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House of Representatives

The House met at 10 a.m.

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

Let us pray using the words of Isaac Watts:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.
Before the hills in order stood
Or earth received its frame,
From everlasting you are God,
To endless years the same.
O God, our help in ages past,
Our hope for years to come,
Still be our guard while troubles last
And our eternal home! Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas 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.

INTRODUCING THE VETERANS' TOBACCO TRUST FUND ACT

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

Mr. STEARNS. Mr. Speaker, the recent State of the Union Address recognizes the Nation's obligation to our men and women in uniform, but the President was silent about the debt we owe them as veterans. Nevertheless, he disclosed a plan in his speech which could affect them. Specifically, he announced an intention to bring suit against tobacco product manufacturers to recover costs incurred by government health care programs.

Members may not be aware that the VA health care system is spending more than $3 billion annually caring for veterans' smoking-related illnesses. The administration is certainly aware of that fact, but it has yet to commit to providing any recoveries from this lawsuit for veterans' health care. Surely any recovery under a suit based at least in part on the veterans' medical system should be used to strengthen that system and improve veterans' care.

For that reason I am introducing the Veterans Tobacco Trust Fund Act of 1999, and I urge all my colleagues to be cosponsors. This bill would set in place a requirement that any tobacco settlement from the lawsuit also include an allocation of funds for veterans' health care. I hope the executive branch will support my bill.

REPUBLICAN BUDGET OUT OF STEP WITH AMERICA'S NEEDS

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

Mr. PALLONE. Mr. Speaker, once again the Republicans are pushing a budget plan that is out of step with what the American people want. The President's budget calls for using the budget surplus to protect Social Security now that times are good. The Republican budget, on the other hand, includes yet another stale proposal to spend the surplus on tax cuts for the wealthy instead of on Social Security.

The New York Times recently noted, and I quote, ''Every poll shows that Americans would rather preserve Social Security and Medicare than enjoy a big new tax cut, as Republican leaders want. It is also questionable how much political support there will be for a tax cut that disproportionately benefits the wealthiest Americans.''

The Washington Post made a similar observation of the competing budget plans. ''On balance,'' the Post noted, ''the President's budget pushes in the right direction, but,'' the Post added, ''the broad alternative, which is to consume in the form of a tax cut that ought to be saved for Social Security and Medicare and other public purposes, is wrong.''

Let us use the surplus in a manner that will benefit all Americans, not just the wealthy. Support the Democrats' plan.

KOSOVO

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's plan calls for spending more money and raising taxes. Do Members remember when President Clinton sent U.S. troops to Bosnia? He promised, he promised they would have a well-defined mission with a clear exit strategy. Three years later and more than $20 billion later, about 6,000 U.S. troops are still in Bosnia. Our own Secretary of State, Madeleine Albright, has called it a mess.

Now the President intends to further scatter U.S. troops into Kosovo as part of another peacekeeping mission. It is absolutely imperative that the President give Congress and the Nation a clear mission and a clear exit strategy before committing our troops. Mr. Speaker, our military forces are ready and willing to defend the interests of this great Nation. We cannot undermine their oaths. We must define the

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mission, the goal, and an exit strategy before sending our troops into yet another mess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY). The Members are reminded to address the Chair and not the President.

GUN SHOWS

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

Mr. BLAGOJEVICH. Mr. Speaker, there is no evidence that Timothy McVeigh and cult leader David Koresh ever actually met. But if they had, it is a good bet it might have been at a gun show.

McVeigh financed some of his terrorist activities by selling at gun shows firearms he stole from an Arkansas gun collector. It was at gun shows that Koresh purchased many of the weapons he later stockpiled at his Branch Dividian compound.

The Brady bill has stopped over a quarter of a million handgun sales to criminals, but there is a gaping loophole. Background checks are not required at gun shows. Last year there were nearly 5,000 gun shows in America where anyone can buy as many firearms as they want with no questions asked. That is how a criminal in Florida with 16 felony convictions purchased firearms and killed four people in a one-day shooting spree.

Last weekend in his national radio address, President Clinton announced a report confirming that gun shows are becoming a buyer's mecca for criminals, with over 56,000 illegal firearms transfers.

Mr. Speaker, it is time for Congress to act. There should not be a place anywhere in America where criminals can buy guns with no questions asked.

CHILD ONLINE PROTECTION ACT

(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, last year the Child Online Protection Act passed the House and Senate and was enacted into law. Without diminishing free speech, the Act set up a screening process so that children could not access obscene material on the Web. This sent a strong message that Congress is united in protecting our children from pornography over the World Wide Web.

Now, unbelievably, on February 1, a Federal judge in Pennsylvania has blocked enforcement of the Child Online Protection Act. It is appalling that our children can easily access these pornographic sites and pollute their minds with sexually explicit material. In response to the judge's ruling, we must urge the Justice Department to appeal this decision.

Mr. Speaker, I ask all Members of the House to join me in standing with American families to protect our children from pornography. Please contact my office if Members want to sign the letter to Attorney General Janet Reno. We owe this to our children.

JAPAN ILLEGALLY DUMPS STEEL IN AMERICA

(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, after World War II Japanese officials were given tours of our steel mills. They were allowed to take photographs. They were further given blueprints of our machinery and technology. Then America gave Japan loans to build steel mills. When Japan could not repay the loans, they were forgiven from the goodness of our hearts.

Now, if that is not enough to massage your subdural hematoma, check this out. Japan today is illegally, let me say this again, is illegally dumping steel in America, destroying our companies, destroying American jobs. Unbelievable.

Japan has steel mills, we have photographs. Japan has surplus, we have deficits. Beam me up. Free trade is one thing. Illegal trade is illegal trade, Mr. Speaker.

ELIMINATE THE MARRIAGE PENALTY AND BRING TAX EQUITY TO WORKING FAMILIES

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

Mr. TIAHRT. Mr. Speaker, I believe one would have to be totally out of touch to defend the current tax code. No sane individual, if asked to start from scratch, would come up with the current tax code in a million years. The tax code is baffling even to the experts. In short, it is indefensible.

One of the aspects of the tax code that is particularly indefensible is the marriage tax penalty. Many people do not learn about the marriage tax penalty until they get married. Then they discover all of a sudden that the government wants to make sure young couples starting out have a little bit tougher time than they had planned.

Perhaps the most surprising of all is the fact that the marriage tax penalty can be the stiffest for those who can afford it the least, the working poor, who are trying to keep home and family together. This unfairness in the tax code should have been done away with years ago, but the liberals in Congress have fought against any tax relief, even for the working poor.

Mr. Speaker, now is the time to eliminate the marriage tax penalty and bring tax equity for working families.

INTRODUCING LEGISLATION HONORING OUR NATION'S FALLEN POLICE OFFICERS

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

Mr. TIERNEY. Mr. Speaker, I rise today to introduce legislation to honor our Nation's fallen police officers. My bill, Mr. Speaker, would honor police officers who have been killed in the line of duty by lowering to half staff a flag over the Capitol which will then be given to the family of the officer.

The Capitol Police Board would designate the flagpole upon which the United States flag shall be flown at half mast for one day whenever a Federal, State, local, or territorial law enforcement officer is slain in the line of duty.

Currently, the United States flag is flown at half staff to honor police officers one time a year, on Police Officers Memorial Day. This bill provides for an additional and fitting tribute to our Nation's fallen police officers and their families. The legislation was originally sponsored by our former colleague, Thomas Foglietta, currently the Ambassador to Italy, and reintroduced by former Congressman Jay Johnson in the last Congress.

In addition, Mr. Speaker, I am pleased that my colleague, the gentleman from Connecticut (Mr. JOHN LARSON) will be speaking in support of this bill and about a former member of his hometown police force in East Hartford, Connecticut, who was recently killed in the line of duty.

Mr. Speaker, I ask my colleagues to join together with me in honoring our Nation's fallen police officers.

IMPROVING EDUCATION IRA'S

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

Mr. CHABOT. Mr. Speaker, education is critically important to the future of our Nation. I venture to say every Democrat and Republican who is in Congress would agree with that statement.

In order to assist parents in financing their children's education, this Congress passed into law education IRAs. In a nutshell, they allow parents to set aside some of their hard-earned money for their kids' education and get some tax relief for doing so.

But a constituent of mine, John Michael, who happens to be a tax accountant, says there is a glitch in the law that needs to be fixed. I agree with him. With most IRAs, the taxpayer has until April 15 to make a contribution for the previous tax year, but under current law the education IRA's contribution must be made by December 31.

I would ask my Democratic and Republican colleagues to support my Education IRA Fairness Act which I introduced last week. It brings the education IRAs into line with all other IRAs, and it will improve education in this country.

HONORING POLICE OFFICERS KILLED IN THE LINE OF DUTY

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

Mr. LARSON. Mr. Speaker, I rise today to join the gentleman from Massachusetts (Mr. TIERNEY) in the introduction of a bill to honor police officers killed in the line of duty.

On January 23, Brian Aselton of East Hartford's police force gave his life on behalf of his fellow citizens whom he so valiantly protected. The community stood in shock and grief. It was a day dampened by sorrow and chilled by the passing of this young hero. Ten thousand police officers formed an endless sea of blue that marched into the cemetery to pay tribute to Brian's memory.

Nations and communities reveal an awful lot about themselves in the memorials they create, in the people they honor. Flying the flag at half mast will not bring back Brian or the near 150 officers killed in the line of duty each year, but it will serve as a reminder of the ultimate sacrifice that those who wear the badge make on our behalf.

□ 1015

STOP THE MARRIAGE TAX PENALTY

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

Mr. HEFLEY. Mr. Speaker, a lot of people ask me why the government penalizes couples for being married, and the only answer that can I come up with is that the government does some dumb things, and this is one of them.

Who is willing to defend this bizarre monstrosity in the tax code? Who will step forward and explain to the American couples in my district why Uncle Sam thinks they should pay more to the government for being married than if they were shacked up? What kind of cruel genius came up with the idea of penalizing people for being married?

I urge Members on both sides of the aisle to join me in doing away with the marriage tax penalty, a penalty which hits especially hard on those who are just getting by. Enough of this travesty. We have it within our power this year to stop at least one dumb thing this government is doing.

SUPPORT THE PRESCRIPTION FAIRNESS ACT FOR SENIORS

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today first in strong support of the President's proposals to place the majority of the budget surplus into the Social Security Trust Fund and protecting Medicare.

Social Security and Medicare are cornerstones of our trust, our protection of seniors for their future, making sure that they have in their retirement the kind of quality of life that they deserve; and it is important for the future for our children.

Today, also as part of the Medicare benefit for our seniors, I am rising as a cosponsor of a bill we are introducing today, the gentleman from Maine (Mr. ALLEN) and myself and other Members of our caucus, called the Prescription Drug Fairness Act for Seniors. This will allow seniors to purchase prescription drugs at a lower cost than they currently are able to do.

Right now, if the Federal Government bulk purchases prescription drugs and then allows seniors to buy at a lower cost, this will guarantee that seniors are not having to choose between purchasing food or their prescription drugs. I would urge my colleagues to support the bill.

HIGH TAXES AND LOW MORALS

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

Mr. SCHAFFER. Mr. Speaker, high taxes and low morals, that seems to be the winning formula these days for the leader of the free world.

Not long ago, one of the leaders of the Democrat Party said on the House floor, and I quote, that ''Democrats are not in favor of tax cuts.'' I think average middle-class Americans do deserve better. When Uncle Sam takes one-third of a middle-class family's income, it just plain is not fair.

Mr. Speaker, I find it rather absurd for liberals to assert that the government cannot get by on a little less so middle-class families can have a little more. We read almost daily about government programs that do not work, bureaucracies accountable to no one, and misguided social programs that actually make people worse off than if nothing had been done at all.

Government is too big and taxes are too high. It is time to reverse course, change our priorities, and make a moral commitment to reduce the tax burden on middle-class families.

DEMOCRATS FOR TAX CUTS THAT TARGET MIDDLE-CLASS FAMILIES

(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, we are faced with an historic opportunity. For the first time in three decades, we have a Federal surplus with which we can save America's twin pillars of retirement security: Social Security and Medicare.

This surplus, and our opportunity to do what is right, is a result of Democratic fiscal discipline and sound economic policy. But instead of acting in the best interest of America's future, Republicans want to use the surplus to give a one-time tax break that benefits mostly the wealthy. It is a bad idea.

Democrats are for tax cuts, tax cuts that are targeted to middle-class families, not the wealthiest 10 percent of Americans.

Let me just tell my colleagues that the Republican tax scheme gives back the average family less than $100. It gives wealthy families earning more than $300,000 a tax break of $20,000. For that kind of money, wealthy folks can buy a brand-new car. With $100, middle-class families cannot even buy a new set of tires.

A FAIR AND SIMPLE PLAN TO CUT TAXES

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

Mr. KNOLLENBERG. Mr. Speaker, we have heard about the surplus. Over the next 15 years, the Federal Government is projected to run a surplus of $4.4 trillion. As the debate over how to use this money heats up, the protectors of big government will scream bloody murder about any plan to provide the American people with any tax relief.

To them I ask: If we cannot cut taxes when the economy is strong, the Federal Government is in the black, and taxes are at an all-time high, when can we do it?

Mr. Speaker, the American people are sending too much money to Washington, and it is time for Congress to send some of it back home.

I have introduced a fair and simple plan that cuts taxes across the board, 10 percent across the board. It gets into every household of all those who pay taxes. This proposal ends the practice of picking winners and losers among overtaxed Americans and benefits, again, everyone who pays Federal income taxes. I urge my colleagues on both sides of the aisle to support this bill.

RURAL AMERICA DEPENDS ON QUALITY HEALTH CARE

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

Mr. MCINTYRE. Mr. Speaker, Lord Chesterfield once said that health is the first and greatest of all blessings, and how true it is. This year health care will be a hot topic here in Congress. But the one thing we should not do is forget our roots, that America began from rural areas and that many citizens, from the small coastal communities to the mountain hamlets to country crossroads, depend on quality health care.

How can the administration talk about saving Medicare and, on the other hand, have $9 million in cuts that would be taken away from Medicare. We cannot have this kind of double-talk. I urge my colleagues to consider the citizens of rural America. Do not allow the $9 million in cuts from Medicare. We realize that rural hospitals depend on Medicare and that our citizens' needs will not be met if they are not able to survive.

Now is the time to have the debate on Social Security, but now is also the time to make sure we do right by our citizens in rural America on Medicare.

Let there be no discrimination among any of our citizens. Let us stand up and do right for quality health care for all Americans.

THE MONEY BELONGS TO THE PEOPLE WHO EARNED IT

(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, what a surprise. Republican proposals to cut taxes have already been met with speech after speech by my liberal democratic friends denouncing them as tax cuts for the rich.

Well, we will celebrate this April 15th a $400 child tax cut for families, a tax cut for all families and one that the President approved.

Has anyone else noticed that no matter what tax cuts Republicans propose, it will automatically, 100 percent guaranteed, be called tax cuts for the wealthy by the party that not only does everything in its power to discourage wealth creation but apparently feels intense hatred for anyone who has realized the American dream.

Of course, we all remember what the Democrats called rich in the last Congress: Anyone who is middle class. But I will ask that middle class farmer in Illinois if he is rich, and I will ask that security guard trying to earn extra money if eliminating the marriage penalty, or if the $500 tax credit will benefit him, and if he is the wealthy? And of course my liberal friends on the other side, many of whom themselves are quite rich indeed, might never have considered the simple fact that rich or not the money belongs to the people who earned it anyway.

H.R. 350, THE MANDATES INFORMATION ACT

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

Mr. SHOWS. Mr. Speaker, I rise today to express my strong support for the Mandates Information Act, H.R. 350. H.R. 350 would provide Congress the means of assessing proposed programs and their potential impact on jobs and workers before enacting significant Federal mandates on the private sector.

Over the years, a well-intentioned Congress has imposed its will on American business operators, large and small, requiring them to enforce public laws at private expense.

We have achieved a balanced budget in part because we have ended the era of undisciplined legislators working outside the constraints of common sense budgeting. We must remain accountable to the American people by passing the Mandates Information Act.

This is a common sense way to legislation. If we are going to require private business to enforce our laws, we should at least give them the chance to know how much it will cost them to do our work and allow them to plan accordingly. It is only fair.

TAX D-DAY, A DARK DAY FOR REPUBLICANS AND A DAY TO REJOICE FOR DEMOCRATS

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

Mr. TANCREDO. Mr. Speaker, in just 64 days, the dreaded April 15 will be here.

Well, I should clarify that. April 15 is not a dreaded day at all by some Americans. In fact, April 15 is the single most glorious day of the year for our liberal friends in the Democrat Party. The Democrat Party believes in an activist government and believes that if the government just took a little more money out of your paycheck the politicians will make life better for people.

How truly ironic it is that the party of Thomas Jefferson and Andrew Jackson has categorically rejected the vision of those early American heroes who believed in the strength of the common man to manage his own affairs without the interference from Washington, D.C.

It is now the Republican Party that represents the interests of common people, of average middle class families that work hard, play by the rules and who will believe in the right to pursue the American dream without the Federal Government standing in the way.

Sixty-four days until Tax D-day, a dark day for Republicans, a day to rejoice for Democrats.

SOCIAL SECURITY SUMMIT IN THE NINTH CONGRESSIONAL DISTRICT OF TEXAS

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

Mr. LAMPSON. Mr. Speaker, I rise this morning to announce that I will host a Social Security summit in the Ninth District of Texas. Why? Because hundreds of senior citizens and their families have called and written letters to my office concerned about the future of Social Security.

Americans from all walks of life recognize that this sacred contract between the public and their government must be addressed and must be addressed now. I congratulate the President for having the foresight to set aside the vast majority of our budget surplus for this critical issue.

As we look toward the 21st Century, we cannot afford to risk losing this opportunity to save Social Security by allowing ourselves to become mired in partisan rhetoric or by failing to use creative approaches to problem solving.

It has been said that opportunity only knocks once. Mr. Speaker, Congress must answer the door. We owe that to the American people.

A $500 PER CHILD TAX CREDIT, NOT SOME BOONDOGGLE FOR THE RICH

(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, so often we hear about tax cuts for the rich, and here is an example of one of the taxes that the opponents said was for the rich, and this is a $400 this year, $500 next year per child tax credit for families that make under $110,000 a year. Seventy-eight percent of the families who will benefit from this tax credit have a household income of less than $75,000 a year.

Take the case of Mr. and Mrs. William Franklin of Brooklyn, Georgia. They just had a new son named Sean. They have to go out and buy a car seat, which the kid will immediately throw up on. They have to go out and buy shoes, which he will immediately lose one of. They have to go out and buy a walker, which he will try to roll down the steps so they will have to put a block in front of that little accordion door. They have to buy a Johnny Jump-Up to develop his legs. They have to go out and buy a blender to smash peas with, or they can pay for the more expensive; just get Gerber to do it for them.

You have to do all of this if you have a child because raising children is very, very expensive. I know. I have four kids. They are wonderful, but it is proper for the government to give a $500 per child tax credit. It was passed by the Republicans last year. It is not some boondoggle for the rich, as the Democrats would have us believe.

FIRESAFE CIGARETTE ACT

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

Mr. MOAKLEY. Mr. Speaker, as many of my colleagues know, last Friday a huge fire broke out in a high-rise apartment in Baltimore, Maryland. Like most fires in the United States, this fire was caused by a carelessly disposed of lighted cigarette.

Mr. Speaker, because of that fire, one woman died and nine people were injured, and the most tragic part of that

is that that fire could have been prevented.

That is right, Mr. Speaker, that fire could have been prevented. Each year, cigarette-related fires kill over 1,000 people, and those are not just the smokers. We are talking about that little baby in the crib upstairs. We are talking about that elderly lady next door or that poor fellow downstairs and, yes, Mr. Speaker, even the firemen who go into the fire to save those people.

On March 1, I will introduce the Firesafe Cigarette Act to require cigarette companies to make cigarettes less likely to burn people's houses down. Mr. Speaker, there are cigarettes on the market that will extinguish after 5 minutes and the tobacco companies should use these.

REDUCE TAXES ON HARD-WORKING AMERICANS

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

Mr. FOSSELLA. Mr. Speaker, the question before us is faith. Do we place our total faith in the Federal Government or do we place our faith in the American people?

Not too long ago here in Washington we were faced with huge budget deficits. And because of a responsible Republican Congress, we now are on the path to prosperity because of the hard work of the American people. We were told then we could not cut taxes, and we did. And today we are facing a huge budget surplus here in Washington, and if left alone it will be spent here in Washington. Now we are told again today from those same people, we cannot cut taxes.

Well, let us lay down the line right now. If we believe in the American people, if we believe that this is still the country of hope and opportunity and that anybody, given the right set of incentives and hard work and notions of personal responsibility, can go out there and succeed, let us reduce the taxes on the hard-working American people, let them keep more of their hard-earned money, and let us send the promise back to them. Let us promise them that if we give them the tools to succeed, we believe in them, not the people here in Washington, who all they will do is spend that money and too often unwisely.

NATIONAL DEFENSE IS IN CRISIS

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

Mr. HUNTER. Mr. Speaker, national defense is in crisis. We are going to be 18,000 sailors short this year in the U.S. Navy. We are going to be 700 pilots short in the Air Force. We are short on basic ammunition in the Army and the Marine Corps. Our equipment is aging. And we have an inadequate budget. We have a budget which is $150 billion less on an annual basis than the Reagan budgets of the mid-1980s.

Now, we do not have to go back up to the Reagan budgets because the Cold War is over, but we do have to add an additional $20 billion this year. The President has only offered $4 billion of that $20 billion that the services request.

Now is the time to rebuild national defense and this is the House to do it.

AMERICANS NEED TAX RELIEF

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

Mr. BRADY of Texas. Mr. Speaker, Americans are not taxed too much? Look at how we spend our day.

We get up in the morning, get our first cup of coffee on which we pay a sales tax. Jump in the shower and we pay a water tax. Get in our car to drive to work and pay a fuel tax. At work we pay an income tax and a payroll tax. Drive home to the house on which we pay a property tax. Flip on the lights and pay an electricity tax. Turn on the TV, pay a cable tax. Pick up the telephone, pay a telephone tax. Kiss our spouse good night and pay a marriage penalty tax. And on and on and on until, at the end of our lives, we pay a death tax.

Well, no wonder families and the elderly in this country have such a tough time making ends meet. They need relief, and the Republican plan provides it.

MANDATES INFORMATION ACT OF 1999

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 350.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. BRADY of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 4, 1999, all time for general debate had expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

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

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mandates Information Act of 1999''.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Before acting on proposed private sector mandates, the Congress should carefully consider the effects on consumers, workers, and small businesses.

(2) The Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on the benefits.

(3) The implementation of the Unfunded Mandates Reform Act of 1995 has resulted in increased awareness of intergovernmental mandates without impacting existing environmental, public health, or safety laws or regulations.

(4) The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations.

(5) The costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services.

(6) The costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities.

(7) The costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To improve the quality of the Congress' deliberation with respect to proposed mandates on the private sector, by—

(A) providing the Congress with more complete information about the effects of such mandates; and

(B) ensuring that the Congress acts on such mandates only after focused deliberation on the effects.

(2) To enhance the ability of the Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) IN GENERAL.—

(1) ESTIMATES.—Section 424(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(2)) is amended—

(A) in subparagraph (A) by striking ''and'' after the semicolon; and

(B) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

''(B) when applicable, the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

''(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

''(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

''(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of businesses with 100 or fewer employees; and''.

(2) POINT OF ORDER.—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period the following: ''If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.''.

(3) THRESHOLD AMOUNTS.—Section 425(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)) is amended by—

(A) striking ''and'' after the semicolon at the end of paragraph (1) and redesignating paragraph (2) as paragraph (3); and

(B) inserting after paragraph (1) the following new paragraph:

''(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal private sector mandates (excluding any direct costs that are attributable to revenue resulting from tax or tariff provisions of any such measure if it does not raise net tax and tariff revenues over the 5-fiscal-year period beginning with the first fiscal year such measure affects such revenues) by an amount that causes the thresholds specified in section 424(b)(1) to be exceeded; and''.

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—(A) Section 425(c)(1)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(A)) is amended by striking ''except''.

(B) Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(i) in clause (i) by striking ''intergovernmental'';

(ii) in clause (ii) by striking ''intergovernmental'';

(iii) in clause (iii) by striking ''intergovernmental''; and

(iv) in clause (iv) by striking ''intergovernmental''.

(5) THRESHOLD BURDEN.—(A) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by inserting ''legislative'' before ''language''.

(B) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by striking ''section 425 or subsection (a) of this section'' and inserting ''part B''.

(6) QUESTION OF CONSIDERATION.—(A) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by striking ''section 425 or subsection (a) of this section'' and inserting ''part B''.

(B) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by inserting '', except that not more than one point of order shall be recognized by the Chair under section 425(a)(1) or (a)(2)'' before the period.

(7) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking ''intergovernmental''.

(b) RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 11(b) of rule XVIII of the Rules of the House of Representatives is amended by striking ''intergovernmental'' and by striking ''section 424(a)(1)'' and inserting ''section 424 (a)(1) or (b)(1)''.

(c) EXERCISE OF RULEMAKING POWERS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of such House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

AMENDMENT NUMBERED 1 OFFERED BY MR. BOEHLERT

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

The CHAIRMAN pro tempore. The Chair notices that the amendment goes beyond section 4.

Is there objection to consideration of the amendment at this point?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

Page 5, lines 16 and 17, strike ''425(a)(1)'' each place it appears and insert ''425(a)(1)(B)''.

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) ''intergovernmental'' after ''Federal'';

(B) inserting in paragraph (1) ''(A)'' before ''any'' and by adding at the end the following new subparagraphs:

''(B) any bill or joint resolution that is reported by a committee, unless—

''(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

''(ii) all debate has been completed under section 427(b)(4); and

''(C) any amendment, motion, or conference report, unless—

''(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

''(ii) all debate has been completed under section 427(b)(4); and''.

