State Control Program.

I hope this information is helpful.

Sincerely,

R.R. WESTON,
Chief, Office of Legislation.

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

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

Mr. Speaker, I do look forward to next year working with the gentleman from Tennessee (Mr. CLEMENT) and the staff on both sides of the committee. I think we can further spread the idea that our coastal waters are worth saving. The Coast Guard does a great job in dealing with the fisheries issue, the illegal immigrants issue, the whole maritime safety issue, the environmental pollution areas that they work hard on on a very daily, regular basis, and the issue of the interdiction of drugs. I think on every facet of this legislation, we have worked in an atmosphere of cooperation, and we certainly appreciate that on our side of the aisle.

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

Mr. GILCHREST. 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 Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 602.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 602.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102-138 and clause 8 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Inter-parliamentary Group:

Mr. BEREUTER, Nebraska, chairman
Mr. REGULA, Ohio, vice chairman
Mr. BOEHLERT, New York
Mr. BATEMAN, Virginia
Mr. GILLMOR, Ohio
Mrs. ROUKEMA, New Jersey
Mr. BALLENGER, North Carolina
Mr. BLUNT, Missouri

Mr. SISISKY, Virginia
Mr. PICKETT, Virginia
Mr. WISE, West Virginia
Mr. TANNER, Tennessee
There was no objection.

HELPING OUR COMMUNITIES

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

Mr. PASCRELL. Mr. Speaker, we have Federal investment in roads, bridges and prisons, but when it comes to schools for our kids this is a loss of home rule all of a sudden. Bunk. For the Federal Government to help local communities pay the interest on capital bonding for school construction which would provide relief for our kids and relief for parents who pay the bill whether or not they have kids in those schools or not, this is our opportunity for better schools. This is our opportunity, and we need more teachers to help reduce class size, particularly for kids between the grades of pre-K and fourth and fifth grades. We need property tax relief in many States in this union, and this is the way to do it.

One suggestion in conclusion: Why do we not give up the words, the simplistic liberal and conservative words? Mr. Speaker, the jig is up. They do not work any longer.

We all know that the environment in which our children learn plays a direct role in the education that they receive. If we want our children to succeed in a modern economy, we must provide them with modern schools. That is why I adamantly support school construction and modernization funds.

Unfortunately, the majority party does not want to provide our schools with these much needed construction and modernization funds. Instead, the Republicans believe that we should block grant our education funds to the states. Unfortunately, we have already found out what happens when we block grant these funds. In the 1980s, the federal commitment for these grants decreased by 52 percent.

I am afraid that we are headed in the wrong direction on our elementary and secondary education policies. Every day, we see a new study which shows just how important it is to educate our children in an adequate facility, with a well-trained teacher and a class size of about 18.

Block grants do not provide the solutions. The Democratic education agenda does.

We must fix our crumbling schools by helping states and local school districts afford the costs of modernizing and building more than 5,000 schools.

In my district in New Jersey I found that almost one quarter of the schools were built prior to the completion of World War I. More than half of the schools were built before the attack on Pearl Harbor.

The old age of these schools is leading to problems with their physical condition and 88 percent of them say they need at least one significant repair.

The facts are clear. Our schools are old and they are overcrowded. The average class size in these schools is an astounding 23.9 students.

And if that is not enough, the problem is sure to get worse as we experience the projected increase in enrollment.

Our children can't learn when their desks are in hallways and overcrowded cafeterias. We know that smaller class sizes are the key to raising academic achievement and improving classroom discipline.

THE REPUBLICAN LEADERSHIP OWES AMERICANS AN APOLOGY AND AN EXPLANATION

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. EDWARDS. Shame, shame, shame. Mr. Speaker, the Republican leadership in Congress owes the American people an explanation and an apology.

In articles in the Washington Post and Rollcall newspapers Republican leaders are bragging that they held up two major international treaties in this House. Why? Because they demanded that the Electronics Industry Association fire its new president simply because he is a Democrat. Let me repeat. The Republicans in Congress held up legislation that was going to benefit millions of American citizens because they wanted to force a private association to fire a private citizen because simply he was a Democrat. That is wrong.

Mr. Speaker, the American people and press should be outraged at this arrogant, arrogant abuse of power. In a free society to stop the business of this Congress to punish a private citizen for his political affiliation is outrageous, mean-spirited and, most likely, illegal. The American people deserve an apology and an explanation.

[From the Washington Post, Oct. 14, 1998]

NO DEMOCRAT NEED APPLY, HOUSE GOP

TELLS LOBBY

(By Juliet Eilperin)

Electronics industry lobbyist John Palafoutas told the Electronic Industries Alliance weeks ago it shouldn't hire former Democratic representative David McCurdy (Okla.) as its new president, but the industry association he belongs to didn't listen.

In an August meeting, Arne Christenson, chief of staff for House Speaker Newt Gingrich (R-GA.), had made it clear to Palafoutas, a fellow Republican, that the House leadership would not look kindly upon seeing another Democrat promoted to a key job at a business lobbying group.

"He said, Tell EIA they ought to be careful about Dave McCurdy," recalled Palafoutas, a lobbyist for AMP Inc. who dutifully relayed the message to EIA vice president John Kelly. "It's fair [to say] that the leadership is angry."

In fact, House GOP leaders became so enraged when the EIA announced McCurdy's selection last week that Gingrich declared in a closed-door meeting that he would not discuss legislation with the former lawmaker, according to Republicans who attended. Gingrich and most other top Republicans also instructed their staffs not to meet with any EIA officials. Republican leaders, who had hoped the group would select retiring Rep. Bill Paxon (R-N.Y.), also delayed passage of noncontroversial legislation concerning international copyrights, a bill the EIA supports, for four days in an effort to send a

message to the group. Gingrich spokeswoman Christina Martin said she could not comment on private conversations but made clear how displeased Republicans were with the association's choice of a Democrat.

"Any smart business executive will tell you it is always a good idea to have someone who can walk the walk, talk the talk," Martin said. "When dealing with a Republican-controlled Congress, that means hiring Republicans."

Rep. John Linder (R-Ga.), chairman of the National Republican Campaign Committee, who confirmed that the leadership was sending a message to EIA by postponing a vote implementing two 1996 World Intellectual Property Organization (WIPO) treaties, said Republicans want to expose the hypocrisy of former Democratic staff members and lawmakers now representing business groups.

"They whisper in the ear of the people who hire them that they're with them, then they go to a Democratic prayer group and meet and pray for a Democratic majority", Linder said.

The unusually public spat, which started Thursday when Gingrich, Majority Leader Richard K. Armey (R-Tex.) and Majority Whip Tom DeLay (D-Tex.) pulled the WIPO bill from the House calendar, marks the latest flare-up in the occasionally tense relationship between GOP leaders and business lobbyists. Every since they captured the majority in 1994, Republicans have complained that lobbyists have failed to give them either the campaign contributions or the respect they are due.

Even Republicans who made the transition from Congress to the private sector say that the lobbying community is still dominated by Democrats who thrived by virtue of their connections to Hill barons of the past.

"There is still a disconnect," said Ed Gillespie, Armey's former press secretary and now president of Policy Impact Communications. "That's a result of Democrats being in control for 40 years and Republicans being in control for four."

In the leadership meeting Friday, Republicans said, lawmakers mused about how powerful trade associations were savvy enough to hire Republicans as consultants but had failed to install GOP stalwarts at the helms of their groups. A slew of recent Democratic appointments has angered leaders, including those of Thomas M. Downs as the National Association of Home Builders' chief executive; John Hillely, who had been White House legislative liaison, as executive vice president for strategic planning at the National Association of Securities Dealers; and Tim Forde, who worked for Rep. Edward J. Markey (D-Mass), as the Investment Company Institute's vice president for strategic analysis.

By appointing Democrats to such prominent posts, argued Mark Rodgers, chief of staff to Sen. Rick Santorum (R-Pa.), trade groups undermine their ability to forge close ties with Republicans.

"At what point can you trust that what you're sharing on inside strategy or tactics aren't going directly back to the Democratic leadership?" Rodgers said.

The EIA says it was only trying to find a leader who combined business and political experience. While some member companies are considering challenging McCurdy's selection when the group's board meets today, outgoing president Peter McCloskey said he was confident McCurdy would win its backing.

"The job is to be a spokesperson for the industry, not so much a lobbyist for the industry," McCloskey said. "I'm not saying there's no political component to the job, but it's not the overriding component."

Some Democrats openly mocked the GOP leaders' strategy. Rep. Barney Frank (D-

Mass.) referred to the incident Monday before the WIPO bill finally passed by saying, "That was not one of the finest hours of this institution when this bill got derailed because of a dispute about a job."

Even some Republicans who believe the lobbying community has to change its approach were leery of this open feuding. Said Rep. Jim Greenwood (R-Pa.). "You can look a little power-hungry at times."

[From Rollcall, Oct. 12, 1998]

GOP FEUDING ABOUT LOBBYIST

BOEHNER, DELAY BLAST EACH OTHER ON MCCURDY JOB

(By Jim VandeHei and John Bresnahan)

House Republican Conference Chairman John Boehner (R-Ohio) and Majority Whip Tom DeLay (R-Texas) are locked in a bitter feud over the GOP leadership's decision to demand that the Electronic Industries Alliance (EIA) dump their incoming President, former Rep. David McCurdy (D-Okla.).

In their latest move to purge Democrats from leadership jobs at prominent trade association and lobbying firms—known internally as the "K Street Strategy"—Republican leaders are pressuring EIA to oust McCurdy, who hasn't formally been installed as EIA's president yet, and hire a Republican to run the group.

While virtually every Republican leader endorsed the hard-line approach, including Speaker Newt Gingrich (R-Ga.), Boehner is furious that DeLay's operation has worked behind his back to oust McCurdy in recent days, several sources confirmed. Boehner, the leadership's liaison to K Street and outside business coalitions, was quietly working out a deal to have EIA company CEOs remove McCurdy before DeLay stepped in and started busting heads.

At a raucous leadership meeting Friday afternoon, Boehner blasted DeLay for interfering in his business and striking such a bellicose tone with EIA and its members. DeLay defiantly demanded that Republican leaders, including Boehner, needed to twist arms and play hardball in order to get results, according to sources familiar with the meeting.

The confrontation between Boehner and DeLay, whose animosity toward each other is well known inside GOP leadership circles, followed a scathing e-mail on Thursday from Boehner's chief of staff Barry Jackson to Gingrich blasting the tactics of DeLay's operation, the sources said.

But the internal GOP leadership fight will not derail the coordinated effort to once again send EIA and all of K Street a clear message: Republicans won't deal with trade associations and lobbying groups run by Democrats.

McCurdy, who would not comment, could be the latest victim.

National Republican Congressional Committee Chairman John Linder (R-Ga.) said he and other leaders are pressuring EIA board members and affiliated companies to reject McCurdy as their new president when the board meets this Wednesday in Phoenix.

"We think they ought to look back and see who won the last couple of elections," said Linder, who confirmed that Republican leaders held intellectual property legislation favored by many EIA members hostage to "send a message."

The legislation—which implements copyright changes required for the World Intellectual Property Organization (WIPO) treaties—was scheduled for floor action on Thursday, but Gingrich, Majority Leader Richard Armey (R-Texas), and DeLay decided to block the bill and spread the word on K Street.

Meanwhile, members of the leadership were instructed to call EIA member compa-

nies and demand that McCurdy be removed and a Republican be hired. Rep. Bill Paxon (R-N.Y.), who said he interviewed for the job but was told the companies were not interested in talking to incumbent Members of Congress, has been mentioned as a possibility.

"I will be contacting companies and recommending they do more interviewing before making this decision," GOP Conference Vice Chair Jennifer Dunn (R-Wash.) said.

Linder also has set up what one source called a "phone bank" to help lean on EIA members. Several EIA member companies bowed to the pressure and plan to call for McCurdy's head at the board meeting.

John Palafoutas, director of federal relations at AMP Inc., an EIA company, is unhappy about the selection of McCurdy to lead the organization.

"I'm concerned about the kind of reaction this is getting over on Capitol Hill," said Palafoutas. "Republicans are sensitive to the fact that the high-tech industry has supported President Clinton and the Democrats."

A Republican lobbyist with strong ties to EIA said that some companies want the EIA board to abrogate the contract with McCurdy.

"They have a lot of money," said the lobbyist. "They can do something."

For their part, EIA officials claim that they haven't been contacted by GOP leaders about the issue and argue that they plan to hire an assistant for McCurdy with strong GOP credentials.

"No one has called us," said Mark Rosenker, EIA's vice president of public affairs. "We did not get a single phone call here. I respect Mr. DeLay. But we did not get a single official contact. No official call came . . . to anyone in our leadership from a Member of Congress. That's why I find this so intriguing and puzzling. This man has been out of politics for four years. I just found it incredible."

In a related matter, Linder said he also told the National Association of Home Builders that GOP leaders have less interest in working with their group because they hired a Democrat as CEO. "They came to see me yesterday," Linder said. "I told them I am not going to get to know [new NAHB CEO Tom Down]. So save your time."

"They would be making a terrible mistake to [shut us out]," said current NAHB CEO Kent Colton. "But they are not going to make a big deal about that because it would be too big of a mistake."

Colton said NAHB, which will hand out \$2.4 million total this election cycle, gives a majority of its contributions to Republicans and that he expects the association will continue to have a close working relationship with Republican leaders.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). 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 KURDISH CEASE-FIRE: AN OPPORTUNITY THAT SHOULD NOT BE SQUANDERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to express my support for what many in this country do not know has occurred, but is exceedingly important. That is the unilateral cease-fire that was declared on August 28, 1998, by the Kurdish rebel leader, Abdullah Ocalan.

Taking part in a live broadcast on Med-TV from his base in the Middle East, Mr. Ocalan noted that, effective September 1, 1998, he has ordered his guerrillas to cease their operations and silence their guns until further notice. This is a momentous opportunity, Mr. Speaker, for the advocates of peace, the defenders of human rights, and the champions of trade with the oil-rich countries that surround this explosive region called Kurdistan.

For several years now, Mr. Speaker, I have risen on this floor to draw the attention of my colleagues to the enduring struggle of the Kurds for peace, democracy, and human rights. I have strongly supported their inalienable right to self-determination. Who among us has not heard of the brutality exercised against the Kurds by Saddam Hussein?

The theocracy in Iran has targeted the top leadership of the Kurdish resistance, and murdered many of its ablest leaders. Turkey, a country that we supported as a bulwark against the Soviet expansion during the Cold War, has left its own trail of desolation in the land of the Kurds.

We cannot afford to call a country a friend, ally, and partner, Mr. Speaker, if it refuses to practice the most basic dictates of democracy, such as the freedom of expression and assembly. Kurds, who constitute one-third of the population of Turkey and number some 20 million, are denied their basic human rights, such as the expression of their identity, the use of their own language, the practice and perpetuation of their culture, as a distinct and indigenous people that has its roots in the dawn of history.

The Turkish constitution, the solemn document binding the peoples of Turkey together, makes no reference to the existence of the Kurds. Its Article 3 expressly forbids the use of the Kurdish language in print and in official settings. The Kurds, thus, can write books in English, French, or German, but not in their native Kurdish. Those who do end up with a prison sentence that can run into a century. The noted Turkish sociologist, Ismail Besikci, who has merely written about the Kurds, has accumulated prison sentences of more than 100 years.

Many of us are well aware, Mr. Speaker, of the historical abuse of the Armenians. In 1915, the Armenians were systematically exterminated in the Ottoman Empire. A similar strategy is now being carried out against the Kurds.

Mr. Speaker, the time has come for a bold departure from the old policy of entrusting a blank check to Turkey to do whatever it wishes with its Kurdish minority. The government in Ankara

has abdicated its responsibility, and entrusted the entire Kurdish region to the rule of uncompromising Turkish generals for the last 18 years. They have killed more than 40,000 people, and have driven 3 million from their homes. More than 3,000 Kurdish villages have been destroyed. Duly-elected Kurdish parliamentarians are now rotting in jails. The voices of compromise and reconciliation have been silenced. We are witnessing an historical tragedy.

Now the offer of the cease-fire by the Kurdish rebel leader has the potential to bring peace to this troubled region, and open the way for the coexistence of the Kurds with the Turks. Mr. Ocalan has stated that he is ready to disband his forces if Turkey takes steps to constitutionally recognize its 20 million Kurdish population.

Some courageous leaders in Turkey now recognize the crisis must be solved. On September 11, 1998, Husamettin Cindoruk, leader of the Democratic Turkey Party, a member of the ruling coalition in the Turkish government, actually admitted that negotiations must begin. As he said, Turkey will get nowhere by masking this problem and delaying a solution.

He suggested that the talks that produced the good Friday agreement between Ireland and Britain can be the model for his own country. Members of the largest Turkish party, the Virtue Party, Recai Kutan and Hasim Hasimi, have also expressed similar sentiments. These deputies ought to be commended for their courage. Their words carry the real promise of peace.

Mr. Speaker, I cannot help but bring to the attention of this body the plight of a group of Turkish and Kurdish women who have gathered in front of Galatasaray High School to protest the disappearance of their loved ones over the last 3 years. Known as the Saturday Mothers, they were visited this past January by our colleagues, the gentleman from Illinois (Mr. JOHN PORTER) and the gentleman from Maryland (Mr. STENY HOYER), and the President of the Human Rights Alliance, Kathryn Porter.

Under the U.N. Declaration of Protection of All Persons from Enforced Disappearance, the authorities are obliged to carry out prompt, thorough, and impartial investigations into every report of disappearance. According to Amnesty International, no investigations satisfying these criteria have been carried out. This sad state of affairs was compounded on August 29 when police detained 150 people.

With the declaration of this Kurdish cease-fire, we now have an opportunity. We helped to make possible the Good Friday Agreement, the Dayton talks, and the Israeli-Palestinian accords. We must do no less for the Kurds.

—

HOOR OF MEETING ON TOMORROW

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

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

There was no objection.

—

IN SUPPORT OF REFORMS OF THE INTERNATIONAL MONETARY FUND

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

Mr. SAXTON. Mr. Speaker, in the next day or so we will be voting on the spending plan, the rest of the spending plan, for fiscal year 1999. An important part of that is a matter involving the International Monetary Fund, and there were many of us who said that we would only vote for that provision with proper reforms.

Mr. Speaker, I am now able to rise in support of reforming the International Monetary Fund and the provisions claimed in the bill ahead of us. The reforms to be included in the appropriations bill, and particularly the enforcement provisions, are not nearly as extensive as I would have liked. Nonetheless, if these reforms are permitted to take place and to be in effect, they will be steps in the right direction toward longer-term reform for the IMF.

The implementation of IMF reforms in this bill will be an important test of the good faith and credibility of the Treasury Department and IMF officials. With regard to the reforms themselves, our review of their development from earlier legislation is critical to understand the intent of Congress.

The structure of the reforms pertaining to transparency and market rates is clearly based on the IMF Transparency and Efficiency Act that was introduced earlier this year by myself and some others known as H.R. 3331, which was introduced, I might add, in conjunction with the majority leader.

The reform proposals in the budget bill are essentially narrower versions of the policy changes mandated in the IMF Transparency and Efficiency Act. The biggest change is in the enforcement mechanism in this act, in the coming act, which has been replaced by a much weaker enforcement provision in the appropriations bill we will vote on in the next day or so.

Obviously, I am disappointed with this change. But with respect to the IMF transparency reforms in the appropriations bill, suffice it to say they reflect a strong congressional consensus that IMF documents be publicly released, and that the minutes of the IMF board meetings should be publicly released in some form. Any abuse of the flexibility provided in this language would clearly not be acceptable.

Second, with regard to the interest rate provisions, the higher interest rates are required any time the definition of conditions of a balance of payments problem emerge, regardless of other problems that may also exist.

The compromise language uses some terms to describe these conditions also used by the IMF to describe an existing IMF loans facility, but there are essential differences that are important to note.

Finally, or next, the clear intent of this reform initiative is to require interest rates comparable to market interest rates, as expressed in H.R. 3331. Prior to these negotiations, the staff of the Joint Economic Committee devised a floor to permit an objective limit on how the rate could go in an attempt to prevent backsliding.

In the course of four hearings held by the Joint Economic Committee, the issues involving transparency and an end to the interest rate subsidies were explored in extensive detail, as well as many other issues. A complete legislative history of IMF reforms about to be enacted with a view towards establishing congressional intent must include not only H.R. 3331, but also the germane material covered in these JEC hearings, the only hearings held to examine these reforms in detail, I might add.

Mr. Speaker, in summary, the congressional intent behind the IMF reforms is clear. It is reflected in the legislative history. A good-faith effort to carry out these IMF reforms in keeping with the letter and spirit of the law will be as evident as will the failure to do so.

URGING MEMBERS TO SUPPORT LEGISLATION REGARDING HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a Member of the Human Rights Caucus of this Congress. That caucus takes as its responsibility sort of a checks and balance for human rights violations around the world. That is why I rise today with such pain about our own situation here in the United States of America.

Last evening many of us joined with throngs to mourn the loss of Matthew Shepard, the young man who died in Wyoming as the result of a brutal and devastating murder. Matthew Shepard was gay, but he was also, as was claimed and was pronounced last evening, filled with vitality and life. He loved life; small in stature, but well worth the value of his life and, as well, the opportunity to continue to live his life.

My sympathy goes to Judy and Dennis, his parents, and all of his friends in the State of Wyoming. But frankly, the brutal attack against Mr. Shepard is not an uncharacteristic once-in-a-lifetime manifestation of hatred. It happens too many times in this country.

During 1985, 7,947 bias-motivated criminal incidents were reported to the FBI by approximately 9,600 law enforcement agencies in 45 States and the

District of Columbia. Sixty-one percent of the incidents were motivated by racial bias, 16 percent by religious bias, 13 percent by sexual orientation, and the remainder by ethnicity, national origin bias, or multiple biases. The 7,947 incidents involved 9,895 separate offenses, 10,469 victims, and 8,433 offenders.

I would say, Mr. Speaker, that in these waning hours, there should be nothing more to dictate to us that we should pass the Hate Crimes Prevention Act of 1998. Let me thank the President for so quickly denouncing both the brutal killing of Matthew Shepard, but as well, calling on this Congress to pass this legislation. Allow me to thank those negotiators in these last hours who are negotiating on this final omnibus bill who have pressed over and over again, why can we not pass a Hate Crimes Prevention Act of 1998?

Let me ask my colleagues, why not, in the name of James Baird, an African American in Jasper, Texas, who was dismembered a few months ago out of hatred, or Fred Mangione, in Houston, Texas, who was killed because of his sexual orientation? How many more deaths do we need to tolerate to be able to pass a Federal law that stands up to the Nation and says, we will tolerate hatred no more? We will not accept the intolerance of not tolerating those who are different.

What is wrong with this Nation, in a unified voice, promoting laws that protect people who are different because of their religious difference, their racial difference, whether or not they have disabilities, their sexual orientation, or their gender?

I have been asked over and over again, why create other laws? Do we not have murder, assault, and other laws that will take charge of these issues? I simply say that the question has to be asked, what kind of moral standing does this Nation want to have?

Certainly, there are State laws dealing with murder and assault, and there are State laws dealing with rape and other types of incidents. But the State laws are disorganized, and many of our States have not passed hate crimes legislation, including the State of Wyoming. Some States who have made a good-faith effort find that their legislation is overbroad and vague, and therefore it is not a valuable tool for prosecutors.

In talking to U.S. attorneys who would have to prosecute this law, this Hate Crimes Prevention Act of 1998, they say it clearly answers the question of preciseness, because it delineates those who would be covered by such a law. It enhances the sentencing for those who would perpetrate violence because others are different.

Do we want to live in a country that accepts a random, reckless attack because you happen to be an African American walking along a lonely road, or you happen to be someone of a dif-

ferent sexual orientation who is sitting in a bar, minding his or her own business, engaging in what most Americans would like to do, enjoying themselves?

Do we want to be a Nation who points the finger at others who are violating human rights, and yet we do not have the courage to stand up and pass legislation, simple as it might be, in order to protect those who are different?

□ 1745

I call upon my colleagues in these last hours of this session, if we do anything as we have done to help our children and others, can we not stand up for human rights and human justice? Can we not pass the Hate Crimes Prevention Act of 1998? I hope the answer is a resounding "yes."

DETAILS OF THE FINAL OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we are coming to the end of the session here and we have a tentative agreement reached on how we are going to continue this government for fiscal year 1999. We found out that we can agree with this President.

Now, he did think that he got his way on the 100,000 teachers program and IMF funding, and we are glad that the \$18 billion is there for IMF funding with the needed reforms that were associated with it, and we are glad that we have additional money for teachers.

But I wonder if anybody has actually done the math. The President said that he wants 100,000 teachers and we set aside a billion dollars to do that. If we divide 100,000 teachers into a billion dollars, I know this is high level math for some, if we divide it out we get \$10,000 per teacher. I would ask my colleagues to go back to their districts and ask any teacher if they are willing to start a new full-time job for \$10,000 a year. I know that when my wife was teaching in the public schools in the late 1970s, she was willing to teach for \$10,000 a year in southwest Missouri, and the cost of living was not nearly as high as it is today. I think at best we will get 30,000 teachers out of this program, and they will be paid some reasonable sum.

But more importantly, the Republicans insisted on and won the provision that says that this money will go directly to the classroom. This money will not be spent in Washington, D.C. on the bureaucracy. Right now we have a Department of Education bureaucracy and the average salary at the Department of Education is \$52,000 per year. There are millions of people across the United States that would like to teach for \$52,000 a year. I can think of a lot of them in Wichita, Kansas, where the average salary is below \$30,000. I think rather than waste the

money here, it is much more important that we send that money directly to the school districts.

One other thing that we agreed on with the President is that there is a surplus that can be spent on something other than saving Social Security. I think we need to keep in mind that the Republicans have put at the top of their list that we need to save Social Security and we passed a bill that said that 90 percent of the surplus would be set aside for saving Social Security and 10 percent would go to tax relief.

The President has insisted that we do not have any tax relief this time, but we wanted to make sure that we did have that money available. He has agreed that it is available, except he wants to spend it on the bureaucracy. So, we have agreed, in order to get some type of compromise, we have agreed with the President that we would take the Republican priorities and spend some of that on emergency spending.

One of those things that we did for emergency spending was provide tax relief for the financially strapped farmers. If my colleagues have been following the nationwide news, and certainly in Kansas it has been followed closely, farmers have been having a hard time this year. Weather has been a problem. Around the world prices have been depressed and that has caused a lower demand for farm commodities and so the prices have been down. Combine that with the natural problems that we had with the weather, and it has been a tough year.

We have also provided tax relief for farmers and other self-employed individuals by allowing 100 percent deductibility of their insurance premiums.

One of the other things that was a great victory for the Republicans in this settlement is that we now have much-needed increased funds for national defense. About \$9 billion of emergency spending for defense and intelligence needs.

This administration has increased the work level of the Department of Defense much more than any other bureaucracy that we have here in Washington, D.C., and yet they have limited the funds. They have tried to divert the funds. They have allowed much of it to be wasted, and they have sent people overseas on numerous missions. Bosnia comes to mind, and now we are looking at Kosovo. We have had intervention in Haiti and in Africa and different places.

Mr. Speaker, all of this costs money and the administration has been more than willing to send our young men and women abroad and not fund it. Well, because of that, we have created an emergency in our national defense system. We are going to now, with this final bill, be able to do something for our young men and women who are willing to risk their lives.