Page 5, line 21, strike ''(A)'' and insert ''(C)'' and on line 24, strike ''(B)'' and insert ''(D)''.

Page 6, line 2, insert '', according to the estimate prepared by the Director under section 424(b)(1),'' before ''would''.

Page 6, line 10, insert ''unless all debate has been completed under section 427(b)(4),'' after ''exceeded''.

Page 7, line 1, strike ''(A)'' and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike ''(7)'' and insert ''(8)'' and after line 18, insert the following new paragraphs:

(6) TECHNICAL CHANGES.—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: ''**REGARDING FEDERAL INTERGOVERNMENTAL MANDATES**''.

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting ''regarding Federal intergovernmental mandates'' after ''section 425'' each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section l(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting ''regarding Federal intergovernmental mandates'' before the period.

(7) FEDERAL PRIVATE SECTOR MANDATES.—(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section:

''SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.

''(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

''(b) DISPOSITION OF POINTS OF ORDER.—

''(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

''(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

''(3) RULING OF THE CHAIR.—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

''(4) DEBATE AND INTERVENING MOTIONS.—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

''(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be considered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.''.

(B) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item

relating to section 426 the following new item:

''Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates.''.

Page 7, line 20, strike ''Section 427'' and insert ''Section 428 (as redesignated)''.

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking ''subsection(a)(2)(B)(iii)'' and inserting ''subsection (a)(3)(B)(iii)''.

Mr. BOEHLERT. Mr. Chairman, let me begin by explaining what this amendment would actually do because I think there has been a lot of confusion.

Under my amendment, Members could still raise a point of order against bills, resolutions, amendments, and conference reports if they would cost the private sector more than $100 million, which is the threshold in current law.

Under my amendment, the Chair would rule on the point of order. Just as with most points of order in the House, there would be an objective ruling. The point of order would be sustained if the Congressional Budget Office had scored the measure as costing more than $100 million or if CBO had not scored the measure.

That eliminates one flaw in the bill, which allows someone to claim that a measure would cost more than $100 million even if CBO has scored it otherwise, because the bill requires no evidence at all to raise the point of order.

Under my amendment, if the point of order is sustained, 20 additional minutes to debate on the bill or amendment themselves is added to whatever debate would have occurred under the rule. This is the crux of the matter.

Under my amendment the point of order is used to provide for additional debate, while under the bill the purpose of the point of order is to cut off debate. I fail to see how having less debate will lead to better-informed decisions.

So again, here is what my amendment would do. First, it would accomplish every stated goal of the bill. Section 3 of the bill says its purposes are to provide Congress with more complete information on mandates, ensure more focused deliberation on mandates, and to help distinguish between helpful and harmful mandates. All are most worthy objectives.

By allowing a point of order that focuses debate on private-sector cost and adds debate time to discuss those costs, my amendment does exactly what the bill and its supporters have been calling for.

But unlike the bill, my amendment does not allow debate to be short-circuited. Unlike the bill, my amendment will not mean the end of truly open rules. Unlike the bill, my amendment does not give industry a procedural trump denied to its consumers, its communities, and its employees. And unlike the bill, my amendment does not change the rules of the House to unfairly favor one side of an argument. Openness and fairness, that is what my amendment is all about.

Now, I already know all too well what kind of arguments we are going to hear in response to this amendment, so let me deal with them one by one.

First, we are going to hear that this amendment would gut the bill. That is an old saw trotted out every time.

Again, the bill still has a point of order against private mandates on all types of measures and it provides for more focused, better-informed debate. Every stated goal of the bill has been addressed. What those who charge us with gutting the bill really mean is that the bill will no longer bias the rules of the House, a goal they have not exactly been trumpeting.

Second, we are going to hear that our amendment somehow does not require the House to be accountable for its actions. This is an odd one.

Under my amendment, we still will vote on each and every bill and amendment that comes before the House, and will do so after having had fuller debate than provided for in H.R. 350.

Look at the bills that are at stake in this debate: Minimum wage. Health protections. Environmental protections. Does any Member feel they have not been accountable for their vote on these issues?

When they make this accountability argument, the proponents are claiming, in effect, that somehow the House has escaped accountability for the past 210 years because we have lacked this new point of order. Does anyone really accept that?

What proponents really mean when they say we have not been accountable is that they do not always like the way the votes have turned out. If Members oppose measures that impose costs on industry, they ought to vote against them. If Members oppose individual provisions in bills, they ought to offer amendments and force votes on those provisions. That is how the Constitution makes us accountable.

What we ought not do is change the rules of the House to favor one side of a debate that has not been able to prevail every time they wanted to under normal procedures. This is also what proponents mean when they say that our amendment does not have any teeth. I always say, when someone tells us their bill has teeth, who are they trying to bite?

The teeth in H.R. 350 are a vote that is designed to do one thing and only one thing, shut down debate on any measure that someone claims will cost industry money.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, the teeth in H.R. 350 are a vote that is designed to do one thing and only one thing, and that is to shut down debate on any measure that someone claims will cost industry money, regardless of the evidence on cost, regardless of the benefits, regardless of the public purpose to be served, regardless of whether some companies support the measure.

Our amendment has teeth in the sense that it will accomplish its intended goal: creating more debate, creating more debate on alleged private-sector mandates. But our amendment will not try to injure those who support protections for the environment, for public health and public safety.

Again, I urge Members to read the bill. The vote in the bill is needed because there are no objective criteria for determining the validity of their point of order and because, without the vote, one side will not be able to intimidate the other.

Mr. Chairman, the details of this debate are complex but the basic questions it raises are simple. First, does the House want to have more debate and better-informed debate and better-focused debate on private mandates? If the answer to that is yes, and I think it is, then Members should support the Boehlert amendment because that is exactly what we provide.

□ 1045

Second, does the House want to change the fundamental rules of the House so that in every case there is a presumption that laws to protect the environment, and health, and public safety are a bad idea? I think the answer to that is no, and that is why my amendment is needed. H.R. 350, Mr. Chairman, would quite simply change the rules of the House so that any law that might cost any industry more than $100 million would face extra hurdles to passage and would get less debate regardless of any other consideration.

Finally, H.R. 350 is a bill that biases House procedures to an extent that would even have made gilded age legislators blush. I think the House ought to have free, fair and open debate, and that is what the Boehlert amendment would ensure, and I urge its passage.

Mr. LINDER. Mr. Chairman, I rise reluctantly to oppose the amendment of my friend from New York (Mr. BOEHLERT).

Unfortunately, Mr. Chairman, the Boehlert amendment, by removing the vote which would give this House an opportunity to decide whether it wanted to proceed on a bill, takes all of the enforcement measures out of the bill and returns us to the status quo ante that is anti 1996. In 1996, my colleagues will recall, we passed unfunded mandates on the public sector. We said if we are going to impose costs on other government entities, we ought to know what it was, and if it exceeded $50 million across the country, we would have a debate on that and then vote as to whether to proceed. We did not shut down anything. Since January 1 of 1996 there have been seven times when the

point of order has been raised, and all seven times this House listened to both sides determined to move forward with the bill and pass the bill. The language that the gentleman from New York (Mr. BOEHLERT) would like to insist on would leave us right where we are right now. Since 1983, according to the CBO director in testimony before the Committee on Rules, the CBO has been doing analysis on how Federal legislation would affect State and local governments and the private sector. But as they told us in the hearing, nobody paid attention to it because there are no teeth in the measure, and indeed at the CBO these estimates became a low priority because they knew no one was paying attention to it. To argue that this would unfairly bias the debate in favor of one side or the other is also a silly argument, looking back at the seven times when the point of order has been imposed or asserted in the past 3 years.

We will also hear throughout this debate that while we will be discussing the cost to the private sector, which is under the bill if it imposes $100 million in costs on the private sector, it is then amenable to a point of order. We will hear them say we will be discussing the costs, but not the benefits. That presumes arguments occur in vacuums, and this has not happened in this House in the past 3 years. The reason we will have these arguments is because there will be a huge argument on behalf of the benefits, on behalf of the need to move forward, while others will just be saying but be aware of what costs we are imposing on the private sector.

In my view this is only fair. For too many years, for far too many years, this Congress has voted for warm and fuzzy good things and chose not to tax the American people for it, to pass those burdens on to other levels of government or the private sector. We think that it is only fair if we are going to pursue good things, whether they are warm and fuzzy or not, that we ought to know how much it costs. A simple example of this is not the private sector, but it was discussed this morning in a meeting, was that years ago this House decided that we would impose mandates for special education on the local school systems. Good idea, probably necessary idea, but the bill also said that the Federal Government would pay 40 percent of the costs for that. We have never ever funded that. We just passed that on to my colleagues' communities throughout their districts, and their school systems are paying that. We would have had a point of order against that, had it occurred in the last 3 years under the Portman-Condit legislation that we passed. We also think it is fair that we have that same point of order and the opportunity to vote on it if we impose burdens on the private sector.

I am curious to know why the gentleman from New York is so worried about an open discussion and the need to be taking a stand on these issues with respect to a vote to move forward. It has not stopped any other legislation in the past, but it has done a couple of things. Committees now are aware of costs they are imposing and think through the legislation that they are writing. In the past they were not doing that even under the testimony from the Congressional Budget Office director. We think that is good because a lot of things do happen in this town that are unknown in terms of its impact on both the private sector and the public sector. We ought to know that. We ought to discuss it.

All of this, all this bill is going to do, is to say it is just as important not to burden the private sector with our wishes as it is the public sector, and if we are going to burden them, at least know that we are doing it, move to vote to move forward. The Boehlert amendment would eliminate that vote which, of course, he knows is to take away the teeth from the bill, and I urge opposition to the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. BOEHLERT's amendment takes away the very thing that makes this bill successful, and that is accountability. This bill is about accountability, about making the House accountable for the legislation that we pass. The bill is real simple.

Mr. Chairman, if there is an unfunded mandate of $100 million, one can raise a point of order and have a debate, a debate about the mandate. Does not mean that stops the mandate; we have the prerogative to stop it or proceed. But what Mr. BOEHLERT does today is take away the real meat behind this thing, the hammer behind the thing, the thing that makes it work, and that is accountability.

This is about accountability. We, as Members of the House, should not have any fear to have a debate about the cost of a mandate and then have the responsibility to make a decision whether or not the mandate is worthwhile, whether or not we should proceed, and if it is worthy of our vote, Mr. Chairman, then we vote for it, and then we proceed with the bill.

In 1995, we passed the Unfunded Mandate Reform Act of 1995. It has been successful. As the gentleman from Georgia (Mr. LINDER) alluded to, when we had Mr. Blum, the director of CBO, in before us, and Mr. LINDER asked a few questions, Mr. Blum said that the real reason this works is because of the point of order because we have accountability, and let me just encourage the Members to not be fearful of that. The more information that we have, the better decisions we make, and we are all accountable one way or the other so we ought to at least demonstrate that by allowing us to have this point of order and a vote if it is required.

It is a real simple bill, simply lets us have a debate, lets us have accountability for the actions that we take, and I would encourage all Members to oppose this amendment. The gentleman from New York (Mr. BOEHLERT) offered a similar amendment last year, a little different. Last year he did not want to have any debate on amendments. This year he wants to have full open debate, so I am not real sure where he really is on this issue, but I would encourage my colleagues to defeat this amendment so that we can proceed ahead and enact this unfunded mandate legislation.

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

Mr. Chairman, I rise in strong opposition to the Boehlert amendment today, and I got to say as one of the co-authors of the bill, this is the gentleman from California (Mr. CONDIT's) legislation, but as one of the co-authors, this amendment is not consistent with the purposes or intent of the legislation, it is just not because the purpose, as Mr. CONDIT just said, is to have true accountability.

Now the author of the amendment talks a lot about the fact that we would still have focused and informed debate, but we need to look at the record. Three and a half years ago this House passed the Unfunded Mandates Relief Act. The gentleman from California (Mr. CONDIT) just talked about it. It puts this same procedure in place, although frankly this one is not as onerous for the House; same procedure in place with regard to having a debate and a vote. That, according to the Congressional Budget Office, according to all the outside observers, many of whom frankly were not in support of the original legislation, has been the necessary teeth; yes, the teeth, in the legislation that forced the committees to do what we are all trying to get at here, which is to send better, more responsible legislation to the floor that takes into account the costs of unfunded mandates. Without having a debate and a vote on the floor of the House, Mr. Chairman, we are simply not going to have the kind of discipline we are looking for and the kind of, again, better informed debate and, in the end, more responsible legislation.

Let me quote from the CBO testimony just a couple of weeks ago before the Committee on Rules. They said that before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create any new federal mandates and, if so, whether their costs would exceed the thresholds established by the Unfunded Mandates Relief Act. So that is with regard to the public sector. In many instances, I continue, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance about how the proposal might be restructured to eliminate the mandate or reduce the cost of the mandate. That use of the Unfunded Mandate Relief

Act early in the legislative process, early in the legislative process, Mr. Chairman, appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation.

That is the whole point. Yes, if we take out the debate and the vote, we do take away the teeth that makes this legislation so important in terms of getting to better legislation on the floor of the House in a more informed debate by the Members.

Let me also respond to something else that the sponsor of the legislation, the proposed amendment, said. He said that if the Chair ruled that it was all right, then we would have 20 minutes of debate but no vote and indicated that the Chair, rather than the Members, should make that decision. Again, this is not the intent of the legislation, nor is it consistent with what the parliamentarian, what the Committee on Rules, what others who have on run this place day to day believe is the right way to go. We do not want to put the Chair in that position. We want to put the Members in that position.

Let us recall that in the end after a 20-minute debate it is the will of that House that prevails. If the will of the House is to go ahead, notwithstanding the mandate with the legislation, which has happened seven out of seven times with the Unfunded Mandates Relief Act over the last few years, and again we have a record here, my colleagues, then the House simply proceeds. But let us not put that responsibility, which is a weighty responsibility, with the Chair. Let us keep it with the Members of this houses. All this says in the end is that, yes, the House should have better information on substantial new mandates on the private sector, and, yes, we ought to be held accountable for how we feel about those substantial new mandates. It does not mean we are not going to mandate; we are, and we have, and we even have on the public sector, and we will continue to, I am sure. But we have better legislation on the floor, we have a better, more informed debate on the floor, and we have accountability to our constituents, both those who do not want additional mandates and those who think that the benefits of the legislation outweigh the mandate. That is the point of this legislation; it is good government.

Mr. Chairman, I urge the Members to look carefully at this amendment and the fact that indeed it does gut the legislation, it is not consistent with the intended purpose of the bill, and with all due respect to my good friend from New York who I know is sincere about his interests in making this House work better, it does, in fact, lead us to the point where we would not have the informed debate and we would not have the accountability measure that is so important in this legislation.

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

Mr. Chairman, about 25 years ago I read a fascinating book called The Ascent of Man, and the book fundamentally was about the evolution of man's relationship to the advancement of science, and there was the chapter in that book called:

Knowledge or Certainty: Which Do You Strive For; Knowledge or Certainty?

In this floor, in this democratic process that we have here in the U.S. House of Representatives, we have fundamentally in the democratic process an exchange of information with a sense of tolerance for someone else's opinion and then we vote. We do not have an exchange of certainty, and then cut off debate and then we vote. We have an exchange of information.

With the underlying legislation here, with the bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) it is my judgment that we have a very short debate on the mandate, on the cost to the private sector, and then we stop debate on the underlying legislation. We stop debate on that particular issue, and I want to talk about that in just a second.

□ 1100

Under the amendment of the gentleman from New York (Mr. BOEHLERT), we have an opportunity to not only debate the legislation, whether it deals with the important aspects of clean air, clean water, health or a whole range of issues, but we also can talk about the issue of the cost to the private sector. We have both included in the amendment of the gentleman from New York (Mr. BOEHLERT), which I think is vital.

Yes, we do not want to overburden the private sector with excessive, unnecessary costs, but we want to make sure that the private sector is part of the Nation's policy of preserving our economic structure and preserving the Nation's health and safety and the quality of life to its citizens.

The underlying bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) takes the legislation that might deal with clean air and it cuts that legislation off, cuts the debate off on that legislation, and then simply talks about the mandate to the private sector.

What the amendment of the gentleman from New York (Mr. BOEHLERT) does is carry on the debate of the unfunded mandate and the expense to the private sector, but also includes the important debate, the exchange of information, the acquisition of knowledge about the importance of that particular legislation.

Let me give an example, the Chesapeake Bay: Forty percent of the pollution of the Chesapeake Bay is from air deposition. What does that mean? Forty percent of the pollution from the Chesapeake Bay comes from the Midwest and comes from places like Baltimore City, but comes from industry and comes from automobiles.

Now, if you want to clean up the smokestacks to the factories, which we are trying to do with the Clean Air Act, and try to eliminate much of the emissions from automobiles, which we are trying to do with the Clean Air Act, of course, that is expensive, and I would dare say costs the Nation over $100 million.

But what are we going to do about the nutrient overload from the Chesapeake Bay? What do we get from the Chesapeake Bay as far as economic rebound and economic vitality? We get a huge fishing industry, we get a huge recreational industry, we get enormous sums as a result of the clean water in the Chesapeake Bay. That should also be included in the debate.

How about discussions on sewage treatment plants, outflows from all kinds of commercial activities? In 1898, if you compared oyster production in the Chesapeake Bay to 1998, 99 percent of it is gone. Ninety-nine percent of the oyster production in the Chesapeake Bay. We get 1 percent of what we used to get 100 years ago, and much of that is because the oysters are gone, but the most important factor in that statement is that many of the oysters in the Chesapeake Bay cannot be eaten because of the problems from outflows from all kinds of sources.

The amendment of the gentleman from New York (Mr. BOEHLERT) does not cut off debate on the problem of the cost to the private sector. That debate can flourish and continue.

The amendment of gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) cuts off debate on how we can understand the need to acquire knowledge for us to reduce the pollution to the Chesapeake Bay, for us to make sure about the air we breathe, because of the increasing numbers of people in this country that are coming down with asthma.

I do not want to sound like an alarmist up here or that this is the most important thing that we have to do immediately, but I want to go back to the first statement that I made: The fundamentals of democracy are an exchange of information, the acquisition of knowledge, tolerance for other people's opinions.

I urge an ''aye'' vote for the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

Mr. Chairman, I am very interested in the comments of the previous speaker, and I wanted to pursue his thinking on this matter.

As I understand the bill before us, it would provide for an opportunity to debate the question of whether there is a mandate and then have a separate vote on whether we are going to proceed with the issue that would result in the mandate.

Is it the gentleman's concern that forcing a vote on whether to proceed on the mandate would stop the debate on

the underlying, let's say, environmental provision that might require private businesses to do something?

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

Mr. WAXMAN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, that is exactly right. That is my concern. I think we can have both. I would like to have a discussion on the cost to the private sector, but certainly on the need for the legislation. That debate should continue as well.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I appreciate the concern that is being expressed that we do not want to clutter up the legislative process with votes, although I will be offering an amendment shortly, if there is an opportunity for it, that would require another vote if we are going to have an amendment that would weaken existing environmental legislation, so we can give the focus of attention on that issue and understand the consequences and then have a separate vote on it.

I understand what is being said on this question of whether the debate would be cut off. I do not think that was the intention, but I have heard what the gentleman from Maryland has to say and what the gentleman from New York (Mr. BOEHLERT) has to say, and I am really concerned that we end up in that kind of situation where we do not get to the debate of the underlying proposal. It need not work that way. But I think the Boehlert amendment does prevent us from getting into that kind of a situation. I will support the amendment for that reason. I think if it allows a greater debate, that is so important to this body.

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

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

Mr. BOEHLERT. That is exactly the purpose of my amendment. The base bill would limit debate; my amendment would expand debate. The base bill would terminate discussion; my amendment would continue discussion.

Of course we have to factor in the cost to industry, but we also have to factor in the benefits to public health, to the environment, to all these very important things. That is why organizations like the American Lung Association are so much in support of my amendment, because they want this open discussion on what the implications are of our actions on the public's health. Every family wants to know how it is going to affect that family.

Of course we have to consider the cost to industry, but we also have to consider the benefit to public health for the American families.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification of what he are trying to accomplish.

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

Mr. Chairman, I would like to begin by recognizing the very thoughtful and eloquent gentleman from Kentucky (Mr. WHITFIELD).

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

Mr. DREIER. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I rise today to speak on behalf of the small businessmen and women throughout America. Small businesses are responsible for two out of three new jobs created in America today. The underlying legislation, the Mandates Information Act, among its other attributes, provides additional protection for small businesses of America that have borne the brunt of unreasonable and costly Federal mandates for far too long.

This legislation would simply give Members the right to raise a point of order to any legislation that would result in costs of more than $100 million for private entities, so it is important that we move forward with this legislation to protect small businesses.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank my friend for his contribution. I would like to begin by expressing my special commendation to my very dear friend, the gentleman from New York (Mr. BOEHLERT), and to thank the gentleman for the fact that over the last several weeks he has worked with us to try and address his needs to this bipartisan measure that is before us. But it saddens me that despite the gentleman's efforts, I am compelled to oppose the amendment as we have discussed.

I do so for two reasons: One, because it attempts to fix a problem that really does not exist; and, two, because, quite frankly, if it is adopted, it would kill a very carefully balanced and, as I said, bipartisan measure. It has been put together really over the last several years through efforts of our colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

H.R. 350 is nearly identical to the bipartisan legislation that passed the House of Representatives last year by a vote of 279 to 132. At the core of H.R. 350 are two mutually dependent objectives. The first requires committees and the Congressional Budget Office to provide more complete information about the cost of proposed mandates on the private sector.

The second ensures accountability by permitting a separate debate and vote on the consideration of legislation containing private sector mandates exceeding $100 million annually. Any amendments that weaken one of these objectives effectively undermines the other.

I would say to my friend that one of the important things that needs to be pointed out here is that the amendment does not in any way expand debate time. That is something that we in the Committee on Rules will be doing, and I am sure that when debate needs to be made in order, we in the Committee on Rules want to do everything we can to ensure that Members have a chance to do that.

For example, without permitting a separate debate and vote on a costly mandate, little incentive exists for committees to avoid the point of order by working with the affected groups to develop cost effective alternatives.

This point was made by the Acting Director of the Congressional Budget Office in testimony before our Committee on Rules last week. He said, ''Before proposed legislation is marked up, committee staff and individual Members are increasingly requesting our analysis about whether the legislation would create any new Federal mandates, and, if so, whether their costs would exceed the threshold set by the Unfunded Mandates Reform Act. In many instances, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to eliminate the mandate or reduce its cost. That use of UMRA early in the legislative process appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation.''

I think that states it very clearly, Mr. Chairman. The procedures of the House provide sufficient protection against dilatory efforts to thwart debate on legislation that the majority of Members have agreed to debate by virtue of adopting a special rule.

Moreover, the Committee on Rules spent two years developing, as I said, a bipartisan plan which was adopted as the opening day rules package to streamline and simplify the rules of the House, to make them easier to understand and more user friendly.

The Boehlert amendment will simply recomplicate the rules of the House in a well-meaning attempt to fix, as I said in my opening, a problem that does not exist.

The CHAIRMAN pro tempore (Mr. BRADY of Texas). The time of the gentleman from California (Mr. DREIER) has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1½ additional minutes.)

Mr. DREIER. Mr. Chairman, H.R. 350 is carefully balanced to guarantee that the House is able to work its will, while providing a meaningful way to ensure that we here in the House can work our will while meaningfully providing a way to ensure that Congress acknowledges and fully debates the consequences of new mandates on consumers, workers and small businesses.

Such mandates cost businesses, as has been pointed out, consumers and workers, about $700 billion annually, or about $7,000 per household. That is about a third the size of the entire Federal budget.

It is important to note that H.R. 350 does nothing to roll back existing mandates, nor does it prevent the enactment of additional mandates. As written in section 2 of the bill, ''The implementation of this act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health or safety laws or regulations.''

Let me say that one more time, as I did during the rules debate. ''The implementation of this act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health or safety laws or regulations.''

In other words, Mr. Chairman, H.R. 350 is a straightforward, common sense, bipartisan bill that will make Congress more accountable by requiring more deliberation and more information when Federal mandates are proposed.

I urge my colleagues not to undermine this very sound, bipartisan legislation. So I am compelled to urge a ''no'' vote on the amendment offered by my friend from New York.

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

Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350, the Mandates Reform Act. I believe the Boehlert amendment makes a good bill even better. This amendment accomplishes the bill's goals of adding more focused, better informed debate on measures that would cost industry money.

I support free, fair open and informed debate on the costs and benefits of all legislation. The Boehlert amendment ensures this will happen. It also leaves entirely intact the provisions of concerned states and local governments about unfunded Federal mandates.

□ 1115

If the Chair rules that the CBO has determined that the measure will cost the private sector more than $100 million, we will debate the costs and the benefits. Without this amendment, no evidence of cost is needed to raise a point of order. Anyone who opposes protecting the health of our children could stop legislation with no evidence of the costs.

With the Boehlert amendment, we could continue to protect local government from unfunded Federal mandates by eliminating unnecessary and hidden costs. This will be done by fair and open debate on the issues, and without unduly slowing down the legislative process.

The Boehlert amendment protects taxpayers, the economy, and the environment, and I urge my colleagues to support this amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, the very distinguished chairman of the Committee on Rules just said from the well that this bill will enhance the awareness of the cost of the bill without in any way compromising or adversely affecting environmental, public health or safety considerations.

Let me suggest that I share his goal in enhancing awareness of the cost of the bill, but the bill is sadly deficient in terms of the potential benefits, and that is why every environmental public health and safety organization is strongly endorsing my amendment. They want more debate, not less. They want to continue discussion, not terminate it. That is what this is all about: full, open, and fair debate.

I thank my distinguished colleague for yielding.

Mr. COOK. Mr. Speaker, I thank my colleague from New York for this important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 15]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Cook
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—8

Carson	Lofgren	Rush
Conyers	Maloney (NY)	Spratt
Ewing	Mollohan	

□ 1139

Messrs. LIVINGSTON, HANSEN, and REYNOLDS changed their vote from ''aye'' to ''no.''

Mr. KLECZKA and Mr. SCARBOROUGH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1145

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 6, line 10, after ''exceeded'' insert ''or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment''.

Page 6, after line 10, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting ''or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''such fiscal year'' and by inserting ''or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''the estimate''.

Page 6, lines 18, 20, 22, and 24, after ''intergovernmental'' insert ''mandate'' and after the closing quotation marks insert ''and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment' ''.

Page 6, line 23, strike ''and''.

Page 6, line 25, strike the period and insert ''and''.

Page 6, after line 25, insert the following:

(v) by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ''and'' and by adding the following new clause after clause (iv):

''(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment.''.

Page 7, line 16, strike ''one point'' and insert ''two points'' and on line 18, insert after ''(a)(2)'' the following: ''with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates.''.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, this bill that we are considering today would set the procedural hurdles in the way of legislation that would mandate requirements on private businesses, what are called unfunded mandates.

The underlying rationale of the legislation is that the Congress ought to be sure of all the impacts of legislation before a vote is taken, especially if we are going to have an unfunded mandate.

The amendment that I am offering in no way changes the underlying legislation. My amendment does not weaken H.R. 350 in any way. I want to repeat that so that there is no confusion about what we are doing in offering what we call the defense of the environment amendment. We do not change any of the procedural provisions in the Condit-Portman bill. We do not affect how the bill would work for any new private-sector mandates.

Instead, what my amendment would do would merely extend the same protections to other issues that are of great importance to the American people, requirements that had been established under existing law to protect the public health, safety, and the environment.

This amendment is based on legislation that is called the Defense of the Environment Act, which is supported by every major environmental group and the AFL-CIO and other outside organizations as well. Because if we are going to consider repealing current environmental or public health protections or safety protections or worker protections, we ought to do so with full information and adequate consideration.

It is the same rationale for the underlying bill. It is just common sense. It addresses a serious problem with the way environmental policy has been determined over the last 4 years.

During the last two Congresses, when we looked at environmental legislation, we did not get a chance to consider it separately, to debate it on its merits, and then to vote on anti-environmental riders. What we had were provisions attached to appropriations bills or other must-pass pieces of legislation.

What resulted often was absolutely no debate or consideration by the committee of jurisdiction. What also happened was that we did not get a chance to have a debate or vote on the House floor.

Just as the authors of this bill do not want us to pass mandates on the private sector without a chance for consideration and a vote, we feel the same procedural assurances ought to be given to those who are concerned about repealing existing laws that affect environment, safety, and public health.

Let me talk about some of the examples that have happened in the last couple of Congresses. We had anti-environmental riders that increased clear-cut logging in our national forests. We had riders that would have crippled protection of the endangered species and stall the Superfund program. We had provisions that would have hindered our ability to ensure the groundwater protection from contamination from old nuclear facilities. We have blocked the regulation of radioactive contaminants in drinking water and delayed our efforts to clean up air pollution in the national parks.

The defense of the environment amendment would not prohibit the House from taking any of these steps or passing any of these measures, but it would guarantee that we at least have the option of having an informed debate and a separate vote on these proposals. It would at least give us an opportunity to protect our clean air laws, our clean water laws, our toxic waste laws, and all of our laws that protect health and safety of workers and our families.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, I was surprised when this amendment was narrowly defeated last year because it would take the same philosophy for unfunded mandates, for economic considerations, and apply it to other equally important values.

I want to emphasize again this amendment would not prohibit Congress from repealing or amending any environmental law. It places no new burdens on any business, State, individual, or federal agency. It would simply bring an informed debate and accountability to the process.

Mr. Chairman, there is no question the American people want Congress to protect public health and environment. The environment and our Nation's public health is just as important to them as unfunded mandates.

Over the years, we have seen that, when Congress legislates in a deliberate, collegial, and bipartisan fashion, we are able to enact public health and environmental protections that work well and are supported by both environmental groups and by business.

I ask all of my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and the environment. I urge support for this legislation.

Mr. LINDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the Waxman amendment because it creates a hurdle in this legislation that need not be. He argues that when benefits arise from an action of Congress it

does not have the same debate as the cost, and that is simply just not a fair or honest argument, simply because nobody brings a bill to the floor for benefits without making that the base of the entire bill.

The basis of the entire bill for bringing benefits to our constituents or the consumer is the basis of the argument and the debate. All we are saying in this bill is if that benefit one wants to give to the consumers or to the constituents in their district imposes costs on the private sector, that we are unwilling to tax our constituents to pay, that ought to be subject to a point of order for debate. That is all, subjected to a point of order for debate.

We are interested, as the gentleman from California (Mr. WAXMAN) said, in putting hurdles in the way of imposing costs on the private sector; hurdles, not roadblocks, not stoppages but hurdles.

As I said in the debate over the previous amendment, the 1995 legislation that enacted unfunded mandates legislation with respect to $50 million of cost on the private sector went into effect on the 1st of January 1996.

We have had 3 years to see the benefits of that provision. On seven occasions, I think it is four by one party and three by another party, the point of order has been raised. In all seven cases, this House voted. After listening to the debate in terms of the cost imposed on the public sector or local or state governments on the one hand and the benefits of the legislation on the other hand, this House moved on seven occasions to move forward with the debate and voted indeed on those mandates.

An argument has been made that we have imposed burdens and restrictions on environmental issues through riders on bills, but those riders are already subject to a point of order. That is legislating on an appropriations measure.

There is in the rule book of this House a provision that says any legislating in an appropriations bill is subject to a point of order. That has already been handled.

There is no question in some instances there has been a waiver of those points. That is a debate for the Committee on Rules and that debate is carried out between the two parties and between the opposing views in the Committee on Rules before those riders or those points of order are waived.

Lastly, let me just deal with an argument that has come up over and over in both the Committee on Rules hearings and the Committee on Rules debate and on this floor. We are told that this is an effort to repeal current environmental health and safety measures. That is simply not the case.

I am reminded of a comment made by, I believe it was Aldous Huxley, who, in responding to an argument, he said, your argument is not right. It is not even wrong. It is irrelevant.

Those points are simply irrelevant to this bill. What we are only saying is, legislation that is good for the safety, the health or the environment of our constituents will get to this floor. It will have a broad debate on the benefits but if it imposes costs on the private sector, costs that we are unwilling to step up to the plate on this floor and vote for in terms of taxes on our constituents, we ought to have the debate on that, too.

We ought to have an informed debate. We ought to make a vote on the floor of this House to move forward with that debate on the benefits of the bill so that not only this House but the rest of the world will know that we know we are imposing those costs; we think that the benefits outweigh costs and we are willing to move ahead anyway.

Mr. Chairman, I believe that this amendment is an effort to slow down progress; to do for the private sector what we have already done for the public sector. I urge a no vote on the Waxman amendment.

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

Mr. Chairman, as I said before, I support the idea behind requiring full disclosure of unfunded mandates in the private sector. Giving Members more information about votes they are preparing to cast only can improve our legislative process.

Mr. Chairman, the bill before us is a one-sided bill. It creates a hurdle for bills which impose new requirements on private industry but it does nothing to bills which remove existing requirements.

By doing so, it takes the side of the industry over the American public. For that reason, Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from California (Mr. WAXMAN).

The Waxman amendment gives the same protection to the welfare of the American public as it does to the wallets of American industry. It requires Members to stop and think before eliminating laws that protect health and safety; just as the bill before us requires Members to stop and think before adding laws to protect public health and safety.

Mr. Chairman, if one has to slow down before adding a law, one should have to slow down before removing one.

The idea of the gentleman from California (Mr. WAXMAN) is a very good one, which is supported by the Center of Marine Conservation, the Environmental Defense Fund, the League of Conservation Voters, the National Resource Defense Council, Physicians for Social Responsibility, the Sierra Club, the United States Public Interest Group, the AFL–CIO, AFSCME, United Auto Workers, United Steelworkers of America, Consumers Union, Public Citizens and the American Public Health Association, just to name a few.

My colleagues may wonder how an amendment could have garnered the support of such an impressive list of public interest groups. The answer is very simple. This is a good amendment.

□ 1200

Over the last four years, my Republican colleagues have engaged in a very dangerous policy of attaching what are known as environmental riders to bills that must be passed. And my colleague and my friend from the Committee on Rules said that ''Of course, but the rules already stop that,'' but I can show the Members many Committee on Rules debates where they are replete with waivers of these so-called environmental additions.

These bad pieces of legislation, which normally would die if left to stand alone, hitch a ride on a very important piece of legislation. And by riding on this very important piece of legislation, these bills manage to slip by nearly unnoticed. That is, Mr. Chairman, until it is too late.

Some of the riders which have particularly devastating effects on the people of Massachusetts include riders to stop the regulation of radioactive contaminants in drinking water, riders to stall the Superfund program, riders to lessen energy-efficient standards, and riders to prevent the Environmental Protection Agency from making sure old nuclear facilities do not contaminate groundwater.

In short, Mr. Chairman, these environmental riders are so dangerous to public health and public safety that no American citizen without a personal financial interest in increasing pollution would support them.

The Waxman amendment says Congress should stop and think before dismantling our environmental protections and our workers' protections. His amendment does not create any new burdens on businesses, it does not prevent Congress from repealing any laws, and it does not impose any new costs. If a majority of the Congress still wants to pass bills to lessen requirements on businesses, it can do so. This amendment just gives the American people a fighting chance.

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

Mr. Chairman, as a result of the action on the last amendment, which passed by the narrowest of margins, we are now confronted with a bill that will indeed create new points of order. I do not think it is a very good idea. But I strongly believe that if we are going to create new points of order, they should be balanced. It is that fundamental sense of fairness that lies behind the Waxman amendment.

H.R. 350 would make it more difficult to pass laws that protect health and safety and the environment. If we are going to do that, we ought to create an additional point of order that will make it harder to pass bills that would weaken health and safety and environmental protections. The Waxman amendment would accomplish precisely that.

For that reason, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment.

To be frank, I preferred my approach to remedying this bill. Ideally, the House should not use points of order as a substitute for substantive debate. But my amendment was defeated. And so now we are confronted with a bill that will indeed create new points of order.

And the Waxman amendment would have an additional benefit. The amendment would put an end to the use of riders to weaken environmental protections. Under the Waxman amendment, legislative provisions that weaken existing law would be subject to a vote—even if they were stuck in an appropriations bill or conference report. No longer would anti-environmental riders be used to slip through legislation that could not possibly pass if it were considered as a free-standing bill.

Now, the House in recent years has kept its riders to a minimum, and I know that that restraint will continue under the Speaker HASTERT. But the other body has not always felt so reluctant, and riders have continued to appear in conference reports.

I think the new point of order provided by the Waxman amendment will help leadership achieve its goals of keeping riders off spending bills.

I urge my colleagues to support this ''Defense of the Environment'' amendment. It will correct the imbalance in H.R. 350. It will end the use of riders to weaken environmental protections. It will ensure that the House has open and thorough debate on measures that would weaken laws and rules that protect the public.

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

Mr. Chairman, I urge my colleagues to join me today in supporting the Waxman ''Defense of the Environment Act'' amendment to H.R. 350. It is about time we pass this amendment. Democrats and moderate Republicans are sick of the stealth attacks on environmental protection that continue to delay consideration of one appropriations bill after another, year in and year out.

The Waxman amendment would begin to reverse these stealth tactics by requiring any bill reported out of committee that might reduce environmental protection to identify and assess these provisions. The amendment will also allow for open debate and votes on legislation that removes or weakens environmental health and safety laws.

Mr. Chairman, in previous years the Republican majority has attempted to quietly attach a number of anti-environmental riders to the annual appropriations bill, often at the last minute. Not only is no one supposed to be able to legislate on an appropriations bill, but such riders prevent an open and honest debate on measures that would have great impacts on environmental natural resources, resources that most people in this country value greatly.

As I am sure we all remember from years past, similar efforts by the majority to gut the environment came to no good, eventually resulting in a governmental shutdown in 1995. Last year, again, so much time was wasted trying to search out these bad riders, bring them to the public's attention, face presidential veto threats, and reexamine these bills that the Congress only finished its business after introducing several continuing resolutions.

But the majority has been found out. Citizens of this country realize that these special-interest riders would never pass as freestanding legislation because the measures would, at best, result in wasteful spending and unnecessary delays in addressing critical environmental problems and, at worst, result in substantial devastation to natural resources by permitting logging in national forests, allowing helicopters to fly over natural wilderness areas, or approving construction of roads through national parks and other delicate ecosystems, just to mention a few.

That is why the Republican majority continues to take a back-door approach to rolling back environmental protections, that is, by trying to sneak in special-interest riders as provisions of other more overarching bills. Last year they tried to insert a record number of over 40 stealth riders, some of which would have had devastating effects on the environment.

We have to stop wasting taxpayer dollars and end these stealth attempts to destroy the environment. Appropriations bills should be addressed in an open, honest debate. The Waxman amendment would force an open debate and an independent vote on every rider that attempts to weaken 25 years of environmental protection in this country. It would not necessarily prevent such riders from passing, but it would ensure that the public was made aware of these issues that otherwise are literally added into multi-billion dollar appropriations packages at the eleventh hour. It also would ensure that the public knew how Members voted on each one of these riders.

Mr. Chairman, we must safeguard our natural resources for ourselves and our children and expose the Republican majority's efforts to derail our appropriations process. We must begin now by voting ''yes'' on this important amendment before us. I urge my colleagues to join me in supporting the Waxman amendment.

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

Mr. PALLONE. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, I would like to just point out that the use of riders on an appropriations bill is hardly a new invention of the last four years. The Vietnam War funding was ended by a Democrat rider on an appropriations bill.

Mr. PALLONE. Mr. Chairman, if I could take back my time and point out that now is the time to stop the process, and I think the Waxman amendment will go far towards making sure that there is an open debate on these issues and not having this stealth process continue.

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

Mr. Chairman, the amendment that is before us really has very little to do with the legislation that is on the floor. In fact, I came and asked staff why this amendment was even germane to the legislation that is before us. And evidently there is a tangential germaneness because of the tie-in to CBO, but that very tie-in is the reason we ought to oppose this amendment, CBO.

The amendment of the gentleman would require the Congressional Budget Office to make a subjective determination of whether a bill or provision in a bill weakens or strengthens any environmental or public health law. Mr. Chairman, the CBO is not equipped to make that kind of subjective determination. That is a matter for debate on this floor, debate in the committees of jurisdiction, not a matter for the CBO to determine and provide some subjective analysis that will be tacked onto a bill that somebody can read on the floor. CBO is there to provide objective economic analysis, which is what the underlying bill asked them to do with respect to any bill that might affect in an economic way the private sector.

So this amendment, while we are not going to object to the germaneness, really has nothing to do with the underlying bill and it ought to be rejected because it asks the CBO to do something that CBO is not designed or equipped to do.

Any debate on whether a bill affects adversely an existing public health policy or piece of legislation concerning the environment ought to be debated among the Members of the House here on the floor and in committee.

So I would ask the Members to reject the Waxman amendment, A, because it has nothing to do with the underlying legislation; B, it adds nothing to the legislation; C, it is bad policy to ask the CBO to do something that they are not supposed to do, they are not designed to do.

So please, Mr. Chairman, allow me to urge our colleagues to come to the floor, vote for common sense, let this underlying legislation pass, and reject the Waxman amendment because it simply has no place on this floor.

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

Mr. Chairman, I rise in support of the ''Defense of the Environment'' amendment offered by the gentleman from California (Mr. WAXMAN). I want to begin by responding to the analysis just made by the gentleman on the other side.

His argument is that this analysis, this legislation, this amendment requires an analysis by CBO that is too complex for CBO to undertake. The truth is that the analysis is very simple because all that is required of CBO

is to identify, that is the word in the amendment, to ''identify'' any provision which removes, prevents the imposition of, or prohibits the use of appropriated funds to implement or makes less stringent any Federal private-sector mandate established to protect human health, safety, or the environment.

That is all we are talking about. So that what CBO is being asked to do is simply to identify a provision, and that I suggest is well within its competence.

This amendment, the Waxman amendment, takes common-sense steps to ensure that no legislation to weaken environmental protections can be approved unless it is specifically considered and approved by the House.

Despite a public outcry over the last four years, the majority has tried to roll back environmental regulations. The 105th Congress saw too many harmful riders tacked onto must-pass appropriations bills. These hidden attempts to weaken our environmental laws only work against the public interest.

I would like to cite one example that is very important to my home State of Maine, and that is mercury pollution. Maine suffers some of the worst mercury pollution in the United States, but Maine is not alone. Thirty-nine states have already issued health advisories warning the public about consuming fish containing mercury. In some States, including Maine, every single lake, pond, stream, or river is under a mercury advisory.

Now, why is this important? Last year's VA–HUD appropriations bill contained language to prevent the EPA from taking steps, from taking regulatory action to limit pollution. The EPA had already concluded that there are serious health risks involved with mercury exposure and that contamination is on the rise, but this language handcuffed the agency from curbing harmful emissions.

We voted last year on that amendment, on an amendment that would have removed this particular language. But the vast majority of these anti- environmental riders do not receive adequate debate or a separate vote. All environmentally harmful riders deserve our most careful scrutiny. At the very least, we should ensure that the public knows where this Congress stands on the important environmental issues that affect our nation.

Now, I come from a State where George Mitchell and Ed Muskie helped to write the clean air and clean water laws that now govern this country, and I am not going to stand by and watch an attempt, under cover of procedural laws, to try to unravel those protections. I think that we need to ensure that the debate over environmental policy is open and direct.

I urge Members to support the Waxman amendment.

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

Mr. ALLEN. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Mr. Chairman, I thank the gentleman from Maine (Mr. ALLEN) for yielding.

The gentleman tried to make the case that CBO could make some sort of objective analysis. The gentleman's last phrase in his description of the requirements of the amendment were ''less stringent,'' any provision that makes ''less stringent'' the environmental or public health laws.

I would submit to the gentleman that that phrase ''less stringent'' can be in the eyes of the beholder. As testified to, in fact, by CBO in hearings before the Committee on Rules on this amendment, CBO, the witness, said whether the benefits exceed the cost. But in many instances the benefits are in the eye of the beholder and are very difficult to pin down in any kind of a quantitative means.

So CBO has testified that they are not equipped to do this, it is a subjective analysis, and that ought to be left to the Members of the House.

Mr. ALLEN. Mr. Chairman, reclaiming my time, I would simply point out that the matter of identifying the effect of a regulation is a lot easier than determining what the effect of the cost may be, trying to evaluate the cost of particular legislation in the private sector. I still believe this is the kind of relatively simple task that CBO can perform.

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

Mr. Chairman, this is a very interesting amendment. And my point is simply, it does not fit here. The gentleman from Maine (Mr. ALLEN) just talked about how CBO could do this. Talk to CBO and they will tell him, what CBO does is objectively look at cost information. They objectively look at economic information. This legislation is all about relying on the Congressional Budget Office to do that so that we can, for the first time, have better information and then have accountability as to how we deal with that information. The Waxman amendment is a whole other topic.

I just want to raise an alternative. When appropriations bills are on the floor of the House and the gentleman from Maine (Mr. Allen) and the gentleman from California (Mr. WAXMAN) and all the speakers who have supported this have said this is really about appropriations bills, they have focused, as I understand them, on the VA–HUD and other agency appropriations bill, which is where EPA is.

Those are always taken up under open rules. There is certainly no history that I am aware of since I have been here where it has not been an open rule. It has never been restricted. We have restricted some appropriations bills, and they have been the legislative branch bill and the foreign ops bill, period. The others are open.

Any Member can offer a motion to strike. If there is an environmental rider, which seems to be the focus of this amendment to legislation that really does not relate to Mr. WAXMAN's concern, then any Member can offer a motion to strike and knock that rider out and have a full debate on it, and we do it regularly.

When we legislate on appropriations bills, even if the point of order is waived, and of course we know there is a point of order on legislating on appropriations bills, but even when it is waived by the rule and even when rule passes, which would be two other opportunities to have that happen, you still have that motion to strike.

□ 1215

That is where we ought to be addressing these problems. We ought not to be doing it in the context of the private sector or the public sector mandates bill. It is an entirely different analysis. CBO will tell us they cannot do it. They will ask these questions:

Okay, who is going to determine whether a mandate is actually weakened?

Is that driven by a reduction in direct or indirect cost to the private sector?

What if the private sector has become more efficient in implementing the mandate? We all want to encourage that; do we not?

What if that has happened? How do we analyze that?

Are those costs netted out from the Congressional Budget Office statement?

Is there some credit given to the private sector for doing that?

Cost reductions always mean benefits to healthy environment are weakened? I thought the goal was to get the greatest benefit for the least cost. That is what we say we encourage we want to do around here.

This process that the gentleman from California (Mr. WAXMAN) sets up indicates a direct relationship always between cost reductions and weakened benefits, and that may or may not exist. It just does not fit with this legislation. There are other ways to deal with it. We do so in the House all the time through appropriation bills by offering a motion to strike.

I would just say that again it is a very interesting debate we are having, it is a topic that is worthy of debate. I know the gentleman is sincere about his concern about riders on appropriation bills. This is not the right place to bring up this legislation. We have worked with CBO over the last 4 or 5 years on the public sector, now the private sector legislation. We have worked with the parliamentarian. We have done the hard work to come up with a balanced product. We have worked with the Committee on Rules. A substantial majority of the Committee on Rules has supported us in our efforts and refined this legislation. To come to the floor with this amendment that changes the whole direction of the bill and takes us off in another direction when it is not even necessary because we can already do it under our

rules seems to me to make no sense at all.

Mr. Chairman, I urge the Members of this House to look very carefully at what is being done here and to ask themselves cannot this be done through existing procedures, number one; and, number two, do we really want to add this burden that cannot be done by the Congressional Budget Office to this legislation making the legislation ultimately unworkable?

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

Mr. Chairman, I rise in support of the Waxman amendment to the Mandates Information Act and echo the sentiments of those who believe that some of the greatest legislative efforts of this Nation, some of our finest moments and hours of promoting social and economic progress, have come from this body and, oftentimes, right off the floor of this House. We have legislated in the public interest cleaner air, cleaner water, enforced civil rights, protected public health and safety. We have come a long way, and obviously we have made some progress in these areas. But we still have a long way to go. It is my hope that during this session of Congress we will debate issues like the Patients' Bill of Rights, an increase in the minimum wage, defense of the environment and other important measures. However this bill, this bill provides a legislative vehicle, a opportunity for Members to maneuver around, kill or delay important health and safety protections without directly voting against them and without a full and fair debate. Mr. Chairman, this bill inappropriately raises expense concerns above health and safety in the public interest.

So I ask my colleagues: At what expense are we talking when we talk about the cost of gambling away the health and safety of our Nation's children, our Nation's workers, our families who rely upon basic protections? We cannot put a cost on improving living and working conditions. How high is high? How low is low?

Finally, this bill concentrates on the hardships placed on businesses, but it completely ignores the benefits of feeding the hungry, or looking after the needs of those who must have their health and safety preserved, or improving the environment and our Nation's precious natural resources, protecting public health and safety and enforcing the rights of all of our citizens. Yes, we need to make sure that we provide opportunity for businesses to grow and develop and thrive, but we also need to make sure that we have the tools to vote on these basic proposals on the basis of merit rather than hiding behind a procedural vote or dealing with the process which oftentimes does not let the public know exactly what it is we have done or what positions we have taken.

Therefore, Mr. Chairman, I would urge support of the Waxman amendment.

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

Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from California (Mr. WAXMAN). As a former mayor, I can tell my colleagues that the unfunded mandates law was one of the most important reforms that Congress has ever passed. It was important because it forced Congress to vote on new mandates that would be imposed on our State and our local governments, and by forcing Congress to vote on these mandates Congress would think before it mandated.

Some predicted that the effect of this law would be to undermine health, safety and environmental laws. They were wrong. All that this law did was to make Congress think before it mandates. Today this bipartisan mandate reform legislation does the same thing. It makes Congress stop and think before it imposes private sector mandates. It will not stop us from imposing new laws to protect health, safety or the environment. It will not stop any new laws. But what it will do is require the Congress to vote on new private sector mandates that are imposed on our small businessmen and women.

Like the unfunded mandates law, it requires us to think before we mandate. The Waxman amendment removes the most important part of this legislation, the requirement that Congress thinks before it mandates. It eliminates the accountability provision, and this is wrong.

Mr. Chairman, as a mayor, a small business person and as a mother, I strongly support a safer, healthier America. I will always support laws that keep our air clean and our rivers healthy and our environment safe. But today I stand before my colleagues because I have another role. I am a representative, and I believe that all of us owe it to our constituents to think before we impose new mandates on them.

I urge my colleagues to vote in favor of the Mandate Information Act and against the Waxman amendment, and I will remind my colleagues the following groups are scoring this amendment and this final vote:

The U.S. Chamber of Commerce,

The National Federation of Independent Business,

The American Farm Bureau,

The Small Business Legislative Council,

Citizens for a Sound Economy,

The National Restaurant Association,

The National Retail Federation,

The Associated Builders and Contractors,

The American Subcontractors Association,

The National Association of the Self-employed,

The National Association of Manufacturers,

and the National Roofing Contractors Association.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment. It is an important amendment, and I think it is very consistent with the underlying debate before us concerning unfunded mandates. Congress should be required to pay close attention to the effect of legislation on the environment and on public health just as it should be required to pay close attention to the impacts of its decisions on the private sector or the public sector as required in the previous legislation and the legislation before us today.

This amendment is here because time and again we have seen matters of the environment and public health come before the Congress with little or no debate, in some instances with no underlying hearings. Legislative riders that deal with the fundamental and basic underlying environmental laws of this country are sneaked into the appropriations bill. With no debate at all attempt is made to weaken these laws concerning clean water, clean air, toxic waste, brown fields, forests, safeguards and food safety. Time and again these matters have been brought to the floor with no provisions in their rules for debate. Very often we find that they are hidden away in the report language so we cannot get to them when we debate them on the floor of the House of Representatives and we cannot vote on these matters directly. We very often find that we are limited in the time in which we can discuss them, and they have huge impacts on our natural environment and our public health and on taxpayers.