We also have some relief here for the need that we have to provide for our national defense. We have about a bil-

lion dollars that have been set aside for missile defense. Most people do not realize that we have no defense for incoming ballistic missiles. We have had in the past a policy of mutually assured destruction. We would not fire on anybody else because they would fire back on us and vice versa. If someone was to fire an intercontinental ballistic missile on the United States, they could be assured that we would enjoy their country too. And so this mutually assured destruction has been our policy.

Now, with the breakdown of the USSR and other Third World countries becoming nuclear powers, we find that we have no policy that is working and this mutually assured destruction cannot be guaranteed when we have terrorists that we are dealing with. So, it is very important that our country provide for a missile defense system.

We have now, because of the Republicans in our negotiation, our leadership in negotiations, we have provided the first step in continuing this missile defense program that is much-needed.

There are other provisions in here that were very important that we see become law. We are now protecting children from pornography on the Internet. We are now going to stop needle exchange programs, which have been proven not to work.

So we think that we have a good settlement and a good agreement and it shows that our system of democracy does work. Nobody got 100 percent of what they wanted, but we got an agreement and we are moving forward to make sure that this country is safe and secure and that our needs are met.

CONGRESSIONAL WOMEN'S CAUCUS LEGISLATIVE ACCOMPLISHMENTS

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

Ms. NORTON. Mr. Speaker, I have kept the count for the Women's Congressional Caucus of our legislative achievements in a productive session for our achievements, working closely with my Republican co-chair, the gentlewoman from Connecticut.

I come to the floor this afternoon cheered to know that one of the last of our seven must-pass provisions has now finally been passed, after having been passed several times, twice in the Senate and in the House, and that is a provision that will allow the full range of contraceptive drugs and devices for Federal employees who faced Federal insurance that was very diverse in what was offered.

This was a major fight. Abortion politics somehow made its way into this mainstream contraceptive issue. Finally, it has been settled and these drugs will be provided. That means that four of the seven must-pass bills of the Women's Caucus, which is a bi-

partisan caucus in the House has been passed.

We are grateful that the reauthorization of the Mammography Quality Standards Act was passed; the reauthorization and strengthening of sections of the Violence Against Women Act occurred; that a new Commission on Women, Minorities and People with Disabilities in Science, Engineering and Technology Jobs will take place.

Now that the contraceptive priority has passed, the House and the Senate have now been passed four out of seven of our priorities. It shows what bipartisanship can get us if we are willing to do it.

The women of the Congress have set the example for the entire Congress. I do want this body to know that in addition to our annual must-pass provisions, there were other legislative priorities that the caucus had and that were passed.

I am particularly cheered that gender-integrated military training, a strong bipartisan goal of the Women's Caucus, occurred. And my hat is off to the gentlewoman from California (Ms. HARMAN) and the gentlewoman from Florida (Mrs. FOWLER), who were on the committee and carried the matter for the caucus.

Child care, as we desired it, did not come about because no bill came to the floor. But I am pleased to note that \$45 million was included in the Higher Education Reauthorization Act for campus-based child care.

Mr. Speaker, with all of the concern about taxes, this House did not overlook the need for tax relief for innocent spouses, women who were left holding the bag after divorce when taxes they did not know were not paid fell to them.

The Women's Caucus has led the notion that women and minorities are to be included in clinical trials. Now we have been able to get that proposition accepted under the Federal Food and Drug Administration Reform Act.

Mr. Speaker, child support enforcement continues to be a priority concern of the congressional women. We are moving along incrementally until this full job is done. There are incentive funds that we have passed in order to improve the performance of child support enforcement programs. We take heart that it has now become a felony if parents do not pay their child support for a year, or if they owe more than \$5,000. That is what a felony ought to be, when we consider what is at stake is the lives of children.

We are pleased that the House, in fact, has helped displaced homemakers find job skills. These are women who will not qualify for welfare, many of them divorced or separated, women who now under the Job Training Reauthorization Act will in fact be able to get job training targeted and focused on them.

Mr. Speaker, I have been to the floor this week already with a strong set of disappointments about women's issues.

They were quite overwhelming. They involved, especially, choice and child care issues. I come to the floor this afternoon, however, grateful that we have removed contraception from the women's list of demerits for the 105th Congress. May we all do better in the 106th Congress.

FOUR YEARS' ACCOMPLISHMENTS OF REPUBLICAN-CONTROLLED CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I just came from our Republican Conference talking about what is in this omnibus appropriation bill. The good news is that when we think of what might have happened with the tax-and-spend presidency, with the tax-and-spend Democrats, what would have happened if Democrats were in control of this Chamber not fighting to make sure that we did not reach into the surpluses that we have for additional spending.

What we have accomplished since the Republicans took the majority 4 years ago is a tremendous reduction in deficit spending. The unified budget deficit 4 years ago was \$210 billion. If we add to that what we were borrowing from the Social Security trust fund, then it came to about \$160 billion, more deficit at that time than we have this year.

We actually paid down the debt to the public this past year by \$60 billion. We expect that this current fiscal year, the 1999 fiscal year, we will reduce the debt to the public, the public debt, by an additional \$62 billion. It is not as good as it should be. We are still borrowing some of that money from the Social Security trust fund for other spending. I wish my colleagues would join me in cosponsoring my bill that stops the government from borrowing this money and leaving simple IOUs.

Look, the point is that we have got a good start. We have got a smaller deficit by \$260 billion than we had 4 years ago. If we look at what happened when I first came to this Congress in 1993, the frustration of a Democrat majority and a presidency that increased taxes on senior citizens, on gasoline, and so most Republicans voted against it, most every Democrat voted for it, and we have been trying to turn that around ever since.

Now the goals of this Congress, with a majority of Republicans, I think is twofold. I think we are looking at traditional family values. There is not a lot that government can do about traditional family values, but, look, there are some things we can do. The marriage penalty tax. We can set an example. We can encourage neighborhoods to get involved. And that is what we are trying to do with our drug program.

□ 1800

We have expanded money for drug control in this Congress with this

budget that we expect to pass in the next 48 hours. Drugs are disrupting education. Drugs are one of the major causes of crime. And we are saying that, look, we are going to be serious about an all-out war on drugs.

I think as we look at our challenges ahead for the future, certainly we have got to put a priority on trying to deal with the fiscal problem of Social Security and Medicare. Those are two huge challenges that we have got to face up to. I am concerned about the politics that is being played with those items during this election year.

I would just suggest, Mr. Speaker, to everybody out there that might be listening to this program to brace up for the last two weeks of this campaign, as there is going to be a lot of misleading and false information out there that suggests that one side of the aisle cares less about balancing the budget or more than the other side, that one side cares less or more about Social Security and Medicare.

Our two biggest fiscal problems are Social Security and Medicare that we have got to deal with. I think on the domestic side, we need to look at traditional family values. We need to give the kind of priority to education that this appropriation bill gives, as we have expanded over and above what the President requested for the programs for the slow learners, for the special program education money that goes into IDEA, because hopefully both sides of the aisle will give the kind of priority to education, will give the kind of priority to reducing crime that this particular appropriation bill does that we will pass in the next two days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise that it is inappropriate to address the viewing audience.

HOW HISPANIC AMERICANS FARED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BECERRA) is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, we are very close to the end of this session, and perhaps it is fitting that we have an opportunity to try to assess what has gone on this year. It happens that as the individual who has been given the privilege to serve this Congress as the chairman of the Congressional Hispanic Caucus, a caucus which is composed of all those Members of Congress of Hispanic heritage, that this year we have an opportunity to talk a little bit about how Hispanic Americans have fared in this Congress and through this White House in legislation and in proposals administered by the executive branch of government.

And to help us in that we are fortunate. About 8 years ago many of the national Hispanic organizations came

together and formed an umbrella organization, the National Hispanic Leadership Agenda. Back in 1991, when they formed, they decided to have a policy to try to come together and see if with all the voices of these national organizations, they could try to project a voice for Americans of Hispanic descent.

This organization is nonpartisan and it is, as I said, a coalition of all the major national Hispanic organizations. It includes communities from all the different streams of Hispanic America. It includes those individuals of Mexican American ancestry, Puerto Rican ancestry, Cuban Americans and all those who are from the Caribbean, Central and South American areas.

Let me give you a list of some of the organizations, national organizations that are part of the National Hispanic Leadership Agenda. We have the Hispanic National Bar Association. We have the Hispanic Association of Corporate Responsibility. We have the U.S. Hispanic Chamber of Commerce, Cuban American National Council, the League of United Latin American Citizens, the National Hispanic Corporate Council. We have the Society of Hispanic Professional Engineers, the Puerto Rican Legal Defense and Educational Fund, Hispanic Association of Colleges and Universities, the Mexican American Legal Defense and Educational Fund, the American GI Forum, Alianza Dominicana, the National Puerto Rican Coalition, MANA, a National Latina Organization, the National Hispanic Council on Aging, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, and the U.S.-Mexico Chamber of Commerce, to name some of the many organizations that are part of the National Hispanic Leadership Agenda. Overall they represent millions of Americans and try as best possible to come together in one voice.

Let me show you a little bit of what they came up with. This is their scorecard that they just recently issued. It is called the National Hispanic Leadership Agenda congressional scorecard, 105th Congress. What the various organizations do within the NHLA is to take a number of very important votes that this Congress took this year and in 1997, during the 105th Congress, and assess where we stood as a Congress with respect to issues important to Americans of Hispanic descent.

They took many votes, about 24 of the most important votes that were taken here in the House and about 11 of the most important votes taken in the Senate, and they came up with a scorecard. And I went ahead and summarized some of that so we would at least have a sense of where we are this year at the end of the year.

Let me, if I may then, refer to this chart. If you break it down, you will see that votes taken by the House and the Senate, there were more votes taken in the House than in the Senate

and, therefore, more votes that the NHLA was able to use to try to rate the Members of Congress, grade the Members of Congress. But what we find is overall scores of the various votes taken in the House of Representatives, for example, of the 24 votes that were scored, 19 percent of the time the Republicans in the House of Representatives supported Hispanic American issues and concerns. Democrats supported, on those same 24 votes, supported Hispanic American concerns 85 percent of the time.

In the Senate, the support by Members of the Senate who were Republican was 20 percent, 20 percent of the time Republican Senators voted in support of measures that the NHLA identified as extremely important for Hispanics throughout this country. In the Senate, Democrats voted 89 percent of the time in support of issues that were important to Hispanic Americans.

I further broke this down to give a better sense, since it would be difficult to list the votes of the 435 Members of Congress along with the 100 Members of the Senate the way the NHLA did, but if we took the leadership, and I decided to take the leadership votes out. We find that in the Senate, the Republican leadership under Mr. LOTT, TRENT LOTT, Mr. LOTT's score, of the 11 votes, was zero percent, unfortunately, which means that on no occasion did he support Hispanic American issues. Ninety-one percent for Senator DASCHLE. On the House side it was zero for Speaker GINGRICH, and it was 7 percent for the gentleman from Missouri (Mr. GEPHARDT).

That will give us a sense and hopefully we can go from there to see how Congress supports issues important to Hispanic Americans.

CHALLENGES THAT AWAIT THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this evening not to attempt to drive a wedge among Americans of different backgrounds. Indeed, I believe what President Theodore Roosevelt said is true, that though we come from many different backgrounds, we celebrate 100 percent Americanism, even when people have different views about a variety of issues.

Mr. Speaker, I come to the well tonight further to discuss the challenge that still awaits this Congress, the challenging decisions we confront.

Mr. Speaker, I am pleased to report to the citizens of the sixth congressional district of Arizona, who I am pleased to represent, indeed all Americans from coast to coast, Mr. Speaker, that this Congress is making progress on a variety of fronts, but most especially on that topic that seemed to be on the tips of just about everyone's tongue, especially on the other side of

the aisle earlier this week, and that of course is education.

Mr. Speaker, I think common sense dictates that education is too important to be left up to Washington bureaucrats. That is why in the midst of this historic attempt to reach a budget agreement, I am personally pleased to see that after a time of discussion and negotiation, those who represented the administration found that also this should be true.

For while there will be increased spending on education, it will be done at the local level. Indeed, perhaps even exceeding the hard work done by our colleague the gentleman from Pennsylvania (Mr. PITTS) in his Dollars to the Classroom Act, which said that for every education dollar at the Federal level, 95 cents of that dollar should end up in local classrooms, helping teachers teach and helping children learn. And indeed, in the wake of these negotiations, now 100 percent of the money will end up at the local level for States and, more importantly, for local school districts to determine how best to utilize for teacher training and for challenges they confront. Because after all, the key to solving many difficulties and challenges in education are confronted by school board members who are elected in their respective communities, by the teachers who know the names of the children in their classrooms, by the parents who have a concern because they have been entrusted with our most precious resource, a resource for which no price tag can be attached.

We have been dealing with many challenges when it comes to these budget talks and, Mr. Speaker, I can remember on a few occasions even the President of the United States has come into this Chamber with his State of the Union messages and he has offered some interesting comments. Indeed, in the last State of the Union message, Mr. Speaker, when you totaled up everything the President had proposed in his budget plan, you were looking at more than \$150 billion of new spending.

The common sense conservative majority has put the brakes on that. And more importantly, to pay for those programs, not with a great deal of illumination or elucidation, but the President of the United States had a price tag attached, over \$130 billion of tax and fee increases. Mr. Speaker, we can report this evening that there will be no tax increases in our agreement.

And more importantly, Mr. Speaker, because we do face pressing needs, not only the Y2K crisis that confronts us in the field of high technology, but more basically, as we take a look at the preamble to the Constitution and our charge to provide for the common defense, every dollar of new social spending will be matched with a dollar for our defense spending, for, Mr. Speaker, reports have come to us that are indeed disturbing, reports of a hollow force that we have not seen since the late

1970s, reports of a spare parts and personnel crisis.

I know that other colleagues will join us to discuss these pressing issues, but we are making the choices right for America.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, it is hard to believe after two long, hard-working years that the 105th Congress is now coming to a close. It is expected we should be rapping up our business probably in the next 24 to 48 hours. I thought I would just take a few minutes and look back over the 105th Congress and talk about, frankly, some of the accomplishments that we have achieved.

I represent a very, very diverse district. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities as well as rural and farm towns.

I find there is a pretty common message that comes out of these communities. That is, they are tired of partisan politics. They are looking for solutions. They want us to meet the challenges that we are sent to Washington to work on but to come up with solutions and then get those solutions achieved.

I was thinking when I was first elected back in 1994, the gentleman who just preceded me in 1994, and we had an agenda. We were told time and time again that we could not achieve it. We were told we could not balance the budget. We were told that we could not cut taxes for the middle class. We were told that we could not reform the failed welfare system. We were told that the IRS was good the way it is, that we could not make changes.

□ 1815

But I am proud to say that in the 105th Congress that we have made some real accomplishments, coming up with solutions that work. I am proud to report, at the end of the 105th Congress and the last 2 years, we have balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. We reformed our welfare system for the first time in over a generation. Yes, we tamed the tax collector, reforming and restructuring the IRS for the first time ever.

Now that we are in the final hours, I thought I would take talk about an additional accomplishment, some important accomplishments that affect folks back home, and that is in the area of education, priorities for our local schools.

I am proud that, after 2 years in the 105th Congress, we have some pretty good accomplishments to take home. Thanks to this Congress, we now have

the lowest student loan interest rate in 17 years, making college affordable for middle class and working families.

We have doubled the Pell grant twice of what it was when we were first elected, now making college more affordable for low-income students unable to qualify for student loans.

We have increased funding for Head Start. We have increased funding for special education. Even while balancing the budget, education was a top priority last year, including this year as well; in fact, with last year's balanced budget, the first balanced budget in 28 years.

We increase funding by 10 percent, a \$5.4 billion funding increase. I am proud of that. Lowest student loan rates in 17 years, doubled Pell Grants, low income students, increasing funds for Head Start and special education, and making education a funding priority.

I will say, though, I am disappointed. There are some initiatives that were passed by this House that the President did not support, so they are not going to happen. Education savings accounts to help families better afford additional cost and public education and better afford the opportunity to go to a private parochial school, unfortunately, the President vetoed that effort to help families better afford education for their children.

Unfortunately because of the President's opposition and because of opposition from Members of his own party, an effort to give tax deferred status to prepaid college tuition programs unfortunately failed after we passed it out of this House, helping make college more affordable.

In an effort to provide for school construction, bonding programs to help school districts in Chicago and the south suburbs and other growing areas add classrooms and fix the roof, unfortunately the legislation, \$1 billion initiative which passed this House as part of the 90-10 plan, unfortunately we were not successful because of the President's opposition.

But we have had a very important victory for local schools and a very important victory for education in the final days. I am glad to see that this Republican Congress and a Democratic President on the end of Pennsylvania Avenue can work together.

The President talked earlier this year about the need to reduce class size, the need to hire additional teachers to accomplish that goal. Many of us in this House, in a bipartisan way, agreed with him.

The question was how were we going to achieve that goal. Are we going to have this type of program micromanaged from a bureaucracy here in Washington, or are we going to give the resources to local school districts and local school boards and local school administrators and give them the flexibility how best to decide that type of priority.

I am proud to say that we have reached an agreement. It is my under-

standing the President and the Republican majority have reached an agreement to provide \$1.1 billion in funds to help schools, and decision making will be in the local districts how best to use those dollars. That is a big victory for education, a big victory for local education, local schools.

STRIVE TO MEET DEADLINES IN THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, today, we have seen quite a transformation of the nature of the debate. I think all of us remember the debate from yesterday, the day before. There was a great deal of anguish over how we would support education in this country. Would there be funds and assistance for school construction and modernization? Would there be money for teachers? Was this going to be Federal interference with local education?

This body was badly polarized for all of us that sat and listened to the exchanges, horribly polarized. It is amazing. Here we are today, and it appears that we are uniform in supporting teachers in the reduction of class size.

I think that it is important that, as we debate these issues, the Nation understands that sometimes the debate is rhetoric. Sometimes the debate is real. Probably even today, if one searched and scratched hard enough, one would find that code words are being used to illustrate differences that now we are more interested in glossing over.

But I think it is a victory for the American people, for our students that we are focusing on reducing class size. I trust this is an initiative that is not just one that is being promoted here in Washington, but in State capitals around the country and in the offices of local school districts around the country and in the homes of the citizens of this Nation as all of us join together to emphasize the importance of small class size and the best possible educational preparation for our children.

There is another aspect about the debate and the proceedings this week that I would like to touch upon, and that is the unseemly chaos that is accompanying the close of this 105th Congress.

Some have complained that the President has not been here every day and every hour and blame the President for the fact that these last days have been added to the session.

Others have pointed out, as I would like to emphasize, that we have not had a budget resolution to guide this body. The lack of a budget resolution certainly cannot be blamed on the White House. That budget resolution is a concurrent resolution adopted by the House and the Senate to guide this body in passing appropriations bills for the 1998, 1999 fiscal year.

I am sure that all of us are well aware that that fiscal year started October 1, 15 days ago. We are half a month into the fiscal year. We have no budget resolution. Indeed, we are 6 months past the due date for the budget resolution, April 15, 1998. We have no budget resolution.

Going further, this will go down as the first Congress in 24 years of having a budget requirement that has failed to produce a budget resolution. We do not have a concurrent budget resolution. I submit that this contributes to the frantic nature of the negotiations and the delay that we have experienced in this 105th Congress in bringing our efforts to a close.

I note with some concern that the same party controls this body and the Senate. I would have hoped that a budget resolution would have been enacted because of that leadership from the same political party. But unfortunately it has not.

I can certainly see situations where my side of the aisle might well have had parallel difficulties. But the lesson to be learned here is we need to work together to find some way, even within our own caucuses, to bring closure to divisive debates.

Certainly if we cannot within our own caucus and within our own party find a way to pass a budget resolution, how much more difficult is it in the body at large.

Mr. Speaker, I think that we should make a resolution as we leave this institution and returned to our respective districts, that in the 106th Congress, we will endeavor to do better and observe the deadlines that apply within the budget process, and hopefully we can then come up with an educational program earlier in the season and not have to have the debate delayed and become so divisive as it has here in the fall of 1998.

ANNOUNCEMENT OF THE LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON FRIDAY OCTOBER 16, 1998

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered tomorrow, October 16, 1998:

H.R. 1197, Plant Patent Amendments Acts of 1997;

H.R. 1756, Money Laundering and Financial Crimes Strategy Act of 1998;

S. 610, Chemical Weapons Convention Implementation Act.

THE SURPLUS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, it is the nature of politics that we never get everything we want. But when American people support the general direction in which we are going, small victories do become possible.

I think today's agreement between Congress and the White House on the remaining spending bills represents a victory for those seeking to take this country in a direction of smaller government, holding the line on spending, local control of education, tax relief, a stronger military, and more weapons for the war on drugs.

After many months of difficult negotiations, an agreement has been reached that reflects the priorities of this Republican-controlled Congress. This Congress, I think, can properly be called "The Surplus Congress." I think there is great pride in that nomenclature that this is "The Surplus Congress."

Just a short time ago, Congress was faced with \$200 billion a year deficits for as far as the eye can see. Now we have the responsibility, yes, and the duty to manage the surplus which we see in the future. What a great difference in how much more fun and interesting it is to talk about managing the surplus and what we are going to do with that surplus.

Number one, of course we are going to preserve and strengthen Social Security and Medicare. The process that we are going through right here in October of 1998 shows the need for the dedication of this Congress to do that, because we are at what we hope is the final hour of the negotiations of the spending for the next year.

Had the Republicans not be in control of Congress, there would have been a lot less surplus to be allocated to preserving Social Security and Medicare. In fact, had we given in to all the requests for spending, we would not have had to have a debate on surplus, because it would have all been spent.

But in this agreement that we hope will come before this body and the other body in the next day or two, we have some really great victories.

I want to talk a minute about education. Education is important in every district in America. In the last 2 years, I have taken the opportunity to go around and talk with my teachers. I did not just talk to the superintendent. I talked with the teachers from the classroom.

I asked them about some of the issues we were debating out here. I want to tell my colleagues that I was surprised at some of their answers.

I thought, for instance, that the teachers would be for more testing. No way. They explained to me very simply how many different tests they had to do for the school district and for the State. Then they said, if we have more testing at the national level, it really interferes with what they are trying to accomplish in the classroom. It made very good sense to me. Certainly, it brought me back here with a renewed vigor to oppose more national testing.

How many times do we count the eggs? We do not have to do it 15 different ways to come up with the same answer. We need some testing. We do not need national mandated testing. I

am really glad to see that that is not going to be part of next year's spending priorities.

Dollars to the Classroom, absolutely what we need. Let us get the money out there where the work is being done. The program that we passed in this House and what I think the budget will carry forth is going to put money in the classrooms of the schools around this country.

There was a desire to say we are going to put 1,000 new teachers; but when I talked to teachers, they said, well, you know, some classes can have 22. Some need to be at 18 or less. Give the local schools the decision making which they can do best. That is in this program.

We will be visiting with more of those things. I am pleased to be here to talk about our educational priorities.

□ 1830

REPUBLICAN EDUCATION ACCOMPLISHMENTS

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

Mr. GOODLING. Mr. Speaker, I think it is a great day for American children today. The debate the last couple of weeks should have had nothing to do with show and tell. It should have had nothing to do with who better understands how important education is to the future of this country. The whole issue, of course, was one of who knows better how to bring about quality education, people on the local level, the teachers, the administrators, the parents, or we in Washington, D.C.? And as I have said to my committee so many times, if all of those programs from Washington, D.C., down would have worked, we would not have a problem with literacy in this country. We would not have a problem with drugs in this country. We would not have a problem with dropouts in this country. We would not have a problem with people graduating who cannot do math and cannot do science very well. If they had worked. They did not work. The reason they did not work was because nobody paid any attention about quality. We said one size fits all. "Take it from us, we know better than anybody else." We also said, "Let's cover numbers. Don't worry about whether you're covering them with quality. Just cover numbers." And so we did a lot of different things. As a new majority we said in our higher education bill, no longer universities and colleges who support pupil-teacher preparation. We want you to produce quality teachers. It does not matter whether your pupil ratio is 1 to 2, 2 to 2, 20 to 1, if you do not have a quality teacher in the classroom, it does not make any difference. So we are telling those institutions that prepare teachers, "It is the 21st century. You must prepare them for

the 21st century." We told them in special ed, "Don't just say, 'We're going to continue to tell you exactly how to do it and not send you any money.'" I am very proud of our operation in the last 2 years as far as our help to local districts to deal with the special ed costs. Keep in mind 30 years ago the former majority said, "Here is a 100 percent mandate from Washington, D.C., in relationship to special ed. We will send you 40 percent of the excess cost." Excess cost, the difference between educating a regular student and a special needs student. When I became chairman, we were sending 6 percent. Now who do you think is funding our 100 percent mandate? I can tell you who is funding it, the local school district. The city of York, they have to spend \$6 million. Only 49,000 people in the city of York. They must spend \$6 million in special ed because it is a 100 percent mandate from Washington, D.C. and we send them \$37,000. Where do they have to get the rest of the money? They have to take it away from every other child, they have to take it away from maintaining buildings, they have to take it away from pupil-teacher ratio, because we set the mandate, promised the money, and did not send the money. The last 2 years, we said, "We're going to send you money." In fact, this year will be the first that the local school district will be able to reduce their expenditures on special ed so that they can put it into maintenance, so that they can put it into pupil-teacher ratio for all the other students.

Head Start. Whoever sold Head Start has to be the greatest salesperson in the world. That person certainly could have sold, no, I will not say that, I may offend somebody. But nevertheless, a great salesperson. But what they did not talk about was study after study after study said it was not doing what we wanted it to do in the early years. Why? Because the weakest part of the program should have been the most important part of the program and that was the education component. So that we should have had children reading ready by the time they got to first grade, so that they do not fail first grade and so that they do not get socially promoted. But the whole effort, and they tried to do it again this year, they said, numbers, numbers, numbers. The President said, I want more numbers, I want more numbers. We said, "Oh, no. Not until quality becomes the most important thing." And so we said the large percentage of any increase will go to improve the quality of Head Start. We want to make sure every child has an equal opportunity to succeed by the time they get to first grade. Higher ed, highest Pell grants ever. In higher ed, the lowest interest rates ever. All of these things are accomplishments that we brought not because of any leadership outside of this body but because we said that we are going to change things and we are going to change things to make sure that quality becomes the issue.

One hundred thousand new teachers. That \$1 billion, I think, buys about 40,000. But keep in mind, we had to fight the battle then to make sure that we are talking about all teachers, we are talking about special ed teachers, we are talking about teachers of special needs. We are saying it all goes down to the local level. "Washington, Mr. Secretary, you don't take any money off the top. You don't send any rules and regulations out there so they have to spend most of their money filling out application forms." And then we go one step further. We say, "State, nothing off the top, no rules and regulations from you down to the local level." They know what is best. They know what is most important, the people, the parents, the children, the teachers and the administration on the local level. That is what we are all about.