That is why we need the Waxman amendment, so we will have the opportunity to discuss these critical issues in the light of day.

There are two reasons why these changes in environmental laws are often not brought before the Congress in freestanding bills under the legislative rules that would allow free and open debate on the provisions. One is that the anti-environmental legislation would fail if it stood on its own in the light of day as a freestanding legislation. Yet it is that the majority party does not want to openly be seen as trying to repeal Environmental Health Protection Act, so rather than put up with the debate, put up with that characterization, put up with the facts of the debate, they put this into appropriations bill where the opportunities to debate are sometimes none and sometimes very limited. Instead the majority party tucks these into the largest bill, with the must-pass appropriation bills, into bills at the end of the session, with total disregard for the impact on the environment, and those are colleagues here in the House of Representatives. Very often again these legislative riders are sent over to us in legislation that comes from the Senate where again the opportunity is not debated. We may have debated

these riders openly here on the floor of the House, we may have knocked out a number of these riders in the various appropriation bills, and then in the omnibus bill at the end of the year these riders are reinserted into that legislation, we are not given an opportunity to debate them, and the legislation is passed because it is an up-or-down vote.

This is not a contest between unfunded mandates and the environment. In many instances these two situations rise separate of one another. But this is about whether or not, as we do the people's business here, we will have the opportunity to raise these environmental and public health issues and have free and fair debate on those issues. Over the last several years this has simply not been the case. Last year the omnibus appropriation bill was riddled with anti-environmental riders, preventing the tightening of the fuel economy stands, opening the coastal barriers to development, increasing logging and enabling oil and gas industries to escape paying what they owe the government. The Waxman amendment is also critical because many of times in the committee in which I serve, the Committee on Resources, legislation is passed regarding the actions to be taken by the Federal Government or private party, and the committee simply declares that those acts are sufficient under the Endangered Species Act or sufficient under the National Environmental Protection Act. The majority party in that case has made no showing that they are in fact sufficient under either of those acts. They simply declare without any debate, without discussion, without any vote that those actions are sufficient, and that is why we need the Waxman amendment.

Historically, when we have taken these kinds of actions, when we added these kinds of riders, we usually have gone back and had to spend millions of dollars to try to make up for those mistakes and the errors that were caused because those riders were offered with no ability to debate them. The Waxman amendment is an opportunity to give the environment the kind of priority that the American people attach to the subject, to give it the same kind of priority that the proponents of this legislation wish to give to unfunded mandates, another very important consideration when this Congress legislates. These are not inconsistent, they are not at odds with one another. We are simply saying that the same kind of opportunity should be given for this kind of debate. In poll after poll we see that the American people self identify themselves as strong environmentalists deeply concerned about the environment. Even when we pit them against a tradeoff for jobs in a local area, they want the environment protected, they do not want national laws weakened. And yet we see contrary to those actions and those desires by the American people the efforts to slide in riders that are not open to the debate, and that is why I would encourage my colleagues to support the Waxman amendment.

□ 1230

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

Mr. Chairman, this body expresses its fundamental values and its priorities in a number of ways. I feel privileged today as a new Member to have an opportunity to speak for the first time on an issue that so clearly gets to the question of what is really important to us, what are the priorities, what is most important?

Without a doubt, the cost to business is an important consideration when we look at legislation, but H.R. 350 raises the cost to business as the most important. It raises it above all other considerations. It makes it a top priority, the only separate hurdle that we create.

I rise to support the defense of the environment amendment offered by the gentleman from California (Mr. WAXMAN) because it establishes that in addition to cost to business, that we as a Nation are concerned about the cost to the safety of the workers in those businesses, the impact on the air that we breathe, the health of our citizens.

The amendment would allow Members the same opportunity to raise a point of order to block legislation that would take away existing public protections. We can demonstrate our balanced view on what is most important to this country, what is most important to our families and to our children, by supporting the Waxman amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 216, not voting 14, as follows:

[Roll No. 16]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease

Peterson (PA)	Schaffer	Tauzin
Petri	Sensenbrenner	Taylor (NC)
Pickering	Sessions	Terry
Pickett	Shadegg	Thomas
Pombo	Shaw	Thornberry
Porter	Sherwood	Thune
Portman	Shimkus	Tiahrt
Pryce (OH)	Shuster	Toomey
Quinn	Simpson	Traficant
Radanovich	Sisisky	Turner
Regula	Skeen	Upton
Reynolds	Smith (MI)	Walden
Riley	Smith (TX)	Walsh
Rogan	Souder	Wamp
Rogers	Spence	Watkins
Rohrabacher	Stearns	Weldon (FL)
Ros-Lehtinen	Stenholm	Weller
Royce	Stump	Whitfield
Ryan (WI)	Sununu	Wicker
Ryun (KS)	Sweeney	Wilson
Salmon	Talent	Wolf
Sandlin	Tancredo	Young (AK)
Sanford	Tanner	Young (FL)

NOT VOTING—14

Bachus	Jones (NC)	Pitts
Berkley	Jones (OH)	Rush
Brady (TX)	Klink	Spratt
Carson	Lofgren	Watts (OK)
Davis (VA)	Maloney (NY)	

□ 1249

Mr. EWING changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mrs. JONES of Ohio. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted ''yes.''

Stated against:

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 16, I was unavoidably detained. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there any other amendments?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.

Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking ''the provision'' after ''if'';

(2) in clause (i)(I) by inserting ''the provision'' before ''would'';

(3) in clause (i)(II) by inserting ''the provision'' before ''would''; and

(4) in clause (ii)—

(A) by inserting ''that legislation, statute, or regulation does not provide'' before ''the State''; and

(B) by striking ''lack'' and inserting ''new or expanded''.

The CHAIRMAN pro tempore. If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. CRAMER. Mr. Chairman, I rise today in support of H.R. 350, the Mandates Information Act of 1999. This legislation is the result of a bipartisan effort between my fellow Blue Dog, Representative GARY CONDIT, and Representative ROB PORTMAN.

In 1995, Congress passed the Unfunded Mandates Reform Act (UMRA). This bill, eventually signed into law, has successfully limited the imposition of unfunded Federal mandates on state and local governments. This legislation was uniformly hailed by elected officials in my District and across the country who, for too long, had to bear the brunt of unfunded mandates.

H.R. 350 builds on the success of UMRA by requiring Congress to deal honestly with Federal mandates imposed on the private sector. The bill directs the Congressional Budget Office and congressional committees to assess the impact of private sector mandates contained in legislation reported to the House and Senate for consideration. For mandates that exceed $100 million, it allows any Member of Congress to force a separate debate and vote specifically on whether to consider legislation to impose such a mandate on the private sector. This legislation ensures that Members of Congress will have the most factual information possible on the effects of private sector mandates.

Opponents of this legislation claim it will undermine important public safety and environmental laws. This is simply not true. This bill will, however, cause this body to carefully review the costs of legislation on employers, employees, and consumers. The intent of this bill is to promote compromise and to mitigate the effects of unintended costs on the private sector, not to undermine our important public safety laws.

I commend my colleague from California and my colleague from Ohio for crafting this important piece of legislation and I look forward to supporting its passage.

Mr. VENTO. Mr. Chairman, H.R. 350 is misguided legislation that could delay and handcuff this Body to prevent the passage of sound policy and laws. H.R. 350 ignores history and dooms Congressional ability to respond to a crisis. Many of my Colleagues have only served during the good economic times of the Clinton recovery and were not here for the tough periods of the Reagan recession. If more of you had been here during those times, perhaps this ill-conceived legislation would not be scheduled to accelerated consideration.

While some tout the virtues of private profits over government regulations, I urge the members to consider the S&L crisis and the impact that this legislation would have had on such matter. As Members may recall, this too was an era that placed profits ahead of sound regulation. In an atmosphere of anything goes, risky investments and profit driven decisions led high flying thrifts across the country to risk everything at the altar of profit. That philosophy led to invevitable failures that cost the American taxpayer over $150 billion to maintain the promise of savings deposit insurance. Only through the passage of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) was Congress and the banking regulators able to respond and to stem the flow of taxpayer dollars.

FIRREA was controversial and only passed with strong bipartisan support and the active support of the Bush Administration. It was tough medicine for the thrift industry but the remedial steps in this crucial law had to be taken. Only through this legislation were federal regulators given the authority that they needed to bring rogue thrifts under control. However, if H.R. 350 had been the law of the land, the strong FIERRA measure in all probability would not have been enacted into law. Instead of enacting an effective law, Congress would have gotten entwined in a debate on a procedural motion. Accountability of individual members would have been replaced with parliamentary hair splitting, rendering this Congress incapable of action in the face of crisis having the life sucked out through needless procedural votes leaving a hollow shell instead of a tough law and action.

H.R. 350 implies a rigid standard that does not recognize the need for prompt legislative action in times of a fiscal crisis. On such a serious flaw alone this measure should be rejected out of hand. Furthermore no sound critieria are established to serve as a reference of information upon which to base such cost numbers.

Its inherent flaws may still be remedied to bring some semblance of merit and balance to this process. Sound criteria and addressing a real problem in the congressional process. That is why I strongly supported the Boehlert amendment and especially the Waxman amendment. The Waxman amendment's purpose is clear—to extend the procedural safeguards of the Unfunded Mandates Reform Act to preserve the environment and protect the public's health and safety. It is time to bring the focus of debate back to the American people, the people who vote for you and I with the logical expectation to be represented in this chamber, and to reject the interest groups that want to trump public policy and legislative action with a procedural gauntlet. During my tenure in the House, I have become keenly aware of the American public's passion to preserve and protect the environment and welfare of our fellow citizens, and time after time I have helplessly watched anti-environmental riders especially in the past four years quietly slip into important but unrelated spending measures without deliberations, discussion, debate without a vote, or input from those who seek to fulfill their role and promise as representatives of the American people and their will.

The premise behind H.R. 350 is simple, but its consequences will be dire. Any member who believes that a piece of legislation will directly cost the private sector $100 million or more, whether the Congressional Budget Office concurs or not, may raise a point of order, debate this point, and then a simple majority vote could halt any further consideration of this legislation. The Boehlert amendment was intended to rectify this flaw. This is, for all intents and purposes, a simple, yet effective stall tactic—the House's answer to the Senate's filibuster. Now some of this maybe changed, but placing the House in a straight jacket of procedures such as this simply frustrates the role of the House to write laws.

H.R. 350 can and will prevent the enactment of very important social and environmental legislation including the Clean Water Act, Clean Air Act, nursing home standards, and transportation projects. It would provide those who continue to fight for the social and environmental welfare of the people and their land another procedural obstacle with which to contend.

The passage of H.R. 350, without Mr. WAXMAN's amendment would leave us powerless to debate anti-environmental riders inserted in appropriations measures. The passage of this amendment is essential. It provides for an informed debate and accountable vote on legislation that repeals private sector mandates that protect the public's health and safety and

the environment. In 1998 alone, the League of Conservation Voters reported more than 40 riders that would have weakened public health and public land protection were attached to approriations bills ranging from stalling Superfund reform to increasing the clear cutting of our national forests. No one under current House rules was allowed the opportunity to debate and have a separate vote on these measures. If enacted, Mr. WAXMAN's amendment will allow us to debate and vote on a rider that neither the committee of jurisdiction nor the full House has been allowed to review. It costs no money, burdens no business, and takes no authority or power away from Congress. It simply provides an avenue for members to discuss, debate, and vote on questionable riders. Some opponents argue it would delay action because of the need to have substantive information. In other words, don't look before you jump; this argument flies in the face of the common sense Waxman amendment result.

The Framers of the Constitution realized the necessity of incorporating a system of checks and balances between the three branches of government to allow our Nation to remain balanced, steady, and constant.

We need to restore this balance to the House of Representatives and bring the chance for fair debate back to all of us today, not tomorrow. Don't hide your actions and policy acts in the by-lines of a multi-volume appropriations measure. Stand at the podium and debate your ideas in a fair and democratic way, the way the framers of our constitution envisioned. You can do that by voting in favor of the Waxman amendment and not disabling measures by attempting to catch in a web of process.

This Congress doesn't need more ways to frustrate the writing of law and action on the floor. Rather what should be the order of the day is deliberate action, fair debate, and rules to let the body work its will. But this GOP majority continues down the road dreaming up ways to sidestep issues, avoid facing questions, and voting on the merits of issues all in the name of process. The ''majority'' in this House is aiding and abetting the special interests. This measure is just another attempt to sidestep a straight vote for fair consideration of a bill. Between the closed rules, riders, and out right obfuscation cementing in place super majorities, one would think the GOP was not just planning to be in the minority, but practicing such a rule today. The public sees through this conduct and hopefully will be happy to accommodate such behavior in the next general polling.

Mr. CASTLE. Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350. It perfects the important goal of this legislation to require Congress to focus even more closely on the costs that would be imposed on an industry or small business sector if a particular legislative proposal is enacted into law.

I strongly support the goal of H.R. 350 and I applaud Mr. PORTMAN and Mr. CONDIT's hard work on this issue. I voted for the Mandates Information Act in the 105th Congress and I would like to do so again. However, I am not convinced that the bill's provision to allow major legislation to be pulled from the floor after 20 minutes debate on a point of order is needed to protect private industry. I believe the Boehlert amendment would address this problem.

First, the Boehlert amendment will allow 20 minutes of additional debate on the cost issue beyond the time for general debate. This is consistent with the stated purpose of the Mandates Information Act.

Section 3 of the bill states that its purpose is to provide more complete information about the effects of private mandates and ensure focused deliberation on those effects. It seeks to distinguish between mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

Second, there is more accountability with the Boehlert amendment. H.R. 350 would allow any Member to claim the proposed bill would impose $100 million in expense without any independent verification. In contrast, the Boehlert amendment would require CBO, in most cases, to verify that the bill or amendment indeed imposes $100 million in private sector costs. This is something CBO already does and would not gut the bill.

Third, the Boehlert amendment prevents the rules of debate in the people's House from being tilted in one direction or the other. It keeps the playing field level. It keeps the debate going.

I have heard many assert that the private sector needs this bill to level the playing field with the public sector. After all, we have a law which allows a Member to raise a point of order when Congress is debating legislation that would impose a $50 million mandate on the public sector. Why not give the private sector the same privilege when twice that amount will be imposed on them?

Like Mr. PORTMAN and Mr. CONDIT, I was a strong advocate of limiting the Federal Government's ability to pass on unfunded mandates to State and local governments. Congress and the executive branch too often set standards for Federal programs and then simply passed on their implementation to the States, resulting in a distortion of our Federal system of government.

The Federal Government does sometimes place unfair costs on the private sector. This is often done in an effort to correct a problem such as pollution or to protect other aspects of the public's health and safety. The Federal Government can and must do a better job of balancing public health and safety concerns with the costs we impose on business, particularly small business. The Federal Government still finds ways to add multiple layers of bureaucracy and paperwork burdens that no businessman, especially a small businessman, should have to suffer.

However, any Member of Congress who has sat through a committee markup on any important business issue knows that virtually every industry and business sector makes its views known forcefully to Congress. Legislation often stalls, sometimes with good reason, because a particular business sector makes the case it is unfair to them. I am not convinced that we need an automatic vote on the floor after only 20 minutes of debate if a business or industry simply asserts it will cost over $100 million, without any demonstrable proof.

Congress and Federal agencies must focus their attention on reforming these outdated regulatory schemes and replacing them with ''market based'' regulatory systems—ones that will provide the same public benefit for half the cost.

Rather than limiting the process of debate on laws which impact the private sector, Congress must find ways to change industry incentives from avoiding regulation to rewarding companies that are innovative in their control of waste streams. It should start with reforming one of the most costly, slow, and unnecessarily expensive laws on the books—superfund. Tackling specific problems like superfund is how we can best help give our constituents relief from the unintended consequences of Federal laws, not by forcing legislation to be pulled from the floor after only 20 minutes of debate.

In closing, if you believe in more debate, more accountability, a level playing field of debate vote for the Boehlert amendments and then support H.R. 350.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, pursuant to House Resolution 36, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. KOLBE). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 149, not voting 11, as follows:

[Roll No 17]

AYES—274

Aderholt	Blunt	Chenoweth
Archer	Boehner	Clement
Armey	Bonilla	Coble
Bachus	Bono	Coburn
Baker	Boswell	Collins
Ballenger	Boyd	Combest
Barcia	Bryant	Condit
Barr	Burr	Cook
Barrett (NE)	Burton	Cooksey
Bartlett	Buyer	Costello
Barton	Callahan	Cramer
Bass	Calvert	Crane
Bateman	Camp	Cubin
Bentsen	Campbell	Cunningham
Bereuter	Canady	Danner
Berry	Cannon	Davis (FL)
Biggert	Capps	Davis (VA)
Bilirakis	Castle	Deal
Bishop	Chabot	DeLay
Bliley	Chambliss	DeMint

Deutsch
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—149

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Rahall
Rangel
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Stark
Stupak
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Andrews
Brady (TX)
Carson
Cox
Edwards
Granger
Lofgren
Maloney (NY)
Rush
Smith (MI)
Spratt

□ 1311

Ms. MILLENDER-MCDONALD changed her vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EDWARDS. Mr. Speaker, during rollcall vote No. 17 on H.R. 350, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. COX. Mr. Speaker, on rollcall No. 17, I was inadvertently detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, on rollcall Nos. 16 and 17, I was unavoidably detained. Had I been present, I would have voted ''no'' on rollcall vote No. 16, and ''yes'' on No. 17, final passage.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 350, the bill just passed.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HONORING THE LIFE AND LEGACY OF KING HUSSEIN IBN TALAL AL-HASHEM

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that it be in order to consider Senate Concurrent Resolution 7 in the House, and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion except for 1 hour of debate, equally divided and controlled by myself and by the gentleman from Connecticut (Mr. GEJDENSON).

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

There was no objection.

Mr. GILMAN. Mr. Speaker, pursuant to the order of the House of today, I call up the Senate concurrent resolution (S. Con. Res. 7) honoring the life and legacy of King Hussein ibn Talal al-Hashem, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed King of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every United States President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

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

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples.

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

□ 1315

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to

the order of the House today, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 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 S. Con. Res. 7.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I was privileged to accompany President Clinton, former President Bush, former President Ford, and former President Carter to King Hussein's funeral as the Speaker's representative.

World leaders, and there were many who attended the funeral, were all profoundly saddened by the loss on Sunday, February 7 of His Majesty, King Hussein bin Talal al-Hashem of Jordan.

We are today considering S. Con. Res. 7 which honors the life and legacy of King Hussein, extending the deepest sympathies and condolences of the United States Congress to Her Majesty, Queen Noor, King Abdullah, and the entire Hashemite family, and all citizens of Jordan during this most difficult period.

S. Con. Res. 7, sponsored by Majority Leader LOTT, notes King Hussein's illustrious, dedicated service to the people of Jordan, and his commitment to peace throughout the Middle East, expressing our admiration for King Hussein's enlightened leadership in his pursuit of peace.

It also expresses our support for the new government of Jordan under King Abdullah and reaffirms our commitment to strengthening the relationship between our two nations.

Mr. Speaker, King Hussein was proclaimed Jordan's monarch in 1952 at the very young age of 17 following the assassination of his grandfather, King Abdullah, and the medically required abdication of his father, Talal. King Hussein became the longest serving head of state in the Middle East and had a personal relationship with every United States President beginning with President Eisenhower.

In a region rife with political intrigue, King Hussein was a true survivor, displaying pinpoint tactical ability to survive multiple assassination attempts and plots to overthrow his government. He courageously defended his kingdom and its people even when, on occasion, his decisions differed with those of our own government.

King Hussein dedicated his life to bringing peace and stability to Jordan and to the entire Middle East. He succeeded through the sheer force of will, as well as his dedication, his persistence, and his vision for a brighter future.

Under his leadership, Jordan matured from its beginnings as a desert kingdom to one of the leading nations of the Middle East. King Hussein instituted wide-ranging democratic reforms, and a friendship between our Nation and Jordan grew even stronger based on mutual respect and our common interests.

This enduring partnership bodes well for cooperation and development in Jordan as we witness a transition to King Hussein's eldest son and heir, King Abdullah.

Throughout King Hussein's reign, his search for peace was everlasting. Despite decades of conflict with Israel, King Hussein maintained secret contacts with Israeli leaders throughout the years. Under his leadership, a historic peace treaty was signed between Jordan and Israel on October 26, 1994, which King Hussein termed his crowning achievement and which today serves as a model for Arab-Israeli coexistence.

Mr. Speaker, in all probability, the Wye River Memorandum between Israel and the Palestinian Authority last October would not have been signed had it not been for King Hussein who rose from his hospital bed at the Mayo Clinic to travel to the Wye Plantation to inspire its participants.

Throughout his life, King Hussein was renowned as a man of courage, of wisdom, dignity, and strength. All of us recognize the extraordinary impact that King Hussein had on the people of Jordan, on our own Nation, and upon the world. This measure before us assures the citizens of the Hashemite Kingdom of Jordan that the friendship, support, and assistance of our Nation will continue as part of King Hussein's legacy to its people.

Mr. Speaker, one of the noblest men I have had the privilege of knowing is now destined for the ages. When the King addressed Congress after the announcement that peace with Israel had been achieved, he said, and I quote, ''The two Semitic peoples, the Arabs and the Jews, have endured bitter trials and tribulations during their journey through history.''

''Let us resolve to end this suffering forever and to fulfill our responsibilities as leaders of our peoples, and our duty as human beings toward mankind.''

Mr. Speaker, I hope that all of us will take those words to heart and carry on the legacy that King Hussein bequeathed to us and the world. Accordingly, I urge my colleagues to lend their full support to S. Con. Res. 7.

Mr. Speaker, it was my solemn duty and honor to represent this House with my distinguished colleague Mr. BONIOR, the Minority Whip, and Presidents Clinton, Ford, Bush, and Carter, at the funeral on Monday of His Majesty King Hussein of Jordan, a leader of vision and courage and a true friend of the United States.

In the course of that funeral and from all corners of the world, there have been many fitting tributes to the man who ruled Jordan for 47 years and made his country a partner with the United States and with Israel for peace in the Middle East. One of those tributes was issued by the American Jewish Committee, an organization committed to strengthening the U.S.-Jordan relationship in the context of its support for a secure and lasting peace for Israel, containment of radical movements and regimes, and stability in a region vital to U.S. interests.

I wish to call my colleagues' attention to the following statement, issued by the American Jewish Committee upon the death of King Hussein:

AMERICAN JEWISH COMMITTEE MOURNS KING HUSSEIN OF JORDAN, HAILING HIS COURAGEOUS EMBRACE OF TRUE PEACE WITH ISRAEL'

NEW YORK, Feb. 5.—The American Jewish Committee today mourned the death of His Majesty King Hussein of Jordan. The organization's President, Bruce M. Ramer, and Executive Director, David A. Harris, issued the following statement:

''The American Jewish Committee mourns with the subjects of His Majesty King Hussein, and all peace-loving people, the untimely passing of this extraordinary leader, whose statesmanship forever altered the stale dynamic of Arab-Israeli relations.

''In his courageous embrace of real peace with Israel, King Hussein led his nation toward a new Middle East, in which Arab and Jew would not only reconcile but join hands, respecting each other's rights and borders and working together against the ominous forces—hate, violence, greed and poverty—that stalk the region. That his noble vision remains only partly fulfilled is a summons to all of us to redouble our efforts, together, for the cause of peace he so bravely championed.

''In the years since the October 1994 treaty between Jordan and Israel, King Hussein demonstrated in ways both grand and intimate his commitment to true peace—interrupting his medical treatment to help President Clinton, Prime Minister Netanyahu, and Chairman Arafat conclude the Wye River agreement last October; visiting the families of Israeli schoolchildren murdered by a crazed Jordanian soldier two years ago; eulogizing, with majestic eloquence, his 'brother' in the search for peace, Prime Minister Rabin.

''My colleagues and I were privileged to meet with His Majesty from time to time, in our country and his. We will cherish our own memories of his wisdom and compassion as he articulated in these discussions his bold vision of cooperation across the Jordan River and throughout the Middle East. As we mourn this great leader, and as we strive, as Americans and as Jews, for new understanding and an enduring peace between Arabs and Israelis, we look forward to our continuing work with the government and the people of the Hashemite Kingdom of Jordan.

''We express our profound sympathy to His Majesty's family and to all his people at this time of great sadness.''

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CAMPBELL) a member of our committee, and I ask unanimous consent that he be permitted to yield time to other Members.

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

There was no objection.

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

Mr. GEJDENSON. Mr. Speaker, the breadth in this institution of respect for King Hussein is reflected by the Members across the political spectrum who are here.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip, for his statement.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, people all over the world mourn the death of Jordan's King Hussein. He was, as my distinguished colleague, the gentleman from New York (Mr. GILMAN), has just said, a man of honor, a man of wisdom, and beyond everything else, he was a man of peace.

I was deeply honored to help represent this House, along with the gentleman from New York (Chairman GILMAN), at the King's funeral. It was a very sad, sobering, but moving experience to see the leaders of the world, kings and princes and presidents and prime ministers from every continent, small countries, large countries. It was an amazing collection of the most powerful people on our planet.

The funeral procession itself, it was solemn. It was simple. But in its simplicity and its solemnity, it was majestic. It was not just presidents and kings, but it was people from everyday life who had traveled to Amman out of love and respect and out of sadness. Not just friends, but strangers, and, yes, even enemies.

President Asad from Syria was there. And I was told it had been the first time that President Asad had appeared at any meeting where Israelis and Israeli government officials were present. The Israeli government and the Israeli Society sent a broad spectrum of individuals. All their candidates for the prime minister's job were there as well as religious leaders and others who had played an important role in the history between these two countries.

In death, as in life, King Hussein brought people together. He was an extraordinary man. Like all of us, he made mistakes, but he learned from them. He grew as a man and as a leader. It was one of the most interesting and moving parts of his reign to watch him grow from a young man, not a boy, but a young man of 17 who took the thrown and matured in a most amazing way to understand and grasp the meaning and the power of peace. It takes more courage to make peace than war.

Writing of King Hussein and the late Prime Minister Yitzhak Rabin, Tom Friedman of the New York Times wrote, and I quote, ''There is something about watching these graybeards standing up, breaking with the past, offering a handshake to a lifelong foe and saying: Enough. I was wrong. This war is stupid. It keeps alive the idea that anything is possible in politics, even in Middle East politics.''

King Hussein inspired us all with his courage. Instead of looking backward with bitterness, he chose to look forward with hope and with possibility.

King Hussein's death makes the peace process in the Middle East more challenging than ever. We ask ourselves how can such a man ever be replaced. The gentleman from New York (Mr. GILMAN) I think said it very well. When the Wye Accords were floundering at the retreat in the eastern shore of the Chesapeake Bay not many months ago, a retreat that was meant to breathe some life into a dying process that could have resulted in catastrophic consequences, not only for the countries involved, but for the broader world, when that process was just about to collapse, the President called King Hussein at the Mayo clinic in Rochester, New York and asked him to come. The King said ''Of course I will come if you think it could help.'' The President's response was ''Of course it will help,'' because he understood and knew how much respect the King had among the players in this ever-flowing and ever-ongoing struggle for peace in this region.

So the King, dying and ill, came and spent time. Of course it was impossible in his presence for those that were participating to have walked out and to deny the work that was necessary to keep the peace together.

So the question of whether or not he can be replaced or not is a good question. Of course he cannot. But he also showed us that one person can make a difference, that each of us, through our work and our lives, can leave the world a better place. He demonstrated that all of us can grow from experience and reach out to those with differences. Each of us must remember the example that King Hussein set and recommit ourselves to peace.

Mr. Speaker, I support this resolution in his honor. I send, again, my condolences to his family, to the Queen who has acquitted herself with so much grace and so much power and who herself has devoted her energies to peace, active in the campaign against land mines and other endeavors.

I extend my condolences to the Queen's mother and father, very lovely people who I had a chance to meet and to talk with on the way over, and of course to the King's children and to the people of Jordan.

□ 1330

I also would like to say that I support President Clinton's call for assisting Jordan by helping to pay down its debt, to improve economic ties, and doing our part to keep the peace process moving forward.

The King's legacy is one of tolerance and friendship and hope for peace. We can best honor his memory by working to make his great vision a reality.

Mr. CAMPBELL. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman for bringing this resolution to the floor today.

I rise as a representative of Rochester, Minnesota. And over the last 7 to 10 years, King Hussein probably spent about as much time in my district in Minnesota as anywhere in the United States. And I always knew when he was in town because this big, beautiful airplane that he was so proud of was there at the Rochester Airport. Many people may not know it, but he was very fond of flying that Lockheed L–1011 all the way from Jordan to Rochester, Minnesota. We regret that, in the end, the procedures that were attempted to save his life were not successful.

But I rise today to speak on behalf of my constituents because many of them got a chance to meet King Hussein and his Queen wife and the rest of the royal family and all the people from Jordan who came with him, and they were always impressive. In fact, in the last several years sometimes literally he and his wife would rent a little red Volkswagen Beetle and they would travel around southeastern Minnesota and many people got a chance to meet him, and everyone who did was impressed with his humanity and the way that he dealt with people. All the people who touched King Hussein were impressed by him and his gentleness.

He was in many respects a dichotomy. He was a king and yet he had the common touch. He was trained as a warrior but he spent most of his life fighting for peace. He was a pilot and yet he was down-to-earth. He stood barely five-foot-five inches tall and yet he will be remembered as a giant of this century.

We mourn his loss today. We share the pain of his family and of his people. We must now renew his commitment to humanity and his commitment to peace.

Mr. GEJDENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I certainly thank the very distinguished ranking member of the Committee on Foreign Relations and his staff.

Mr. Speaker, I wanted to speak to this because King Hussein's passing should not go unrecognized by any of us, because he made a difference with his life and he left a legacy that will shine brightly in the history books. He was a kind and gentle man but also a strong and courageous person. He was a leader in a part of the world and at a time that desperately needed strong and good leadership.

It is said that he was very tough, but he was not ruthless. They tell a story of one of his political opponents who worked for years to undermine him, to overthrow his regime. He was jailed and prosecuted, of course. But when he was let out of prison, King Hussein invited him to his home and they sat down and had tea together and discussed their differences. It was that kind of toughness but goodness that sustained his kingdom.

The last time I talked with him I wanted to share with my colleagues for

a few moments because I think it spoke so much about the man. We went into a very modest house, stucco house that was in construction, certainly did not look palatial. And he sat down, he did not even have a servant at the time, and he poured his tea. And in the course of the conversation, he invited us to visit the palace but he said, ''Make sure you come during the day so you do not wake up the children.'' Because he and Queen Noor had visited an orphanage, and seeing the condition of the children, they were moved to give over their palace, to turn it into an orphanage.

They did that. And when we drive up the driveway, this palatial driveway, we have to drive real slow because the children are running around in little scooters, playing, having fun. And when we walk in and see the way that each one of those children were being treated, it reflects how he wanted his people treated, with the kindness and gentleness and respect for all human beings that defined his philosophy. That is why he was so important to all of us.

A good friend who lives in Northern Virginia, Najeeb Halaby, was the father-in-law of King Hussein. Mr. Halaby is the father of Queen Noor and the father-in-law of King Hussein. And I know that, given all the conflict and the chaos and the challenge that his daughter has confronted with her partner, that he recognizes that his daughter was married to a great man and that in fact, because of their leadership, because of their legacy, the people of Jordan will spread the message of human rights, respect for all people, particularly women, will in fact move the Middle East into an environment of peace and justice.

That is his legacy. We thank him for it.

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

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

Mr. Speaker, I think that for all of us, what is clear here is that this was no ordinary world leader. World leaders who pass on are often mourned in their countries and there is often some reference abroad. But in the case of King Hussein, his personal courage and commitment to his people and the peace process has I think touched people across the globe.

I join my colleagues in offering condolences to his wife, Her Majesty Queen Noor al-Hashem; and our congratulations and pledge of support to His Majesty King Abdullah, the second ibn al-Hashem.

We have a commitment in the Middle East as a country, and our interests and the interest of peace have been furthered by King Hussein's great courage, a young man who saw his grandfather assassinated as he stood next to him. In a Middle East coming out of colonial borders that continued to change and turmoil that left thousands in crisis and often in death, King Hussein continued a steady march, defending his country, trying to make his countrymen's lives better, and always trying to take the boldest steps for peace.

Often I think people misunderstood his own quiet nature and did not understand his great strength. It is clear globally today that he has set an example not just for Jordan and his son who is now king or for the crown prince but for all of us who try to participate in public service.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

I think it is important that we rise and acknowledge the special place that King Hussein had in this world along with his beloved people. My sympathy goes to Queen Noor and to the wonderful family of children and the family of Jordan, who loved this king.

My remarks are directed to America. For it is important for us to realize the wisdom, the greatness, the history of those who live outside of our boundaries. King Hussein was a special person, small in stature, but took up the leadership role of a great nation in his late teens. This is a remarkable accomplishment and one that our young people should look to for the fact that he was a teenager but yet had the responsibility for leadership of a nation.

The nation grew with the king. The king grew with the nation. And as he fought wars, he also fought for peace. Can we do any less in this country to know that we must protect our nation but yet be warriors for peace?

I think it is important to note that in the times of King Hussein's most painful days, suffering from a very devastating form of cancer, he did not wallow in self-pity, trying to determine how he could find the best way to live, which he was doing, but he had a keen eye on the peace process and he lifted himself, as I see some of my good friends here, lifted himself out of his sickbed and went toward the peace process, the process to bring Israel and the PLO, people of this world, people who may have differences but who he found could have a common bond. This king rose to the occasion.

And so this tribute is to recognize his spirit, his legacy, but it is also a personal commitment in which I hope my colleagues will join me, as well as the administration, as well as the American people, to understand that we must extend ourselves beyond our boundaries, that the world does include our brothers and sisters, as King Hussein reflected in his life and in his legacy.

Long live his good nation, and long live the efforts of peace, and God bless his nation as we work together to keep his legacy ongoing.

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

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

I would simply conclude the debate on our side by saying that it is my prayer and I think the prayer of every American that the God of Abraham, the God of Israel, the God of Jacob, the God of Ishmael, and the God of the Prophet Muhammad, will welcome into his kingdom and give to him the reward promised to a peacemaker, King Hussein of Jordan.

Mr. ORTIZ. Mr. Speaker, King Hussein was a man who personified the dignity of public service. He will be sorely missed as a world leader and diplomat for world peace. Leading up to several months before his passing King Hussein was still leading the charge to bring peaceful stability to the Middle East. I would like to extend my sincere sympathy to the King's family. I know that his son will carry on his legacy.

Mr. RAHALL. Mr. Speaker, I rise in celebration of the life of a true hero of the Middle East, a true patriot, a beloved leader of his people, friend and ally of the United States, King Hussein Ibn Talal al-Hashem of the Hashemite Kingdom of Jordan.

I believe it was when, at the most tender age of 15, as his grandfather King Abdullah was assassinated before his eyes while visiting the holy site of the Al Aqsa Mosque, that this future King of Jordan had his great strength of character forged in steel.

Over his nearly 50-year reign as Jordan's Monarch, King Hussein met many challenges to his rule as a true patriot, with benevolence toward his own people and peoples throughout the region. He led with bold courage and became a visionary, and was seen often to turn away the wrath of his enemies with a gentle word and with compassionate but firm resolve even in the midst of turmoil while facing grave danger.

There was none before him so steeped in the knowledge of the history, the culture, the religion, or the traditions of all contenders for power in the region, both Jewish and Muslim. King Hussein always understood perfectly that their roots were inextricably intertwined in the fertile and historic soil of the Middle East. He met the challenges presented to him with concern for others, but first and foremost was his deep and abiding allegiance to the sovereignty of the Hashemite Kingdom of Jordan.

The friendship he offered to the United States was founded upon his total respect for us as a Nation who shared his own values.

One of his greatest legacies is the significant contribution he made, right up to his death, to peace and security in the region. We witnessed his enduring personal courage as he left his treatment behind at the Mayo Clinic to hasten to the side of the President at Wye River Plantation to help the United States keep that negotiation of peace between Israel and Palestine on track.

It is for this reason, and so many other instances, that King Hussein would wish that every one of us acknowledge how vitally important it is for us to take immediate steps to strengthen the relations that exist between us in Jordan and throughout the Middle East, so that all our peoples may benefit from them.

King Hussein chose to reject violence, because it was just such violence that propelled

him into power. With the world watching, he bravely chose to reject violence and to embrace peace, and in 1994 showed remarkable courage when Jordan became only the second Arab country to sign a peace agreement with Israel.

King Hussein rejected violence and embraced peace. He showed his compassion and deep understanding when another violent act saw the 1997 murder of seven Israeli school girls. He rejected the violence but embraced peace when he traveled to Israel to visit with the families of the young victims and so joined in their mourning.

He led by example to his people and to the world at large, but especially in the Middle East. And even as the mantle of leadership for the Hashemite Kingdom of Jordan was passed from then King Abdullah to King Hussein, so is the mantle now passed to his son, King Abdullah Bin Al-Hussein.

In memory of King Hussein's true commitment to the peace process and to the strong relationship we have forged with Jordan, I extend the hand of conciliation to his son, King Abdullah, and offer him my prayer for God's mercy, my support and my friendship as he strives to ensure that his Father's dream of a just and lasting peace in the Middle East becomes a reality.

His Majesty King Abdullah, the eldest son appointed by King Hussein before his death, received his education in England and in America, and prior to his appointment served as the Commander of the Royal Jordanian Special Forces where he honed his leadership skills.

The Appointment of the Crown Prince to succeed King Hussein will bring a continuity of his vision for Jordan, and for Peace in the Middle East, and I am confident this includes King Abdullah's commitment to the Jordan-Israel treaty of peace.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this important resolution honoring the life of King Hussein of Jordan.

King Hussein will be remembered as one of the greatest leaders of the late twentieth century. His stature, his courage, and his determination made him an international force that far surpassed the size of his tiny country.

Most of all, King Hussein will be remembered as a peacemaker. Over the four decades he led the Hashemite Kingdom of Jordan, Hussein transformed himself from a teenager given the reins of a country at war with its neighbors, to a seasoned and benevolent statesman who saw the cause of peace as his destiny.

Hussein showed the world that you can live in a dangerous and war-infested neighborhood, and still battle first and foremost for peace. He sought peace with Israel and he facilitated peace between the Israelis and the Palestinians at the same time that he fought off a never-ending string of coup and assassination attempts at home. He saw his good friend, Yitzhak Rabin, cut down by the enemies of peace. Still, he vowed to press on, touching us all with his poignant eulogy to the fallen Prime Minister. His words at the Rabin funeral were a call to action: ''Let's not keep silent. Let our voices rise high to speak of our commitment to peace for all times to come, and let us tell those who live in darkness who are the enemies of life, and through faith and religion and the teachings of our one God, this is where we stand.''

And he was so committed to peace that he took time from his battle with cancer to help broker the Israeli-Prime peace accords at the Wye River Plantation last fall.

Our thoughts go out today to King Hussein's family and to the people of Jordan. I had the pleasure of meeting King Abdullah last year, and I know that the Jordanian people are in good hands. King Hussein left behind a strong governmental system and an able heir.

King Hussein once said that he wanted to give the people of the Middle East ''a life free from fear, a life free from want—a life in peace.'' He worked tirelessly to achieve that goal, and, with our continued commitment to King Hussein's legacy, we will realize his dream.

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

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the order of the House today, the previous question is ordered.

The question is on the Senate concurrent resolution.

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

Mr. CAMPBELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 18]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Barton	Lofgren	Paul
Carson	Maloney (NY)	Rush
Fossella	Miller, George	Taylor (MS)
Gekas	Mollohan	
Livingston	Ortiz	

□ 1405

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, this afternoon I was unavoidably detained and was not here for rollcall vote No. 18, S. Con. Res. 7, honoring the life and legacy of King Hussein. I would like to enter for the RECORD, that should I have been present for the floor vote I would have voted "yes" on agreeing to this resolution.

PROVIDING FOR ADJOURNMENT OF HOUSE FROM FEBRUARY 12, 1999, TO FEBRUARY 23, 1999, AND RECESS OR ADJOURNMENT OF SENATE FROM FEBRUARY 11, 1999, FEBRUARY 12, 1999, FEBRUARY 13, 1999, OR FEBRUARY 14, 1999, TO FEBRUARY 22, 1999

Mr. LAZIO. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 27) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, February 12, 1999, it stand adjourned until 12:30 p.m. on Tuesday, February 23, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 11, 1999, Friday, February 12, 1999, Saturday, February 13, 1999, or Sunday, February 14, 1999, pursuant to a motion made by the Majority Leader, or his designee, pursuant to this concurrent resolution, it stand recessed or adjourned until noon on Monday, February 22, 1999, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 50) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 50

Resolved that the following named Members are hereby elected to serve on standing committees as follows:

Committee on House Administration: Mr. FATTAH, Pennsylvania; and Mr. DAVIS, Florida.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HISPANIC RECOGNITION PROGRAM

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today to congratulate 18 outstanding high school seniors in my district who are finalists in the National Hispanic Recognition Program.

These students are among 3,600 high school seniors in the Nation selected by the College Board for this honor. They come from the cities of Chino, Ontario, Pomona, Upland, Brea, Yorba Linda, Anaheim, Rowland Heights, and my home city of Diamond Bar. I know that their families and their respective communities are proud of their academic accomplishments and their hard work.

As a representative of the 41st Congressional District in California, I can say we are also proud of them and wish them the best in their college careers.

Mr. Speaker, I include their names for the RECORD. I am sure this is not the last time we will hear from these bright young students.

The scholar finalists are: Arturo Nuno, Naomi Esquibel, Yolanda Robles, Tony Saucedo, Michelle Rodriguez, Henry Artiga, DeAnn Del Rio, Michelle Allis, Erin Freyermuth, Marissa Guerrero, Maria Sequeira, Meredith Garcia, Natalie Alvarado, Michael Espinoza, and Juan Jauregui.

Honorable mention finalists include: Oscar Teran, Gabriel Bustos, and Nick Yanez.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COMBEST) is recognized for 5 minutes

Mr. COMBEST. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on this day.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE

U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House of Representatives shall govern the procedure of the committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House of Representatives, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees. (See Appendix A for the applicable Rules of the House of Representatives.)

(2) As provided in clause 1(a)(2) of House rule XI, each subcommittee is part of the committee and is subject to the authority and direction of the committee and its rules so far as applicable. (See also committee rules III, IV, V, VI, VII and X, infra.)

(b) *Authority to Conduct Investigations.*—The committee and its subcommittees, after consultation with the chairman of the committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under rule X of the Rules of the House of Representatives and in accordance with clause 2(m) of House rule XI.

(c) *Authority to Print.*—The committee is authorized by the Rules of the House of Representatives to have printed and bound testimony and other data presented at hearings held by the committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee and its subcommittees shall be paid from applicable accounts of the House described in clause (i)(1) of House rule X in accordance with clause 1(c) of House rule XI. (See also paragraphs (d), (e) and (f) of committee rule VIII.)

(d) *Vice Chairman.*—The Member of the majority party on the committee or subcommittee designated by the chairman of the full committee shall be the vice chairman of the committee or subcommittee in accordance with clause 2(d) of House rule XI.

(e) *Presiding Member.*—If the chairman of the committee or subcommittee is not present at any committee or subcommittee meeting or hearing, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at a committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House rule XI.

(f) *Activities Report.*—(1) the committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee

under rules X and XI of the Rules of the House of Representatives during the Congress ending on January 3 of such year. (See also committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of House rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules.*—The committee's rules shall be published in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year as provided in clause 2(a) of House rule XI.

(h) *Joint Committee Reports of Investigation or Study.*—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

II. COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings.*—(1) Regular meetings of the committee, in accordance with clause 2(b) of House rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the chairman shall determine the regular meeting day of the committee, if any, for that month. The chairman shall provide each member of the committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the chairman or a majority of the committee. If the chairman believes that there will not be any bill, resolution or other matter considered before the full committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the chairman, there may be matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of committee rule X for provisions that apply to meetings of subcommittees.)

(b) *Additional Meetings.*—The chairman may call and convene, as he or she considers necessary, after consultation with the ranking minority member of the committee, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. the committee shall meet for such additional meetings pursuant to a notice from the chairman.

(c) *Special Meetings.*—If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the majority staff director (serving as the clerk of the committee for such purpose) shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House rule XI. the committee shall meet on that date and hour. Immediately upon the filing of the notice, the majority staff director (serving as the clerk) of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

III. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings and Hearings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House rule XI. (See Appendix A.)

(b) *Broadcasting and Photography.*—Whenever a committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House rule XI. (See Appendix A.) When such radio coverage is conducted in the committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The chairman of the committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees.*—No person other than members of the committee or subcommittee and such congressional staff and departmental representatives as the committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House rule XI.

(d) *Addressing the Committee.*—A committee member may address the committee or a subcommittee on any bill, motion, or other matter under consideration. (See committee rule VII (e) relating to questioning a witness at a hearing.) The time a member may address the committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly.*—Subject to the presence of a quorum, each meeting or hearing of the committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting.*—No vote by any Member of the committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings.*—No person other than the committee or subcommittee members and committee or subcommittee staff may be seated in the rostrum area during a meeting of the committee or subcommittee unless by unanimous consent of committee or subcommittee.

(h) *Consideration of Amendments and Motions.*—A Member, upon request, shall be recognized by the chairman to address the committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Demanding Record Vote.*—A record vote of the committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(j) *Submission of Motions or Amendments In Advance of Business Meetings.*—The committee and subcommittee chairman may request and committee and subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the chairman and the ranking minority member of the committee or the subcommittee 24 hours before a committee or subcommittee business meeting.

(k) *Points of Order.*—No point of order against the hearing or meeting procedures of the committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) *Limitation on Committee Sittings.*—The committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

IV. QUORUMS

(a) *Working Quorum.*—One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum.*—A majority of the members of the committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure. (See clause 2(h)(1) of House rule XI, and committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of the Rule XI of the Rules of the House of Representatives; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House rule XI. (See also committee rule VI.)

(c) *Quorum for Taking Testimony.*—Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) *Unanimous Consent Agreement on Voting.*—Whenever a record vote is ordered on a question other than a motion to recess or adjourn and debate has concluded thereon, the committee or subcommittee by unanimous consent may postpone further proceedings on such question to a designated time.

V. RECORDS

(a) *Maintenance of Records.*—The committee shall keep a complete record of all committee and subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all committee and subcommittee action and a record of all votes on any question and a tally on all record votes. The result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee and by telephone request. Information so available for public inspection shall

include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records.*—Any public witness, or person authorized by such witness, during committee office hours in the committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the committee. Members of the committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the committee. the committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the committee or subcommittee determines otherwise. The committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Property of the House.*—All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The majority staff director shall promptly notify the chairman and the ranking minority member of any request for access to such records.

(d) *Availability of Archived Records.*—The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The chairman shall notify the ranking minority member of the committee of the need for a committee order pursuant to clause 3(b)(3) or clause 4(b) of such House rule, to withhold a record otherwise available.

(e) *Special Rules for Certain Records and Proceedings.*—A stenographic record of a business meeting of the committee or subcommittee shall be kept and thereafter may be published if the chairman of the committee, after consultation with the ranking minority member, determines there is need for such a record. The proceedings of the committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the committee or subcommittee.

(f) *Electronic Availability of Committee Publications.*—To the maximum extent feasible, the committee shall make its publications available in electronic form.

VI. POWER TO SIT AND ACT; SUBPOENA POWER.

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its function and duties under House rules X and XI, the committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)——

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The chairman of the committee or subcommittee, or any member designated by the chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be authorized and issued by the committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House rule XI. Such authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee. As soon as practicable after a subpoena is issued under this rule, the chairman shall notify all members of the committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all members of the committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena *duces tecum* may specify terms of return other than at meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the committee or any subcommittee, may report to the offices of the committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington DC, the subpoenaed witness may contact the majority staff director of the committee, or his or her representative, before leaving the hearing room.

VII. HEARING PROCEDURES.

(a) *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House rule X and XI, the committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of committee rule VI and paragraph (f) of committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement.*—The chairman of the committee shall after consultation with the ranking minority member of the committee, make a public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. The chairman of a subcommittee shall schedule a hearing only after consultation with the chairman of the committee and after consultation with the ranking minority member of the subcommittee, and the chairmen of the other subcommittees after such consultation with the committee chairman, and shall request the majority staff director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the chairman of the committee or the subcommittee, with concurrence of the ranking minority member of the committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the chairman of the committee or subcommittee, as appropriate, shall request the majority staff director to make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses.*—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the chairman of the committee or subcommittee, unless a majority of the committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony.*—(1) Each witness who is to appear before the committee or a subcommittee, shall insofar as practicable file with the majority staff director of the committee, at least 2 working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to committee or subcommittee members, staff, and the news media. Insofar as practicable, the committee or subcommittee staff shall distribute such written statements to all members of the committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the chairman of the committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of committee rule VI, the chairman of the committee or one of its subcommittees, or any Member designated by the chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses.*—Committee or subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for 5 minutes until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the chairman of the committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the committee or subcommittee determines otherwise, no person shall interrogate witnesses other than committee and subcommittee members.

(f) *Extended Questioning for Designated Members.*—Notwithstanding paragraph (e), the chairman and ranking minority member may designate an equal number of members from each party to question a witness for a period not longer than 60 minutes.

(g) *Witnesses for the Minority.*—When any hearing is conducted by the committee or

any subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House rule XI.

(h) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the committee shall make available immediately to all members of the committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the chairman of the committee or subcommittee shall, to the extent practicable, make available to the members of the committee any official reports from departments and agencies on such matter. (See committee rule X(f).)

(i) *Participation of Committee Members in Subcommittees.*—All members of the committee may attend any subcommittee hearing in accordance with clause 2(g)(2) of House rule XI, but a Member who is not a member of the subcommittee may not vote on any matter before the subcommittee nor offer any amendments or motions and shall not be counted for purposes of establishing a quorum for the subcommittee and may not question witnesses without the unanimous consent of the subcommittee.

(j) *Open Hearings.*—Each hearing conducted by the committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House rule XI (see also committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(k) *Investigative Hearings and Reports.*—(1)(i) The chairman of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the committee rules (and the applicable provisions of clause 2 of House rule XI, regarding investigative hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chairman of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. the committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee or subcommittee. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. the committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee. (See paragraph (c) of committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

VIII. THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—The chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the committee unless a majority of the committee is actually present. A committee report on any bill, resolution, or other measure approved by the committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the majority staff director of the committee a written request, signed by a majority of the committee, for the reporting of that bill or resolution. The majority staff director of the committee shall notify the chairman immediately when such a request is filed.

(b) *Content of Reports.*—Each committee report on any bill or resolution approved by the committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House rule XIII and clause 2(b)(1) of House rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the committee;

(8) any oversight findings and recommendations made by the Committee on Government Reform under clause 4(c)(2) of House rule X to the extent such were available during the committee's deliberations on the bill or resolution;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the 5 fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)),, together with——

(i) a comparison of these estimates with those made and submitted to the committee by any Government agency when practicable, and

(ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause 3 of House rule XIII;

(12) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(c) *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the majority staff director of the committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with House rule XI, clause 2(1) and House rule XIII, clause 3(a)(1)), as filed by one or more members of the committee, shall be included within and made a part of the report filed by the committee with respect to that bill or resolution.