ON CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, other than the church and the family, I believe the United States Congress is the greatest institution in the world today and has been for a long time. The American people do not really know the details of what is going on up here over the last few days. They know the Congress is staying late to try to complete its work on reaching an agreement with the administration on the important budget for the next year and how we are going to spend their hard-earned tax dollars. But this afternoon on the way over here to vote, Mr. Speaker, I stopped on the lawn of the Capitol, took a deep breath of some really clean, crisp fall air on a beautiful sunny fall afternoon, looked at the glorious dome above this magnificent building and reflected a moment on what this really is all about in my heart. It is really about patriots wrestling with other patriots over their different approaches to the many challenges that we face as a people. Domestic challenges like education and drug abuse, challenges around the world militarily, economically. But it is really about good people trying to come to an agreement over issues that we share in common and challenges that we share in common. I was reminded of Winston Churchill. To paraphrase him he said, "This is the worst form of government imaginable, except for every other." What he meant is that sometimes it is difficult, sometimes it is painful, sometimes it is even messy. But it beats the heck out of everything else. It is still the way to do it, to settle our differences peacefully, without bloodshed, by freely electing our representatives and letting them be your voice through the debate, but at the end of the process come back together for the good of the greatest nation in the world and move forward. When

President Reagan was in the White House, he had a Democratic Congress, they went through the same process, regardless of what you have heard. This is nothing new really. It has been going on a long time. President Clinton is now in the White House with a Republican Congress. The same thing. You have to fight it out and at the end of the day reach a compromise, come to the middle, move the process forward.

So what is the bottom line with Congress about to adjourn for the end of the 105th? The bottom line is that the Congress is getting the job done. The bottom line is that the administration is getting the job done. In a few important days, the American people have a job to do and that is to exercise their privilege to participate and to vote and to freely elect their representatives to come here and hammer out these important decisions. This is really a great place, filled with good people. I wish each and every one of them all the best as they go back to spend some well-deserved time with the people that love them the most.

OMNIBUS SPENDING BILL CONTAINS ANTIDRUG PROVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, in the big omnibus end-of-the-year bill that was agreed upon today between the White House and the Republican-controlled Congress that will be out here for a vote tomorrow are some very significant antidrug pieces of legislation. Ninety percent of the Western Hemisphere Drug Elimination Act which I authored and which was voted on overwhelmingly by this House a few weeks ago is incorporated in this bill. That means more than \$2 billion of money is being authorized for more planes, more ships, more equipment, more resources necessary to fight the war on drugs and to really have a war on drugs. In addition to that, \$690 million is included in what is known as an urgent supplemental appropriations bill that is included in all of this that will give us a jump start, a downpayment in this coming fiscal year for this equipment.

What is involved? Teen drug use has doubled in the United States in the last 6 years. Cocaine and heroin are more plentiful and cheaper on the streets of the United States today than ever at any time in our history. All of the cocaine is produced in three countries that comes our way, Colombia, Bolivia and Peru and more than 60 percent of the heroin is produced in Colombia that comes to the United States. Yet in the last 6 or 7 years, we have reduced the resources going to interdict these drugs coming our way to stop the supply coming here, by more than two-thirds. There is not a single plane or ship today in the eastern Pacific patrolling the waters and patrolling the

air looking for drugs that are coming up from Colombia to Mexico to the United States. That is wrong. It is very dangerous. It is very bad for our kids. There are no radar planes to speak of, or maybe one for half a day once a month gets to fly in the region looking for planes that are shipping drugs either between countries or to the United States.

This legislation that is in the bill we will vote on tomorrow will provide the planes that the Customs Service desperately needs for radar and to track those drug traffickers who are moving drugs in this hemisphere and it will provide the personnel and the fuel to do that over a 3-year period of time, very critical for this purpose. It will also provide cutters and additional patrol boats to the Coast Guard and personnel and equipment they badly need. It will provide new equipment to DEA to use in the three critical countries of Colombia, Bolivia and Peru, and perhaps as important as all, it will provide the governments of Colombia, Bolivia and Peru who do want to fight drug trafficking in their country the equipment and resources essential to fighting the traffickers and the resources for crop eradication of coca and heroin poppy crops as well as for crop substitution which in some cases has been sorely lacking. These resources are absolutely essential. If we provide them and do the right thing that this legislation sets out, we have a real chance to cut the flow of drugs coming into this country by a very significant percentage in the very near future and give our efforts at treatment and prevention a chance to succeed.

I want to yield to the gentleman from Ohio who has authored the companion legislation that is in here on prevention and treatment to comment on that legislation.

Mr. PORTMAN. I really appreciate my friend from Florida yielding. I want to commend him for all the hard work he has done on this issue. He has really taken the lead on trying to curb the supply of drugs into this country which he has just said is so important. We have had a doubling of teenage drug use in the last 5 or 6 years. More and more kids are falling prey to this, ruining their lives and their dreams and even taking the lives of so many of our young people. What I am excited about in this final package we will vote on tomorrow is that we also have provisions to reduce the demand for drugs in this country. This problem I think ultimately has to be solved around the kitchen table in our homes and in our schools and in our streets.

There are a number of provisions that I like. One is new provisions to get the drugs out of our schools, to use the drug-free school money better in the workplace, the Drug Free Workplace Act that the gentleman supported which essentially gives small businesses the opportunity to get up and running drug free workplace programs that will keep people away from drugs

and in turn increase productivity. It requires the Drug Czar's office to tell us how to streamline the effort which is so important. We now have 54 agencies and departments involved in drug prevention in our Federal Government. We have got to do better and we can and we are requiring under this legislation that they do that.

The revolving door with violent crime and drugs has got to be stopped. We have got to get prevention into our prisons, into our jails. This legislation does this on a model basis, the first time this Congress has really taken a step in that regard. Finally, it doubles the funding for the Drug Free Communities Act, something this Congress passed. We are now stepping up to the plate and saying again we have got to get parents involved, school administrators involved, we have got to get the business community involved, religious leaders involved, everybody at the community level.

□ 1845

And we are saying we are not going to solve this problem here in Washington, it is a community problem, it has got to be solved at that level. But I want to thank the gentleman for letting me talk a little about the demand side and say that I am very excited, it is not the end of the road, we have got a lot more to do, but this is a darn good start to reducing the demand for drugs in this country.

Mr. McCOLLUM. Reclaiming my time, I yield briefly to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Again, Mr. McCOLLUM, I want to commend you for the parts of the bill that you did pass. I also want to point out that we had an opportunity, since the gentleman from Ohio mentioned demand, to require drug testing for all Federal employees. If I recall, the gentleman from Ohio did not support that.

Mr. MCCOLLUM. Reclaiming my time, I must say that I wanted to see the drug testing, too, but this is a very excellent bill, and we very, very much want to see this bill pass. It will make a big difference in the War on Drugs and make a War on Drugs, and I thank all the supporters.

PAYING FOR IMPROVEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the bill before us tonight is vastly different than just even 2 days ago. The dollar fights willed the liberal Democrats to spend \$150 billion more above the balanced budget and increase fees and taxes by \$130 billion, is what this whole fight has been about. The hundred thousand teachers that the Democrats debated in support of last week is a totally different bill today. Why? Why are Republicans now supporting it? Be-

cause it is political thing to do? No. Because the President demanded it? No. But because it is paid for, it is paid for. It is paid for out of the other priorities that the President wanted, not out of increased taxes, not out of the surplus, but it is paid for, and that is all the Republicans ever asked for so we can come to the table and agree on that today.

I would ask that the public take a look at what we have funded. Special education has gone from 6 to 12 percent just in the last 2 years. Impact aid for Native Americans and Federal employees, the President totally zeroed that out, and we put in \$250 billion in impact aid. Head Start we increased, student loans we increased by 50 percent, and not a cost to the Federal Government, but because they were done with private firms. Pell grants for poor children we increased. But the President wanted to increase his priorities \$1.1 billion above the balanced budget, and Republicans said no, we want you to pay for it. In the negotiations he had choices. He could pay for it out of the surplus, but he already said he was going to support Social Security with that. He could increase taxes, which he asked to do, \$130 billion to pay for it, and Republicans said absolutely not, no taxes or fees.

School construction. They could have saved 35 percent by waiving Davis-Bacon just for school construction, billions of dollars. And would they do that and support children? No, they choose to support their union bosses. They could pay for it out of the balanced budget and pay for it, which they refused to do. But tonight the President has agreed to pay for it, and now Republicans support it.

Why else? Because there is local control, not federal control that the Democrats wanted. There are local regulations, not Federal regulations, in the bill. There is no Federal paperwork. It is based on the local level. The elementary schools can hire special education credential teachers, not just regularly credentialed teachers, and that is a big difference. But that is based on the local decisions and their needs, not some bureaucrat here in Washington, D.C. So we support that.

And there is no national testing. It is arrived by both State and local. So this is a win-win. A hundred thousand teachers; who is going to be against improving education? My Democrat liberal colleagues say, well, the Republicans do not want to improve education. That is a joke. They had 40 years of control of this House, we are fifteenth of industrialized nations in math and science, fifteenth, and almost last in literacy, and we are trying to make a change. We are trying to send the dollars down to the local classroom.

I had a hearing when I was chairman of K through 12 education. I had eight different witnesses, some half Democrat, half Republican; did not limit it as a chairman. In those districts every-

one thought they had the greatest program, and I asked them at the end, I said how many of you, any of you, have the other 7? And they said none. And I said that is our entire Republican issue by giving you a block grant and not mandating that you have all 8 programs in your district, but you take the money and make the thing work, the program that works in your district because Wisconsin may be a lot different than New York or San Diego. And I want to tell you Atlanta is a lot different after the Padres beat them this week.

But I want to tell you the whole Republican agenda is local control where parents and teachers, administrators and the community can make those decisions, and to have the bills paid for not out of increasing the balanced budget, but by paying for it, the President has agreed to do that. Totally different than my colleagues debated just a couple of days ago, and now they say Republicans now support our agenda. We always supported 100,000 teachers. It was how you paid for it. The President has agreed to do that with no federal control, local control, and we support it a hundred percent.

COMPROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. For those of us who grew up in the late 1960s and early 1970s in the conservative movement, Ronald Reagan was our hero along with Barry Goldwater and William Buckley and a few others, and I actually was one of these conservative right wingers who came to Congress who was inspired originally by Ronald Reagan's speech for Barry Goldwater when I was merely 14 years old and formed one of the earliest high school YAF chapters and Americans for Freedom chapters the country, and, as you look at what we are about to face, this is what Ronald Reagan faced for 8 years.

I am not going to stand up here and say that I like this budget agreement any more than Ronald Reagan, as President, liked the budget agreements he was given in 8 years in Congress. Yet he signed those budget agreements. The first year he got tax cuts, the other years he did not even get tax cuts. He got increased defense spending because he knew Congress wanted to spend more, and did we.

One of the questions conservatives have to ask themselves as they vote on this budget is why are they so much better than Ronald Reagan, who they admire, if they vote "no" on this budget? Compromise is an unfortunate part of the political process. There are going to be many things in this bill that I am appalled by. I cannot believe that Members of Congress continue to take advantage of the legislative process when we are all under tremendous pressure to get special things for their

friends and their district that might not be able to withstand scrutiny. I am very disappointed we do not have tax cuts in this bill.

I cannot believe that we cannot even get an effective limitation on taxpayers' dollars being used to fund referendums overseas to overturn laws that are protecting innocent children from being aborted. American tax dollars are being used to fund pro-abortion referendums around this world. We have it tied to funding for the U.N. and for State Department reauthorization, but that to me seems like a no-brainer. But as long as we have the President we currently have in the White House, that becomes a very difficult victory.

So I am not going to stand up here and say I like everything in this bill, but there are some things that in fact are important changes, and that is the art of compromise, and the President did give some ground, the Democrats in the House and Senate gave some ground, and we had to give some ground.

In the education area in fact we made a lot of progress. The President will stand up and say he got 100,000 teachers or 40,000 teachers or whatever, but the fact is it moved back to the state level. We gave flexibility, and as the chairman of the Education Committee, Mr. GOODLING, keeps pointing out, that in fact is what we were driving towards. We also have a ban on national testing so kids around this country are not slammed in under one major test.

We have level funding on the National Endowment for the Arts, number of other things they worked with in the Education Committee.

In addition to that, there are many of us who are very concerned that we have not developed an adequate missile defense in this country, and since we knew we were going to spend more on domestic issues, we wanted to make sure that the preparedness and the readiness of our Armed Forces, that the development of our missile defense systems, were going to be funded as well as the social spending.

I am very concerned in this country about the expansion of pornography along with the expansion of Internet. We all know that whenever we have an expansion of technology, whether it be television, or whether it be computers, that that opens up things to our children and our families that we hoped would be, they could be protected from. Yet these advantages of technology have been wonderful for our country, but we need to the best we can, limit the pornography and the perversion from getting into our homes and making sure that minors do not have access to that. That was one of the last points negotiated in this bill. It is something that Dr. James Dobson in Focus on the Family has battled for for a decade, working on the Pornography Commission. We finally have a victory in the area of Internet porn.

We have a number of extensions on tax extenders for self-employed busi-

nesses and for farmers that were very critical to many small businesses in my district and throughout the country. We have a whole range of what would be termed more minor issues relating to gun registries, relating to language on certain bills where in fact conservatives won, and that is how this process works.

One last comment:

Anybody who says that they are going to put aside money for Social Security, this is one more proof the only thing that government can do is either spend it or give it back to you. We have once again seen the fraud of using senior citizens as a shield to cover real motives. In fact, we are spending 19 to 20 billion extra dollars, much of that will be in the baseline and be spent for future years, too. We have basically spent a big chunk, if not the majority, of the so-called surplus, and it did not go to seniors. That started when the President came up here with the State of the Union address, said I want everything put to Social Security, and then detailed for 20 pages new programs to spend that. Today we are seeing that come through. I am disappointed in that, but in the end this is a bill worth moving.

THE OMNIBUS SCORECARD—WINS AND LOSSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSION. Mr. Speaker, tonight I rise with my colleagues. We have been at work in Washington now for an extra week. Many of us did not go home as we normally do. I have gone home every weekend for the last 2 years. But it was important for us to be here. It was important for us to be here because we are working on the people's business.

Mr. Speaker, just several weeks ago I addressed schools all over the Fifth District of Texas during a very important time, the 211th birthday of the Constitution of the United States, and at the time I addressed these students I talked about that our country was engaged in an experiment. The experiment is that of constitutional government. And this experiment will only last as long as people have faith and confidence not only in the Congress and the constitutional guarantees which are contained in the Constitution, but also in the rule of law.

Mr. Speaker, we have been working this week extra, what I would call overtime away from our families, away from our districts because we deeply believe in what we are doing. We, too, are engaged in an experiment.

Tonight I would like to speak for just a few minutes about the importance of this extra week, the importance of doing work that is important for people who are not here in Washington but are back home. Some of those people are people who live in the country.

Some of those people are people who are God-fearing people who care deeply about what we do here. The work that we have done, we need to let them know what that is, and I would like to spend just a few minutes in enumerating some of those better qualities of what this experiment is all about.

What we are going to do is to pass an omnibus bill tomorrow when we have an opportunity to vote on it, and what it is going to do is it is going to bring about tax relief for financially strapped farmers and ranchers, and what we are going to include is income averaging and also an AMT deferment. We are also going to have tax relief for farmers and self-employed people in vigils, and what we are going to do is to bring back in time from the year 2007 to the year 2003 whereby self-employed people will be able to deduct 100 percent of their insurance premiums.

You have heard earlier this evening us talk about the plan for education. I will tell you as a parent of a 4½-year-old Down's syndrome little boy, Alexander Sessions, I am pleased and proud of what my Republican colleagues and the deal that they have cut with the President of the United States because I knew when I came here that Washington, Washington required school districts to give education and opportunities in the classroom for Down's Syndrome and other disabled children, but Washington did not fund that, and it made it very difficult for school districts to comply. I am proud to say that now Washington is going to give these school districts the opportunity to fund these programs. It makes a difference for my family and myself. It makes a difference for hundreds of thousands of other parents who have loving children who need the opportunity to be in those mainstream educational systems and to have teachers who do not go back and forth but are dedicated directly to them.

I am proud of that also. I am also proud of one part of this bill which I brought to Congress as a promise to the people of the Fifth District of Texas, that I would attempt to pass, and that is a bill that became known as the Speed Trafficking Life Imprisonment Act of 1998. It used to be the Speed Trafficking Life Imprisonment Act of 1997. It could not be done last year but it fit this year, and here is what it does. It says very plainly that those people, those drug thugs, that are involved in the manufacture and distribution of methamphetamines will now face the same penalties as those who are involved in manufacturing and distributing crack cocaine and heroin.

It is about time where we in this country recognize that the children of this country need to be protected. It is time for drug thugs to spend their time behind bars. I will vote aye.

RELIEF FOR AMERICAN FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I represent one of the most beautiful agriculture districts in the country, the Eastern District of the State of Washington, the east one-fourth of our state, the largest geographic district in the State of Washington. We have abundant wheat farming. Peas and lentils are grown there, potatoes and other agriculture commodities. So agriculture is a very important component of this budget agreement legislation that has been agreed upon by the leaders of the House, both Democrats and Republicans, and by the White House. It has specific interest to me coming from an agriculture-producing area.

Washington farmers export about 90 percent of our commodities that are produced each year, and we have had a great crop this year. We had a great crop last year. Hopefully, we will have great crops in the future.

The genesis for the freedom to farm, the Federal Agriculture Improvement Act, which was signed into law by the President and passed in a bipartisan way in 1996, was right in the Fifth District of Washington.

When I first got elected to Congress in 1994, started serving in 1995, I approached agriculture producers and farmers in the Fifth District of Washington and said what do we need in the way of farm improvements, agriculture improvements, policy improvements? They came up with a lot of that which was eventually signed into law as the freedom to farm concept and the freedom to farm legislation, that allowed farmers across this country to have a transition out of the old system into the new, the freedom to market system whereby our farmers would market our products around the world with several understandings.

Number one, that there would be some tax relief; that there would be some sanctions relief; that we would not be imposing sanctions which inhibited the export of our commodities overseas; regulatory relief and certainly agriculture research.

So it was with these issues in mind that I have approached whether to support this legislation that has now been crafted or not, and I am proud to say that as a person from a farm community and a farm region, that this is a good bill.

It provides about \$6 billion in additional relief, in disaster payments and in market shortage sanctions payments, essentially, because of the reduction in demand from our Far Eastern trading partners; frankly, I think not as aggressive an approach to agriculture marketing as our USDA ought to have. I think our USDA, our government, ought to be out there pushing our products worldwide and helping our farmers in this transition period, this 7-year period of getting some payments so that they can farm for the market, not for the government.

So I am pleased that this particular legislation, even though the President vetoed the ag appropriations bill, and I happen to serve proudly on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and we thought that was a good bill, had good research dollars in it, it had additional transition payments under the existing system that would help farmers, but it was vetoed, unfortunately I felt, because we wanted and knew in this negotiation that we would be adding additional disaster payments and sanctions relief for our farmers.

Nevertheless, the product that has been produced out of these negotiations is a good one. It provides a total of \$5.939 billion in additional spending, total spending, I should say, under the ag appropriations bill for market loss payments for 1998 disaster payments, for multiyear disaster payments, for livestock fee payments for a Farm Service Agency loan authority and for Farm Service Agency administration.

Our farmers are now inundating these farm service agencies with assistance requests and these people are needing help. We provide that help in this bill. We did it in the ag appropriations bill but it is reinforced in the final budget negotiation bill that has been approved and will be approved, I should say, in this House and has been approved by our leadership.

The tax relief that is provided in this bill is good for farmers. It will be talked about by my good friend and my colleague, the gentleman from Iowa (Mr. LATHAM) here shortly, but it is a good bill. It is a good tax relief package.

It is not what we want totally, because I am one that favors greater tax relief for farmers and all Americans. I think we were not able to get that in this negotiation but we will get it next year. So I urge my colleagues to support this bill, support the relief that is provided by this legislation for farmers.

RELIEF, NOT MORE TAXES, FOR FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I thank the Speaker very much for this time and I also thank the gentleman from Washington (Mr. NETHERCUTT) for his comments about the agricultural provisions in this bill that we are about to pass tomorrow.

I would just like to point out some key provisions I think that are extremely important to all of us in agriculture who are experiencing some very difficult times. First of all, a new provision as far as soy biodiesel, and the gentleman in the Chair, the gentleman from Illinois (Mr. SHIMKUS), has played a major role in getting this included, this is going to be a great op-

portunity for soybean producers to use soybean oil as a fuel. It will add value to soybeans to the tune of about 8 to 14 cents a bushel. If someone is an Iowa farmer, that is a lot of money.

Also a provision in here gives some additional help to livestock producers who have experienced devastating crop loss and have had to go out and buy feed for their livestock. There are \$200 million in there for those disasters.

I think this bill finally shows a stark contrast to what the administration in their budget proposal put forth when they had \$573 million of taxes on farmers in the form of user fees if they are in the livestock business. So this is a great victory for livestock producers.

There is a provision in here which is very important also to livestock producers, and that is a 1-year price reporting provision and a study to go with that. It is a pilot program, but I think it is very, very important that there is transparency in the market place so that people know when they discover price for livestock it is done in an open and fair manner and this is a very, very important provision.

Also, for farmers, there are some tax provisions that are extraordinarily important. Income averaging, 3-year income averaging, is going to become a permanent part of our tax law after this bill is passed. We have a look-back provision so that if a farmer had a very good year 4 years back he can look back this year if he had a disaster and recover some of the taxes that he paid back in his very, very high income year, extremely important; a 5-year look back provision.

Health care deduction for not only farmers but for all self-employed people, this is extraordinarily important. If a person is a farmer out there, if they have a small business, one of their major costs is health care, and currently we are not allowed to deduct nearly enough of the cost of that health care. In the year 2003, it will go to 100 percent deductibility, extremely important for self-employed folks and for farmers.

Because of our good friends at the IRS, we had to include a provision so that they did not tax us this year on money that we did not receive this year. As farmers know, the emergency bill we passed earlier allowed them to take their farm payments earlier in this year for the entire 1999 year. Well, IRS said because a person may or may not take the money actually this year, if they do not take it we are still going to charge tax on it. So we fixed that provision in this bill.

Most importantly, Mr. Speaker, I think with this aid package that is here for agriculture, we did not undermine the fundamental policy of the freedom to farm bill. The freedom to farm is based on the idea of the government finally respecting the intelligence of farmers to make decisions for themselves.

Over the last 6 years we have had a one-size-fits-all government controlled

policy trying to say that the government can out-guess the weather every year, and the government saying we know how much someone is going to produce next year so we are going to have a farm program that is going to fit that. It has never worked.

We have either compounded surpluses or we have caused crop disaster years to be compounded in a negative way. It has never worked, and the government, with all the infinite wisdom we have around here, has never been able to out-guess the weather.

I am on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. We have also in this bill fought off the administration in their efforts to undercut crop insurance. Looking at the President's budget this year, they cut dramatically crop insurance which was going to devastate any opportunities for farmers to cover their own risk. We have fought off that provision from the administration.

We continue to put in money to help farmers to be able to export their products. My only hope, Mr. Speaker, would be that in this next fiscal year that the administration will finally use the tools that we have given them to help move our agricultural products overseas.

Mr. Speaker, I think this is a very, very good bill for farmers. It is a very good bill for all Americans and I will support it tomorrow.

REASONS TO VOTE NO ON THE OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Mr. Speaker, it is becoming apparent that this House will be called upon to vote on approximately a thousand page document tomorrow that is responsible for over half of the appropriations bills that should have been passed separately, and it is going to do some good things.

It is also going to have a lot of things buried in it that I think none of us could possibly defend when called to task back home. As we speak all across America in 435 congressional districts and one-third of the Senate seats, people are out there begging for the opportunity to serve in the greatest legislative body this world has ever known.

They are putting their houses up for mortgage. They are selling their cars. They are asking friends and relatives for loans. They are doing basically anything they can to get the funds to get on television. What do they talk about once they get on TV? They talk about \$15,000 that was squandered here or a million that was squandered there. Many of them get elected to this body, and we have got to wonder what happens to them then, because the same people who are outraged at the squandering of \$15,000 or one million will tomorrow vote for a bill that is for tens,

no, I am sorry, hundreds of billions of dollars and they have not the foggiest idea where it is all going.

They are going to vote for \$18 billion for the International Monetary Fund, an international rat hole over which we have little or no control.

□ 1915

They are going to vote for farm programs that do not work; educational programs that are not necessary, that have little or no supervision, and above all ought to be the States' responsibility. They are going to vote for things for defense that should have been done, absolutely, but should have been done through the normal process where the committees can take a look at it and decide whether or not that is in the best interest of our country. In short, they are going to try to do 2 years' worth of work in one day.

Mr. Speaker, I do not think one of my constituents would sign a document for a \$50,000 mortgage that they had not read. I do not think one businessman in my district would sign a document for a \$10,000 loan that he had not read. And yet they are asking the 435 people of this body to sign a document that none of us have read.

The people who have read it are the Speaker of the House, President Clinton, and the Majority Leader of the Senate. That is not good enough for me. That is not good enough for my constituents.

So, I am going to encourage my colleagues to vote "no." We have stayed here this long. We can stay a little bit longer. And I am going to encourage my colleagues to continue to vote "no" until we are given adequate time to study the measure that is brought before us, and then and only then should we be making a decision for over hundreds of billions of dollars worth of programs and whether or not it is a good idea for our country.

AMERICA'S PROMISE: NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I would like to address the House tonight with regard to the bill we are going to be voting on tomorrow. I think the gentleman from Mississippi (Mr. TAYLOR), some of his comments were completely accurate in that this is a crazy process, the way we have come down here at the end of the year to take these appropriations bills and to lump them together. I do not think this is a good way to do business.

We also have to recognize this is a political institution. Two completely different political parties. Parties do things. Sometimes we scratch our head and do not completely understand and we ask why.

America should be very clear that back in August, the President had a

campaign strategy that he coordinated with the Democrats and that was he wanted to shut down the government, so he came over here to the Cannon Building and he met with the Democrat Caucus. They gave him a rounding cheer and applause as they wanted to unite and come together and when we came back together after the August recess, that the President would shut down the government.

Mr. Speaker, he wanted to do that because he thought that he did a good job when he shut down the government before, and Republicans kind of helped him do that. And so he thought, boy, this would be a great strategy. It would be a great distraction from his own problems and a distraction for the Democrats and their failure to accomplish a lot of things they wanted to accomplish.

So what happened? Here we are still in session, a few weeks before an election. And I agree with my colleague from Mississippi, this is not a healthy way to do business. But we also need to understand what put us in this predicament in the first place.

So, there was a political strategy at hand. And, fortunately, we were able to get an agreement. My assessment of the agreement so far is that the Republicans have about 65 to 70 percent and the Democrats, they got what they want. That is what politics is about, is about the art of compromise.

Anybody can stand here in the well and talk about a lot of things they do not like and everybody can find a reason to not vote for it. Likewise, people can find reasons to vote for it. And sure enough, they will do it for whatever particular reason that will be most beneficial for them back in their home districts. But let me talk about something that is more important than either political parties and something that gets my attention with regard to this bill. That is about America's promise, and America's promise is that of our national defense.

When I think about our national defense, we had some testimony by Gordon Sullivan, who is the former Chief of Staff of the United States Army who came and for years and year I used to listen to the Chief of Staff of the Army come and talk to us on the Committee on National Security. He always talked about the Army being on the razor's edge. That is how close we were. This budget will be okay, but we are right on the edge.

Now in his retirement, he talks now about how fragile the Armed Forces are today. He is absolutely correct. In my 6 years here in the House during the Clinton administration, I have seen what he has done to our United States military. They are truly extended in every corner of the world. They have a strategy of working harder and doing more for less, and I can assure my colleagues that is not a strategy for success.