(d) *Printing of Reports.*—The report of the committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House rule XII, clause 3(a)(1)) are included as part of the report.

(e) *Immediate Printing; Supplemental Reports.*—Nothing in this rule shall preclude——

(1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or

(2) the filing by the committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the committee on that bill or resolution.

(f) *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints.*—All committee or subcommittee prints or other committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the chairman of the committee or the committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports.*—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House of Representatives without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

IX. OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan.*—Not later than February 15 of the first session of a Congress, the chairman shall convene the committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the committee shall, to the maximum extent feasible——

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(3) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every 10 years. the committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House rule X. the committee shall include in the report filed pursuant to clause 1(d) of House rule XI a summary of the oversight plans submitted by the committee under clause 2(d) of House rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations.*—The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. the committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Budget Act Compliance: Views and Estimates (See Appendix B).*—By February 25 each year and after the President submits a budget under section 1105(a) of title 31, United State Code, the committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes.*—Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the chairman shall, after consultation with the ranking minority member, determine the number of conferees the chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause House rule I, clause 11, the names of those members of the committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The chairman shall, to the fullest extent feasible, include those members of the committee who were the principal proponents of the major provisions of the bill as it passed the House and such other committee members of the majority party as the chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority party members to minority party members on the committee. In making recommendations of minority party members as conferees, the chairman shall consult with the ranking minority member of the committee.

X. SUBCOMMITTEES

(a) *Number and Composition.*—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including *ex officio* members.

The chairman may create additional subcommittees of an *ad hoc* nature as the chairman determines to be appropriate subject to any limitations provided for in the House rules.[1]

(b) *Ratios.*—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full committee. In calculating the ratio of majority party members to minority party members, there shall be included the *ex officio* members of the subcommittees and ratios below reflect that fact.

(c) *Jurisdiction.*—Each subcommittee shall have the following general jurisdiction and number of members:

OPERATIONAL SUBCOMMITTEE

Department Operations, Oversight, Nutrition, and Forestry (21 Members, 11 majority, 10 minority).—Agency oversight, review and analysis, special investigations, pesticide regulation, nutrition, food stamps, hunger, consumer programs, and forestry.

COMMODITY SUBCOMMITTEES

General Farm Commodities, Resource Conservation, and Credit (21 Members, 11 majority, 10 minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, agricultural credit, natural resource conservation, small watershed program, rural development, rural electrification, energy, farm security, and family farming matters.

Livestock and Horticulture (23 Members, 12 majority, 11 minority).—Livestock, dairy, poultry, meat, seafood and seafood products, the inspection of those commodities, aquaculture, animal welfare, fruits and vegetables, marketing orders, and grazing.

Risk Management, Research, and Specialty Crops (34 members, 18 majority, 16 minority).—Commodity futures, crop insurance, peanuts, sugar, tobacco, honey and bees, research and education, and agricultural biotechnology matters.

(d) *Referral of Legislation.*—

(1)(a) In general.—All bills, resolutions, and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the committee. After consultation with the ranking minority member, the chairman may determine that the committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to

1 The chairman and ranking minority member of the committee serve as *ex officio* members of the subcommittees. (See paragraph (e) of this rule).

the committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the committee.

(2) The chairman, by a majority vote of the committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the committee. the committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(3) Unless the committee, a quorum being present, decides otherwise by a majority vote, the chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the chairman for the purpose of considering the matter and reporting to the committee thereon, or make such other provisions deemed appropriate.

(e) *Service on subcommittees.*—(1) The chairman and the ranking minority member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The chairman and the ranking minority member may not be counted for the purpose of establishing a quorum.

(2) Any member of the committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings in accordance with clause 2(g)(2) of House rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of a establishing a quorum for any motion, vote, or other subcommittee action;

(iii) participate in questioning a witness under the 5–minute rule, unless permitted to do so by the subcommittee chairman or a majority of the subcommittee a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings.*—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee chairmen with the committee chairman. (See committee rule VII.)

(2) After consultation with the committee chairman, subcommittee chairmen shall set dates for hearings and meetings of their subcommittees and shall request the majority staff director to make any announcement relating thereto. (See committee rule VII(b).) In setting the dates, the committee chairman and subcommittee chairman shall consult with other subcommittee chairmen and relevant committee and subcommittee ranking minority members in an effort to avoid simultaneously scheduling committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the chairman and the ranking minority member of the committee by the majority staff director.

(4) Subcommittees may hold meetings or hearings outside of the House if the chairman of the committee and other subcommittee chairmen and the ranking minority member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of committee meetings under committee rule II(a) and special or additional meetings under committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The chairman may also appoint an acting subcommittee chairman until the vacancy is filled.

(g) *Subcommittee Action.*—(1) Any bill, resolution, recommendation, or other matter ordered reported to the committee by a subcommittee shall be promptly reported by the subcommittee chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such report, the majority staff director of the committee shall promptly advise all members of the committee of the subcommittee action.

(3) The committee shall not consider any matters reported by subcommittees until 2 calendar days have elapsed from the date of reporting, unless the chairman or a majority of the committee determines otherwise.

(h) *Subcommittee Investigations.*—No investigation shall be initiated by a subcommittee without the prior consultation with the chairman of the committee or a majority of the committee.

XI. COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget.*—The chairman, in consultation with the majority members of the committee, and the minority members of the committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the committee and subcommittees. After consultation with the ranking minority member, the chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the committee not assigned to the minority. The professional and clerical staff of the committee not assigned to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House rule X, clause 9).

(2) The ranking minority member of the committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House rule X, clause 6(d)).

(c) *Committee Travel.*—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of committee members and committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any committee staff member shall be paid only upon the prior authorization of the chairman. Official travel may be authorized by the chairman for any committee Member and any committee staff member in connection with the attendance of hearings conducted by the committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the committee, prior authorization must be obtained from the subcommittee chairman and the full committee chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the committee chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the committee shall make an itemized report to the chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such

individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

XII. AMENDMENT OF RULES

These rules may be amended by a majority vote of the committee. A proposed change in these rules shall not be considered by the committee as provided in clause 2 of House rule XI, unless written notice of the proposed change has been provided to each committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the committee shall be published in the Congressional Record within 30 calendar days after its approval.

IN SUPPORT OF THE MANDATES INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, I rise today with encouragement that this House just passed the Mandates Information Act, which will help to safeguard us from making unfunded mandates to the private sector.

Well, I am here today to do just that, to address an unfunded mandate that our constituents pay for every month in their phone bills, the E-rate program, sometimes known as the ''Gore Tax,'' because it has garnered the Vice President's support.

As you know, Mr. Speaker, the intent of the ''Gore Tax'' is to ensure that every school and library is connected to the Internet. But the FCC pays for this program by getting mandatory contributions from phone companies and others. If you look at your phone bill, you will see that mandatory contribution passed on to you, the consumer, as part of the Universal Service Charge.

Mandatory contributions. Mr. Speaker, let us be honest. If it looks like a tax, it quacks like a tax, it is a tax. We can say that our annual ''mandatory contributions'' to the government are due on April 15th, but we know different.

I have a chart here that shows how it works. First the FCC forces this mandatory contribution on long distance phone companies and others; second, those companies make their massive contributions to the Universal Service Corporation here. That is currently capped at $2.25 billion each year, this mandatory contribution.

Only here, only in government, only at the Federal Government, could we actually come up with these oxymoronic statements, that this is a mandatory contribution.

But what the Vice President and other E-rate supporters do not want you to know is that this is a hidden tax. Consumers are forced to pay this charge through their monthly phone bills. This is where the hidden tax is found, and I would like to eliminate it.

Mr. Speaker, Americans today are taxed at the highest levels in history. In fact, the Congressional Budget Office recently reported that Federal tax revenues have reached a peacetime record level of 20.5 percent of the Gross Domestic Product.

But, Mr. Speaker, this is not just a hidden tax, it is also an unnecessary tax. I have some statistics here from the Congressional Research Service that came before the ''Gore Tax'' was created.

Now, remember this tax was put on, it was snuck through essentially in order to provide technological support and technology support for schools, in order to encourage them to get on to the Internet and to put computers in classrooms.

□ 1415

But before this tax was ever passed, according to the Congressional Research Service, the 1997 student-to-computer ratio in this country was 8-to-1. Also in 1997, 78 percent of all schools were connected to the Internet, remember, before this tax ever came into existence.

Mr. Speaker, the President has just asked for another $766 million in his Department of Education's budget for education technology alone. That is three-quarters of $1 billion, and I quote his own budget summary, ''as a part of the President's proposal to connect all schools to the Internet and put a computer in every classroom.'' Mr. Speaker, this is the ''Gore Tax,'' and what is this ''Gore Tax'' program? Is there not some duplication in a multibillion-dollar effort to put Internet in the schools?

In fact, there are over 20 Federal programs aimed toward this effort, not to mention hundreds of State and local private initiatives.

Last year, the Committee on Appropriations reported that the Department of Education cannot account for the money it now spends in education technology. They cannot explain where this money goes. In fact, the Committee on Appropriations said that it fears millions of dollars might go unspent each year.

Today, I am introducing the E–Rate Termination Act, and I would like to thank the 13 original cosponsors of this bill for recognizing the dire need for change. By eliminating this hidden tax, we can focus on honest and realistic ways to address our schools' and libraries' technological needs, and I ask for my colleagues' support.

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. MCINTOSH) is recognized for 5 minutes.

(Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. EMERSON) is recognized for 5 minutes.

(Mrs. EMERSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROTECTING AND PRESERVING MEDICARE FOR THE NEXT GENERATION

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about what the Republican agenda is this year. We have been saying BEST military. B for balancing in the budget, paying down the debt, responsible spending; E for excellence in education; S for saving Social Security; T for lowering taxes and having a strong military presence that we need in the world today.

I have with me a distinguished member of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) who has worked so long on protecting Medicare and working for lowering taxes, and also the gentleman from California (Mr. OSE), one of our distinguished freshman Members, and we were just going to talk about some of the things we hope to accomplish.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

One of the focal points obviously at the beginning of this, the 106th Congress, is the Medicare Commission which is scheduled to make its report, if we can get 11 of the 17 members to agree on a plan, in early March. I would tell the gentleman that the things that have taken place recently, primarily on the executive side of Washington, have made it immensely more difficult for us to try to come together.

In the context of trying to get 11 of 17 people who are very knowledgeable,

who have been experienced, four of whom were appointed by the President, four by the Speaker of the House, the majority leader of the Senate, two by the minority leader of the Senate and minority leader of the House, to come to agreement is difficult in the best of times. But when the President, in his State of the Union message, pulled like a genie out of the bottle, I am willing to put $700 billion on the table, and by the way, I will bring the drugs in, throwing a party, the difficulty of coming to agreement in the Medicare Commission was blurred. It sounded as though there was more money available than anyone thought, and that it is relatively simple to move prescription drugs into a Medicare solution.

The folks who are the participants in Medicare, the providers, the taxpayers, and the beneficiaries, all had a sigh of relief that the problem has been solved, when in fact, as we are now discovering, as Samuelson's excellent guest editorial in the Washington Post today spelled it out, that there was a lot more smoke and mirrors in the President's budget than anyone anticipated.

Just a couple of examples of the difficulty. When the President said that he was going to put $700 billion on the table, that is not the case. When the President said we should have a prescription drug benefit in Medicare, everyone nods their head yes, and we are in agreement that that should occur. But what is not explained, and what most people do not realize, I would say to the gentleman from Georgia, is that 65 percent of the seniors on Medicare have some sort of prescription drug program. What we need to do is examine the 35 percent who do not and create a program that brings them into a protective structure to shelter them from the full cost of prescription drugs, without driving out those other 65 percent who do have a drug support program in some way.

It just seems to me that for the President to make the statements that he did in January and February, when we are on the verge of having to make an agreement in March, that advertently or inadvertently he has created a far more difficult problem for us than we had prior to what he considered helping statements. That is exactly the wrong kind of approach to solving a very difficult problem in terms of the kind of help the President could give. If the President showed leadership, if he brought ideas to the table, if he empowered his appointees to sit down and work with the Senator from Louisiana, the chairman of the committee, Senator BREAUX, all of those would be positive.

Our hope is that in the remaining weeks of February, the President will engage, he will lead and assist us in reaching a solution that all of us want: a better Medicare for our seniors.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the other gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I realize my time is short. I just would like to emphasize, following the comments from my distinguished colleague from California, the importance of this issue for me personally. I can recall on numerous occasions being visited by residents of the Third District talking about their need for adequate medical care. We are going to work on this, this year. The gentleman from California (Mr. THOMAS) is leading us forward, together with the gentleman from Louisiana. I think we are going to make progress.

Mr. KINGSTON. Mr. Speaker, I just want to say, what we are trying to do is find the balance to protect and preserve Medicare, not for the next election, but on a bipartisan basis for the next generation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this afternoon I would like to highlight an issue that is of great importance to the future of our wonderful country. I want to talk about a rapidly-growing, pervasive disease that is affecting the stability of many families and many homes throughout our land.

Mr. Speaker, I would like to talk about breast and cervical cancer and how it is up to each and every one of us to eradicate this disease, and how each one of us could be faced with the opportunity to help eradicate these diseases by cosponsoring the bill sponsored by the gentleman from New York (Mr. LAZIO), The Breast and Cervical Cancer Treatment Act of 1999.

Breast and cervical cancer do not discriminate. These diseases can affect every mother, daughter, sister, including ours. And although these diseases are not as of yet preventable, they can be stopped in their tracks with treatment if they are detected early in their development.

Congress has gone as far as passing the Centers for Disease Control and Prevention's Breast and Cervical Cancer Early Detection Program, and this provides screening for women who do not have health insurance coverage and who do not qualify for either Medicaid nor Medicare. While this was a great advancement, it became evident that it was only an initial step and that a more viable yet long-term solution was needed. What is needed is funding for treatment services once a woman is diagnosed with breast or cervical cancer.

What happens to the woman who is diagnosed with this through the Federal CDC program and is not able, not financially able to afford treatment? Should she be left to die? Should she be forced to spend her days holding bake sales and car washes to get the funds needed to treat her potentially fatal disease? Should she be forced to let time elapse as she scrambles for money from various health care agencies and dwindling State funds?

Unfortunately, this is the scenario that is occurring in the lives of many women who are diagnosed positively through the CDC program. In my congressional district of Miami, for example, Mr. Speaker, a lady named Yolanda qualified for a free mammogram screening, and after suspicious results, was recommended for a surgical biopsy. This recommendation took place a year ago, yet Yolanda has yet to undergo a biopsy for fear of placing an even bigger financial burden on her husband, who holds only a low-paying job.

Another constituent of my congressional district named Maria was recommended to undergo diagnostic procedures after an abnormal screening in 1996. Although she qualified for free diagnostic procedures, she was told that treatment would not be covered. As a result, Maria has yet to undergo these necessary procedures for fear that she would not be able to pay for treatment if, in fact, the treatment is needed.

The bill of the gentleman from New York (Mr. LAZIO), The Breast and Cervical Cancer Treatment Act, will put an end to the cruel and heartbreaking irony of providing screenings, yet no treatment. His bill will provide States an optional Medicaid benefit to provide coverage for treatment to low-income women screened and diagnosed with breast and cervical cancer through the CDC early detection program.

Fortunately, the number of women who need actual treatment for these cancers are not many. In fact, through the CDC program less than 4,000 women have been diagnosed with breast cancer and less than 350 women have been diagnosed with cervical cancer over a period of 9 years. With little cost to the taxpayer, the legislation of the gentleman from New York (Mr. LAZIO) would positively impact the lives of thousands of women and their families by providing guaranteed access to treatment.

I salute the National Breast Cancer Coalition and especially my constituent, Jane Torres, who is the President of the Florida Breast Cancer Coalition, for bringing this important issue to the forefront of our agenda. Through their many years of hard work and dedication to advocate sufficient funding for research and education, and for ensuring quality in health care for all without fear of discrimination, many of these women have been helped.

Before my colleagues prepare to go back to their districts, I hope that all of us in the Congress will remember the Yolandas and the Marias in their

districts as well. I hope that they will acknowledge the many cases that resemble theirs and the many women who are counting on us to do the right thing. I hope that all of us will support The Breast and Cervical Cancer Treatment Act, to give women a fighting chance against this disease and to truly reduce the incidence of death from breast and cervical cancer.

DEALING WITH THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, throughout the 1980s and into the 1990s, no problem loomed larger in our Nation than the growing, seemingly never-ending Federal debt. Now, we have gotten to the point where that Federal debt is at $5.5 trillion, and in the early 1990s we were adding to it to the tune of almost $300 billion a year and more, and projections showed that going up forever. It looked like it was never going to end and it did not seem like we were ever going to get out of the debt spiral.

I rise today to give a little good news, that we are headed in the right direction finally on the debt issue, but also to emphasize the importance of going the whole way: getting the budget balanced, and perhaps as important, paying down some of that debt.

Since 1992 we have seen reductions in the yearly deficit, to the point where in this past year that deficit is only about $30 billion.

□ 1430

I know Members have heard we have a surplus, but we really do not, because we are still counting the money we borrow from the social security trust fund as income, and it is really not. We have to pay that money back. So within the unified budget we are $30 billion in debt this year, and have a projected surplus for 2001. So we are headed in the right direction, but we need to maintain that fiscal discipline to get there, to get the budget balanced.

To show just how big a problem the debt is, I have brought a chart with me today that shows where the Federal Government spends its money. It spends it in a variety of different areas. The third largest chunk of money going out of the Federal Government right now goes to interest on the debt. Fourteen percent of our budget, or $243 billion a year, is paid on interest on the debt.

What that means is that this money basically is not helping us do anything. It is not helping us cut taxes, it is not helping us cover social security or national defense or health care for seniors. It is simply going to service the debt we ran up over the course of the last 30 years.

If we can reduce this number we can do dramatically positive things for this country, either by reducing taxes or funding necessary programs. It is very important that in the next 10 years we do this, we start to reduce the debt, because the economy is strong now. We have an unemployment rate of 4.3 percent. We have record low inflation. Now is the time to pay down that debt.

A crisis will come. The economy cannot remain in boom times forever. When it does, we are going to need the resources to deal with that crisis. If we do not step up to the problem now, start paying down the debt during good times, we will be in horribly bad shape when the bad times come.

I rise with particular emphasis on this point as a Democrat because I think Democrats need to be for fiscal responsibility and emphasize that that is a cornerstone of our message, is to get the budget balanced, keep it that way, and pay down the debt. I think that is a very important principle for the Democratic Party to stand up for. I as a Democrat I am going to stand up for that. This will have dramatic effects on individual lives, as well.

Speakers who are going to follow me are going to talk a little bit about the positive effects of reducing interest rates on peoples' lives. If the government is not out there sucking up all of the money, that means that others, small businesses, farmers, individuals, people looking for student loans, home mortgages, will have access to that money and to borrow it at a better rate, because the government is not out there grabbing all of it. If the interest rates go down, that improves individual's lives in a wide variety of areas, some of which my colleagues will touch upon in a minute.

The bottom line point here is with the economy strong, with us headed in the right direction, finally, on fiscal responsibility, we need to stay with that discipline and get there, get the budget balanced, start paying down the debt so we can strengthen our entire economy, create more jobs, and create a better future for ourselves and for our children.

I strongly urge my colleagues today to maintain fiscal discipline and pay down the debt. That needs to be one of our number one priorities for the coming decade.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BOYD) is recognized for 5 minutes.

(Mr. BOYD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NEW DEMOCRATIC COALITION STANDS FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the new Democratic coalition, several of my colleagues along with myself, have come to the floor to speak in favor of fiscal responsibility. We are faced with a philosophical and fiscal choice this year, and it is a wonderful choice to make. It is a choice on how we deal with a surplus.

I was a member of the Committee on the Budget, and in 1997 we came up with a plan to make sure that we eliminated the Federal deficit by the year 2002. Many scoffed that that plan, although it was adopted by this House, could not possibly achieve the objective by 2002. It is with some pride and some great hope that we are now, not in 2002 but 1999, wondering what to do with the Federal surplus. I believe we should continue the same fiscal policies that got us the surplus.

The choice before us is major across-the-board tax cuts that we cannot afford, or major Federal spending programs of tens of billions of dollars that we cannot afford, or alternatively, modest tax cuts and saving the lion's share of the surplus. It is that latter course, the course of fiscal responsibility, that is better not only for social security and Medicare but also for the business community, for middle-class families, and for the poor.

As a Democrat, many of my years were spent, and I got active in politics relatively early, focused on programs like the Great Society, programs designed to help the poor and the dispossessed, and make sure that we are brought together as one Nation.

But when I got to Congress we all focused on fiscal responsibility, not new government programs, as a way of achieving a great society. We were right to do so, because the greatest possible program for the poor is a national economy that is creating new jobs. What more proof do we need than just 2 days ago the announcement that Hispanic unemployment and African American unemployment reached the lowest levels in the history of those statistics being kept in America?

Lyndon Johnson would be proud, perhaps, that we achieved a goal that was always out of sight for the Great Society, but now is in sight for a fiscally responsible society. The best thing we can do for the poor is not necessarily a new Federal program, but it is keeping this Federal expansion going. Likewise, it is the best thing we can do for the business community and for middle-class families.

Yes, the business community likes and deserves and wants a tax cut. But today's market of, or nearly, a thousand on the Dow was not achieved in the 1980s when we had huge tax cuts, most of them focused on the rich and the business community and the corporate sector.

We have achieved near record levels and record levels on Wall Street not because of the lowest possible taxes, but because of the most responsible Federal government we have seen in modern history. While Europe, each country in Europe, tends to run a deficit of

two or three percent of its GDP, we in the United States have shown that democracy can go hand-in-hand with fiscal responsibility.

As for middle-class families, middle-class families deserve and need a tax cut. We voted for one in 1997, and I hope to provide targeted tax cuts for middle-class families and be part of providing that today.

As this chart illustrates, middle-class families will benefit just as much or more from a reduction in interest rates as they will from the tax cuts that are being proposed. This chart demonstrates that even with an average-priced home, and they are twice as expensive in my district, the savings is $1,860 from a fiscally responsible budget.

WITH BIPARTISAN FISCAL RESPONSIBILITY ALL THINGS ARE POSSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I must tell the Members that I have been very encouraged by the last two speeches from our Democratic friends talking about the need for fiscal responsibility. I really do believe that despite the fact that the chattering classes on TV every night talk about how this Republican Party is getting brutalized by the polls in the area of public opinion, I have to tell the Members that I am very encouraged, because it appears that we have won the debate. To hear Democrats talking about fiscal responsibility in 1999, talking about the deficit, talking about staying away from tax increases, these are the very things that got me to Washington in 1994.

I remember back in 1993 when the new President, who was elected by promising to reduce the deficit by cutting spending and cutting middle class taxes, came forward and he increased taxes, and actually gave us one of the largest tax increases in the history of this country.

I ran because of that, and I have to tell the Members, when I ran in 1994 I talked about the deficit. I talked about the need of cutting the deficit, cutting spending, reducing the size of Washington, and creating an explosive economy that would lift all boats.

What happened? In 1994 when I came to town we had deficits approaching $300 billion. Now, of course, we are moving towards a true surplus. In 1994 interest rates were about 3 percent higher. The last gentleman who spoke, who I agreed with, the last gentleman who spoke talked about how in 1997 they came up with a budget plan that would balance the budget by the year 2002.

Actually, I remember when we got here in 1994 and we were sworn in. In early 1995 the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. JOHN KASICH) invited the Fed chairman Alan Greenspan to come and testify on Capitol Hill about the long-term effects of balancing the budget, under our plan of balancing it by 2002.

Alan Greenspan looked at the gentleman from Ohio (Chairman KASICH) and said, ''If you only have the political courage to move forward and balance the budget by 2002, we will see the fastest peacetime economic expansion since the war.''

What was the President's response? The President, who now talks about how he is this great fiscal disciplinarian, the President came out in 1995 and said balancing the budget by 2002 would destroy the economy, would wreck all the economic growth that we were fighting for.

I do not say this to say that the Republicans exclusively are responsible for this strong economy, or the fact that we are now playing surplus politics, because really, there is enough credit to go around.

What I am saying is there is a danger of us sitting here today in 1999 and rewriting history. There is a danger that we forget just how hard we had to fight this President, who was willing to veto every appropriation bill, shut down the government, turn around and blame it on us, because he said our plan to balance the budget by 2002 would destroy the economy.

Let me tell the Members, history has shown that we were right, and that, more importantly, Alan Greenspan's prediction in 1995 was correct. At the same time that the President was saying that balancing the budget in 7 years would destroy the economy, the Fed chairman was saying, ''Go ahead. Do it. Damn the political torpedoes. Take that opportunity to balance the budget. The markets will respond.''

As the last gentleman said, they have responded. Interest rates continue to fall, the stock market continues to explode, and the great news is that unemployment among minorities is dropping to a record low. Unemployment across the country is dropping to record lows. Again, I see this as a very, very positive sign that all the things that we fought for in 1995 were really worth fighting for.

I have to tell the Members, these past two Members who spoke are people who came after 1995 and 1996, and when they team up with other conservative Democrats to join up with those of us that believe the deficit and the long-term debt really is a drag on the economy, I think that all things are possible as we go into this new century. Again, I am very, very encouraged.

IMPORTANT CHOICES: HOW TO USE EMERGING SURPLUSES IN FEDERAL GOVERNMENT FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, I want to talk today about a very important choice before the Congress and before the United States. It has to do with how we use the surplus that has developed in the social security trust fund, and in the years ahead, the surpluses that will begin to develop elsewhere in the Federal Government if this economy continues to be as healthy as it has been.

I support the President's position that we take the lion's share of this surplus in the social security trust fund and use it to pay down the debt. Those of us who serve on the Committee on the Budget have the job to begin to sort through the fine print on this.