We have Navy ships going to sea undermanned as a result of the Navy

having 18,000 fewer sailors than at the appropriate levels for which I marked up as chairman of the Subcommittee on Military Personnel. We have later-deploying Army divisions that have been hollowed out because the Army lacks the resources to man them. We lack the E-5, E-6 sergeants to properly man five of the follow-on divisions. And when we are short these sergeants, we cannot just grow a sergeant overnight.

So, I am very concerned about our, quote, national military strategy to successfully fight and win nearly two simultaneous major regional conflicts. So I am pleased that in this budget agreement we will be plussing up defense. I applaud the President for being a good listener to his Chiefs. He had sent us a letter saying that he wanted to plus-up defense by a billion on readiness shortfalls. Then he learned that that billion was really in excess of 25 to 30 billion is what we really needed.

So, I am not going to stand here in the well and attack the President, because I am glad that he has been a good listener here in these budget negotiations. I would have liked to have had a higher number for defense, because I have been out there with the sailors and the soldiers and the airmen and the marines and I see the equipment. I see the cannibalization of our aircraft. I see that our ships are going to sea and they are going out there at levels that used to be called C-1 battle readiness. Now they go at levels called C-2. At C-2, they are not just going out C-2, they are going out C-2 plus 1, which means that when a ship goes out and one person has a workplace injury, now they end up at C-3 level of readiness. It is deplorable.

Mr. Speaker, I urge my colleagues to support this bill and I appreciate the negotiators working out an increase for defense.

REASONS TO VOTE "YES" ON OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I had heard the gentleman from Mississippi (Mr. TAYLOR) saying that a "yes" vote on this apparently, I guess the implication was it would be not an educated vote. I can tell my colleagues that in order to vote "no" on this bill tomorrow, they ought to be make sure that is an educated vote as well.

Both of those votes demand that we pay attention to this budget bill, that we look through it closely and, if necessary, burn some midnight oil. I do not mind it. In fact, I get a little excited dealing with this budget. We can find any budget this Congress has ever voted on and we will find that there are a lot of good reasons to vote for it and there are some reasons to vote against it. I would suggest that tomorrow this bill will have more reasons to vote for it than to vote against it.

Every one of us probably every month, some of us every week, sit down with our own family and we budget. There is a lot of times, at least in my own family, where I do not get necessarily the spending money that I would like. Lori, my wife, does not get what she would like. Our three children, two of whom are in college, do not get what they like. But through talks and negotiations, even in the family negotiations, we come up with a budget. That is what we are doing here.

Let me highlight a couple of areas that I think are very important that this budget does do:

Number one, no tax increase. None. Zippo. No tax increase. Now, people who want to vote "no" say there is no tax cut. Folks, we do not have the tax cut in there. We did our best. We got it out of the House, but the fact is at least we stopped a tax increase with this bill.

The next item that is important is important for each and every one of us. We have got to invest in our infrastructure in this country. Our infrastructure in this country, the most important infrastructure I can think of, are our young people. And the most important thing in investing in our young people is their education.

This bill does a lot for more teachers, but do my colleagues know what the Republicans insisted on and now, as a result of joint negotiations, that we have come up with? We are going to hire more teachers, but they are not going to be hired at the Federal level. They are not going to be hired at the State level. This money goes directly into the classroom.

Mr. Speaker, I have a sister that is a schoolteacher. At times in the past, she has had to go out with her own money and buy school supply material, even though the budgets in Colorado have gone up for school supplies. Why? Because it does not get down to the classroom. These negotiations over the last 24 hours are now driving this into the classroom, and the gentleman from Mississippi should realize that. A "no" vote put its back to the Federal bureaucracy.

There are some other issues. Defense is very important to me. We do not have a defensive missile system to defend this country. If Russia or Iraq or North Korea or China or some other country launched a missile against the United States of America, contained within the boundaries of the State of Colorado we could detect it within 3 or 4 seconds, we could tell what kinds of missile and where the missile is going to hit, when it is going to hit, and what kind of load it is probably carrying. And then all we can say is good-bye, because this country does not have a missile defense system.

We need a shored up defense. We need to have a missile defense system. This bill puts a billion more dollars into the security of this country and this country's future on missile defense.

It does some other things. It increases student loans. I have a couple

of kids in college. Most out there are either facing it, have faced it or are now facing it. These student loans are critical. A lot of our kids could not go to college if they did not have a loan to do it. This increases the student loans. Again to the gentleman from Mississippi, another reason to vote "yes." A "no" vote cuts those student loans back.

Talk about the government ID system. They wanted to put in an ID system so that Uncle Sam in Washington, D.C., could keep track of us. This bill wipes it out. They wanted to put in a computer system, a database, to follow all college graduates. The government does not need to know that. It is not the Federal Government's business. This bill stops it. Another good reason to vote "yes" on this bill.

For the self-employed out there, and it has been a consistent and a very legitimate complaint that unlike other people in our society, they cannot deduct their insurance premiums for their medical insurance. This bill is putting us back on track to allow that deductibility for them.

Mr. Speaker, by digging in a document this thick we can very easily find a reason to vote "no" on this bill. But we have a fiduciary duty, a responsibility to look in that bill and see if there are not more good reasons to vote for it than against it. I suggest after we do that, we will support this bill.

EDUCATION PRIORITIES SUPPORTED BY CONGRESSIONAL DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleagues tonight on the other side when they started to talk about the agreement that has been reached between the House and the Senate and between the Democrats and the Republicans and the President, and I must say that I am pleased also that this agreement has been reached. Particularly, because it does include one of the major Democratic initiatives, and that is to add 100,000 teachers across the country to our various school districts.

But I do want to say that although I am happy with that result, the bottom line is that the Republican leadership has refused, really, to address the Democrats' education initiative. For a long time, they were opposed to 100,000 teachers. They continue to be opposed to the school modernization plan. Do not let them kid you and suggest that somehow from the very beginning they were interested in having the Federal Government more active in education and helping our local school district, because the fact of the matter is they have been slashing funding for education on a regular basis here for the

last 4 years since they have been in the majority.

I would also point out that the record of this Congress, even with this budget agreement, is dismal. This is clearly the do-nothing Congress. This Congress has not addressed managed care reform. This Congress has not addressed the need to increase the minimum wage. It has not addressed campaign finance reform. It has not addressed teen smoking. It has taken no action to safeguard the surplus for Social Security. And, essentially, this has been a do-nothing Congress.

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The fact that in this last few days, because the Democrats have insisted that we include this additional funding for the 100,000 teachers, while that may be good, it does not take away from the fact that there are so many other initiatives that the American people have been crying out for that simply have not been addressed.

I heard some of my colleagues on the Republican side tonight talk about the Republican education initiative. Let me just indicate that over and over Democrats have tried this year to talk about initiatives to reduce class size and modernize our classrooms for the 21st century. But each time Republicans have rejected them. So do not let them come to the floor now and tell you that they were for 100,000 teachers and this Democratic initiative.

On two occasions this year Democrats offered amendments that would have given local school authorities billions of dollars worth of new low cost bonding authority to build new schools and modernize their existing classrooms, and Republicans rejected this amendment both times, in May and again in June of this year. Several weeks ago Democrats offered an amendment that would have started the effort to reduce class size in first through third grade classrooms to 18 children per class and Republicans opposed this proposal, too. That was in September.

I heard some of my colleagues on the other side say, we were always for this 100,000 extra teachers initiative. We wanted the Democrats to show how they were going to pay for it. It was not until the last couple days, when the Democrats agreed that they would pay for it by making cuts elsewhere, that we agreed to it.

From the very beginning of this year, when the President introduced his budget and he talked about the school modernization initiative and adding the 100,000 teachers, the President's budget in January of 1998 included all the offsets that were necessary to pay for both of these education initiatives. In fact, the 1998 Democratic budget resolution provided funding for hiring the new teachers and \$21 billion in low-cost construction bonds for local school authorities while staying within the guidelines set by the 1997 balanced budget agreement. And Republicans re-

jected this budget and instead adopted a budget that cut education by \$5.7 billion.

So do not let them tell you that they did not come to this dragging and screaming. They did.

I know we have gone through these various attempts that the Republicans have made over the last year to try to destroy public schools and eliminate equal education opportunities. I am not even going to talk about all of them, but I want to mention some of them.

First, eliminating the Department of Education. From the very beginning they have been continuing to talk about the need to eliminate the Department of Education. They have also spent a tremendous amount of time, wasted time all year trying to divert billions of dollars in public school funds for private school vouchers, taking the money away from the public schools, giving it to private schools. That failed. But do not forget that that was a major part of their efforts this year.

Also cutting school lunches for poor children, block granting critical education programs, destroying bilingual education, eliminating the summer jobs program, eliminating school to work opportunities for high school students, and eliminating the safe and drug free school program. So again, I am very pleased tonight to hear them all say that they are now for the 100,000 teachers initiative. But all along they were against it, and all along this year they have been trying to slash education funding.

I am joined this evening by some of my colleagues. We are going to talk a little bit about the Democratic education initiative and some of the other things that we have wanted that have not been enacted in this Congress.

I yield to the gentlewoman in California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

The last Republican that was up here talking spoke about how wonderful this bill was and how there might be a few problems in this large bill but that if we would read it, we would understand that there is more good than bad.

Apparently he has been able to read it, because I do not know about my colleague from New Jersey, but we have actually been asking for 24 hours to be able to get a written bill and to be able to go through it and see what is in the bill. So hopefully the Democrats will have their wish honored by the other side and will actually get a copy of this bill that is supposedly being written right now, because I would like to vote on something, and I would like to have at least read the bill once before I need to take a vote on it.

I sit on the Committee on Education and the Workforce. I have gotten to see the struggles between both sides about what is important. Let me tell you, these guys were not for 100,000 teachers

in the classroom, just as a few years ago they were not for 100,000 cops on the streets. We have seen that to be one of the most effective programs that the President has been able to push in this country, and we have neighborhood after neighborhood asking for more of this neighborhood policing that is going on. At least that is the way it is back in Anaheim and Garden Grove and Santa Ana.

One of the issues I want to talk about tonight is this whole idea about school modernization. Because while we will now get our 100,000 teachers program, the fact of the matter is, probably the most important thing that you have in the classroom is a teacher that is eager to teach, one that is eager to help students, one that makes that comfort zone, that nurturing that must happen with the student in order for that light bulb to go on and for a student to say, I can make something of myself. I am really interested in these science projects and I can work on this.

But the other issue is also about what type of a classroom they sit in when they are getting that instruction. And I will tell you, from personal experience, I am one of those fortunate Members that get to represent their own hometown. That means that the schools that I represent, the children and where they go, those are the schools that I attended. And it is a shame to see what is going on in California.

First of all, California is one of the five fastest growing student enrollment States across the Nation. While that is over 15 percent over the next 5 years, the fact of the matter is that the school districts that I represent are almost twice that growth rate with enrollment. That means we have a lot of kids coming through the system and still the same number of elementary schools that existed while I was going through the system over 30 years ago. So there is a major problem.

We need to look not only at modernizing those elementary schools and middle schools and high schools that we have in our town, but also creating more, because we have such a large enrollment coming on. In fact, in Anaheim alone, we grow at over 1000 students in the elementary school system a year. That is the equivalent of at least one elementary school.

So it is really important that we address the modernization and the new construction of new classrooms.

I go back to schools, and when they build the schools in my town, they build the elementary schools all off the same pattern. So the same elementary school had the same pattern as any of the others that you would go around to in town. I have been to them. And that place where the custodian used to wheel his wheelbarrow full of mops and brooms for the night is now a classroom for 6 special ed children and a teacher. The broom closet is a classroom for students in my school district. Or worse, where we used to walk

through the silent tunnel to get between classes so we would not have to go all the way around the entire school building, that now has a wall slapped up and a door and that has become a large classroom for students. We are really looking for more space.

For example, there were four portable, we used to call them bungalows when I went to that elementary school, there are now more. And they are sitting right there on the blacktop where I used to play tether ball and on the grass where we used to play football and dodge ball. This keeps going on and on in almost every single elementary school in Anaheim and in Santa Ana and, yes, even in Garden Grove. And so it is a real problem, the facility needs that we need.

I hope that before this budget deal is cut that we will be able to find the monies that we need to help local school districts with their modernization and their new schools.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman, and I yield to the gentleman from Arkansas (Mr. SNYDER.)

Mr. SNYDER. Mr. Speaker, it is interesting to me, I share the concern of the gentlewoman from California (Ms. SANCHEZ) about not having a bill. We have heard a series of Republican speakers this evening in these special orders discussing this great bill. This is the bill that we have right now, an empty table. So we hope it is a great bill, but we have not seen a great bill.

I hope that there is time to study this bill. I hope the country has some time to study this bill. We have been embarrassed before by going home and finding things in the fine print that we all wish we had known before. I hope that we will have some time this week-end to look at this bill before any vote.

On this issue of schools and education, I visited a school recently in my district. I visit a lot of them. The superintendent was talking to me about the decisions that they had made as a district to pay their bills. And he said some years ago, in fact it was before he became superintendent, the district was having such a problem, rapidly growing district, such a problem paying the bills, they made a decision, we are going to push class size to the legal max. We cannot keep up, we cannot keep up with the buildings that we have to do, the new classrooms we have to put on. We are going to put our classes as large as they can be so that we can get this district out of debt and be financially sound. He acknowledged to me, we think there was a loss by doing that.

He said he is convinced at this stage in his career that people cannot be thinking about more teachers separate from the issue of school buildings. And it is a very obvious math problem. If he has classes in the elementary level of one to 24, for example, and all his classes are 1 to 24 and he wants to get them down to 1 to 18, how does he do that? He pulls 6 kids out of 3 classes. So he

goes from three classes of 1 to 24 to three at 1 to 18. But what does he have? He has 18 kids standing in the hallway because they do not have a classroom.

These two issues go hand in hand. That is what is so confusing to me, why our colleagues on the other side of the aisle have been so resistant to helping local school districts with school modernization at the same time they seem to have agreed in the last 24 hours to go along with helping them hire more teachers. You have got to have a place for these folks to teach. If you are going to reduce class size, you have to create additional classrooms.

That is a separate issue from problems we also have in Arkansas with just the need for improving our school buildings. I am sure, like all the Members here that are interested in education, I visit a lot of schools. The problems fall into two areas. You have districts that are rapidly growing and every year they are having to add additional classrooms because of rapid growth, or you have either urban or rural districts that are old buildings. And I followed a superintendent around as we went from building to building and he said, this one was built in the 1930s and then we did this addition, we think it was around 1945. And then this section was in the 1950s, but now the heating system we think was in the 1960s, but it is old and out of date and just these horror stories, at the same time discussing the problems that they have in financing these improvements.

So I appreciate the opportunity to be with you this evening to discuss this important issue. I hope our colleagues on the other side of the aisle have not given up on this school modernization. I know the American people have not. I know the people of Arkansas have not. Those folks that visit school buildings anywhere in the country know of the tremendous work that needs to be done.

If we are going to reduce class size by hiring more teachers, we have to have places for them to go and teach with these reduced class sizes.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman and I want to emphasize again, as you have, that the arguments that our Republican colleagues are using with regard to the school modernization really make no sense. From listening to some of the speakers on the other side tonight, after saying that somehow they were in favor of the 100,000 teachers, which we know they were not, because we know there were votes taken that I mentioned before that they actually voted against 100,000 teachers or additional teachers, one of the other arguments they were making, which is not a legitimate argument, was that somehow the Democratic proposal was giving control to the Federal Government and that we were going to be controlling these 100,000 teachers, how they were hired or how they were going to be administered, whatever. And then they used the same argument with re-

gard to school modernization, that they are not in favor of this program because it is Washington bureaucracy and walking away from the local school boards.

I just want to say, nothing can be further from the truth. I even heard the similar argument used with regard to the cops grants, that the cops grants was no good initially because we were going to control the cops grants from Washington. But once it was decided that the local authorities would control it, then it was okay.

Well, this is just a lot of garbage, frankly. From the very beginning with the cops grants and also with the 100,000 teachers, the Democrats were saying that we were simply providing the funding. The teachers would be hired locally just like the policemen were hired locally. There were almost no strings attached other than you had to use the money for teachers or you had to use the money to hire the police as opposed to just giving a block grant where the towns can do whatever they want with it.

The same is true for the school modernization. The way the Democratic program is set up, we are essentially giving money to basically pay the interest on the bonds for the construction of the school, which lessens the cost for municipalities that have to build new schools or renovate the schools. But local school boards are going to decide what to do with the money, whether to renovate schools or wire schools or build additional classrooms.

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There is just no basis at all to some of the arguments that they are using.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, just to talk a little bit about that, the gentleman spoke about the fact that they think the money is going to somehow be filtered through an administrative process and never get to the school system. The fact of the matter is that the building program is not talking about money from Washington.

What it is really talking about is not sending taxes to Washington because it is a tax cut. It is a tax write-off on an income tax form. We have already got that program in place for some modernization of schools. We passed it in this highly touted 1997 Tax Relief Act that the other side voted for and some of us on this side voted for.

The fact of the matter is that we have an existing program in school construction that says, if a local school district and the community decides it is important enough to modernize a school, and they take it upon themselves, they take the responsibility of doing that, that in fact, when they float the bonds, they will be able to get a tax break.

The tax break will be equal to the interest that they would have had to pay for borrowing the money. That is a tax

credit from Washington. There is no money that comes to Washington. So there is no administration process. It is one line sitting on a tax form. It is already there, because we already have the modernization bonds.

Now what we want to do is to pass a program that would create new schools because some districts need more schools, not just modernization of their buildings.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman's comments. What she is pointing out we are just basically saving the local school districts money, and that lowers property taxes.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, that comment, I mean it is exactly right. It lowers local property taxes, and that is so critical. My State of Connecticut, people feel like they are choked with taxes; and property taxes are particularly onerous.

So I commend the gentleman and the gentlewoman for making that point so particularly. It just shows how convoluted our colleagues on the other side of the aisle are, how they want to obstruct the meaning of these programs, and their intent, and, in fact, really throw up a smoke screen about programs that could help, not only to make sure, as our colleague, the gentleman from Arkansas said, that we have modernized schools, afford the increased numbers of teachers, to be able to assist our children, and to be able to do something for local areas with regard to the tax burden that they have.

I just want to say that, over the last several days, I have been so proud to join with my colleagues while we have talked about these issues on the floor of the House, with the entire Democratic Caucus, for standing so tall on this issue of education and our kids and their future and with the President.

Because despite what our colleagues on the other side of the aisle are saying tonight, and I understand psychology, but I think the American public has heard loud and clear over the last few days where the Republican leadership in this House was on the issue of 100,000 new teachers, and where the President of the United States and the Democratic Caucus has been on this issue.

We won this particular piece today for the children of America, 100,000 teachers, because, and I want to set the record straight, because the Democrats fought very, very hard to make it happen. It was not because the Republican leadership in this House felt that this was worthwhile fighting for.

I will tell my colleagues what they did think was worthwhile fighting for in these last few days. They wanted to put more money into the defense budget for a study of chewing gum. Chewing gum. Something called Stay Alert, which may have an effect in keeping people awake, keeping even our troops awake.

I use that little point to say that, no matter what they say today, we need to take a look at their remarks from yesterday and the day before and the day before and over this last year of what they felt about adding 100,000 new teachers, about reducing class size, and about modernizing our schools. There is a lengthy record, and I believe the American people understand it loud and clear.

I also think it is very, very relevant to this debate that, after they have caved in on this issue, because of the strength of the Democratic will on holding firm, they take it as a badge of victory as to not have moved on the issue of school modernization. They claim that is a victory.

I mean, what kind of a victory and where are my colleagues' values if they believe that modernizing our schools is not a direction that we ought to be going in and to make it possible for our kids to have the opportunity for advanced technology, for wiring to the Internet, for an environment which is an excellent learning environment.

The fact of the matter is, is that we are here, and we have been here for the last several days because of a Congress that is controlled by the Republican Party that has failed to do anything, not only on education, but on HMO reform, on saving Social Security, on campaign finance reform, on tobacco legislation.

I would like to just read, not a quote from any Democrat, not a comment from any Democrat, but this is a quote from Jack Kemp. As far as I know, he has not changed his party in the last 24 hours.

He says, "Today, the Republican Party is adrift, without an agenda and without purpose beyond its seeming preoccupation with saving the congressional seats of its incumbents."

That is what they are about. It is not about meeting the needs, not only of our children, but America's working families and the people who send us here to do a job on their behalf. So I know we are happy about the 100,000 teachers. But we do not have enough time to sit back and say it is done. It has only just begun. We have to stand tall every single day and every single night and be on this floor to talk about those issues that the American people care about.

Mr. PALLONE. Mr. Speaker, I just wanted to also say, because I know the gentlewoman brought it out, and both the gentlewoman from California and the gentleman from Arkansas pointed out that we have to beware, so to speak, the next few days when we look at this document to see what is in it.

The gentlewoman mentioned how we have not addressed the issue of teenage smoking, one of the issues that has not been addressed here. Yet, the other day, I was at an event where we had the copy of the amendment or a portion of this omnibus bill that was supposedly going to provide \$10 million to promote the sales of tobacco or cigarettes overseas.

So there are all kinds of things that we have got to look at to see what is in here. We may very well find, as we proceed, that they put in things that are actually contrary to the Democratic initiatives that we have talked about and have not actually been included and have not been addressed here.

So I want to mention the early speakers that have pointed out about what we do not have in the bill. We need to beware.

Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. I could not help being in my office and listening to this debate and discussion.

I wanted to first acknowledge my colleagues the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. SNYDER) and the gentlewoman from California (Ms. SANCHEZ), and the gentleman from New Jersey (Mr. PALLONE), because I would hope that, as we discuss this, the realization would not be any form of mean-spiritedness or that we got you, because I think we need to sort of reflect on where we have come from.

Frankly, let me applaud the persistence of the President, because all of us are reminded that it was in his State of the Union address that he clearly enunciated a plan to help America's children, to help educate them.

I am always believing in the concept that education is the great equalizer. Over and over again, he noted the problems or the weaknesses with our education system, at least in the primary levels, no teachers, large classes. I think he was wise enough, and Democrats were wise enough in their analysis, to recognize that no teachers, large classrooms, and crumbling buildings.

We did, just a couple of months ago, a massive transportation bill, because the very arguments were made about America's crumbling highways. So I thought that it would be a logical nexus to say that we have the same conditions dealing with education, the potential engineers and architects and contractors and mathematicians and scientists who will be the ones that take us into the 21st century.

We are sitting in classrooms where there were curtains drawn to separate classrooms, where teachers did not have to tell them about the log cabin days, because there were more grades in one class or more students in one class who sort of understand what it meant to have a bunch of people in one room and different ideas being taught because there was not enough space.

My own high school in Houston, Texas, in my district, with outstanding students, Jeff Davis High School does not have a library. We are fighting for a library for high school students. It pains me that I have to say to these students, well, wait a few more months, a few more years.

I am gratified that our local community is going to rise to the occasion.

But like my colleague, the gentlewoman from California, where is the tax relief that we would have been able to present to them with the modernization program so we would have been able to give a big package, one to help rebuild the schools, the crumbling schools, and then put those talented professionals in the classrooms, teachers, to make a difference?

Out of that would have come the opportunity to professionally enhance these teachers as well, meaning that we need professional development. So I am gratified that this long journey from the State of the Union has finally come to the point where we have the 100,000 teachers.

Let me say this as someone from the "fourth largest city in the Nation," this 100,000 teachers is not a rule versus urban or suburban, it is a need issue. It is wherever the need is.

I want my friends, wherever they might live in America, to understand we fought for this for you so that, wherever you raise your hand and say I have need, you are going to be right in the mix just like you were for the 100,000 police officers.

There were no biases going out of here. Those police officers found themselves in large metropolitan areas. But they found themselves in communities with 10 police officers or less. They found themselves in suburbia. So we fought to ensure that our Nation's teachers would have the opportunity.

I would just simply say that I am gratified, I am committed to the fight on modernization. But I do believe our work is still to be done.

Frankly, I am delighted that we have helped farmers. I am from the urban district, but I live in the State of Texas, and farmers are suffering. I know there is more we have to do.

I am also delighted, having a community that has suffered heat disaster, which no one can understand what happens with heat, and then had on the back heels of that a flood, that we were able to ensure that we had the right kind of disaster funding that we were missing.

Also, lastly, I heard a lot of people talk against the International Monetary Fund, and it does not play well. It would probably be well for me not to even speak of it. But I think people understand loss of jobs. They understand a trembling economy.

I think it is good that we handle the IMF in a way that we are comfortable. But I do not think Americans want us to turn our back and close the door on an international monetary crisis that we can be of help.

I am glad we stayed strong so I can protect jobs in Iowa or Austin, Texas or Houston or protect them in Atlanta or New York, because I want Americans working, and I do not want them to be undermined by an international monetary crisis.

I would simply say to the gentleman from New Jersey (Mr. PALLONE) that we waged an enormous battle for the

Nation's children, no matter who they are, no matter where they are educated, and for the Nation's teachers.

I have often said to a teacher whenever I have met them, I am what you have made. I am only the product that you have produced. I could not be here without the Nation's teachers.

I am so grateful that we stayed here, and we will stay here tomorrow so we can make sure the T's are crossed and the I's are dotted. The Democrats worked so hard, and we believe in collaboration, to ensure that we had 100,000 teachers as we walked out of here for our children in America.

□ 2000

Mr. PALLONE. I want to thank the gentlewoman and particularly what she pointed out about the transportation bill. Because we have heard Republicans say many times on the floor in the last few days how the Federal Government should not be spending money on education infrastructure, yet it is okay to spend money on transportation infrastructure. There is really no reason why we should not do both.

I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. I would like to elaborate a little bit about why modernization and new schools are so important. I alluded to the fact that our school districts are actually working very hard with the little that they have. They have created new classrooms out of what were not classrooms. They have put portables on school grounds to have more children come in. They have done other things. They have gone on different tracking. That means instead of the regular school year that you would have, September to sometime in June, there are now four different tracks and they go year round, so that while a student is on vacation for 3 weeks, a different set of students is using those buildings. Our school districts have done that. The other thing that they have done is to also go into double sessions. The elementary school district of Anaheim had to do that in July of this year. While it is important to understand that we need to modernize facilities because maybe it might have asbestos or maybe the roof is falling in or maybe we have got curtains and too many kids in the classroom or maybe there is no air conditioning and now because we are going year round in southern California we are hitting 100 and 102 degrees, we need air conditioning, et cetera. But the fact of the matter is that there is also a safety issue. When you have two sets of students going to school, one earlier in the morning and then one starting later in the morning but going later at night, when you get to the short days of the year, you are sending your kid in the dark to walk home. This is about personal safety for our children. It is also about personal safety within the classroom.

Last night I talked about the fact that in Anaheim an elementary school

district only has three telephone lines in. There is very little communication to each individual classroom on an on-time basis. So if something is happening in a classroom and, remember, some of these schools are rather large. There is a far-off classroom and there is a gun in that class or there is a teacher in that class who has got an off period who is grading papers and some intruder comes in, there is no way to get a message to the principal or the rest of the school that something is happening in one of these classrooms and that is dangerous, also. That is why we need to think about phone lines into the classrooms and intercom systems and everything that we do not have, at least right now we do not have it in Anaheim. So it is also about safety.