What is becoming clear is what the President has proposed is balanced. What the President has proposed is that as we pay down the debt, we will be protecting social security for the retirement of the baby boomers in the future. We will be protecting Medicare for the future as well.

□ 1445

The position that we should be taking, the balanced position we should be taking is, if we want additional spending as a Democrat or Republican for education or other programs, we find a place to cut the Federal budget to fund that, but do not use the surplus. Let us pay down the debt first.

If we want to cut taxes, which we should do, find a place in the Federal Government to cut spending to support that tax cut, but do not use the surplus. Use the surplus to pay down the debt. This can be done.

We did it in 1997 with the Balanced Budget Act. We enacted tax cuts of over $90 billion by cutting spending elsewhere in the Federal Government, not relying upon the lion's share of the surplus. That should go into paying down the Federal debt.

Let me talk about the very important fact of how this benefits all of us at home. As we begin to pay down the debt, we will continue to enjoy a very healthy economy.

Alan Greenspan who has testified before the House Committee on the Budget has made it clear that, as the Federal Government borrows less and less, as more and more money is available in the private sector, interest rates will go down. Interest rates could go down as much as two additional points if we continue our course of fiscal responsibility and do as the President has advocated, use the lion's share of the surplus in the Social Security Trust Fund to pay down the debt.

What does that mean to us as the consumers? Look at the average mortgage, about $115,000 in many parts of the country. One is paying $844 every month on one's mortgage to keep one's home. If interest rates go down two additional points, that could mean a drop in one's monthly mortgage payment to $689. That is $155 in one's pocket that one did not have beforehand. One did not have to call one's accountant to

figure out how to use the tax code to take that savings. It is money in one's pocket every month.

That is what low interest rates are about. That is what it is about when we talk about using the lion's share of the surplus in the Social Security Trust Fund to pay down the debt.

Let me give my colleagues another example. Many children and adults in this country have student loans. As interest rates drop in response to us paying down the Federal debt, it will have a positive impact on people that are working so very desperately to repay their student loans.

In many parts of the country, the average student loan rate is about 8¼ percent and a balance of about $35,000. There are a lot of students and former students in this country that owe a lot of money to the Federal Government. If interest rates continue to decline as we pay down the debt, one can see as much as a $385 drop per month in student loans. That is money in one's pocket. That is better than most of the tax cuts one will hear advocated up here.

We are doing it in a way that is responsible. We are paying down the Federal debt. We are protecting Medicare. We are protecting Social Security by doing the same thing that each of us does at home, which is try to keep our checkbook in order.

So I support the President's position that we use the lion's share of the surplus in the Social Security Trust Fund to pay down the debt. It is the right thing to do. It is good for Social Security. It is good for Medicare. It will help consumers at home. It will lower interest rates.

MAKE 1999 THE YEAR OF THE TROOPS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, under the Constitution, the Congress of the United States is responsible for the national security of our country. The first priority for 1999 should be to make this the year of the troops.

The service chiefs several days ago testified before the Committee on Armed Services on which I serve that their troops are the most important part of the military that is in need. Problems are there that must be addressed.

The first problem is that of retention, retaining the capable and bright young people in our military forces, whether it be the Army, Navy, Marines, or Air Force. We are having trouble retaining mid-career officers. We are having trouble retaining noncommissioned officers and those with critical skills, pilots, airplane mechanics, those that are skilled with computers and information systems.

Another problem is that of recruiting, causing young people to want to join the services. All four of the services are having difficulty with recruiting. All of the services, with exception of the Marine Corps are not meeting their goals.

The Army will have a shortfall of some 3,000, maybe even as high as 6,000 people in their recruiting goals. The Navy could be as many as 4,000 short. The Air Force plans to buy television ads for the first time. If retention and recruiting are not improved, the services will be unable to make the end strengths, that is the numbers that are allocated by law, which by the way are already too low.

For example, the Army ended 1998, fiscal year, approximately 4,000 people under strength. All of this leads to a readiness problem, whether the forces are ready to perform their job at the highest level that the American people expect of them. The readiness problem deals with the services, high operations Tempo, and a shortage of spare parts that contribute to the reduction in this readiness.

In addition, the operational Tempo, that is being gone so much, puts a strain on families; and the spare parts shortage adds to job dissatisfaction. Both in turn contribute to the problems of recruiting and retention.

The Department of Defense proposal for military pay retirement is a good first step. I compliment the Secretary of Defense and those that have studied this issue on that initiative.

There is a pay triad that has three aspects that we need to look at regarding paying the young people who serve and those who serve for a career. First is the across-the-board pay increase for all service members, 4.4 percent, effective January 1 of the year 2000, with additional raises programed for the year 2001 and 2005.

The second part of this triad is the pay table reform, additional raises to better reward performance by compensating service members for skills and education and years of experience.

Then there is the reform of the retirement system, a return to the 20-year retirement to 50 percent of the basic pay.

Congress can do these things, but we can and, frankly, we should do more. It was General Hughes Shelton, the chairman of the Joint Chiefs of Staff, who testified several days ago and said, ''You can't pay our troops too much, but you can pay them too little.''

We should consider a Military Thrift Savings Plan– which many corporations afford their employees. We need to take better care of the families by better family housing and improving their medical care, making sure that TriCare works the way we intend it to work, make sure that they have better barracks for those who are single and do not have families.

We should ensure that the people in the military do not get left behind in the booming economy that we have, or else they tend to leave the military behind.

We have a highly capable military force, I think the finest our Nation has ever had. But the key, of course, is the people, qualified, motivated, intelligent, hardworking people of whom we are so proud.

We need to keep and attract quality people, to train them, and ensure that their morale remains high. It will require a multiyear effort. Mr. Speaker, we should begin that effort now by making the year 1999 the year of the troops.

USE SURPLUS TO PAY DOWN NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

Mr. DOOLEY of California. Mr. Speaker, this year marked a real turning part in the recent history of our country as this was the first year in over a couple decades that we actually could no longer talk about our country running a deficit but actually talk about our country running a surplus.

When I first was elected to Congress over 8 years ago, we were talking about budget deficits that were approaching $290 billion a year. Today, this year, because of the great leadership of President Clinton and Republicans as well as Democrats in Congress, we have made the tough choices that have put us on the path of greater fiscal responsibility.

This year in Congress, we are once again going to be called upon to make some tough choices about how should we proceed in terms of making decisions to ensure that we maintain a path of fiscal responsibility.

I am here to argue that it is the interest of our families, it is in the interest of our children that we commit ourselves to paying down the national debt, that we support President Clinton's decision to use these surplus dollars that we are going to be generating over the next 15 years to try to pay off the $3.7 trillion in national debt that have accumulated over the last 20 years.

It does not matter if we are a supporter of defense or if we are a supporter of education. It is in all of our interest to pay down the national debt. The reason for that is very simple to understand. When we look at how the government spends every tax dollar that we receive, I think half of us would be surprised when we identify that the third largest expenditure of the Federal Government is on interest on the national debt. Fourteen cents of every tax dollar collected is going to pay interest on the national debt. By comparison, we are only spending $55 billion on education or 3 cents on every dollar.

So the decision by the President and many of us in the Democratic Party to commit ourselves to paying down the national debt, what it means in effect is that we are going to reduce this $243

billion that we are spending every year on interest in order that we can ensure that we will have the ability to meet a lot of other pressing needs, whether it be national defense or whether it be education.

As I said earlier, this is in the interest of all of our families because, by paying down the national debt, we are also going to be alleviating the burden on an average family of four today who is paying, in effect, $3,644 a year to finance that interest.

We had earlier speakers that talked about what it means in terms of mortgage payments. If we paid down the national debt, we are going to see an expected reduction of interest rates of 2 percent, which again means the difference in a monthly mortgage payment of $155 a month.

When people talk about making a tax cut or providing all of our citizens with a tax cut, I can think of no better tax cut than paying down the national debt because we are, in effect, reducing the burden of this interest payment.

I myself, besides being a Member of Congress, am a farmer. As most farmers, we have to borrow money in order to operate our enterprises. An average operating loan of maybe $250,000 a year, that 2 percent reduction in interest rate means $5,000 in the bottom line in profits to a farmer.

When we purchase a new piece of equipment, which are becoming increasingly expensive, an average combine today costing $200,000, again the benefits of paying down our national debt, which will reduce interest rates, will manifest itself in a total savings on interest on the purchase of one combine of over $11,000 a year.

So in this Congress, when there is going to be a debate among those who are supporting a policy that the President is advocating of paying down the national debt in order to try to keep this economy on a sound path, in order to ensure that we can see even lower interest rates than we see today, that is a course we should take.

I think we ought to be very cautious in succumbing to the allure of tax cuts which would pose a great jeopardy to the country if they are not paid for by reductions of spending in other components in our budget, because they have the danger of taking us once again down a path that will lead to increased deficits and increased national debt, which will undermine the solvency of our economy and certainly will continue to obligate our families and future generations the responsibility of continuing to pay the carrying cost of our excess spending of today.

□ 1500

DISCUSSION ON THE SURPLUS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, there has been a lot of discussion on the surplus, not just how to spend it but how we got here. Different people can take a different view of both, but I would like to point out some actual facts.

First of all, in 1993, the White House under President Clinton, they had the House, the Senate and the White House. They gave us in 1993 what the Democrats called an economic stimulus package, which raised taxes to the highest level ever on the American people, and they state that that brought us the surplus.

I would claim that that is inaccurate. Because in 1995, when the Republicans took over the House and Senate, we rejected over 90 percent of that economic stimulus package. We are not even operating under that stimulus package.

And what did that stimulus package do? It increased the tax on Social Security. It increased the tax on middle-income working families. I do not use the term ''middle-class.'' I do not think there is any such thing as a middle-class citizen. There are middle-income citizens. And for the first time, in 1995 we decreased the amount of tax on Social Security that the 1993 bill did. And when people fill out their tax forms this April, for the first time, they will receive a $400 deduction per child. Next year that will go to $500 per child.

They can also receive tax credits. But we repealed the 1993 bill to actually give more dollars back to working Americans instead of the Government itself.

Take a look at welfare reform, when the Democrats said they were responsible for the deficit. First of all, the President vetoed the balanced budget. And I think we can all remember he said, well, it will take two years. It will take four years. It will take six. It will take eight. And finally, after the third time, he came around and signed it and gave us the same Medicare program that they put over $100 million in ads demonizing the Republicans for and he signed that. But for 40 years they took money out of the Social Security account and paid for welfare.

The President just said in his State of the Union, look, we have less than one half of the welfare rolls that we did before. Now, instead of government having to pay people on welfare and take out of the budget, now the Welfare to Work program, we have people actually working and contributing to the budget and adding to that. That is more money.

The billions of dollars that we gave to welfare recipients, the average, Mr. Speaker, was 16 years, the average, on welfare. That is wrong. All of those savings and the quality of life for those families and for those children that were on welfare is better.

Are there people that need welfare money? Absolutely. And we do not mind giving our tax dollars to that. But 16 years is too much. But yet many of the progressive caucus would just give more money and more money and more money without managing the program. That is what led a lot to the deficits that we had in the different budgets.

If we take a look at the balanced budget, the balanced budget, according to Alan Greenspan, has lowered interest rates between 2 and 8 percent. Look at what that has done to the markets and the increase in the markets, in the economy. Capital gains reductions paid for itself.

If we take a look at the other tax breaks that we gave to American people so that they spent the dollars, not the government, the surpluses are due because the Republicans gave money back to working people instead of taking it away.

FISCAL DISCIPLINE AND REDUCING NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, Americans now are looking at the longest peacetime expansion of the United States economy since the start of the 20th century. The outlook for our future is rosy. Economic growth is expected to continue to rise, and unemployment is predicted to stay below 5 percent. Inflation is expected to remain low, and it is believed that the interest rates on mortgages and loans will continue to remain attractive.

This booming Federal economy has passed on some benefits to the Federal Government. The most notable are the increased tax revenues and Social Security dollars that result from a fully employed workforce. With this economy, Congress is faced with a new and interesting predicament of deciding what to do with those Social Security surpluses.

If we look only at the short term, we might be tempted to spend those funds on what later generations would call reckless tax cuts. Now, I support cutting taxes and I hope we can find some room this year to do just that. But the American public is more savvy and will not condone irresponsible use of projected budget surpluses.

My constituents, if they retired, would not go out and spend all of their retirement on a new sailboat the day they retired. Well, I think they want us to show that same fiscal restraint and discipline.

While economists are predicting good times ahead, our future also holds a growing number of baby-boomers who will be moving from the work force into retirement. They have paid into Social Security and they should know it will be there for them in the future.

The youngest citizens of our Nation also need to know that we are thinking ahead. If we work to save Social Security and Medicare now and pay down our national debt, we will leave them

with a healthy economy and the resources they need to move this nation ahead.

This year, as a member of the Committee on the Budget, I will be looking forward to working on these issues. We know that the part of our national debt ''held by public'' will be 42 percent of our Gross Domestic Product this year. This is the term we use to describe the money the Federal Government has borrowed from banks and pension funds. With a Federal debt in the area of $5 trillion, we need to focus on paying that down and end the process of borrowing.

The budget proposal sent to Congress by the President does just that. It makes sure that we save and makes sure that Medicare and Social Security are there for the future, as well as it pays down the debt. This is a home run for all of our citizens.

If my colleagues look at this chart, we look at the interest again, 14 percent. If we have the discipline, the fiscal discipline, to make sure we have Social Security there for the future, that we have Medicare there for the future and pay down that debt, we will get that down to about 2 cents per dollar. With that kind of a reduction, I want to tell my colleagues, there will then be real money for tax cuts and real money for investing in a lot of programs that people want.

I am looking forward to working on this agenda that will be healthy for the future economy of the United States.

NEVADA IS TARGET FOR NUCLEAR PAYLOAD

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 10 minutes as the designee of the minority leader.

Ms. BERKLEY. Mr. Speaker, I come before my colleagues to give voice to the well-founded fears and concerns of the citizens of the Las Vegas Valley, which is my home district, and the citizens of the entire State of Nevada.

Over one and a half million Nevadans live within an hour or so drive from the so-called temporary high level nuclear dump proposed in H.R. 45. This bill would dump over 70,000 tons of an incredibly lethal substance at one location in southern Nevada. Those Nevadans, mothers like myself, fathers, sons, daughters and grandparents, deserve the same health and safety protections as every American.

H.R. 45 would deny equal protection under the law to the citizens of Nevada and to future Nevada generations. But I will also discuss how this bill places Americans in all parts of this country at risk.

When one lives in a State that has been singled out as the target for a nuclear payload, he gives close attention to the issue. Nevadans know just how toxic, how dangerous, how menacing high-level nuclear waste really is. To give my colleagues some idea, a person standing next to an unshielded spent nuclear fuel assembly would get a fatal dose of radiation within three minutes.

Under H.R. 45, the concentrated level of deadly radiation in one place in my home State staggers the imagination. H.R. 45 would force all of the Nation's high-level waste on the people of one State, a State where there is not even one nuclear reactor.

For nearly two decades the nuclear industry and the Department of Energy have tried to convince Nevadans that high-level nuclear waste transportation and storage is safe. Their argument basically is, we will just stuff this stuff right into metal cans, screw the lids on tight, and there is nothing to worry about.

Well, what is wrong with this picture? Well, if those cans of nuclear waste are so safe, why do they have to be shipped from all parts of the United States into the State of Nevada? That question has haunted Nevadans for years, and our concerns have intensified with H.R. 45.

This bill would unleash high-level nuclear waste onto the Nation's highways and rail lines. It is this issue, the transportation of high-level nuclear waste, that binds Nevadans with all Americans as potential victims of H.R. 45.

Americans from all parts of the country would be exposed to unacceptable and unnecessary risk because they live near highways and railroads where nuke trucks and trains would roll. Moving nuclear waste to Nevada would require well over 100,000 long-haul shipments. Nuclear waste will be speeding around the clock every day for nearly 30 years on our roads and rails. This should sound a national alarm.

The deadly cargo will intrude on 43 States and hundreds of cities and towns across our nation. Fifty million Americans live within just a mile and a half of shipping routes. The waste will rumble through Birmingham, Alabama; Laramie, Wyoming; Portland, Maine; and the suburbs of Los Angeles; Miami, Florida; Kansas City; and St. Louis, Missouri. In short, nuclear waste will be on the move all over the country all the time for 30 years.

The Department of Transportation counted more than 99,000 incidents in which hazardous materials were released from trucks and trains from 1987 to 1996, causing 356 major injuries and 114 deaths. The Department of Energy has described a plausible crash scenario involving high impact and fire that would contaminate an area of 42 square miles with radioactive debris. It is truly horrifying to picture this happening in a populated area.

We have been repeatedly told that shipping nuclear waste across the country and stashing it at a dump site is safe. But let us take a brief look at the history of how the Federal Government has handled nuclear projects. The lands around nuclear installations at Hanford, Washington, Rocky Flats, Colorado, Oak Ridge, Tennessee, Fernald, Ohio, are contaminated. The GAO concluded that 124 of our 127 nuclear sites have been mismanaged by the DOE.

Nevadans do not buy this ''don't worry, be happy'' attitude towards radiation, and for good reason. I grew up in Nevada. Nevadans were proud to volunteer for the patriotic chore of playing host to above- and below-ground nuclear weapons testing, but the Federal Government never leveled with us about the risks.

In the 1950s the Government produced films advising that if people just stayed indoors as clouds of fallout drifted through communities, everyone would be safe. As a safety measure, the Government suggested that a quick car wash would eliminate any pesky radioactive contamination.

It seems harmless enough if it were not for the evidence of a disturbing increase in cancer that later traumatized these same communities. Harmless? Perhaps, if above-ground testing did not spread radioactive elements across the country.

Supposedly safe above-ground nuclear tests were stopped when it was proved that radiation was winding up in the bodies of American children through the milk they were drinking. Underground testing was supposed to be the safe answer, or so the Government said. The radioactivity would be trapped underground, never to get out, except that some of the underground shafts burst open, spewing radiation into the air. Now scientists are finding that plutonium thought to be trapped in these test shafts is moving through the groundwater at alarming speed.

□ 1515

So I have a healthy skepticism about Federal nuclear programs. My healthy skepticism persuades me that H.R. 45 is, in fact, a Trojan horse for permanently dumping high level nuclear waste in Nevada.

Make no mistake, there is nothing temporary about H.R. 45. This bill is a political vehicle to get the waste to Nevada, to be conveniently parked next door to Yucca Mountain, the site of a failing effort to justify a permanent dump.

The past year has been marked by a quickening pace of scientific evidence that clearly eliminates Yucca Mountain as a safe place for nuclear waste. Water will saturate the dump. Those who thought Yucca Mountain would be dry for 10,000 years are stunned to discover that water is filtering through at an alarming rate. Yucca Mountain has been, is and always will be jolted by earthquakes. In recent days seismologists described swarms of earthquakes that rocked the area. To visit Yucca Mountain is to feel the earth move.

A growing number of scientists fear that a Yucca Mountain dump intended to isolate deadly radioactivity forever may well explode into an environmental apocalypse of volcanic eruptions. It is not nice to fool Mother Nature. Where earthquakes, water and

volcanic activity are permanent dangers, we must not build a high level nuclear dump.

The nuclear power industry should immediately cancel the Yucca Mountain project. The billions of dollars coming from ratepayers would be better spent finding a sensible and safe solution to nuclear disposal. Instead we have H.R. 45. This bill exists because the nuclear power industry sees that the only way to keep the Yucca Mountain project alive is to build a temporary dump next door. With the waste site up at the temporary dump near Yucca Mountain, there would be a powerful motivation to make Yucca Mountain work out somehow.

Under those circumstances I fear that the health and safety of current and future generations would be jeopardized for the sake of expediency. As the Nuclear Waste Technical Review Board has clearly stated, a temporary facility at the Nevada test site could prejudice later decisions about the suitability of Yucca Mountain.

H.R. 45 has its roots in expediency over public health and welfare. H.R. 45 throws out existing radiation safety standards and replaces them with dangerous levels of radiation exposure that would be, quote, acceptable. The temporary dump cannot meet the current standards, so H.R. 45 permits Nevadans to be exposed to four to six times the amount of radiation allowed at any other waste site. H.R. 45 allows exposure 25 times the level set by the Safe Drinking Water Act.

EPA administrator Carol Browner said H.R. 45 would authorize exposures to future generations of Nevadans which are much higher than those allowed for other Americans and citizens of other countries. Congress in 1982 called for nine potential nuclear storage sites to be assessed. By 1987, due to political considerations, not scientific findings, Yucca Mountain alone was targeted for site characterization.

As it became increasingly clear Yucca Mountain is not suitable under stringent and responsible law that Congress passed in 1982, the rules have been repeatedly relaxed in favor of Yucca Mountain and against health and safety. And now comes H.R. 45, a bill which achieves nothing but risks the health and safety of current and future generations of Nevadans.

The Nuclear Waste Technical Review Board advises that there are no compelling reasons to move the nuclear waste in short term. H.R. 45 would be a terrible and needless mistake. If passed, it would be fought in courts by Americans across this country. I would stand with them in court or on the roads and rails if necessary to stop this disastrous policy.

REMEMBER PAOLI

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in this special order to discuss America's patriots. The patriots of America have been extremely important in the struggle for this great Nation over the past 220 years, to allow us to enjoy the freedoms and the independence that oftentimes we take for granted. My discussion today will focus on the patriots of America of the past and the patriots of America today, those who are defending our country around the world.

Let me start off by discussing a situation I think requires national attention.

Over 220 years ago, Mr. Speaker, this Nation was fighting for its existence. Young patriots, many of whom were undertrained, who were not properly fed, who were ill-equipped, were fighting against the forces of England to allow us to have a free independent Nation. There were some very serious battles in that process. We know those battles from our history books, the battles of Valley Forge, the battles that took place in Brandywine.

But, Mr. Speaker, what we have failed to understand is that one key battle that many historians would argue was the turning point in the morale of our troops to defeat the British was the battle that resulted in the outcry of our troops, ''Remember Paoli.'' It occurred in the spring of 1777 when the British were conducting the Philadelphia campaign to then take over the capital of our Nation because at that time Philadelphia was the capital of the United States. There was a major effort on the part of the British to move to capture Philadelphia, and in the process a series of battles took place.

The first of two American attempts to stop the British invasion that fall was the battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. There was also a third attempt to contain the British General Sir William Howe's advance on Philadelphia, and each of them were unsuccessful.

But a very important history lesson shows us that in the Battle of Paoli the British troops sought and successfully committed a surprise attack on our troops that were encamped at Paoli at a cornfield, a cornfield that still exists today. The British went to do this in the early morning hours so as to avoid detection, and they did not want to use their guns because they wanted a surprise attack to wipe out the patriots for the fight for our independence.

The battle took place, and the British massacred the American patriots. Their bayonet attacks on the American young men who fought there, many of whom were 16, 17, 18, 19 and 20 years of age, were by all accounts devastating. Fifty-three young Americans were slaughtered, slaughtered by the British. They were slaughtered in such a fierce way that the story of that battle traveled throughout the Revolutionary War troops and the cry of ''Remember Paoli'' became a rallying cry for the American patriots in all future battles of the revolution which we all know we successfully won.

''Remember Paoli'' was about a battle fought on a 40-acre site in Malvern and Chester County in Pennsylvania, not far from Valley Forge and not far from Brandywine. Today there are 53 young American patriots whose bodies lay in rest at that site.

The challenge we have, Mr. Speaker, is that that 40-acre battlefield adjacent to the burial site of these young American patriots is about to be sold. It is about to be developed; perhaps another shopping center, perhaps another housing project, perhaps being paved over by someone who wants to build some new type of development in the area that we call the Main Line coming out of Philadelphia, a very affluent area.

But the owner of the property, a private school right next to the site, has issued a challenge, that America, the State, the county and the local community should undertake an effort to preserve that 40-acre site so that those 53 young American patriots, so that their memory is never forgotten.

Two and a half years ago when the owner of that property came forward, the owner of the school, the board of directors said, ''We challenge the community, we challenge the country to protect this site and allow us to move on to other things. But if you do not take up that challenge, we will sell the site to developers.''

Mr. Speaker, that sale is imminent, and if in fact the Paoli site is sold, it will be one of the last remaining significant sites that was a part of our Revolutionary War history. It is a site that needs to be protected. It is a site that needs the Federal Government, the State, the county and the local government to come together with the private sector to show those American patriots and all of our war heroes, including those serving the country today, that we will always remember and honor their service, and in this case especially because of the symbolism associated with the battle at Paoli and the massacre that occurred there.

Two and a half years ago a local group led by citizens in Malvern Borough, where Paoli is located, joined together to begin to raise the private money to acquire this site. Now many would argue this site should be protected by the Federal Government. After all, it was a major battle, just as Valley Forge was a battle and Brandywine was a battle and other historical sites were battle grounds. But they decided they would set the tone, so they set out to raise money. To date they have raised over $500,000 in actual money and commitments to help protect this site.

They came to me one year ago, and they said, ''Congressman, can you assist us? Because there are patriots of the Revolutionary War who are buried

at this site.'' And I said absolutely unequivocally I would help to have the Federal Government include this site as a part of the history of this great Nation.

Throughout last year we worked on a bipartisan piece of legislation that worked its way out of the Committee on Resources. With the full support of JIM HANSEN and his subcommittee and DON YOUNG on the full committee the bill was passed in the Senate, but because of a difficulty in getting the bill under unanimous consent on the floor on the last day could not be brought up for passage. I have reintroduced that measure in the House this session.

Yesterday I introduced the Patriot Act, Mr. Speaker, which would, in fact, allow us to assist the local folks in protecting the site of the Paoli massacre and the revered site where those 53 young Americans are buried. The bill has the unanimous support of the entire Pennsylvania congressional delegation, our neighbor in Delaware, Congressman CASTLE, our neighbor in south Jersey, ROB ANDREWS, because they understand, as I do, the historical significance of this site.