Ms. JACKSON-LEE of Texas. To follow up on the gentlewoman from California, I have schools in my district where you start lunch for kindergartners or early, before-sixth graders, they start eating lunch at 10 a.m. because they do not have enough space and they have to stagger the lunch hour. So in order to get every child in to eat lunch, they actually start them eating lunch at 10 a.m.; one, interrupting the school day; but, two, feeding a child at 10 and they have to stay until 3. By the time you get to 3, those little ones can be very hungry and then possibly the other ones not eating until 1 or 2. You are so right about the question of what negative impact it has on a child. I think I read somewhere where children perform better in a better constructed environment. Clearly I think you have raised a very valid point on the safety but also the quality of life for our children where elementary school children are eating lunch at 10 a.m.

I wanted to say something that was not education-related, but I hope that we can work on the disarray of the interim payment system. I know that many of us have tried to work on that with home health care agencies. We did not get there. Those are the hardworking folk who have agencies that help the other hardworking folk to stay at home. It is a system that is breaking the backs of many of our poor home health care agencies. They need to be heard. Along with unfinished business, I hope that we will certainly take into account improving the health care of our elderly by providing them with home health care.

Certainly I just wanted to join the gentlewoman from California and say that I have been aghast at going to speak at my schools and they tell me, "Well, you have got to wait until the second graders get out of lunch," and I say, "It's 10 a.m.," they say, "Well, that's because we don't have the space in order to feed our children."

Mr. PALLONE. I want to thank the gentlewoman and also the gentlewoman from California really brought up one of the other points about this modernization program and, that is,

communications, technology, computer needs. A lot of this money where as you say is not really money but the tax breaks for the local towns would actually benefit the school systems because they would be able to upgrade communications, technology systems, put in computers, and that takes a lot of money. They just do not have it. It is not just bricks and mortar, it is obviously a lot of these other things that are important because of the communication and technology needs that we have today.

I yield to the gentleman from Arkansas.

Mr. SNYDER. We spend a lot of time, I think both parties do but particularly Democrats, we spend a lot of time talking about public education. I think sometimes it is important to step back and remind ourselves why do we talk about that. For a lot of us, we have to go back to our own backgrounds. Education in America is about opportunity, opportunity to dream, opportunity to support your family, opportunity to compete, opportunity to have the skills that were denied to your parents. For me personally I was raised by my mother in a single-parent household. If it had not been for quality public schools back in the 1950s, I would not have been able to become a family doctor. I depended on quality science classes throughout my public school career to prepare me to do well in medical school. Then I went to a public medical school, a State medical school, then got my residency in Arkansas at UAMS, a very fine public medical school. Our opportunity, our dreams as Americans depend on a sound public school system. Sometimes we get so focused in on the numbers, this many teachers, this kind of bond program for school modernization, how many kids per teacher, all that kind of stuff. We need to step back and think about, this is about the American dream. This is what all Americans have dreamed of forever, is the opportunity for your kids to do well through education.

I have worked overseas several times as a family doctor in some God-awful places. There are people there that literally are dying to have the opportunities that we have in public education. But we have to nurture it. We cannot take it for granted forever. I visit a lot of schools, as I mentioned earlier. I compare them with the quality that I had back in the 1950s and 1960s when I was a youngster. We have got some work to do. Some of the buildings are the same buildings. We all know that. All of us who go back home, the buildings are the same. They look about the same. They smell about the same. This is my soccer tie. It is just plain coincidence I wore it today. I paid on the street of Washington, D.C. five bucks for it and some people say I overpaid, but when I was a kid in school, we did not have soccer in school, it was something you had two days a year just to figure out what kids in Latin America did, but it is a sign of how much

change goes on around the world. Schools are now having to provide the kinds of technology that the gentlewoman from California was talking about, opportunities to build soccer fields that they never had to do. There is need for investment in infrastructure in our schools. The reason is to give our kids the chance to fulfill those dreams, the chance to compete with the rest of the world, and it is never going to happen in old buildings no matter how many teachers you have crowded into one classroom.

Mr. PALLONE. It is interesting what the gentleman said about the quality of the schools when we were younger, because I went, my school district, and where I still live in Long Branch, New Jersey, is an urban district and they have managed in my opinion over the years to keep up, if you will, by renovating the school and having good laboratories and facilities so that the science and math programs that you mentioned I believe are really still top-notch. But it has been at tremendous cost to the taxpayers. Their property taxes in the town are very high compared to a lot of the other school districts in my district, primarily because they have decided that they are going to invest that money. But it has been a cost to them because of property taxes. I know that when I decided to go to college and I ended up going to a private college after I had gone to public school from kindergarten to 12th grade, that one of the reasons that the college was interested in me is because they knew that the school system, that the public school that I went to had good science and math programs, and that was a major factor for my being able to get into that school. In fact, I never felt that I was that good in science and math compared to some other areas, but I realized when I got to school even though it was a private college or university that I had really been prepared well in those areas even though they were not the areas that I really liked that much.

It is very difficult for the school systems to keep up. I do not know if it is true in every State but I know that in my State the municipalities usually vote on whether or not they are going to have a bond referendum to build a new school or to do these kind of additions and it is very difficult to get support from the local taxpayers for those bond issues because of the expense and the impact on the local property taxpayer.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to add a comment because I think that the gentleman is absolutely right, that it is the American dream and education has been the great equalizer. We have said this on this floor a number of times. It has been the opportunity that we have all had no matter where we come from or what gender we are or what socioeconomic group we are from, we have had the opportunity of public edu-

cation. That has allowed us to succeed. If you think about it, this age of new technology, if the schoolhouse or the school building is not going to be the place where youngsters can have access to the new technology, which is truly the key to the future in the same way that we have had access to textbooks, every child has a textbook, we are rapidly coming to a situation where every child is going to have to have a computer. We are looking at an infrastructure, an education infrastructure that does not allow for that at this moment. So that you are going to take education backward, because this new technology, if not available to everyone and every school district, we are then going to have the haves and have-nots, and that opportunity that public education being the great equalizer then no longer holds true.

My community, I come from an urban area, in the northeast, it has an old infrastructure, whether it is roads, whether it is buildings, or anything else. We did a survey, we had 71 schools respond to it. The average age of the elementary school buildings is 50 years old; more than half of the schools regularly hold classes in areas designed not to be classrooms as we talked about; more than 50 percent of the schools have no computer lab or room. The majority of the schools have no computers designated for teacher use. Many schools do not have computers in every classroom. So a youngster does not get that opportunity in the classroom. Now, it is true that many families today have the economic wherewithal to have a computer, but many do not. So when that child goes home, they do not have the same advantage as someone who can go home and because of an economic status that that family has this kind of a technology. If we are not careful, we are going to set education back. We are going to set a generation of our youngsters back.

For me, I will be very honest with you, I thought the Internet was something that Michael Jordan had worked out, it was a basketball thing here. My kids have rapidly taught me that that is different. But I am at the curve coming down. My kids, your kids, the youngsters today, this is their ticket to success. If our education infrastructure does not meet the demands of the time to allow our kids to compete, they are going to continue to fall further and further behind. That is why this is so critical, to maintain that standard, to realize that American dream that our youngsters need to have.

Mr. PALLONE. And I think also that what we are trying to do as Democrats is make the point that the Federal Government has to make more of a commitment to public education. It is great that we have the Republicans agreeing now to this initiative of 100,000 teachers, but if they do not continue and agree to the school modernization initiative, it is only half a loaf and if we want to see this Congress

and future Congresses go on record as being supportive of public education and a Federal role or commitment to public education, we need to keep pushing for the school modernization program.

Ms. DELAURO. I just want to make one more point. I think it is critical to understand that today in the newspapers and in the commentary is that they feel they had won a victory by not moving on the issue of school modernization. I think that speaks volumes. Because you are right, we have got to have a Federal role, not do everything but have an involvement as we have said here. But they take it as proud that they did not do anything in this area.

Mr. PALLONE. We have got to have a whole change of attitude in terms of what Congress is going to do in terms of its commitment to public education. They obviously still do not have it when they are taking pride in the fact that they did not get the school modernization program in here.

Ms. SANCHEZ. There was a certain point that the gentleman from Arkansas brought up, and I sort of want to expand a little on that. Whenever I listen to the Republican side of the Congress talk about this, it almost seems as if they want to pit private versus public. There is a reason why the majority of us are looking after the interests of public schools, because over 90 percent, I think it is 92, 94 percent of all children in America go to a public school. Does that mean, for example, that I do not like private schools? That is not the case at all. I am probably the most perfect example here of a public-private partnership when it comes to education. First of all, I am the only Congressperson who went to Head Start. That is a Federal program, I think one that works very, very well. I went to a public school system in Anaheim. I went to a private 4-year university, Chapman University, right in my area. I went there with a Pell grant, with student loans. Those are two Federal programs; with a Cal Aid grant, that is a State program; with a scholarship from Retail Clerks Local 324 because I was an ice cream scooper in my first job and I was a union member and they wanted to help me with my education. I also received a private scholarship from a man named Bob Prawley, a trustee at Chapman University who made sure every year I had enough money so I could finish 4 years at Chapman and get my degree in economics. And then I went on to get my M.B.A. out here at American University in Washington, D.C. And who paid for that? Student loans and the Rotary Club of Anaheim, California. You want to talk about public-private? I know what that is about. So it is not like I am sitting here saying I do not like private schools. In fact, the fact of the matter is I work very hard with many of the private schools in my district. Let me tell my colleagues a case in point.

Modern Day Catholic High School in my district, behind it is a local neighborhood, very good neighborhood. I had a few calls from people there. Actually I had a group who came in and talked to me in my congressional office. They said, you know the kids park their cars in the neighborhood. Well, you know, maybe that is a problem, people do not want to see cars, you know, of the students. But that was not the problem they came with. They said, we think there are drug houses in our neighborhood, and unfortunately we think that some of the people they saw too might be some of the students, and so can you help us with this situation of getting the parking out of our neighborhood so that we do not have these drug houses? So what did I do? I went and I searched for more information. I went to Modern Day, and when I sat down with the principal and the vice principal I told them the concerns of this particular neighborhood, and they said to us, well, you know, we do not think it is really our kids who are making the drug houses be there, and I said, okay, well I can understand that. They said, but you know there is a solution to the problem of the parking. They said as soon as Bristol Street is widened, which is the frontage road right there to the school, we will be able to build a parking structure so that all our students can park in this parking structure. And I said to them, well, what can I do to help accelerate that? They said, one, get the funds to build Bristol Street and widen it, and secondly, we have a capital fund going for the parking structure because it is a private school. I said, well, I cannot solicit funds for you, but I can sure mention it to my Catholic friends since I am a Catholic and say, you know, school down the way might, you know, need some help with a parking structure they have got going.

So what happened? In this transportation bill that you were talking about earlier we got a very important project funded in the city of Santa Ana, the widening of Bristol Street. We pushed it. It broke ground for the project 3 weeks ago, and Modern Day is halfway to the amount of money that it needs. It has got a capital fund going to build the parking structure. And so here we have solved a problem of, one, the neighborhood, unhappy; two, a parking structure that the school needed; and three, a very important arterial that goes through the area that needed to be widened for traffic purposes, and we have solved a problem, and it is a win for the neighborhood, it is a win for the school, it is a win for the city, it is a win for the people who use the road.

So I am not sitting there saying I cannot do anything for private schools. What I am talking about is working together in a good manner, but first and foremost, we need to be worrying about the public schools and the fact that the majority of our students, over 90 percent go there, and that is why we are talking about public school funding here tonight.

Mr. PALLONE. I agree with the gentlewoman from California, and I think it is, you know, very obvious that all of us, you know, we try to help private schools when we can as well. But the point is that overwhelmingly in almost every district, I think, the students are in public schools, and frankly we know how difficult it is for the local school boards to raise the funding or, as you mentioned were the bond issue, to get the bonds that float the bonds to put additions or do renovations. And so we cannot just neglect them and say there is no Federal role. There is clearly a Federal role.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and following up on what my good friends have said, I was really struck by the gentleman's comments from Arkansas because all of us can have our own stories about what public education has done for us frankly, and I certainly am a product of public school education for 12 years and then going to a private college. So there is so much, there is so much that one can gain by explaining to the American people, who already understand that the public school education or our support for public school education is not an either-or, it is not where we discard or attempt to replace the private school education. In fact, when you go into your local communities, you do not even hear this tension, there is so much collaboration between public and private schools, exchange of students and ideas, teachers teaching in the different schools, classrooms sharing with private school settings. In fact, I know those kinds of things occur all the time: private school students tutoring or working with public school students.

So this big issue that there is an either-or I think is made up here inside the Beltway, but what is understood by our local communities is the value of tax relief, and I have not heard one principal or one superintendent say, you know, if you pass the school modernization bill, it will be intrusive, it will be big government from Washington taking control, and we do not want it. And that is what I think is so very important, that we sort of educate the American public so that they can be comfortable with their own beliefs which is why not a school modernization program? Why should we not have a program that gives us tax relief?

And I think it is important taking up the points that were made by both my colleague from Connecticut and California. I mean we can document with great, great substance the idea that our schools are falling behind on technology, not because they desire, but because it is so expensive, one, to initially purchase the equipment, but the infrastructure that they need, and then the technology changes so quickly our schools will tell you that we need another set of computers, maybe it is 10 in the school, maybe 18 months after

they purchase the first. So they know what it is like to suffer at the hands of a moving technology, they want to have their children be conversant with the technology, they want their teachers to be conversant. Can we do no less than give them some relief, if you will, by participating and supporting and passing a school modernization bill so that there is some relief to all of the many things that they have to do?

In fact, in visiting my schools one of the things that I find most disturbing, and we have a very good program in Houston, is the unsafe school yards where children are in need of safe school yards and good equipment because of the fact that is a very strong part of their education. And I want to applaud my local community for having a program that helps them get good school yards and play areas.

But I do believe that we have a message, but we also have a challenge that we must help America, not only with the hundred thousand teachers, but we must help America rebuild our schools, and I hope that we will make it very clear that we are not finished with our work yet on that very important challenge.

Mr. PALLONE. I want to thank the gentlewoman, and I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to say to the gentleman that I am proud to have been part of an effort in these last several days to stand tall and to stand strong for America's children.

The battle on this issue we won, and the Republicans had to cave on that issue. We will fight the battle for school modernization, but we will also in a Congress that failed to do what the American public has clamored for to do something about managed care reform, to do something about making sure that we save the Social Security system that has been one of the success stories of this country, of today providing two-thirds of America's seniors with over one-half of their income, and we have to make sure that that is a program that is strong and safe not only for those today who are in the program, for the next generation and for generations after that.

And we have to focus our attention on those issues, as well as tobacco legislation and campaign finance reform, and in the same way that we stood tall and strong on the issue of education, the American public needs to know that we are going to be there, the Democrats are going to be there on these issues in the next several weeks, in the next several months, in the next Congress which I believe we will hold the majority in that Congress, and to make in fact the reality of opportunities that the majority party let go in this session and that they failed to do something about.

That is where we have to go next.

Mr. PALLONE. I want to thank the gentlewoman, and I appreciate the fact that you are pointing out very clearly that although this Congress is coming

to an end, that these problems that this Republican Congress have failed to address are not going away.

In my district every day people complain to me about problems with HMOs, and those problems are not going to go away unless we pass patient protection legislation like our democratic Patient Bill of Rights.

And the same thing is true for campaign finance reform. We are about to go into this campaign with all kinds of soft money being used back and forth and the Republicans spending something like 30 or \$40 million of soft money on various campaigns. We need to reform the system. They have ignored that. It is not going to get better, it is going to get worse unless this Congress does something about it.

And the same is true for minimum wage. The minimum wage is too low. We have economic prosperity, and things are pretty good out there, but a lot of people are not benefiting from it because the minimum wage is too low. We have to do something about it. We have to change it. We have to raise it.

And we once again talked about public education here tonight. I am glad that the Republicans agreed to this hundred thousand extra teachers initiative, but there has to be a greater commitment to public education here, and you know that the Republicans are just going to go back to their anti public education agenda.

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 amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 2807) "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger."

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

S. 1171. An act for the relief of Janina Altagracia Castillo-Rojas

S. 1202. An act providing relief for Sergio Lozano, Faucio Lozano, and Ana Lozano.

S. 1460. An act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 1551. An act for the relief of Kerantha Poole-Christian.

S. 1916. An act for the relief of Marin Turcinovic, and his fiancée, Corina Dechalup.

S. 1926. An act for the relief of Regine Beatie Edwards.

S. 1961. An act for the relief of Suchada Kwong.

S. 2107. An act to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication, and for other purposes.

S. 2476. An act for the relief of Wei Jingsheng.

S. 2637. An act for the relief of Belinda McGregor.

S. 2638. An act to provide support for certain institutes and schools.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 191) entitled "An Act to throttle criminal use of guns."

TRIBUTE TO REPRESENTATIVE FRANK RIGGS

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

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

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

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, the subject of my special order is basically to recognize one of our colleagues, dear friend of mine, Representative FRANK D. RIGGS from the First Congressional District of California. I first became acquainted with FRANK really over the telephone, and I believe we spoke once before the election in 1990 and once on election day in the evening after the results were known, or perhaps it was the next day. But the first time I met him was when we were both new Members of the House back here for our freshman orientation, which in those days, and I think this is one of the last times this happened, maybe the next to the last, we, in those days, the new Democrat and Republican Members received orientation together.

□ 2030

That included a trip to the Kennedy School of Government at Harvard University, in Cambridge, Massachusetts, and then also a trip down to Williamsburg, sponsored by, I believe, the Congressional Research Service and perhaps one or two other organizations.

People listening may wonder about this, in contrast to how it is done now but in those days there was a chance to really get to know our fellow Members of the class, and to the public that may sound strange but this is such a large institution, with I believe we have 440 members, 435 of them voting, that it is really hard, given the compressed work week schedule, the Members traveling to the far flung parts of the Nation, coming and going all the time, in retrospect that time we spend as freshmen Members is really almost a unique opportunity to get to know each other.

I said freshmen Members, but Members-elect in this case because this happens before actually we are sworn in as Members of the House.

FRANK and I had the chance to get acquainted with each other and we became fast friends. Actually, we were roommates for the first 9 months of the first year of our term in 1991. Both of us had families out in California. Both of us had the intent of moving our families to be here with us in the Washington, D.C. area as we did the job, and it took several months for both of us, actually until late into the year of 1991, to wrap up the affairs and get everybody organized back here. So we rented an apartment in Crystal City and had the opportunity, as new Members, to experience all of the things that Members of Congress go through.

For us, it was an unusual time because Operation Desert Shield had been put into effect in August of 1990 and late in the year or early in the first part of 1991, Operation Desert Storm was declared. We had a full-fledged military operation. One of our first votes was, in essence, what amounted to a declaration of war. As a result of that, we had the first real victory, well, I should not say the first victory but I guess I will say the first major victory really since World War II that the Nation has experienced.

It was a great operation and something that I think Americans recognized as being kind of a pinnacle of America's military success.

I will have perhaps other comments to offer, but I am pleased to see we have here the chairman of the Committee on Education and the Workforce, which is the full committee of which FRANK is chairman of one of the subcommittees, and maybe our full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), will comment on that.

Then we have the gentleman from California (Mr. HERGER), who is a fellow Californian, close friend of FRANK RIGGS.

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

Mr. GOODLING. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding.

Mr. Speaker, it is certainly my pleasure to pay tribute to Congressman FRANK RIGGS this evening. He was, of course, a new subcommittee chair, as we were all new in this business of

being in the majority and leading the efforts in the Congress of the United States.

When FRANK became the subcommittee chair of our Subcommittee on Early Childhood, Youth and Families, he probably did not realize how full that platter was going to be. That platter has been very, very full, but that did not bother FRANK because he was willing to spend many late hours with staff, as his fertile mind thought about ways of producing quality legislation, thought about ways of making sure that our emphasis was on a quality education for all children rather than just covering them with mediocrity.

So, of course, he had to tackle our workforce development legislation, had to make sure that we could move into the 21st century and have the qualified workforce so that we could be competitive in a very competitive world. Of course, he also then had to deal with vocational education.

Now we are dealing with, among others, secondary students, as well as those who are in community colleges; again, making sure we had a workforce that would be up to handling the challenges of the 21st century.

Of course, he also had to deal with child nutrition, and included in that is an after-school program with the idea of those who are most at risk perhaps we can keep them busy in some after-school program and also provide them with nutrition. Of course, this also covered our senior citizen nutrition program, as well as our school breakfast and our school lunches. That was only the tip of the iceberg.

He then had to deal with the reauthorization of Head Start, trying to make sure that it was a quality Head Start program all over the United States, that every Head Start Program was a quality program. Rather than, again, just covering children with mediocrity, he insisted that we beef up that program so that every child has an opportunity for a quality pre-school program, and particularly to beef up the educational component because even the founder of Head Start said that that was the weak part of the Head Start Program, the education component.

So, as I said, he had a very, very busy schedule and a very full platter, but he carried out all of those efforts, again with the whole idea that quality is the name of the game.

I can remember touring a plant in my county one time and they all wore T-shirts at that plant that said "quality or stop," and that was FRANK's motto as he brought about all of these reauthorization programs.

We certainly will miss him as he goes on to do whatever he is going to do. We on the committee certainly wish him very well. I appreciate the opportunity to participate in the gentleman's tribute to Congressman FRANK RIGGS this evening.

Mr. DOOLITTLE. Mr. Speaker, I would thank the chairman, the gen-

tleman from Pennsylvania (Mr. GOODLING) for his remarks.

Mr. Speaker, I yield at this point to a distinguished colleague, the gentleman from North Carolina (Mr. TAYLOR) who, along with Mr. RIGGS, were two of the Gang of 7. Both of them were involved in an effort exposing the House Bank scandal and ultimately closing down that institution; the House Post Office scandal, which was reformed as a result of this. Several people were indicted and had penalties imposed.

FRANK RIGGS is a courageous man and so is the gentleman from North Carolina (Mr. TAYLOR), whom I will now recognize.

Mr. TAYLOR of North Carolina. Mr. Speaker, I, too, appreciate the tribute that is being offered to Congressman RIGGS. FRANK has been a good friend and an outstanding Member of this Congress. I knew he had courage when he joined our freshman year as a Member of the Gang of 7 to protest what he thought, and we all thought, was illegal and unjust activities of the House of Representatives.

Of course, the truth proved out and, as we know and as was mentioned a moment ago, there were a lot of things that went on from that investigation. We have a much cleaner and more responsible Congress because of that.

I found that FRANK had courage in the district also. FRANK is an environmentalist in the sense that he cares about the environment and he works to promote real science in the area of the environment. A lot of people do not realize that here in Washington the environment has become a tool for people to scare money out of individuals. They take in over \$600 million, putting false science out and trying to scare people into spending money for ridiculous ideas, and these programs often result in legislation that takes jobs away from people unnecessarily and promotes pseudo science.

FRANK has worked with us on many of our efforts, especially in the area of forestry, to promote what our best universities teach and our best experimental stations teach. He stood up to the claims of the so-called pseudo environmentalists and stood with the people of his district and the people of California in recommending good, sound science in the area of forestry.

That was hard for him to do because they put a lot of money against him in the campaign. In fact, he was defeated after his first term, but he had the courage to maintain truth and he fought back. After the next 2 years, he was reelected to Congress, where he has remained. That told me a lot about FRANK's tenacity for the truth.

It would have been very easy for him to sell out his ideas. He would have gotten contributions. He would have gotten the accolades of groups that are not promoting truth, but it would not have been FRANK RIGGS. His stand was bought dear, but it was something that

impressed me about his character. He has been involved in a variety of those areas, as well as other outstanding legislation here in Washington, and I am honored to be a friend of FRANK and to see him as an outstanding Member of this Congress since we have been here.

I appreciate the tribute that is being brought forth tonight.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for his comments and would just observe that I do not think I know of any harder work than campaigning in a hard fought election, and FRANK RIGGS has had nothing but a steady diet of that in the elections he has run, and it has never been easy. They have always been huge races where a million dollars was spent by both sides. Heavy negative advertising was out there attacking him, distorting his record, and I would just observe that to go through one of those races and then to lose and then to somehow be able to pick yourself back up and take up the battle again for 2 years running, getting ready for the next election, talk about the tenacity of FRANK RIGGS, I think that is true.

That is extremely difficult. Frank is quite an athlete, but among other things is an avid jogger. I remember when we lived together, he would go for a jog at 9:00 at night out in the wonderful high Washington heat and humidity. It would be 90-plus degrees and he would be off on a jog. That is the type of individual he is. He really is just a real fighter and very, very tenacious and has stood tall for the things he believes in.

Mr. TAYLOR of North Carolina. That was FRANK, and certainly it was a tribute to FRANK and to his district to return him back here, and he has been with us since. I think that is a tribute to the people of his district to see and to overcome the heavy spending and the negative attacks and to become a permanent Member of this Congress, where he has been always steadfast in his search for truth and his search for the best interests of the people of California as well as the United States.

Mr. DOOLITTLE. Mr. Speaker, I will just observe that thanks to FRANK RIGGS, he introduced me to an East Coast donut, Krispy Kreme, which I hadn't known about before, and it has resulted in a significant expansion of my waistline which will be one thing that will cause me to remember him for a long time to come.

Mr. Speaker, I yield to the gentleman from Southern California (Mr. ROHRABACHER) who has joined us, a dear friend and colleague.

Mr. ROHRABACHER. Mr. Speaker, we hear a lot of people say that this fellow or that fellow or this colleague or that colleague will be missed, and sometimes we just wonder because they are just people who we have worked with. We might think this is just someone that I have worked with in my office or someone in my school or whatever.

□ 2045

Tonight, I would just like to say from the bottom of my heart, in recent days as I have walked around the floor of Congress as we have been discussing the various issues, it has crossed my mind and my heart, not just on a couple of occasions but probably 10 or 15 different times, boy, FRANK RIGGS is not going to be around here next year. We are really going to miss him.

I personally am going to miss FRANK RIGGS. This is not just like missing somebody because we got used to working with him. We are going to miss him because he was a voice of decency. And some people claim that I am sort of a little boisterous and get a little hot under the collar and that I might be animated at times. But FRANK, on the other hand, is someone who presents himself in a very decent and a very honorable way and seems always to be in control, because he seems to always have the confidence that comes from someone who has a very strong set of values that he is very proud of, and that is recognizable.

We are going to miss him around here. In the debates, he added greatly with his even-tempered approach and a very astute way of looking at especially the areas of education and such. But we always knew that FRANK was a man of integrity. And some people talk of men of integrity, sometimes get mad and they punch you in the nose because they really know what is right. But that is not what FRANK was about. FRANK was a man of integrity and in a very low-key way earned the admiration and attention of his colleagues because when he did speak, we listened because we knew he was saying something that was worth listening to and was speaking from the vantage of truth and honesty that we could certainly respect.

I think that was really brought home to me, and I do not know if he will remember this or not, but I remember it very vividly that when FRANK was here, I think it was during his first tour of duty, so to speak, one of the early votes that really tested all of us was the vote as to whether or not we should be permitting offensive military action in the Persian Gulf. It was a very tough vote, because most of us believed at that time there would be very severe casualties and most of us believed at that time that this was going to be a situation that would test us as a country.

FRANK had some reservations about it. And, frankly, I had reservations about it as well. However, FRANK made sure that he acted upon those reservations. I sat down with him, and I remember sitting in the cloakroom as the vote was happening and saying, "This is a really important vote. You are going to be judged by this. This is one of those votes that your constituents are not going to miss. And that could really cause great harm if you are making the wrong decision and you know that every one of your fellow Re-

publican colleagues are voting on the other side."

I remember saying, "I am not trying to tell you what to do. I am your friend, but I just want to make sure that you are thinking this through."

Peer pressure did not mean anything to FRANK. FRANK had thought it out. He knew in his heart what he thought was right and he voted "no." And I will have to say that there are some people who vote differently than I do on various issues and I get upset with them because I do not respect the act that they have done, because often those votes that are on the other side of the issues that I stand for, they are voting because they lack the courage to stand up to where I am. But, no, this is an example of the quintessential of FRANK RIGGS in that his vote. He stood alone and he stood that way and he voted that way because that was a courageous thing for him to do. He honestly felt that way.

Mr. Speaker, I do not think I have ever brought that up to FRANK before in all of these years, but I will never forget that moment and how I was deeply proud of this man. If there is anyone in this body who knows how to twist arms and to try to convince people to change their positions on issues, I mean, I learned from the master. I learned from Ronald Reagan and I tried every trick in the book that night to get FRANK over on that side.

Now, we also know that FRANK is not just someone who can be kept down. I do not know any of our other colleagues, or maybe there must be one or two here who actually lost the seat and then came back after 2 years and was reelected by their constituents. So here we have a guy who came here and, of course, he represents a very, very liberal Democratic district up in the northern part of the State. It is overwhelmingly the other party. And FRANK was elected.

And when someone else came in, a Democrat came in, I remember that young fellow. His only claim to fame was that he refused to wear a tie on the floor. And once they really tried to figure out what really counted, his constituents insisted on bringing FRANK back to Washington, D.C.

There are very, very few people in this body that have lost and then, once their constituents found out how wonderful they really were, would be brought back by their constituents. That means their constituents have to admit they made a mistake in not bringing him back immediately for an immediate reelection.

So, FRANK endears himself to all of us who work with him. He is someone who is respected and someone who means a lot to me personally. I am very grateful to the gentleman from California (Mr. DOOLITTLE) and to my other colleagues today for joining me in this honor and tribute to FRANK.

I know that over the years we are going to be working on several other issues important to California. Again, I

am going to walk around and say, "I really miss FRANK RIGGS." But I know that out in California, we are going to be doing things for the benefit of our State. I know how much you love California and how much we all love California. So we have got some wonderful things we are going to do in the future, but we are going to miss you when we are walking around down here on the floor.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. ROHRBACHER). And he referred to FRANK'S hard work and ability. And I have been just reviewing some of the material on FRANK. I know that something jumped out at me that I did not realize, and that was that he was a graduate with highest honors of Golden Gate University in San Francisco, where he received his Bachelor's Degree in the administration of justice.

Furthermore, he was named the outstanding graduate in the College of Business and Public Administration. Of course, sometimes having achieved a distinction, they will give the graduate a cum laude recognition, or magna cum laude. But summa cum laude is the highest recognition. And, really, anyone who knows FRANK would not at all be surprised that that was the distinction that he earned in college.

I now would like to recognize the gentleman from Southern California (Mr. BILBRAY), even further south than the gentleman from California (Mr. ROHRBACHER), he is from San Diego and the surrounding areas.

Mr. BILBRAY. Mr. Speaker, I am from San Diego County, which is south of southern California. I want to make that quite clear. My colleague from Huntington Beach, who is the other half of the Surfing Caucus, has pointed out again and again that Mr. RIGGS is somebody, in the terminology of an old advertisement, who has always been able to "take a licking and keep on ticking." I think that the fact of the ability for him to take hits from people who cannot stand to hear the truth I think is one of the things we have always appreciated about him.

Let me say one thing. Somebody brought up the fact that FRANK comes from a background of getting a good education, getting the facts, and being able to speak the facts. It is something that some people are not very comfortable with. Frankly, there are those who are involved in the environmental movement who do not want to approach the environmental issues as science. It is almost as if people have lost old religion and have now tried to make environmental causes their new religion.

Those of us that have worked on real environmental problems, like myself, are so frustrated with people that do not realize that we not only have a right, but we have a responsibility to keep our minds open and get the facts and approach environmental strategies as a science. It is not a theology.

Frankly, there are those who have attacked FRANK as a heretic because he

is not willing to accept the theology of certain groups and certain people who claim to be wanting to help the environment. I think that FRANK has been less fortunate, but the environment has been better because FRANK has been willing to stand up and say: Science first, foremost, and always; that one cannot be an environmentalist if they do not put science first and take prejudice and preconceived ideas away.

I did not come here to praise FRANK RIGGS or to honor FRANK RIGGS. I want to say there is something that we do not do enough of here. I want to honor the people that really made it possible for FRANK RIGGS to be here. And I am not just saying the voters. I want to honor an 11-year-old little girl who does not have her daddy home every night because he is here on the House floor.

Sarah Riggs is the type of person that we do not talk enough about. The reason why Mr. RIGGS is willing to come here and serve and do without fiscal and family security that a lot of businesspeople out there have is because he cares about his daughter's future. And Sarah Riggs is somebody that we should always remember.

I hope every Member of this Congress always remembers that there are those that make it possible for us to serve. It is Sarah Riggs, Cathy Riggs, Matthew Riggs that are out there without a father, without a mother, because they are here serving and doing the people's business.

And I think that too often, the image that people see on C-SPAN or they see in the paper is of a two-dimensional figure. Of FRANK RIGGS, the Congressman, the politician, but not the FRANK RIGGS the father, the husband. And when we do that, when we only see the two-dimensional, we deny the real heroes and the heroines in this whole thing. That is the Sarah Riggsses and the Cathy Riggsses and the Matthews that do without and do so much more than anybody could ever expect them to do, because their father is engaged in the business of this country.

Mr. Speaker, I want to say sincerely to Sarah Riggs, and sincerely to all of the young girls out there, and the sons and the wives who sacrifice and fill in the huge hole that is there because their parents are off taking care of business in Congress, I want to thank them, all the Sarah Riggsses out there, for the contribution they have made for the betterment of this country. I want to thank the Sarahs for being willing to do what a lot of little children would never want to do, and that is not have their daddy or mother around.

And so I am not here to honor Mr. RIGGS; I am here to honor Sarah Riggs for all her contributions. And I would like to say, "Thank you very much, Sarah, for allowing us to have your daddy for a while here on the House floor. It has been a privilege to serve you. It has been a privilege to work

with your daddy. And I hope in the future, we will be able to continue to see the kind of contributions that your father has made to the American people and the people of California."

Mr. Speaker, I yield back to my colleague.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY). While the next gentleman is proceeding up to the front, I would observe that there is a third and oldest child, Ryan Riggs. And Ryan, Matt and Sarah, we have seen grow up. Sarah is not completely grown, but she is a lovely young lady now. And we have watched them grow up.

Cathy, by the way, is a wonderful mother and a crack private investigator and a law school graduate as well. She has been a staunch supporter of FRANK. And maybe for those who do not realize it, but a Member's family is integral to running a successful campaign. They are all deeply involved, as the gentleman from California (Mr. BILBRAY) alluded to. There is a great deal of sacrifice that goes on on the part of the family once the Member is elected, and FRANK has a strong family that loves and supports him.

I yield now to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I did not want to pass up the opportunity this evening to share with someone who I have only known for a year and 10 months, but someone who I think is one of my better friends in Congress, someone who I had the privilege of working a lot with, because we shared a lot of time and worked on the same subcommittees on the Committee on Economic and Educational Opportunities.

FRANK, America would be stronger and better if it had more congressmen like FRANK RIGGS. And I mean that sincerely. Those who talked about his toughness, coming back after a tough loss, coming from a district that he probably should never have gotten elected in, but it was only because FRANK RIGGS was a good man and gave it his best and his family had support there that he was able to come to Congress from that district and serve it very, very well.

□ 2100

I liked his friendly style, his graciousness, his toughness. He had a tough side. He would fight hard. And you cannot be effective here and you will not ever reach the goal line if you do not. We shared a lot of interests. I have some of the same forestry interests that FRANK had, some of the same problems that FRANK had, and I admired his toughness to stand tall.

We had a lot of interests in vocational and technical education and where this country really needs to be going where we really are not headed, FRANK and I agreed on where this country ought to be going in technical and vocational education, preparing our work force of tomorrow.

FRANK, I was disappointed when you decided not to run again. But I admire you for the choice you made. You were one I looked forward to working with in the future. But I am, hopefully, somewhere down the road, we will have the chance to pull on the same rope.

But there was something that you may not be aware of. Of all the Members I have met here, FRANK RIGGS mentioned his family to me many evenings. When we were here in an evening, FRANK was always anxious, if we were kind of not moving as fast as we ought to be and we ought to be getting our work done, because FRANK had an event that one of his kids was at that he felt he should be at. FRANK had a family thing that he felt he should be at. You mentioned your wife and children to me many evenings. You may not remember that. It was just in quick passing. But that says to me that FRANK RIGGS, the Congressman, had his priorities right. He was constantly thinking about his children and his wife and his family, and that is the priority that so often does not get met in this country. If there is a weakness in this country, it is the breakup of the family and the family drifting apart.

I do not know your family well, but I personally think your children have a pretty good dad. I think your wife has a pretty good husband. I know you care an awful lot about them. In the few short months we have known each other, I have learned that they are most important to you, and I honor you for that. The Committee on Education and the Workforce will miss you. This Congress will miss you. I will miss you, because you are a friend, the kind of a friend that I would like to get to know better, because the more I have been around you, the more I have worked with you, you are just a person I have learned to like.

We are going to miss you. It has been a pleasure getting to work with you and know you, FRANK. America is a better place because you served here. I mean that sincerely.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from Pennsylvania for his comments.

I yield to the gentleman from California (Mr. HERGER), my good friend and colleague from northern California, really right in between FRANK's district and mine.

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

It is, indeed, a privilege and an honor that I consider to be able to stand here today. I was just thinking back at the speakers we have had, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from California (Mr. ROHRBACHER), the gentleman from California (Mr. BILBRAY), the gentleman from Pennsylvania (Mr. PETERSON), to name a few.

I think about, as we were trying to arrange this, and mainly you, Mr. Doolittle, I want to thank you for taking the time to take the initiative to set

this up this evening, but I think as we were talking about it over the last week or so and we were wondering, gee, we need to try to do it sometime in between votes so that we will have some Members around. What we did want to do, it has been at least three hours since our last vote, was get Members around that would be able to express themselves. And just the fact that we have had this many Members this long after our last vote, I think really says so much for you, FRANK, my very good friend and colleague.

As we hear sometimes in the Rush Limbaugh show, we will hear someone who agrees with what was being said, they will say ditto. I just have to, I hear the different things that went on, very few people outside those who have actually served in the House of Representatives or in Congress really know what goes in to the job of being a Member of Congress. It seems like a pretty neat job, which it is. But all the time away from home, I heard you talk about how your first term here, how you roomed together.

The families back in California, we are 3000 miles away, 3 time zones away, all the time that is here. Then when we get back to our district, FRANK represents a district that is very similar to my own, very large, and yours as well, very large geographically. I think that when we are, even when we are so-called at home, we are really not at home. We are out traveling around in one city or another that may be 200 miles away within our district, talking to this rotary group or some other group here or there. And really, the time that is taken away from our family is really a major sacrifice on the part of anyone. So I can certainly understand why it would be that you would be leaving us.

We hear all this, you would almost think that we are speaking at a funeral. Obviously, we are not. FRANK is going to have a very glorious life after Congress here, and we certainly wish you the very best.

But, FRANK, I want to thank you in a number of different areas for being the friend to me that you have been. You were, right off the bat, as you know, there have not been that many friends to those who live in our timber-dependent communities of the United States, certainly in California. And for so long there was maybe JOHN DOOLITTLE, BOB SMITH, north of me, myself were about all there were for a number of terms, several terms when I first served here, out of 435. And how welcome it was when FRANK RIGGS was elected.

Now, we had someone else that was fighting for, as Mr. Bilbray pointed out, to bring about the, to make our decisions on forest health and forest practices based on science, the most recent science, the most current science, not just on politics and what was politically popular in Washington or nationally, but what indeed was in the best interest for our national forests and for the people who live there, the

real people, the fathers, the mothers, the children who work there, who have been working and living there for three and four and five generations. Again, our districts are very similar that way.

I have parts of all of 12 national forests. I know you have a number of national forests there along the beautiful Pacific Ocean right adjacent to mine. I want to thank you for always being a voice for what was right, for someone who would do your homework and find out what the facts were and make your decisions accordingly. I want to thank you for that. Many a time we have stood together, albeit not very many of us standing in this 435-Member House, but nonetheless we would be up there fighting the battle. And I would always know I could count on FRANK RIGGS to be there with me. Again, FRANK, you have been a friend in so many, many different ways.

I also have to mention another great joy, again there are so many things we do and it is an incredible job we have. As I know you do, consider this one of the greatest privileges that anyone can have, to represent citizens, 570,000 approximately in our congressional districts here in Washington, D.C. But one of the nice things that we do each year is have our annual charity baseball game. This is not a softball game. This is baseball. It has been being played for many, many years. And even back when we were a minority, and I spent my first 6 years here in the, first 8 years here in the minority, about the only thing that we as Republicans were able to win at was baseball. We used to beat the other side. We were beginning to lose a few games, and then FRANK RIGGS was elected.

And boy, were you an asset. Thank goodness you came out to our baseball team, that magic, golden glove that you had playing short stop, that wonderful bat you had batting third in the lineup. That is our power hitter. Again, it was just a pleasure not only to serve with you here but to serve with you on the congressional baseball team. As I recall, we won most of those games and we did win the trophy, the best of five games. And at the same time, able to donate in the vicinity of \$60,000 each year, as we have done, to the Children's Hospital and other good causes.

Again, FRANK, I want to thank you. I want to thank your wife, Cathy, and your family for all the effort you have given to serve our Nation. We will sorely miss you but, again, I am looking forward to visiting with you. I know our friendship will go on for many, many years after you leave here, after you graduate from the Congress here. I am looking forward to that. Again, thank you on behalf of myself, my colleagues and our Nation and certainly Northern California. Thank you for your great effort.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. I would just like to, before I yield to the gentleman

from Georgia, just like to briefly highlight two or three areas of FRANK's legislative involvement that I am very proud of him for.

One, he introduced a resolution affirming the right of the Boy Scouts of America, a voluntary association of free individuals, to set standards for membership and exclude those who do not reflect its traditional and moral values. As is consistent with what you heard about FRANK, his courageous, really fearless nature, he carried that resolution and waged that battle. And many of us, including me, are grateful for that.

He also has been extremely active. In fact, he gave up, in what is almost unheard of, I do not know of any other example of this, certainly while I have been here or before I got here. He was a member of the prized Committee on Appropriations. And that is a very difficult committee to get on. They are the ones who recommend how all the money is going to be spent for the budget. He got off of that in order to get on the Committee on Education and the Workforce and eventually become chairman of the Subcommittee on Early Childhood, Youth and Families. And he has fought tirelessly for children while having that stewardship, including a bill that he sponsored called HELP, helping empower low income parents scholarship amendments. This would allow them to offer opportunity scholarships to poor urban and rural children.

Although that legislation was not successful, I believe it is the type of legislation that eventually will pass here. And when it does, you can look back to FRANK RIGGS, we can all look back, as the one who started that ball rolling and who had the foresight to wage that battle in what eventually, I believe, will be a successful effort.

He also wrote the English language fluency act to end Federal support for the disastrous bilingual education programs. And this was modeled in California's English for the children initiative, which this legislation passed the House this last September. He also offered an amendment to the higher education act prohibiting public colleges and universities who accept Federal funds from setting admissions criteria on the basis of race, color, sex, national origin or ethnicity.

FRANK is, frankly, someone who went against the trend. And I hope he will not feel bad if I say this, but I observe that the longer he was here, the more conservative he became. Frequently and as a general rule, the trend is just the opposite. The longer you are here, the more liberal you become. But FRANK was never one to fit into a mold.

Frankly, these actions that he has undertaken, these bits of legislation, I felt would have qualified him to be a member in good standing of the conservative action team. So in my mind you will always be an honorary member of that by your philosophy. I think you have reflected those values in your actions.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for the yielding to me. I am glad to be here on RIGGS behalf.

Mr. Speaker, I am not going to call him FRANK RIGGS. I am going to call him RIGGS, because since a small boy growing up at the Athens YMCA, I called all guys who were near my age by their last name. But FRANK RIGGS, being an old school gentleman type, called me on the House floor one day and said, "I really prefer to be called Frank and I think we should dignify this place in doing such." So FRANK, you trained me, and I will call you FRANK even when I see you from here on out.

I want to say this, I knew FRANK RIGGS as a candidate in 1992. I was given a poster of the gang of 7. The gang of 7 was everybody's hero model. The gang of 7 consisted of Mr. DOOLITTLE, among others, and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Iowa (Mr. NUSSLE) and Mr. RIGGS. I am leaving out the other three. Mr. HERGER, if you were one of them, I apologize. But we all loved the gang of 7 because they were the ones who were the young turks who blew open the House bank scandal, which the folks of America did not understand why there were so many overdrafts by Members of Congress.

□ 2115

We were just so appreciative of this young energetic, very small, but determined group who blew the whistle on that and said this Congress cannot continue to have such shenanigans.

So I knew who FRANK RIGGS was. It took me two more years to get a chance to meet him because he had a little mishap on the way to reelection that year, with no fault of his own. He has one of the most difficult and competitive districts in the country.

But FRANK rejoined us in 1994, and I had the opportunity to serve on the Committee on Appropriations with him. He was a very energetic Member. He had been here. It showed. He knew his way around the place. He immediately jumped on all kinds of other issues, education, WIC, D.C. scholarships, regular scholarships, English first, all kinds of issues that affect California, agriculture, particularly looking into issues that had to deal with the California wine industry.

He was just a very great Member to sit next to. Then the next year he moved over to the Committee on Education and the Workforce and became a superstar on that. I think the previous speakers have covered that, so I have got to go back to another personal story.

Bipartisan retreat on the train to Hershey, Pennsylvania, looking over at my seat, I had my family and my four children running up and down the aisles, and looked over there, and there was Frank. Frank had on some head-

phones. He had two pencils in his hands, and he was playing the drums, and he was rocking out, having a great time, much to the absolute humiliation of his teenage children who were sitting there looking around saying, "Dad, would you please quit doing this."

But I could tell that, even as they were calling him down in that embarrassment that teenagers sometimes can have of us parents, they loved him. It was "Dad, you are being dad again, and we love you, but can you cut it out a little bit."

Cathy and her relationship with him, we got to know them sitting next to them on this train. I can tell it is just a great family.

I was a little bit disturbed when his teenage son, who is a big strapping boy, I think is six feet tall, started e-mailing my 15-year-old daughter, but those things happen. If my daughter has to get interested in boys, I will reluctantly accept that. If it has to take place, somebody who is an offspring of Cathy and FRANK RIGGS has got to be okay, because having served with his dad for these years that I have had the honor to serve for, I know he is a first-class guy.

The House is better having a guy like this in the House, and the country is stronger because of FRANK RIGGS' service, and we will miss him dearly. I wish you the best.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. Recalling our early days together, I must say, every now and then, back in those days, it seems like we had a lot of late nights here. Every now and then, we would go over to the Pentagon City Mall and have ribs and baked potatoes at the Silver Spoon, which was a great experience.

I kind of looked forward to those occasions since we were both back here on our own for the first 8 or 9 months or so. That was better than having to cook for ourselves. That was always preferable. So, FRANK, those are memories I will treasure as we move on here in life.

I recall once FRANK RIGGS told me in a conference, I do not remember how this came up, but he told me that there were three things that he had considered being when he grew up. This is what he thought as a young person.

One was to be a police officer, which in fact he did become, serving I believe in the Santa Barbara Police Department and then eventually, I do not remember the county, but it is Marin County or one of those up in Northern California, the sheriff's department.

The other thing he wanted to be was a high school coach. He never became a full-time high school coach, but he did, indeed, and does, I guess, presently serve as high school coach for both his daughter and as well for his son, two different teams. Being a Member of Congress and a subcommittee chairman, I do not know how he did it, but he did all those things at the same time.

The third thing was that he was very interested in becoming a member of the clergy. He never actually became a member of the clergy, but he has reflected, I think, fundamental values in his service here as a member of the United States House of Representatives for 6 years.

FRANK, I do not know if I have shared this with you, but there is a great quote I often use, and it means a great deal. It is from a former chaplain in the United States Senate Everett Hale, who said "I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something that I can do."

I would say, Mr. Speaker, that FRANK RIGGS reflects the statement of the Senate Chaplain, someone who has done his best to make a difference and who has, indeed, made a difference for men, women, and children in this country, who has honorably served in the United States House of Representatives, and who will be long and fondly remembered.

THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, it is very difficult to follow a discussion like that of one of our great colleagues, a beloved Californian, but I want to get to the subject of the budget.

As the Speaker knows, we have been here in Washington camped out now for some 10 to 15 days trying to get a budget agreement with the White House and the Senate. I think it is very important for people to realize that, although we clash so often over partisan reasons, there is a lot more to the partisanship than just not agreeing.

There are genuine philosophical differences between often liberals and conservatives. There are philosophical differences that have to do with the reasons we are elected.

People are elected because they said I am a conservative, I am a liberal. When I go to Washington, I want to represent those liberal views or those conservative views. Guess what. We get 435 people elected to the House of Representatives on their own individual platforms, and of course we are going to have debates and of course we are going to have some disagreements.

Often, that is going to be betrayed as partisanship, and sometimes there is a partisanship element to it. But there is a real profound ideological difference here. The Speaker has said that, look at it this way, Congress is the Civil War without bullets, or it is a substitute for civil war. It is a peaceful way to carry on our republic.

I think that that is what has been going on the last 15 days. The budget debate did not start 15 days ago. It did not start in the summertime. It does

not start with the first appropriations bill. It has started long before most of us were elected.

We came here with ideas of what to cut and what to increase, what to spend money on and what not to. But we have been engaged in this process, most of us, since the time we were candidates.

Then this year, as the appropriations bills went through, we debated various amendments and various spending levels. I am on the Committee on Appropriations. I can tell my colleagues there is hardly anything that is in an appropriations bill that has not had a hearing, that has not had a debate, that has not had a question that has not been scrutinized.

Things in there have been well looked at and well debated. We are at this process where we finally have a massive budget agreement, and I think it is good. I am very excited about this budget agreement.

There is a little bit of this and a little bit of that in there. There are some things that the Democrats can say they have won on, some things Republicans can say they have won on.

But the ultimate winners are the American people. That is what is important for us to do at the end of the day, not say which party won, but say what the American people won.

Here are some things in there that I believe Americans won. Drugs. We have strong anti-drug language in there. We have beefed up the position of the drug czar. We have given him more power to fight the drug thugs.

It used to be that, when the drug lords were out in my area, as my colleague knows, I represent coastal Georgia, the Coast Guard does a lot of drug interdiction. They cannot keep up with the drug runners and their powerful boats. Those days are over with. Now the Federal agencies can go after them. There is nothing more frustrating than having drug dealers having higher technology than law enforcement. I am glad to say that is over with. Interdiction is very, very important.

This is a product, Mr. Speaker, that has grown in South America and processed often in other South American countries and then sneaked in in the dark of the night into America and sold in the school yard near us.

The employees of this company that sell this insidious product, if you will, the drug pushers, they cannot advertise. They cannot exchange business cards. They cannot even tell anyone they do. Yet, in every school district from Maine to Florida to California, they can get illegal drugs, and they did get to our 12 years olds, our 14 years olds, our 15 years olds. This Congress and this bill has taken a strong step to say, get the heck out of our school yards.

In addition to cracking down on the drug dealer, we also have strong rehab. Because if somebody has gotten off track and they have become addicted to drugs, we want them to be able to

turn to somebody or some agency or some institution when they are ready and say I want out. Can you help me? Can you throw me that lifeline?

We are putting the needed resources into institutions, not all Federal, not all State, and certainly not all governmental, but we are doing it with non-profit agencies as well to say that, if you want to get off drugs, we want to have the bridge there to get you off drugs. We hope you do not ever get on drugs, but if you are ready to come home, we want to be there to help you. That is in this bill, Mr. Speaker. I think it is a very significant step for the streets of America, for the safety of our kids.

Another thing that is in this omnibus bill is education. We in the Republican Congress are committed to having world class education. I know the gentleman from Illinois (Mr. SHIMKUS) has children, because I get his Christmas cards.

What we have in our family is we have got an 8-year-old, a 10-year-old, and a 13-year-old, and a 15-year-old. My children and the gentleman's children are not going to be competing Georgians versus kids from Illinois versus kids from California. But they are going to be American kids competing against German kids and Japanese kids and British kids. They are going to be part of this big global economy that we have.

In that spirit, we want to be sure that our American children can go head-to-head in science, head-to-head in math, trigonometry, and calculus, head-to-head in physics and chemistry, and head-to-head not just in English, but of all language skills.

We want them to be able to compete in it. We think an important part of that is local control of schools, not Washington command control, but local controls.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH), one of the leaders in this budget fight, one of the toughest defenders of the hard-working dollars, tax paid dollars, paid by American middle class. He has joined us now, and it is an honor to yield to him.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Georgia, for yielding to me.

Mr. Speaker, I rise this evening again to talk about America's priorities and the pursuit of common sense conservative goals, because as my colleague, the gentleman from Georgia points out, Mr. Speaker, it makes sense to get the resources to where they have the most impact. Education is far too important to leave up to Washington bureaucracies.

So what we have done is to agree in historic fashion to provide resources but to make sure those resources are implemented at the local level. That is the key, because the first priority, of course, must be with parents and the teachers who are there in the classroom who know our children's names,

and the school board members whom we elect.

Indeed, I would tip the hat, rhetorically speaking, to those colleagues from Pennsylvania, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, who have worked so hard to say that the proper role is to make sure that resources are spent at home in local school districts and, indeed, that is commensurate with our overall philosophy of transferring money, power, and influence out of the hands of the Washington bureaucracies and back to the people at home who are on the frontlines addressing the problem.

□ 2130

That is the key. Just as the gentleman from Pennsylvania (Mr. PITTS) in Dollars to the Classroom stipulated that 95 percent of every Federal dollar spent on education, or 95 cents of every Federal dollar spent on education should end up at home in the classroom and only 5 cents should go to the care and feeding of Washington bureaucrats is a common-sense approach.

Further as our colleague from Pennsylvania (Mr. GOODLING) has pointed out, when it comes to special education, and the needs there, to make sure that this Congress lives up to the promise it made in 1975. I was in my senior year of high school, Mr. Speaker, a promise a liberal-controlled Congress made to say to the States, "Oh, we're going to help you fund special education" but sadly that is one of those promises that never really was fulfilled. The challenge remains for us to really help children with special needs commensurate with what we have done across the spectrum in terms of education and taxation, in terms of tax-free education accounts for college students. We need to expand that, but we have gotten a good start. And today as we prepare this historic budget agreement, we continue to shape those priorities.

I thank my colleague from Georgia. I look and I see that one of my other colleagues from Arizona has joined us on the floor, but I just want to thank my friend from Georgia for pointing these things out.

Mr. KINGSTON. The gentleman has a major piece of legislation that he has introduced that is bipartisan in nature, for institutions of higher education that he may want to mention something about that, but I do want to emphasize this special education point that he has brought up. I think it is so important for us to help the families who have children with special needs and help the children with special needs and give them every single opportunity we can to help them progress and help them with whatever we can do. In some cases it makes a tremendous difference. For this Congress to abandon those children, it would be a travesty. But we have not done as Con-

gresses have done in the past. We have said, "No, we're going to meet this challenge, we're going to do it." You have been a leader of that. Our friend from New Hampshire (Mr. BASS) has certainly taken the forefront of it. You have mentioned the gentleman from Pennsylvania (Mr. GOODLING). We have done a lot about this.

We talk about local control. I would like to tell the story of my old, or my former, not so old, she is 84 years young, Mrs. Musick back home in Athens, Georgia. She raised me, she was a very strict teacher, she raised me in the classroom, a very strict teacher. You could not talk, you had to cover your book, you could not pass notes, you had to do your homework and all kinds of things you need to be told to do when you are 15 and 16 years old. But she loved her classroom, her subjects. She liked to talk about Hemingway and Longfellow and Shakespeare. These people were her personal friends. They were her colleagues and her peer group. She read about it. There was no sentence she could not diagram. No sentence had a split infinitive or no participle dangled in her classroom. She was passionate about it. But the other thing was, she was the boss of her classroom. She did not have experts coming down from Harvard University to tell her how to teach the kids in Athens, Georgia. She did not have people up in Atlanta coming up with new charts and diagrams that had to be used. She did not have bureaucrats from Washington saying, "This is the new way to introduce literature to kids."

Mr. HAYWORTH. If the gentleman would yield, I would hazard a guess that she did not spend an inordinate amount of her time filling out forms for Washington, D.C. explaining the effectiveness of her time-honored methods of enforcing discipline in the classroom and holding her students to a higher standard and, indeed, that is what we have to recapture. It is not found in radical theory but it is found in a reduction of what some political scientists would call the bureaucratic inertia and what goes along with it, the requirements of all sorts of paperwork being filled out and all sorts of grant applications and all sorts of justifications for what really is vital, helping teachers teach and helping children learn. That is the basic, what is so vital in this human equation.

Many more things are there to commend as we take a look at this budget agreement, including national defense, a priority promised in the preamble to our Constitution. As we take a look there and look at that time crisis that our military personnel are confronting, we have worked now to supplement our defense spending in this uncertain world. We have taken steps in that direction. But there are a variety of things to commend a reassessment of where we are headed in terms of our budget, to work for an honest compromise and again in this divided gov-

ernment, in our constitutional republic with a conservative Congress and a liberal President, there is the challenge of give and take and compromise. And so on a variety of fronts, whether education, or the national defense or working to make sure that there are extenders and modest tax relief in terms of an acceleration of the 100 percent deduction for health insurance for the self-employed. We have a variety of things on the table and in the agreement that commend it to the American populace, not the least of which being on another front the move to control pornography on the Internet. So many different topics, many different things to commend the bill.

Mr. KINGSTON. The gentleman from Arizona (Mr. SHADEGG) has joined us and he has been working hard, he is one of the number one budget crunchers on the floor, a staunch protective guy when it comes to spending tax dollars and the kind of leader we need.

Mr. SHADEGG. I thank the gentleman for yielding. I wanted to join you this evening and express my thoughts about this important piece of legislation and make it clear how strongly I believe that this is a good piece of legislation on balance and that it is something we need. Legislation is often difficult and the process by which we get to it is a struggle. It is always a compromise. I think when we address this issue, we are going to hear from some of our colleagues that they are disappointed in some of what is in this legislation and they are disappointed that the President won some battles. I think in assessing that, you need to understand that the President has the veto power and that he was willing this time around to use that power to shut the government down if necessary if we did not agree to some of his provisions. But I think it is extremely important to look at the good in this bill and to focus on that.

Let me begin by discussing a disappointment, an aspect of this bill that disappoints me and I know disappoints my friend from Georgia (Mr. KINGSTON) and is something that we would liked to have seen. We all believe that the American people deserve tax relief. We feel strongly that it would have been important in this legislation to have given the American people some relief from the marriage penalty that is imposed on them. That was an issue that we surfaced some time ago. We passed out of this body a piece of legislation to give the American people tax relief. Now, why? Why tax relief now? I think it is important to understand that Americans are being taxed today at the highest level in American history. Federal taxes are at a near all-time high, they have only been higher than this at one point in our history and that was right at the end of World War II. But State and local taxes are much higher than they were then, so taxes are at an all-time high. Why then did we fight for tax relief? To give some relief to

the hardworking American people and let them keep their money. I am disappointed that is not in this bill, but it is important to understand why it is not in this bill. It is not, that is to say, tax relief for the American people is not in this legislation we will vote on tomorrow because the President opposed it. He made it clear, he told America he would veto any legislation we sent him giving the American people tax relief. I have got to tell you that is a huge disappointment to me and I think it reflects that there is a disconnect between this administration and what the American people desperately need.

It is also important to understand the President's position on this issue. At the same time that we were fighting for tax relief, the President took the ground of saying no, you cannot give the American people tax relief because that would be spending a portion of the surplus. Now, I want you to understand, that is one position. It could be a principled position. If he had said under no circumstances can we raid the surplus for tax relief, that could have been a liberal, Democrat position which said keep the money in Washington, do not let the American people keep their own money. But it is important, I think, to discuss the fact that on this issue, the President is in fact not being square. As a matter of fact, I believe there is hypocrisy going on here. But at the same time he was saying no tax relief for the American people 2 weeks ago because that would raise the surplus, in this piece of legislation he is demanding that we spend that surplus, that very same surplus on bigger government.

So before we focus on the good things in this bill, and there are many and I want to talk about them, it is important to understand that the President denied us the ability in this critical legislation to give the American people tax relief because he said we should save the surplus and instead in the negotiations over the last few weeks took that selfsame surplus that he has denied us the ability to give back to the American people in tax relief and said, "I want to spend that surplus on bigger government." In fact, at the end of the day because of his veto power and because he was willing to threaten to shut down the government, there is no tax relief and sadly we were forced to agree to some additional spending in this bill which I know will disappoint some of my constituents.

I know there are a number of points I want to talk about, good things in this bill, although I think several of my colleagues would like to talk on the point I have just raised.

Mr. KINGSTON. That is a very good point. I do think it is important that we recognize there is still going to be, I think, about a \$71 billion projected surplus and the emerging nickname of this Congress, and you were part of the historic 104, the majority class, I think this freshman class is going to be

called the Surplus Congress. We have a distinguished member from Illinois (Mr. SHIMKUS) who has been sitting in the chair tonight. He wanted to make a few points on what you just mentioned.

Mr. SHIMKUS. I thank my colleagues, and I think my colleague from Arizona brings up a good point that the public needs to remember, defining the surplus and then the difference between our goal of giving a small amount of money back to the taxpayers, and it was a small percentage, versus more government spending. That is what separates the two parties, a view of bigger government, more taxes, less freedom versus our basic ideology which is less government, individual responsibility, lower taxes.

I want to highlight some things. We all bring our own special backgrounds, life experiences as Members of Congress. As we have had a lot of time, many of us who were not in the closed-door sessions and hashing out the final agreements to go through our in boxes, I came upon a document from a colleague in the other body that talked about military and military readiness. I just want to highlight a few items.

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

Mr. KINGSTON. As the gentleman knows, I control the time and I consider the gentleman's time from Illinois valuable, even though the distinguished majority leader from Texas has joined us. We are talking about this budget agreement that you guys have worked so hard on and I think done such a great job on. We are taking your bragging rights away, but it would be an honor for all of us to yield if you would like to say a few things.

Mr. ARMEY. If the gentleman would yield, Mr. Speaker, I do have an announcement that I would like to make on behalf of the Speaker and the Majority Leader of the other body, an announcement for all the Members of both bodies if I may.

On behalf of the Speaker and the Majority Leader, I would like to inform all Members that the omnibus budget bill that we have been negotiating, and incidentally I might say on behalf of the White House Chief of Staff as well as the Speaker and the Majority Leader, all Members of both bodies should be aware that the omnibus budget bill has been closed. While we still have some items under consideration by request of some Members, those items remain under consideration, but all Members of both bodies should be advised that no new items or requests will be considered from this point.

Mr. Speaker, that is the announcement. But if I might just very quickly, I do want to then take a moment to thank all three of the gentlemen on the floor for the time that you are taking here. We negotiated for a very long and hard time on this bill.

□ 2145

It is a large bill. We have wrapped several of our regular appropriations

bills together, and we have negotiated some very important legislation. In doing so, we have secured fundamentally the integrity of the surplus of this Congress on behalf of the American people against pressures to spend that surplus that came mostly from the White House. We have done something that I think has sorely been needed to do for some time that responds to one of the great urgencies felt by the American people in the defense of this Nation. We have done remarkable work in order to better secure our border against the inflow of drugs and to secure greater opportunities for a healthy, happy life for our children.

There have been so many things we have accomplished in this bill. We have stopped some bad things. We have stopped the distribution of needles, and we put morality and ethical clauses into the practice of distributing birth control devices, and we have again given our respect to those people who by their own conscience or religious conviction feel they should not be compelled to participate. We have reformed the IMF, and hopefully we will be able to transform the manner in which it does business in the world economy in such a way that we can have the confidence that with the support of American tax dollars they will do things that will stabilize international currencies' circumstances rather than to be the destabilizing influence they have been.

I know you three are discussing these matters, and I want to thank you all for letting me intrude myself on behalf of the Speaker and the Majority Leader and the Chief of Staff, but I did think it was important that all Members have this information so that they could relax.

Again let me remind you, if you have your request in consideration at this time, that consideration will be duly given, but please do not contact either the majority leader or the Speaker for any new offers for consideration.

Thank you.

Mr. KINGSTON. Would the gentleman be considered treating himself to a hour's worth of sleeping tonight perhaps?

Mr. ARMEY. Well, the gentleman is anxious to get back to my office and talk to my wife. I have not spoken to her yet today. I think it is half time, and Detroit and Green Bay are tied at 10 to 10, and of course with Barry Sanders on the field Detroit is always a sentimental favorite in favor of that great running back, but obviously you all do not want me to get you into the business of taking sides in a contest like that.

So perhaps some rest and relaxation this evening, some satisfaction, I might say, of knowing that we have done good work on behalf of the American people to preserve the integrity of this surplus so that next year we can look at the manner in which it might be used to ensure greater retirement

security for all Americans and even get the American people that tax reduction they should have had.

Mr. KINGSTON. Does the gentleman care to give us an estimate when the final vote may be?

Mr. ARMEY. Well, I appreciate the gentleman asking. They are busy working hard on the enrolling. We will get a better measure of that this evening, and I am sure there will be announcements tomorrow.

Mr. KINGSTON. Well, we congratulate you on a successful negotiation.

I yield back to the gentleman from Illinois.

Mr. ARMEY. I Thank the gentleman from Illinois.

Mr. SHIMKUS. And I thank the gentleman from Georgia.

I just want to cut to the chase because a lot of us have been here, and I know you all have some preparation to get covered. But my concern comes from my background as being a former Army officer and now a reservist and having friends and colleagues who are in the uniformed services of our country, and in this book that I have had a chance to start going through by a colleague from the other body he mentions this:

Concerns include the corrosion and readiness that results from the high level of operational tempo, increasing depot level backlogs, underfunded quality of life for military personnel, underfunded manpower strength, manpower turbulence and insecurity, underfunded base maintenance and repair, underfunded equipment modernization, underfunded training and excessive reliance on simulation, underfunded major equipment life cycles, underfunded munition stocks, excessive reliance on emerging but unrealized technology, the funding of operations at the expense of readiness and the expenditure of savings before they are realized.

That is from a colleague in the other body who is a well-respected military war hero about the readiness of our Nation our military forces.

This budget agreement addresses a major concern that many of us who have served who have seen the hollowing out of our military forces and our military readiness, that we reenergize our military forces, we empower them, we support them with the needed funds to do the multitude of missions that we require them do, that they are putting their life on the line on a day-in-day-out basis, and I want to congratulate the leadership and the White House for making military readiness a critical issue in this budget negotiation.

And with that, I look forward to the continued debate in the next day or so. I appreciate my colleague from Georgia scheduling this time and allowing me to join in, that we do have a lot of things to be proud of, and I will have a lot of things to be able to go back to my district and talk about the great accomplishments of the 105th Congress.

Mr. KINGSTON. We thank the gentleman from Illinois for joining us and appreciate all the hard work you have done to bring common sense to government.

The gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman, and I started out by saying, talking a little bit about my disappointments and my disappointment that we do not have more tax relief in this legislation. There is some technical tax relief that is there. We would have liked much more. But then I turned to the fact that there are many positive things in this legislation, and I thought maybe what we should do is list off a series of them very quickly, and then after we list them off, let us walk back and go through them and talk about how important they are one at a time and perhaps build the case for why we think those positive things are so good and so good for the country.

My quick list just runs down like this:

You begin, and our colleague from Illinois just mentioned, number one, you begin with the fact that this legislation strengthens our national defense. It has dollars for readiness and dollars for ballistic missiles. So national defense is number one.

No. 2, it enacts a ban on Internet pornography, and I will tell you I have very strong feelings about that issue, about the evils of pornography and about the fact that young children in America today can access pornography, indeed can be teased on the Internet into looking at pornography. This will stop that conduct, make it criminal, put a block in place and do great steps in that direction. So that is another key feature.

Another one to be added. There is tough anti-drug legislation in this particular bill. There are, I think, six different anti-drug initiatives in the legislation which will become law which our negotiators fought for. There is one of particular interest to me, and it has to do with providing a particular type of helicopter, Blackhawk helicopters, to our friends in Central America who desperately need those helicopters in the War Against Drugs, and we can talk in detail about that. But there is the anti-drug piece of this measure.

And then another huge one is the education issue. You know, we have seen the President step forward and make his demands on education, and we have seen our colleagues on the other side of the aisle, our Democrat colleagues, say this is a wonderful bill for education and that Republicans caved to their demands. The reality is that is not true. It is in fact a wonderful bill for education but precisely because we battled against their initiative to nationalize education and take control away, and I want to talk about that issue.

I particularly want to talk about the fact that one of our Democrat colleagues said last night on television that this bill makes parents, teachers,

schoolchildren, students, school boards, everyone interested in the education of our children across the country the winners. I think he was right about that, but right for the reasons that we fought for, and I want to talk about the importance of the fact that when this bill came forward, when the President made his education demand, he would have taken control and authority away from parents, teachers, principals, students, local school boards and even State school officials, taken all that authority away. It was our battle to give rights back to those people that was extremely important in this legislation.

There are many other good things, but I thought that would be a good list to just walk through.

Mr. KINGSTON. If the gentleman will not mind me adding a few extras to that?

Mr. SHADEGG. Let us do that. I will keep notes.

Mr. KINGSTON. Relief for farmers now in the Southeast and the Midwest particularly. We have had a tremendous farm disaster. I represent Georgia, and I represent coastal and agrarian Georgia, and one of the things that is easy after a hurricane, to get relief because there is pictures of buildings that have blown over and boats in the middle of the street and so forth. Unfortunately the farm disaster, often you cannot see it unless you have a farmer out there in the field and you know what an undeveloped cotton boll looks like, or you know how big a soybean or a peanut should be at a certain time of year, and you know when it is not that big. And so in Georgia \$700 million of agriculture disaster is a tremendous drain on the moms and dads who are in the farming business, the farm families, but also important to the local economies in the small town, the banks, the implement dealers, the county commissions, and the school boards and so forth. This has some major farm relief. It also has a little bit of tax relief for farms.

Modernization, lower cost of government; we have taken a very serious, I think maybe final step to solve the Y2K problem, the Year 2000 computer glitch that we have heard so much about so that our Social Security checks will be able to get to America's seniors without interruption because of the technology.

We also have, and you have pointed out earlier, we have secured a great deal of the Social Security surplus, and have we have resisted the temptation, unlike Congress for 40 straight years, we have resisted the temptation to spend the Social Security surplus, and I think it is very important that we protect that.

You mentioned defense, national missile defense. This bill has, I believe, about \$700 million dollars for national missile defense. It is so important in this dangerous world where you have Russian nuclear arms out on the marketplace because the Russian nuclear

armament business has kind of fallen from within, and so what they are doing is they are pedaling the stuff out to the Third World countries and selling it to the Middle East. We are crazy not to have a strong missile defense system, and this budget takes a significant step to it.

Let me yield to the gentleman.

Mr. SHADEGG. Yes, if the gentleman will yield, I just want to talk about those two issues.

You just raised the issue of our national defense and also the issue of ballistic missile defense. I think it is very important for people out there across America looking at this piece of legislation to understand those two points. We all know that this is a dangerous world, and quite frankly, while we like to pretend it is not growing more dangerous, it is in fact growing much more dangerous. Our troops have had their ability to fight on our behalf weakened for far too long. I cannot tell you how many people in my district come up to me and say:

Congressman, you have done too much. The Federal Government has gone too far in weakening our national defense. We need dollars for readiness. We must be prepared. Our troops cannot be out there with weapons that do not work. They cannot be placed in the handicapped situation. We cannot put them in harm's way with the equipment and the preparedness that you are giving to them right now. It is critically important.

And I want the listeners to understand that of this in this bill there is \$9 billion in emergency spending for defense and for intelligence needs.

Now I was in the Middle East last November. We took a tour all through the Middle East. We looked at the issue of force protection. We looked at Khobar Towers. We saw the site where so many of our courageous young American men were killed. If we had had better intelligence gathering information, if we had known what was going on, those American boys might, and men and women, might be alive today.

You just simply cannot make this point too strongly. We need these dollars for readiness, we need these dollars for intelligence gathering, and they are in this legislation.

Mr. KINGSTON. And if the gentleman will yield, a very key part right after readiness is the quality of life. For the first time, I think, in recent decades or in a decade military recruitment is down in all branches of military, and I think the only branch to make its quota this year was the Marines. We have had a 14 year decline in real dollar spending in defense. This year was the first year the defense spending was actually increased, and if you look at what is going on in the world, Somalia, Bosnia, Kosovo, North Korea, it is a very dangerous place out there, and if something erupts in the Middle East, in Bosnia or Korea, we cannot fight a war on two fronts.

And I do not think that America tries to be the policeman of the world,

but if there is to be a policeman of the world, let it be America because we are the only country I think in the history of the world that has the ability to take over countries, but we never have. We have never started an aggressive war in this Nation.

Mr. SHADEGG. I could not agree more with the gentleman.

On this same tour we were in Saudi Arabia. We visited our air base there where all of our pilots fly from to enforce the southern no-fly zones, Operation Southern Watch. We also then went up to Turkey, and we met with the pilots in Turkey who fly out of Turkey to enforce the northern no-fly zone. And the gentleman's point is absolutely correct. Those pilots are being asked to fly so many hours and so many missions and being sent back again and again and again that we are, as the gentleman knows, losing many of our best pilots because they are being simply pressed beyond the limits. They are not getting the training they want, but they are being asked to do missions that are beyond the call and with equipment that is not up to the task.

We have to have a national defense that works. We have cut it too long. This bill has critically needed dollars.

Now I know my fiscal conservative friends are going to say:

But, Congressman, there is more spending in here.

There comes a point when you have to stand and you have to say we support additional spending for worthy causes. Even when you do not like the way we have been forced into doing it, you do not like the fact the President would not give us offsets for all of that that we would like to have offset. The national defense spending in this bill is vitally important.

The second one I want to talk about is what the gentleman just mentioned, and that is ballistic missile defense. I do not know how many of our colleagues understand. Sometimes I wonder that even they do not understand. But I am convinced the American people do not realize that if any missile were launched against America today, we could not knock it down.

You know there is this great television commercial that was aired, prepared and I think aired on a few occasions, where the phone rings, and it is the head of the Joint Chiefs of Staff, and it is the President on the other end, and the President, the Joint Chiefs of Staff says:

Mr. President, I have to advise you there is a missile that has been launched. Now we could expect that from almost any rogue nation, and it is heading towards the United States.

□ 2200

Then the President says, well, let us shoot it down, and this fictional character in this television ad says, Mr. President, we do not have the ability to shoot it down. It is simply inexcusable for us to allow the American peo-

ple to remain in a vulnerable position where they could be subject to a missile defense, to a missile attack from some foreign rogue nation and we have no ability to knock it down.

We can develop the technology. We can implement it. This bill puts a billion dollars toward that task and I think it is essential that we move forward on that. It is another piece of this legislation, admittedly not perfect. I admit this is not a perfect bill. This is not the bill that I would have written if I could write it all alone, but this does make major steps in the right direction.

Two of them are adding dollars for our military readiness and adding dollars for ballistic missile defense.

Mr. KINGSTON. The third party of our military strategy, along with quality of life and readiness, is modernization, keeping up with the technology. If we just look at our own stereo systems and automobiles, we can see the technology changing tremendously from one year to the next.

One can imagine what the technology is for a tank, for an airplane, for an aircraft carrier, for missiles and so forth. The things that we can do for safety, defense, for weapons, is tremendous. We are taking a huge risk if we do not.

I was reading many years ago and so I cannot quote this exactly accurately but it was in Churchill's "History of the English-Speaking People" and he talked about the long bow, and in the long history of war with each other the French and the British, one king had the long bow, the arrow that would shoot the farthest distance. Unfortunately, I do not remember but I think it was the British, and the British were able to defeat the French for about 20 or 30 consistent years because they had this great weapon. As soon as the French invented it, then the pendulum swung the other direction.

It is no different today. Ancient Rome, or whoever had the catapult first, they were at an advantage and today nothing has changed. We have to keep up weaponry, and that is one of the things that this budget is designed to do, not to spend more money on airplanes, tanks and ships but to spend it smarter so that we do not have waste but we are buying what is the most effective and what is the most useful.

Mr. SHADEGG. I could not agree with the gentleman more, and I think it is important for us to understand that the bill moves in the right direction on that issue. The other issue, of course, which is very important for people to understand, is to know exactly what is going on with education.

We have heard the President; we have listened to the headlines. We know that he stepped forward and said, I demand. In fact, I think he said, I will not let this Congress go home until they fund my education initiative.

In reality, we are not funding his education initiative but we are funding a vitally important education initiative that has a component that he is

for, and that component is funding more teachers for America. I think it is very important for people to understand this dynamic.

As I mentioned, I watched one of our colleagues on the other side of the aisle last night come on television and say, this day, this bill, the American people, parents, teachers, students across America are winners.

His answer was that they are winners because teachers got funded. Quite frankly, I think he was right, that they are winners, but he is right because our negotiators did not back off, and it is important to understand why. In America, we have always had one abiding principle on the issue of education, and that is that education was a matter of local control. The truth is, and I believe this to the depth of my soul, that the parents, the students, the teachers, the principal and the school board that runs my school know better how to educate the kids at my children's school, in Phoenix, Arizona, than a bunch of bureaucrats in Washington, D.C.

I think it is extremely important for every parent in America and for every teacher in America and for every school principal in America and for every school board member in America to understand that what this bill does on education is it strikes a compromise. The President wanted 100,000 new teachers but he wanted to hire them from Washington, D.C., with all of the decisions being made by Federal Department of Education bureaucrats. That was the detail of his demand, and as they say the devil is in the details.

Republicans said, Mr. President, we care about education. It is vitally important to us. There is no parent, Republican, Democrat, minority, otherwise, who does not care about his child's or her child's education, but, Mr. President, we believe in people. We believe that education is a matter where local control is vitally important.

Why does that matter? Our colleague, the gentleman from Michigan (Mr. HOEKSTRA) recently did a year-long study on education, what works and what does not. In that study, they found one important factor: Schools where parents are involved are the best schools of all.

The problem with the President's idea was he wants to run education from Washington, D.C. The sad thing about that is that it will send the message to parents, to students, to teachers, to principals, to school board members, indeed to superintendents of public instruction in the various states, that they do not really know the right way to do it. We in Washington know how to do it. Because we fought and we won the fight for local control, this legislation says, yes, we will have more teachers but, yes, they will be hired at the State and local level and the decisions as to which ones are hired to teach which subjects will be made by people closest to where those decisions

will impact. That is, parents and teachers and school administration officials right there in the local school district, and I cannot emphasize how important that is.

Mr. KINGSTON. Outside of my district but in the district of the gentleman from Georgia (Mr. CHAMBLISS), there is a little town called Gray, Georgia. Gray, incidentally is the home of Otis Redding. There was a teacher there who was one of these classic institution teachers that used to be filled in all of the school systems throughout the country. This teacher had about 30 years experience and she was the one that taught your big brother, maybe your big cousin and maybe in some cases your mom and dad, but she taught you and she taught you well. Everybody loved her.

They had an expert from the Department of Education come in. The expert was about 24 years old and she told this teacher, this 30-year veteran teacher, she said, you need to start teaching kids on the left-hand side of the chalk board because you write on the right-hand side of the chalk board and the kids' brains, the intuitive part of the cognitive dissidence of the brain, or some such garbage, it makes it easier for kids to learn if it is on one side of the chalk board because that is the learning side of their brain.

Here is this teacher, who has an army of success stories, just a thick fan of followers, and so this young whipper-snapper from the Department of Education came in here and wanted her to change the way she did business and the teacher was wise enough to say, well, thank you for your suggestions, and I will certainly put it under consideration. We will start doing that. Why do not you just get in your car, do not worry about this classroom. You have shown us how to do it now. You get on back to the Department of Education.

Of course, the young consultant took off and the teacher continued in her archaic ways that had proven true for the previous 30 years. But that is the kind of absurdity that our teachers and our veteran classic teachers have to put up with.

So having that local control is so important because do you know what I suspect, I suspect that there is a lot that my Georgia school kids have in common with your Arizona school kids, but I would also suspect that maybe your teacher out there in Arizona might know what she or he needs to do to teach them a little bit better than the folks in Washington do, and they might know the difference between the kids' needs in Georgia and the kids' needs in Arizona without this cookie cutter Washington command, one-size-fits-all approach to education.

Mr. SHADEGG. I think the gentleman is completely right. It reminds me of a story. Both of my kids are in public school in Phoenix, Arizona. I have a 16-year-old daughter who goes to Thunderbird High School. I have a 12-year-old son who goes to Mountain

Sky Middle School in Phoenix. I care about public education. Interestingly, both of my sisters are public school teachers, and until our second child was born my wife was a public school-teacher. Last summer, one of my sisters called me up and said, JOHN, would you come over to an in-service for all of these teachers and talk to us about what is going on in Washington, what is going on with the education issue.

I went in kind of thinking that maybe I would have an adverse audience. I just walked through what we have to say, what Republicans have to say, about education, and this was a whole room of teachers. I am sure many of them were members of the NEA or the AEA, which is the Arizona version, and right down the line, when I talked to them about my concerns about education, but most importantly when I talked to them about this issue of local control, of letting parents and teachers at the school make decisions, they were adamantly in agreement with me. They do not want Washington bureaucrats telling them how to educate the kids in their classrooms. It just makes common sense.

How many of us in our regular jobs would like it if some Washington, D.C. bureaucrat came in and told us how to do our job? And yet that is the divide on this issue.

It makes me turn to one last part of this puzzle I want to talk about, and that is the issue of national testing. There was yet again this year a fight over national testing. The President wants one national test written in Washington, D.C. administered to every school child in fourth and eighth grade in America.

When you survey parents about ways to improve education, they generally say they like all these ideas, computers in the classroom, they like it; better teacher training, they like it; teacher testing to see if teachers are up to the standards and teacher performance standards, they like it.

When you ask them if they approve of national testing, parents across America say that is a great idea; national testing sounds like a good idea.

The problem is that while it sounds good, in reality it is a terrible idea. The teachers that I talked to last summer, who were all public school teachers in Phoenix, Arizona, said to me, Congressman, you are absolutely right. We do not need to give our kids yet one more test. They are already tested and tested and tested and tested. But they went beyond that and made it clear to me what they think is wrong with Bill Clinton's idea of a national test, one national test, stuffed down the throats of every single school child in America.

They said, JOHN, if there is one test, just one test, we are going to have to teach to that test.

Teachers are parents and human beings. They want their kids to do well. If they understand that there is one national test, written in Washington, D.C., deep in the bowels of the

Federal Department of Education, with some of the most radical ideas in education in it, like, for example, whole math or new math or new new math, where kids are not expected to do multiplication problems or addition or subtraction problems because they might fail those, that is really true. That is in the version of the national test that is already written, but if teachers understand that their students are going to be expected to take this one national test they have got to teach to that one national test.

What does that mean? That means the curriculum, what kids get taught in your school, right down the street from where they will go tomorrow morning when the alarm clock goes off and you get them dressed and send them to school, what they will be taught in that classroom in your district, in your neighborhood, will not be decided by the principal at your school or by you and the school site council, it will not be decided by the local school board. It will not even be decided by the superintendent of public instruction or by the state legislature. It will be decided and dictated here in Washington, D.C.; once again, the Federal government telling people what is best for them, the Federal Government saying the only way to educate our kids is the way that we say to educate our kids in Washington, D.C., because they have got to pass this national test. It is a bad idea. It would hurt education.

I grant that the proponents of this idea may believe it is a good idea but, in fact, it is a very dangerous idea that would nationalize student curriculum and this legislation blocks the idea of a one-size-fits-all national test written here in Washington, D.C.

□ 2215

To our negotiators, I think that is a huge step forward for education in America and it will protect our kids and make sure that they do not get a curriculum crammed down their throats from Washington, D.C.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to say one other story about nationalizing education. I have in my area Saint Marys, Georgia, a small coastal community. And I was down there last year and a teacher told me she had just returned from Athens, Georgia, my hometown where the University of Georgia is, and there she went to a seminar on how to behave around kids.

It was the bureaucrats telling the teachers in Saint Marys, Georgia, do not be alone with the kids. Do not go to the bathroom with the kids, because they might accuse you of improper advance and so forth. And I can understand that. But it kind of got worse. I think that the teacher could probably use her own common sense of when it is appropriate to be alone with the child. But one of the things they said was, if a kid stays after class for punishment or tutorial help, do not meet with the child alone.

Imagine how awkward and difficult that would be. If a student needs a little help with math and can go in to see the teacher, they do not want to have to make a big production out of it. There should not have to be a witness to learn how to do a quadratic formula.

But it went on from there. They said do not ever hug kids. In her particular case, she was teaching small children and she said some of them come from a broken family. They need a hug more than they need an A or a B, and it is very important for her to show some affection to the kids. But when we have big bureaucracies telling teachers how to do it.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman. I just want to make it clear, we talk here on the floor about nationalizing education. I am sure a lot of people are going, What does that mean?

What it really means is the sad fact of moving all the decisions about education to Washington, D.C. If my colleagues think every decision that is made in Washington, D.C. is a wise and prudent decision and they would like to surrender control over education to Washington, D.C., then they like national testing, they like the President's agenda of hiring all of those teachers here in Washington.

If they think sometimes they can make wiser decisions at home about their own life, including their children's education at their own school, then they have to oppose the President on that issue.

I want to turn, in the time that is remaining, to talking about the drug war. I mentioned earlier that there are six pieces of legislation in this bill that I think dramatically advance our fight against drugs. I want to talk last about one that is personally important to me. Let me just first rattle them off or list them off.

Number one, there is a ban on needle exchanges. There is a prohibition against the Federal Government taking American taxpayers' hard-earned money and giving free needles to drug addicts across America. I think that is a tremendous step forward. The idea of giving free needles to drug addicts is crazy.

There is a prohibition against medical marijuana. I think that is another important step in the right direction.

There is a provision called the Life Imprisonment for Speed Trafficking Act. Nobody in America cannot be concerned about this crime. I know in my own State of Arizona, and in my own community of Phoenix, there are many labs where this drug is created. It is doing immeasurable damage to our kids across America and we need tough penalties for it.

There are also some programs that help kids in this area. There is the Drug Demand Reduction Act which block grants funds to the State for Drug-free Communities Act and other

community-based programs. And there is also a Drug-Free Workplace Act to support small businesses that have drug-free workplaces. My brother is in the construction business and drugs are a serious safety threat on the job.

But the most important bill I want to talk about has impact on me personally. It is called the Western Hemisphere Drug Elimination Act. And there is a significant piece of this bill that I care about.

Earlier this year, I had the good fortune to go to Central America and to visit Colombia. We flew into Bogota, Colombia, and while we were there we met with Jose Serrano, General Serrano, who is a legend in that country for his fight against drugs. He is the head of the Colombian National Police and a true hero in the fight against drugs.

He took us on a tour of the hospital he built for his troops who were engaged in the fight against drugs there in Colombia. We have to understand that in Colombia, the drug war is literally a war with machine guns and rockets and anti-aircraft missiles and lives being lost every day. As we toured the hospital and witnessed and talked to his colleagues who had been shot and hurt, he made a plea to us. He said, Congressman, we desperately need Blackhawk helicopters. And in this bill, we give the Colombian National Police and General Serrano six Blackhawk helicopters to fight the drug war. It is a gigantic step forward.

Mr. Speaker, some of us have been fighting to get those helicopters to Colombia for now over a year, almost going on 2 years, and this is just critically important.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Arizona. And let me close with this, Mr. Speaker. This Congress has brought us the balanced budget, that has cut taxes for the first time in 16 years, that has on a bipartisan basis reformed Medicare, and on a bipartisan basis reformed welfare, with 40 percent of the people who were on it in 1994 now being off of it.

This year we have accomplished greater drug laws, greater education laws, greater opportunities for our school kids, protected Social Security, modernized our military and our government. Next year we are going to go on to reduce taxes further, increase the quality of education and health care protection. It is an exciting time to be an American.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 13, 1998, AT PAGES H10771-H10776

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S.

1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement, see Proceedings of the House of Friday, October 9, 1998, at page H10266.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

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

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report on the Senate bill, S. 1260, Securities Litigation Uniform Standards Act of 1998. This legislation we are considering today will eliminate State court as a venue for meritless securities litigation.

This legislation has broad bipartisan support. We recognize that the trial bar should not make an end run around the work we did in 1995 in overriding the President's veto of litigation reform in State court. This legislation will protect investors from baseless securities class action lawsuits in the capital markets.

The premise of this legislation is simple: lawsuits alleging violations that involve securities that are offered nationally belong in Federal court. This premise is consistent with the national nature of these markets that we recognize in the National Securities Market Improvement Act of 1995.

The legislative history accompanying the legislation makes clear that we are not disturbing the heightened pleading standard established by the 1995 Act.

The economic disruptions around the globe are reflected by the volatility that affects our markets. Stock prices are up one day, down the next. The prices are not falling due to fraudulent statements, which are the purported basis of many strike suits. The fall is due to economic conditions.

If there is intentional fraud, there is nothing in this legislation or in the Reform Act to prevent those cases from proceeding. We do not need to exacerbate market downturns by allowing companies to be dragged into court every time their stock price falls. The 1995 Reform Act remedied that problem for Federal courts, and this legislation will remedy it for State courts.

I would like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Finance and Hazardous Materials, for his hard work and leadership. I thank the gentleman from Michigan (Mr. JOHN DINGELL), the ranking member of the committee, for

his constructive participation as we move the bill through committee.

I commend the gentleman from New York (Mr. TOM MANTON), the ranking member of the subcommittee, not only for his work on this legislation, but his valued service on the committee. It has been a pleasure working with him, and he will be missed.

I also commend the gentleman from Washington (Mr. RICK WHITE), the original cosponsor of the legislation, for his tireless efforts and willingness to compromise that has kept this legislation on track to becoming law.

Likewise, the gentlewoman from California (Ms. ANNA ESHOO) has been a leading proponent of this legislation, and has worked to ensure its passage, and certainly the gentleman from California (Mr. COX), the chairman of the Republican policy committee who has been working on this issue for many years.

Finally, I also commend our colleagues in the other body for their work on this important legislation. Mr. Speaker, I urge my colleagues to join me and support S. 1260.

Mr. Speaker, I ask unanimous consent to include for the RECORD a complete copy of the conference report on S. 1260.

When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the RECORD.

The SPEAKER pro tempore. Since the Chair is aware that the papers filed in the Senate contain that matter as part of the joint statement, its omission from the joint statement filed in the House can be corrected by a unanimous consent request.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

* * *

The text of the Joint Statement of managers on S. 1260 is as follows:

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM
STANDARDS ACT OF 1998
UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing

suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act¹ (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated²; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995³ (the "Reform Act") and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substitution effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only

¹ Public law 104-290 (October 11, 1996).

² It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

³ Public Law 104-67 (December 22, 1995).

to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.⁴

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.⁵ In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.⁶

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.⁷ In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.⁸ Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its peculiar litigation system on all national issuers.⁹

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit

Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in *Ernst and Ernst v. Hochfelder*¹⁰, the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b-5 in a subsequent case, *Herman & Maclean v. Huddleston*¹¹, where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at <http://securities.stanford.edu>. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,

Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,

Managers on the Part of the Senate.

Mr. BLILEY. Mr. Speaker, In 1995, during the consideration of the Private Securities Litigation Reform Act and the override of the President's veto of that Act, Congress noted that in *Ernst and Ernst v. Hochfelder*,¹ the Supreme court expressly left open the question of whether conduct that was not intentional was sufficient for liability under section 10(b) of the Securities Exchange Act of 1934. The Supreme Court has never answered that question. The Court specifically reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 105-5² in a subsequent case, *Herman & Maclean v. Huddleston*,³ where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The Reform Act did not alter statutory standards of liability under the securities laws (except in the safe harbor for forward-looking statements). As Chairman of the Conference Committee that considered the Reform Act and as the bill's author, respectively, it is our view that non-intentional conduct can never be sufficient for liability under section 10(b) of the Exchange Act. We believe that the structure and history of the securities laws indicates no basis for liability under this section for non-intentional conduct. The following is a discussion of the legal reasons supporting our view

that non-intentional conduct is insufficient for liability under section 10(b) of the Exchange Act.⁴

In *Ernst & Ernst v. Hochfelder*, the Supreme Court held that scienter is a necessary element of an action for damages under Section 10(b) and Rule 10b-5. The Supreme Court defined scienter as "a mental state embracing intent to deceive, manipulate, or defraud." *Hochfelder*, 425 U.S. at 194 n. 12.

A. NEITHER THE TEXT NOR THE LEGISLATIVE HISTORY OF SECTION 10(B) SUPPORT LIABILITY FOR RECKLESS BEHAVIOR

"The starting point in every case involving construction of a statute is the language itself."⁵ Because Congress "did not create a private § 10(b) cause of action and had no occasion to provide guidance about the elements of a private liability scheme," the Supreme Court has been forced "to infer how the 1934 Congress would have addressed the issue[s] had the 10b-5 action been included as an express provision in the 1934 Act."⁶

The inference from the language of the statute is clear: Congress would not have created Section 10(b) liability for reckless behavior. Section 10(b) prohibits "any manipulative or deceptive device or contrivance" in contravention of rules adopted by the Commission pursuant to Section 10(b)'s delegated authority. The terms "manipulative," "device," and "contrivance" "make unmistakable a congressional intent to proscribe a type of conduct quite different from negligence." *Hochfelder*, 425 U.S. at 199. The intent was to "proscribe *knowing or intentional* misconduct." *Id.* (emphasis supplied). In addition, the use of the word manipulative is "especially significant" because "[i]t is and was virtually a term of art when used in connection with securities markets. It connotes intentional or willful conduct designed to deceive or defraud investors by controlling or artificially affecting the price of securities." *Id.* (footnote omitted).

Section 10(b) of the Exchange Act cannot be violated through inadvertence or with lack of subjective consciousness. Nor can one construct a device or contrivance without willing to do so. The words "manipulate," "device," or "contrivance," by their very nature, require conscious intent and connote purposive activity.⁷ The mental state consistent with the statute can be achieved only if a defendant acts with a state of mind "embracing"—an active verb—"intent"—requiring a conscious state of mind—"to deceive, manipulate or defraud."⁸

The legislative history compels the same conclusion. "[T]here is no indication that § 10(b) was intended to proscribe conduct not involving scienter." *Hochfelder*, 425 U.S. at 202; *see also Aaron v. SEC*, 446 U.S. 680, 691 (1980) (same). Indeed, "[i]n considering specific manipulative practices left to Commission regulation * * * the [Congressional] reports indicate that liability would not attach absent scienter, supporting the conclusion that Congress intended no lesser standard under § 10(b)." *Hochfelder*, 425 U.S. at 204. Congress thus "evidenced a purpose to proscribe only *knowing and intentional misconduct*." *Aaron*, 446 U.S. at 690 (emphasis supplied).

B. THE STRUCTURE OF THE STATUTE UNDERSCORES THAT THERE CAN BE NO SECTION 10(B) LIABILITY FOR RECKLESSNESS

In drafting the federal securities laws, Congress knew how to use specific language to

⁴ Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

⁵ *Id.* n. 18.

⁶ *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

⁷ Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105-85, at 41-45 (May 19, 1998).

⁸ *Id.* at 4.

⁹ Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities' "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105-182, at 3 (July 27, 1998).

¹⁰ 425 U.S. 185 (1976).

¹¹ 459 U.S. 375 (1983).

Footnotes at end.

impose liability for reckless or negligent behavior and how to create strict liability for violations of the federal securities laws.⁸ But Congress did not use such language to impose Section 10(b) liability on reckless behavior. Therefore, just as there is no liability for aiding and abetting a violation of Section 10(b) because Congress knew how to create such liability but did not,¹⁰ and just as there is no liability under Section 12(l) of the Securities Act, 17 U.S.C. § 771(l), for participants who are merely collateral to an offer or sale because Congress knew how to create such liability but did not,¹¹ and just as there is no remedy under Section 10(b) for those who neither purchase nor sell securities because Congress knew how to create such a remedy but did not,¹² there can be no liability for reckless conduct under Section 10(b) because Congress clearly knew how to impose liability for reckless behavior but did not.

The Supreme Court has, moreover, emphasized that the securities laws "should not be read as a series of unrelated and isolated provisions."¹³ The federal securities laws are to be interpreted consistently and as part of an interrelated whole.¹⁴ In *Virginia Bankshares, Inc. v. Sandberg*, 501 U.S. 1083 (1991), the Court reserved "the question whether scienter was necessary for liability under § 14(a)."¹⁵ The Court nonetheless held that statements of "reasons, opinions or belief" are actionable under § 14(a), 15 U.S.C. 78n(a), and Rule 14a-9, 17 C.F.R. § 240.14a-9, as false or misleading only if there is proof of (1) subjective "disbelief or undisclosed motivation," and (2) objective falsity. 501 U.S. at 1095-96. Justice Scalia explained the Court's holding as follows:

As I understand the Court's opinion, the statement "In the opinion of the Directors, this is a high value for the shares" would produce liability if in fact it was not a high value and the Directors knew that. It would not produce liability if in fact it was not a high value but the Directors honestly believed otherwise. The statement "The Directors voted to accept the proposal because they believe it offers a high value" would not produce liability if in fact the Directors' genuine motive was quite different—except that it would produce liability if the proposal in fact did not offer a high value and the Directors knew that.¹⁶

It follows that, if: (A) a statement must be subjectively disbelieved in order to be actionable under Section 14(a), a provision that may or may not require scienter, then: (B) *a fortiori*, under Section 10(b), a provision that clearly requires scienter, plaintiffs must show subjective awareness of a scheme or device.

Any other result would lead to the anomalous conclusion that statements actionable under Section 10(b), the more restrictive "catchall" provision of the federal securities laws, *Hochfelder*, 425 U.S. at 203, would not be actionable under Section 14(a). Indeed, "[t]here is no indication that Congress intended anyone to be made liable [under § 10(b)] unless he acted other than in good faith [and] [t]he catchall provision of § 10(b) should be interpreted no more broadly." *Id.* at 206.¹⁷

The language of the text, the legislative history, and the structure of the statute therefore each compel the conclusion that intentional conduct is a prerequisite for liability under Section 10(b).

Additionally, the Reform Act established a heightened pleading standard for private secu-

rities fraud lawsuits. The Conference Report accompanying the Reform Act stated in relevant part:

The Conference Committee language is based in part on the pleading standard of the Second Circuit. The standard also is specifically written to conform the language to rule 9(b)'s notion of pleading with "particularity."

Regarded as the most stringent pleading standard, the Second Circuit requirement is that the plaintiff state facts with particularity, and that these facts intern must give rise a strong inference of the defendant's fraudulent intent. Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's case law interpreting this pleading standard. Footnote: For this reason, the conference Report chose not to include in the pleading standard certain language relating to motive, opportunity, or recklessness.¹⁸

The Conference Report accompanying S. 1260 is consistent with that heightened pleading standard articulated in 1995.

FOOTNOTES

¹ 425 U.S. 185 (1976).

² 17 C.F.R. § 240.10b-5.

³ 459 U.S. 375 (1983).

⁴ We are grateful to Professor Joe Grundfest and Ms. Susan French of Stanford University for guidance to us on these questions.

⁵ *Hochfelder*, 425 U.S. at 197 (quoting *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 756 (1975) (Powell, J., concurring). See also *Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1074 (1995) (Thomas, J., Dissenting). *Central Bank*, 114 S. Ct. at 1446; *Landreth Timber Co. v. Landreth*, 471 U.S. 681, 685 (1985); *Santa Fe Indus., Inc. v. Green*, 430 U.S. 462, 472 (1977).

⁶ *Central Bank*, 114 S. Ct. at 1441-42 (quoting *Musick, Peeler* 113 S. Ct. at 2089-90).

⁷ See *Hochfelder*, 425 U.S. at 199 n. 20 ("device" means "that which is devised, or formed by design; a contrivance; an invention; project; scheme; often a scheme to deceive; a stratagem; an artifice") (quoting Webster's International Dictionary (2d ed. 1934)); *id.* (defining "contrivance" as "'[a] thing contrived or used in contrivance; a scheme . . .").

⁸ *Hochfelder*, 425 U.S. at 193 n. 12. Cf. *Santa Fe Industries*, 430 U.S. at 478; *Schreiber v. Burlington Northern Inc.*, 472 U.S. 1, 5-8 (1985).

⁹ Section 11 of the Securities Act of 1933, 15 U.S.C. § 77k, for example, imposes strict liability on the issuer for material misstatements or omissions in a registration statement and a "sliding scale" negligence standard on other participants in the offering process. See *Hochfelder*, 425 U.S. at 208. Sections 17 (a)(2) and (3) of the Securities Act, 15 U.S.C. § 77(a)(2), (3), impose liability for negligent or reckless conduct in the sale of securities. *Aaron*, 446 U.S. at 697.

¹⁰ *Central Bank*, 114 S. Ct. at 1448 ("Congress knew how to impose aiding and abetting liability when it chose to do so.") (citing statutes).

¹¹ *Pinter v. Dahl*, 486 U.S. 622, 650 & n.26 (1988) (Congress knew how to provide liability for collateral participants in securities offerings when it chose to do so).

¹² *Blue Chip*, 421 U.S. at 734 ("When Congress wished to provide a remedy for those who neither purchase nor sell securities, it has little trouble doing so expressly.")

¹³ *Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1067 (1995).

¹⁴ See, e.g., *Hochfelder*, 425 U.S. at 206 (citing *Blue Chip*, 421 U.S. at 727-30; *SEC v. National Sec., Inc.*, 393 U.S. 453, 466 (1969)).

¹⁵ 501 U.S. at 1090 n. 5 (citing *TSC Indus. Inc. v. Northway, Inc.*, 426 U.S. 438, 444 n. 7 (1976) (reserving the same question)).

¹⁶ 501 U.S. at 1108-09 (Scalia, J., concurring in part and concurring in the judgment).

¹⁷ The Supreme Court has previously extended holdings from § 14(a)'s proxy antifraud provisions to § 10(b)'s general antifraud provision. See, e.g., *Basic, Inc. v. Levinson*, 485 U.S. 224, 231-32 (1988) (adopting for purposes of § 10(b) liability the standard for materiality initially defined under § 14(a) by *TSC*, 426 U.S. at 445).

¹⁸ Conference Report accompanying the Private Securities Litigation Reform Act of 1995, p. 41, 48.

OMISSION FROM THE CONGRESSIONAL RECORD OF OCTOBER 14, 1998, PAGE H10875

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 15, 1998

Mr. FOLEY. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered on Thursday, October 15, 1998:

1. S. 1733—To Require the Commissioner of Social Security and Food Stamp State Agencies to Take Certain Actions to Ensure that Food Stamp Coupons are not Issued for Deceased Individuals.

2. H.R. 4821—A bill to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

3. S.J. Res. 35—granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

4. S. 1134—granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 610.—Chemical Weapons Convention Implementation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. THOMPSON (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. HUTCHINSON (at the request of Mr. ARMEY) for today until 7 p.m., on account of official business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for October 14, on account of personal reasons.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and October 16, on account of events in the district.

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. FILNER) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:

Mr. GOODLING, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.
 Mr. EWING, for 5 minutes, today.
 Mr. SMITH of Michigan, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.
 The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. HAYWORTH, for 5 minutes, today.
 Mr. WELLER, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. WAMP, for 5 minutes, today.
 Mr. MCCOLLUM, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. BUYER, for 5 minutes, today.
 Mr. MCINNIS, for 5 minutes, today.
 Mr. SESSIONS, for 5 minutes, today.
 Mr. NETHERCUTT, for 5 minutes, today.

Mr. LATHAM, for 5 minutes, today.
 Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8. To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 16, 1998, at 1 p.m.

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. BURTON: Committee on Government Reform and Oversight. Hepatitis C: Silent Epidemic, Mute Public Health Response (Rept. 105-820). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Medicare Home Health Services: No Surety in the Fight Against Fraud and Waste (Rept. 105-821). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than October 16, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X. (Rept. 105-822, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. THURMAN (for herself and Mr. SCARBOROUGH):

H.R. 4842. A bill to release the reversionary interests retained by the United States in four deeds that conveyed certain lands to the State of Florida so as to permit the State to sell, exchange, or otherwise dispose of the lands, and to provide for the conveyance of certain mineral interests of the United States in the lands to the State of Florida; to the Committee on Agriculture.

By Ms. ROYBAL-ALLARD:

H.R. 4843. A bill to amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities and nursing facilities filing for relief under title 11 of the United States Code to provide to appropriate State agencies written notice of such filing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4844. A bill to improve the quality of child care through grants and a commission on child care standards, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 4845. A bill to prohibit the Federal Communications Commission from increasing the national audience reach limitations established under the Telecommunications Act of 1996; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 4846. A bill to amend the Internal Revenue Code of 1986 to increase the deduction allowed for interest on education loans; to the Committee on Ways and Means.

By Mr. MCHALE:

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910; considered and agreed to.

By Mr. YOUNG of Alaska:

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill; considered and agreed to.

By Mr. CRANE:

H. Res. 601. A resolution returning to the Senate the bill S. 361; considered and agreed to.

By Mr. SHUSTER:

H. Res. 602. A resolution providing for the concurrence by the House with an amend-

ment in the Senate amendment to H.R. 2204; considered and agreed to.

By Mr. ROHRABACHER:

H. Res. 603. A resolution expressing the sense of the House of Representatives that the seat in the United Nations that is reserved to Burma should be occupied by a representative of the National League for Democracy; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 836: Mrs. LINDA SMITH of Washington.
 H.R. 1636: Mrs. JOHNSON of Connecticut and Mr. KILDEE.

H.R. 2273: Mrs. MCCARTHY of New York and Mr. FORD.

H.R. 2351: Mr. LAFALCE.

H.R. 2545: Mr. SHAW.

H.R. 2635: Mr. NADLER.

H.R. 2669: Mr. BOB SCHAFFER, Mr. KINGSTON, Mr. BARR of Georgia, Mr. HANSEN, Mrs. CUBIN, Mr. HILLEARY, and Mr. MORAN of Kansas.

H.R. 2704: Ms. MILLENDER-McDONALD, Mr. YATES, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, and Ms. HARMAN.

H.R. 2789: Mr. PAYNE.

H.R. 3081: Mr. FORBES, Ms. LOFGREN, and Mr. MENENDEZ.

H.R. 3320: Mr. CRAMER and Mr. DOYLE.

H.R. 3400: Mr. JACKSON of Illinois.

H.R. 3439: Mr. FRANK of Massachusetts.

H.R. 3553: Mr. MORAN of Virginia.

H.R. 3572: Mr. BROWN of Ohio.

H.R. 3629: Mr. GUTKNECHT.

H.R. 3862: Mr. STRICKLAND, Mrs. MINK of Hawaii, Mr. SERRANO, Mr. NEY, and Mr. FRELINGHUYSEN.

H.R. 3918: Mr. BERMAN.

H.R. 3956: Mr. BROWN of California.

H.R. 4018: Mr. BARRETT of Wisconsin, Mr. UNDERWOOD, and Mr. LUTHER.

H.R. 4035: Mr. LAZIO of New York.

H.R. 4036: Mr. PITTS, Mrs. LOWEY, and Mr. ROGERS.

H.R. 4214: Mr. MILLER of California.

H.R. 4233: Mr. PALLONE.

H.R. 4235: Mr. WEYGAND.

H.R. 4242: Mr. ROEMER.

H.R. 4344: Mr. KUCINICH, Mr. TURNER, Mr. CLEMENT, Mr. EDWARDS, Mrs. THURMAN, Mr. BENTSEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 4403: Mr. OLVER.

H.R. 4492: Mrs. LINDA SMITH of Washington and Mr. GOODLATTE.

H.R. 4552: Mr. BROWN of California and Ms. KILPATRICK.

H.R. 4553: Mr. DEGETTE.

H.R. 4621: Mr. LUTHER and Ms. KILPATRICK.

H.R. 4653: Mr. OLVER.

H.R. 4659: Mrs. NORTHUP and Mr. STOKES.

H.R. 4683: Mr. HALL of Texas.

H.R. 4684: Mr. REDMOND.

H.R. 4789: Mrs. MYRICK.

H.R. 4795: Mr. PORTMAN.

H.R. 4837: Mr. BARTON of Texas, Mr. CASTLE, Mr. EHRLICH, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. MILLER of Florida, Mr. PARKER, Mr. PITTS, Mr. ROYCE, Mr. SHADEGG, Mr. SHAYS, and Mr. SMITH of Washington.

H.J. Res. 130: Mr. BLILEY.

H. Con. Res. 229: Mr. FOX of Pennsylvania.

H. Con. Res. 283: Mr. PRICE of North Carolina.

H. Con. Res. 307: Mr. MILLER of California and Mrs. CAPPS.

H. Con. Res. 325: Ms. WATERS.

H. Res. 554: Mr. ABERCROMBIE.

H. Res. 556: Mr. SAWYER.

H. Res. 596: Mr. BISHOP.

H. Res. 598: Mr. COSTELLO, Mr. BUYER, Mr. STUPAK, Mr. EVANS, Mr. ADERHOLT, Ms. LEE, Mr. DAN SCHAEFER of Colorado, and Mr. SKEEN.