The legislation, Mr. Speaker, would allow us to authorize up to $2.5 million to show this local school that we want to work with the local folks to acquire this site. This act would require that a study be done by the National Park Service as to whether or not the site of the Paoli massacre should be included as a part of the Valley Forge National Park right down the road. In the meantime, it would allow the Federal Government to an appropriate on a dollar-for-dollar basis one-half of the $2.5 million needed to acquire this site.

Now, Mr. Speaker, the local folks in Chester County have already raised $500,000. What we would do is then move to provide a matching dollar-for-dollar basis up to a cap of $1.25 million, so we would have a combined total of $2.5 million to acquire the 40-acre site.

The Borough of Malvern, where the battlefield is located, has agreed to maintain the site until the Park Service determines whether or not it will take the site as a part of Valley Forge National Park. In the meantime, they will police it, they will oversee it. That site will remain as it was 222 years ago. It will still be the cornfield that it was when those soldiers bravely fought for our independence.

To do anything less than protect that site would in my opinion be a national embarrassment, and I urge my colleagues to sign on, to jointly support and honor those brave patriots who fought for America's independence, to allow us to help protect one of those final sites in our history that is today threatened by developers.

Mr. Speaker, the precedent is clear here. We are not asking for the Federal Government to go out and buy the land itself. The local community is raising the funds. The local community is committed.

As a matter of fact, Mr. Speaker, two days ago I visited one of the elementary schools right near the Paoli site, the Exton Elementary School, where the combined students of the fourth grade class of the Exton elementary school handed me 41,000 and 500 pennies. In their Pennies for Paoli campaign these young students for the past five months collected pennies from throughout their neighborhood because they want to show the Federal, State and county governments that they think it is important that we take the time to protect this sacred site where these 53 American heroes are buried.

□ 1530

They handed me the money and the accompanying check for $415 as a part of their ongoing commitment to help indicate their support and their involvement in saving Paoli.

Other schools in the region have taken similar initiatives to help protect the Paoli site. Mr. Speaker, the Sugartown Elementary School, the KD Markley Elementary School, the Charlestown Elementary School and the Exton Elementary School all have conducted letter writing campaigns.

My office has received thousands of letters from young people, not just in our region, but because this story was the subject of a national news story on Good Morning America on July 4th of last year, thousands of people around America have written to say that we too think America should protect and preserve this final site that is so important to understanding the history of America during our struggle for freedom and independence. I think our students have set the example for us.

Mr. Speaker, I would like to submit some of the letters from these elementary students about what they think about the Paoli site.

From Nick, dated January 4, 1999: ''Dear Mr. Weldon, please save the Paoli Battlefield. It is very special to us. It helps us learn about our country's history.'' He drew pictures of the battle.

I have another letter from Myles Neuman from Sugartown School: ''Dear Curt Weldon, the Paoli Battlefield should be preserved as a national park because those graves should honor the brave soldiers that fought for our country. If you were one of the honorable soldiers that fought on this field, would you like builders to develop something or develop it for other uses in Paoli? This would be a great honor for us and the kids that are learning about our history. It would be a wonderful addition to Valley Forge Park.'' That is from Myles Neuman.

Or Alyssa Jackson, who says: ''I am in Mrs. Weigal's fourth grade class. I live in Frazer, PA. I am writing to you to do all that you can to save the Paoli Battlefield. I think the builders are wrong to want to build homes or businesses where over 50 people are buried. I hope you can do something about it.''

Finally, from Emily: ''Please save the Paoli Battlefield. It is very special to us. It helps us to learn about our country's history. I have seen the Paoli Battlefield. It is very pretty.''

Mr. Speaker, these are but a few of the thousands of letters that I have received from young people, not just in my district, but throughout the region and throughout the country, that are asking this Congress to do something very small, very simple, yet very historic, and that is to pass the authorizing legislation that passed the Senate in the last session, that passed the Interior Committee, to allow us to work with the local folks to preserve the Paoli Battlefield. Nothing I think of could be more important for the remembrance of our patriots.

Also in our P.A.T.R.I.O.T. Act, Mr. Speaker, we authorize the continued funding of approximately $6 million for the full definition of the Brandywine Battlefield. The Brandywine Battlefield, where another historic battle was fought between our patriots and the British, has not yet been fully completed in terms of acquiring the space around it.

We are not talking about money to build buildings. We are talking about the easements necessary to keep this battle site as it was 222 years ago.

In the case of Brandywine, again, we are saying that the authorization is for $6 million, but the local folks must raise $3 million, so on a dollar for dollar basis, with state money, with county money, with private dollars, we will match on a dollar for dollar basis the funding necessary to complete the full dimensions of the original site of the Brandywine Battlefield.

Finally, Mr. Speaker, the third provision in my P.A.T.R.I.O.T. Act would allow us to approve an agreement between the National Park Service and the largest collectors of Revolutionary War artifacts in America.

For the past 5 years I have been working with the collectors, those people who have the largest private collections of Revolutionary War materials. Most of these materials are today being housed within their own control or they are loaned to museums when they see fit.

The collectors approached me and said, ''Congressman Weldon, we would like to work with you to privately fund a major new display area and museum at the site of Valley Forge. We are not asking for Federal money. We are asking you to work with us in an agreement with the Park Service that will allow us to have a trade of property that is currently owned by the Valley Forge historical society to allow us to raise the money to build this new 21st century learning center about the Revolutionary War.''

The collectors that I have been working with, Mr. Speaker, have agreed that they would make their collections available to this site, that they would be permanently on display for all Americans to see, artifacts that Americans otherwise would not have access to, to compliment those artifacts that are already existing at Valley Forge.

All we are asking in this bill is to give the Park Service the approval to finalize that agreement between the private collectors and the National Park Service. We are asking for no authorization of dollars to allow this new museum to go forward.

Mr. Speaker, he think these three initiatives are very logical. I think they are the kind of thing that Republicans and Democrats can jointly support. I think there is no better series of actions that we can take in 1999 to remember the Pennsylvania patriots who fought to give us the freedoms and liberties and independence of this great Nation. I urge my colleagues to join with me in supporting the patriots of the Revolutionary War and to cosponsor the P.A.T.R.I.O.T. Act of 1999.

MEETING THE NEEDS OF AMERICA'S PATRIOTS OF TODAY

Mr. WELDON of Pennsylvania. Mr. Speaker, in the second half of my special order I would also like to discuss America's patriots of today, because we have some major problems that need to be addressed in this session of the Congress.

We need to address these, Mr. Speaker, because the patriots of today are finding it extremely difficult to do the job that they voluntarily signed up to do on behalf of our great Nation.

I am ashamed to tell you, Mr. Speaker, today, as a senior member of the Committee on Armed Services, as the chairman of one of our key subcommittees, that we have some of our fighter wings where up to one-third of our airplanes are not flying because they have had to be cannibalized to use the parts from those planes to keep the other two-thirds flying.

I am ashamed to report, Mr. Speaker, that we have ships at sea, our carriers, where we are hundreds of sailors short, going out to complete missions and coming back home without the proper staffing that we have identified as appropriate for these most important vessels of our Navy.

I am embarrassed that we are asking our Marine Corps to fly in CH–46 helicopters that were built during the Vietnam War that we will continue to fly until they are 55 years old. I am embarrassed that we will be flying the B–52 bomber when it is 75 years old.

Mr. Speaker, we have problems in our military that we need to address, and these problems did not happen overnight and these problems need to be addressed this a bipartisan manner.

First of all, Mr. Speaker, we have to understand why we are where we are today. Let me take a few moments to inform our constituents and our colleagues, especially our colleagues who are sitting in their offices or perhaps back in their homes, about the problems that our military is suffering today, because the perception in America is that we have given so much money to our military that they should have the need of no new dollars. In fact, there are some who say we should cut the defense budget even more than we have cut it.

Mr. Speaker, over the past 14 to 15 years, the only area of the Federal budget that we have cut in real terms has been our defense budget. Fourteen consecutive years of real cuts, not inflationary cuts, but real cuts, in the level of defense spending.

Now, some would say, well, that was justified because the Cold War ended. Let me give you a simple comparison, Mr. Speaker. Let me use the time of John Kennedy, not Ronald Reagan.

When John Kennedy was the President in the 1960's, this country was spending 52 cents of every Federal tax dollar on our military, on those brave patriots who serve our country. That was a time of peace. It was after Korea, yet it was before Vietnam. Yet in those years that John Kennedy served, 52 cents of every Federal tax dollar sent to Washington went to support the men and women in the military. Nine percent of our country's gross national product was used on defense.

In this year's budget, Mr. Speaker, we are spending 15 cents of the Federal tax dollar on the military. We are spending approximately 2.8 percent of our country's gross national product on the military. By anyone's calculation, that is a dramatic decline.

Now, some would say that is still enough money. It is more than others nations spend collectively, and we should be able to handle that because, after all, the Cold War has ended.

But, Mr. Speaker, things have changed since the 1960's. Let's go through a few of those changes.

First of all, when John Kennedy was President, we had a draft. We sucked young people out of high school, we paid them next to nothing, they served the country for two years, and then they went on to do their chosen career or their job in the private sector.

We no longer have the draft, Mr. Speaker. Our troops today are well paid. Our troops today have high school educations, many have college degrees, many are married, they have children. Therefore, we have housing costs, health care costs, education costs, travel costs, that they never had when John Kennedy was the President.

Mr. Speaker, even though we have cut defense spending dramatically, the portion of our defense budget that we use for the quality of life for our troops has increased dramatically. This is where the bulk of our money goes today, to educate the young offspring, to take care of health care needs, to provide housing for our troops and families and travel to move them at home and around the world.

But some other things have happened, Mr. Speaker. Back when John Kennedy was the President, we spent no money in the defense budget on the environment. In this year's defense budget, Mr. Speaker, we will spend $12 billion of DOD money on environmental mitigation. Approximately half of that money goes for our nuclear program, to deal with our decommissioned nuclear vessels. The other half goes for a variety of programs, ranging from base cleanups to environmental cooperation with nations and militaries around the world. But that is $12 billion more out of our defense budget that wasn't spent during John Kennedy's era. That is increasing each year.

But perhaps the most dramatic change, Mr. Speaker, since the 1960's, is best reflected by this chart. From World War II until approximately 7 to 8 years ago, the commanders-in-chief of our country, who were both Democrats and Republicans, committed our troops to just 10 deployments at home and abroad. Ten times over 40 years our troops were sent into harm's way. They were sent into Vietnam, they were sent into Grenada, they were sent into Chicago and Detroit and Watts, but only 10 times in 40 years.

Mr. Speaker, in the past 7 years, most of them under the current administration, this commander-in-chief has deployed our troops 32 times. Thirty-two times in 8 years, 10 deployments in 40 years. At a time where the bulk of our money is going for quality of life, at a time where we are spending $12 billion a year on the environment, we have 32 deployments, and the President is talking today about sending 4,000 to 5,000 troops to Kosovo, which would raise this to 33 deployments.

Now, why is that important, Mr. Speaker? Because every time the commander-in-chief commits our troops, he has not identified the dollars to pay for those deployments. He simply commits the troops, and then we are left to pay the price that is required to pay for those deployments around the world.

The deployment to Bosnia, Mr. Speaker, as of today, has cost the American taxpayers $9 billion. Where did that money come from, Mr. Speaker? Because we did not allocate that money in advance, all of that $9 billion had to come out of an ever-decreasing defense budget.

So what did we do? Instead of building replacement helicopters for the CH–46, we slid the replacement program out to some other administration. Instead of building the Army's replacement helicopter for their existing helicopter, we shipped the Comanche out to the out years. Instead of taking care of the replacement parts for those fighter planes, we slipped that out and we have to cannibalize existing planes. And because we cannot recruit new young people to fill the slots for the Navy and the other services, we have had to go to deployments with less than the required slots filled. In fact, Mr. Speaker, our retention rates for pilots in the Navy and the Air Force is the lowest rate since World War II.

□ 1545

Mr. Speaker, these deployments have robbed our modernization and our research for the future. It has caused us, in my opinion, to face the time when we will look back on these eight years

as the worst period of time for undermining our national security in the Nation's history.

Now, Mr. Speaker, critics will look at this and say, ''Wait a minute, wait a minute, what about President Bush?'' Because eight years ago he was the one who sent our troops into Desert Storm, and after all, that was a major war. Mr. Speaker, they would be right. President Bush did send our troops into Desert Storm. He sent 400,000 of our troops over there. But, Mr. Speaker, when Commander in Chief Bush sent our troops into Desert Storm, he went to all of our allies and he said, ''You either send troops, or you pay for the cost of Desert Storm.''

Desert Storm cost the American taxpayers $52 billion, but unlike this administration, President Bush was able to receive $53 billion in reimbursements. Those allied nations that did not send troops to Desert Storm gave us the dollars to pay for that deployment, so the net cost to us in terms of dollars was zero. And the deployments under this administration, every one of them, have been paid for by the U.S. taxpayer by robbing the DOD budget.

When we sent our troops into Haiti, President Clinton said it was going to be a multinational force, and some would say it is. But what he did not tell us, Mr. Speaker, is that we are paying for the salary and the housing costs and in some cases the food costs for foreign troops to go into Haiti. Bangladesh sent 1,000 troops. It was a good deal for them because American taxpayers are paying for the costs of keeping them in Haiti.

Mr. Speaker, unlike Desert Storm, these most recent 31 deployments or 32 deployments have been paid for by the U.S. taxpayer, taking money out of the defense budget that was already dramatically being decreased. The irony of all of this, Mr. Speaker, is I have to focus on two points.

First of all, by deploying American men and women around the world, this President has created the impression that all of a sudden the world is safe. There are no more wars in Bosnia, there is no more conflict in Haiti, there is no more conflict in Macedonia and there will be no more conflict in Kosovo, because America has our troops around the world. And the irony is that the American people think by perception that therefore we must cut the defense budget because the world is so much safer today, when in fact it is safer because we have troops on standby and on alert around the world that is costing us dearly in terms of dollars necessary to modernize our military.

No wonder, Mr. Speaker, the President got a standing ovation when he went to the U.N. If I were the President and went to the U.N. and all of those nations out there saw America ready to put our troops on the spot around the world and not pay for it, I would get a standing ovation too.

Mr. Speaker, the Pentagon's own numbers show that for these deployments just in this administration, the American taxpayers have spent a total of $19 billion, $9 billion for Bosnia alone. Mr. Speaker, $19 billion, to send our troops to places some of which I support, but which should have had our allies pay the bill.

When many of our colleagues, Mr. Speaker, both Democrats and Republicans, objected to deploying our troops into Bosnia, it was not because we did not think that Bosnia was important or that we did not think we should be part of a multinational force, because we do. What we objected to, Mr. Speaker, was the fact that America was going to send 36,000 troops into Bosnia, both in theater and in the support around Bosnia, when neighbors like France and Germany were only sending in token components. In the case of Germany, 4,000 troops; in the case of the French and the other neighbors of Bosnia, much smaller amounts.

The question we had is, why is the U.S. footing the bill? Why should not these other nations do what George Bush got nations to do in Desert Storm? Why should they not chip in and help to pay for these operations?

That did not happen, Mr. Speaker, and right now we are facing a situation where the President is saying to the American people, we need to send 4,000 to 5,000 troops into Kosovo. That may or may not be justified, but, Mr. Speaker, he is not going to ask for the approval of the Congress. For the 33rd time in 7 years, he will simply send our troops, as he can do as the commander in chief. He is not going to tell us how much it will cost, because we already asked and he said we do not know. And he is not going to tell us how long they are going to stay there. He is going to send our troops and the Congress is going to be left to foot the bill.

The second irony of this whole thing, Mr. Speaker, is as we in this Congress, Republicans and Democrats over the past four years have tried to replenish some of these funds, to reimburse the military for the extra costs of these deployments, we have been criticized for putting more money in the Pentagon's budget than what the service chiefs asked for. In each of the past four years, Democrats and Republicans came together in both the House and the other body and we said, we want to replenish some of these funds because they have been taken away for military operations and the Pentagon was not reimbursed for the cost. Each year that we did that, this White House that sent our troops on these deployments and did not ask for our approval publicly criticized us for putting more money into the defense budget than what the service chiefs had asked for. Amazing, Mr. Speaker.

Mr. Speaker, $19 billion to pay for these deployments. This Congress, in a bipartisan way trying to reimburse the Department of Defense for those deployments, gets criticized because we are putting pork that was not asked for back into defense budget.

Because of these shortcomings, Mr. Speaker, we are facing a crisis today. We have slipped the modernization of our military systems to the next administration. The service chiefs have now publicly come on the record, and in a hearing last week before the House and the week before before the Senate, they said this year they are $19 billion short just to meet their needs.

Now, the President has given some great speeches over the past 30 days. We heard the Secretary of Defense give a speech where he said the White House had now agreed with the Congress that the threat of external missile proliferation is now real and it is here, and therefore they put hundreds of millions of dollars into the outyears budget for missile defense, something we have been saying for the past three years.

The President gave a speech on cyber terrorism. He said we need to put more money in the budget to protect this country from those who would threaten to take out our smart systems, both our weapons systems and our information systems that control our quality of life. He gave another speech where he said we needed to spend more money against terrorism and for detection of use of weapons of mass destruction.

But what he did not tell the American people, Mr. Speaker, is that his budget request for next year actually does not increase funding for any of those areas. The missile defense budget decreases by a significant amount over five years. The budget for antiterrorism does not increase the way it needs to, in spite of this Congress's leadership in that area; and the budget for cyber terrorism and information warfare likewise does not increase. In fact it stagnates and, I would argue, decreases, when the Defense Science Board three years ago told us we should be spending $3 billion more on the issue of information warfare to protect America from a cyber attack.

Mr. Speaker, we are in a very unusual situation. We have an administration that has used our military more than any administration in this century, in this country's history. Mr. Speaker, 32 and soon to be 33 deployments in 7 to 8 years, versus 10 in 40 years. Yet, during that time the administration has continued to decrease the funding for the services, has paid for none of these deployments, has asked to take all of that money out of the backbone of our military budget and then has criticized the Congress for wanting to put more money back in, and goes around the world saying how nice and calm things are.

Mr. Speaker, we need to be real. This is not an argument between Republicans and Democrats. In the House and the Senate, the defense battles have been won by Democrats and Republicans coming together to tell this administration that they have got it all wrong. And in this Congress, the single most important debate we will have is about the future of the support of our patriots.

I started off my talk today by focusing on the patriots of 222 years ago. I end my talk today in talking about the patriots of 1999, young people around the world who are being asked to go from Bosnia to Haiti, from Haiti to Somalia, from Somalia to Macedonia. In the trips I have taken to meet with our young troops they talk about their pride in America and their pride in the service and they are the best in the world, but they also say, ''Mr. Congressman, can you please stop sending us from one deployment to the next? We need some time off with our families. We need some time off just to have some rest.''

We need to stop being deployed around the world, because while we have not done that for them, our morale has declined. That is why our retention rates are so low. That is why we do not have the staffing needs that we should have for the military. And that is why, Mr. Speaker, I maintain that this period of time is going to go down in history as the worst period of time for undermining our Nation's security in the history of America.

In spite of the presence of our troops all around the world in all of these deployments today, I would argue the world is more unstable than in some cases it was during the Cold War. Russia has many internal problems: economic instability, massive proliferation that is in many cases totally uncontrollable. We have instances where China and North Korea have been caught sending technology to countries like North Korea. We know that Pakistan and India both got their technology from Russia and China. We know that Iran and Iraq have developed missile systems because of cooperation from those nations. And all of this instability is causing us to face increasing threats in the 21st century.

Mr. Speaker, we need to be real with the American people. This administration has not been real with the American people. They have painted a rosy picture. They have had the photo ops of the commander in chief walking down the White House lawn with the troops behind him. They have had the photo opportunity of the commander in chief on the decks of the carrier when it was dedicated. But that is not what supporting our troops is all about. It is about funding them. It is about asking for the dollars to support these deployments. It is about giving them the systems to protect their lives.

Mr. Speaker, another example of an attempt to back-door the defense budget is the administration's backhanded effort to pay for the Wye River Agreement. The Wye River Agreement, which I applaud the administration for achieving, is important for security, and we need to understand the importance of that. But instead of coming to this Congress and asking us openly to support the funding for the Wye River Agreement, the administration has proposed and has informed the Congress that they will take an additional $230 million out of our defense budget for missile defense purposes to fund the Wye River Agreement, which has nothing to do with our defense budget.

Mr. Speaker, how much longer will this continue? How much more will we tolerate the efforts of this administration to undermine the security of this country? Democrats and Republicans alike have been working together in this area to do the job that America needs.

I urge my colleagues in this 106th Congress to pay attention, to work together as we have in the past to convince the administration that this must stop, that we must support our troops, that we must make sure that everyone understands that the reason we have a strong military is not just to deploy our troops around the world but to deter aggression. No Nation has ever been defeated because it was too strong, and we must understand that one of most important responsibilities outlined in the Constitution is the defense of the American people wherever they might be, at home or abroad.

Mr. Speaker, I rise today to pay tribute to the students of the outstanding schools in my Congressional District—Sugartown Elementary School, KD Markley Elementary School, Charlestown Elementary School, and East Goshen Elementary School. The fine students of these schools have contacted me to inform me of an issue which is important to them, to their schools, to their community and to our nation—they are fighting to save the Paoli Battlefield.

The Paoli Battlefield, which is located in my Congressional District, remains one of the only historic sites from the Revolutionary War left untouched since 1777. This land was the site of the ''Paoli Massacre'' in which British troops led by Major General Grey attacked the American Army of Pennsylvania Regiments on the wooded hillside and two fields between what is now Sugartown Road and Warren Avenue. The ensuing battle resulted in at least 52 American deaths and 7 British fatalities. The British night-time bayonet charge was aided by the fact that Americans were silhouetted against the light of their campfires. Some American troops panicked and fled and general disorder spread throughout the American line. British dragoons, arriving on the field, shattered the American column and pursued retreating Americans as far as Sugartown Road. Only the more disciplined American soldiers escaped the original onslaught unscathed, but a following British assault completed the rout.

The Paoli Massacre was part of the Revolutionary War's Philadelphia Campaign, a chapter of the war that witnessed the occupation of Philadelphia and the famed American encampment at Valley Forge in the winter of 1777–78. The first two American attempts to stop the British invasion that Fall were the Battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. The Paoli Massacre was part of the third effort to contain British General William Howe's advance on Philadelphia.

In an effort to save the Paoli Battlefield, I will be introducing the P.A.T.R.I.O.T. Act—Preserve America's Treasures of the Revolution for Independence for Our Tomorrow. Passage of this legislation will forever insure that the sacrifice made by our nation's first veterans will be remembered. This legislation will also protect the Brandywine Battlefield. The Battle at Brandywine was the most significant battle of the Philadelphia campaign. My bill further memorializes this campaign by authorizing the Superintendent of Valley Forge National Historical Park to enter into an agreement with the Valley Forge Historical Society to build a museum which would house the world's largest collection of Revolutionary War artifacts and memorabilia, including the tent in which General Washington slept at Valley Forge.

And so Mr. Speaker, it is with great pride that I rise today to recognize the outstanding young patriots of my district who have made their voices heard in the fight to preserve this piece of our nation's history. The students of these schools sent me almost five hundred letters, pictures, and banners with their plea for this body to ''Remember Paoli!''—this small piece of land that is so important to their communities. As a former school teacher and a father of five, I am heartened by their dedication and commitment to this cause. The future of America lies with our youth, and with youngsters like these, I am confident that America's future will be bright.

I would like to congratulate these young patriots of my district, and thank them for taking part in this campaign to preserve the history of the Revolutionary War. I would also like to thank their teachers and parents who also sent me letters, and taught these students that their involvement could make a difference. I would like to include the letters of Melissa Clark, who is in the first grade at KDMarkley; Bonnie Hughes-Sobbi, mother of a fourth grader at KDMarkley; Bess McCadden who is in the fourth grade at Charlestown Elementary; and Catherine Wahl who is in the fourth grade at the Sugartown School for the record so that my colleagues can also appreciate them.

JANUARY 6, 1999.

DEAR SIR: I am writing to you to ask you to save the Paoli Battlefield. We need to remember the men who who fought to make our country free. Please do not build houses on the Paoli Battlefield.

Sincerely,

MELISSA CLARK.

JANUARY 5, 1999.

DEAR REPRESENTATIVE WELDON: It has come to my attention, through my daughter's fourth grade class, that a part of our local history is being threatened by ''progress''. The site to which I refer is the Paoli Battlefield, located in Malvern, PA.

Our children are being taught the importance of this site in their local history lessons and are also being taught to respect sites such as this for their intrinsic and irreplaceable value. We should be willing to support our lessons to our children by protecting the Paoli Battlefield from development.

Thank you for your efforts in support of protecting this site, hopefully with permanent registry as an historic landmark. I will be happy to lend any assistance, as I am able, to further this cause.

Very Truly Yours,

BONNIE HUGHES-SABBI.

DECEMBER 22, 1998.

DEAR REPRESENTATIVE WELDON: People know that it is wrong to build something on historical land. Valley Forge Park is part of our history, so we should also save the site of the Paoli Massacre Battlefield. My classmates and I have been studying it, and I

think that building things on historical land is destructive. If General Anthony Wayne were here, he would do all he could to stop people from building something on the ground of our past.

Don't let people build on the site of the Paoli Massacre Battlefield! Please save it!

Sincerely,

BESS MCCADDEN.

DECEMBER 11, 1998.

DEAR MR. WELDON: I think that you should stop this craziness because it should remain a burial ground. Paoli isn't very popular except for the Paoli Battlefield. That puts us in the battlefield book. It is a historical sight [sic]. It's disrespectful to knock down a memorial battlefield. One of my ancestors was buried at that battlefield there so I care very deeply about this battlefield.

CATHERINE WAHL.

JANUARY 4, 1999.

DEAR MR. WELDON, please save the Paoli Battlefield! It is very special to us. It helps us learn about our country's history.

SUGARTOWN SCHOOL,
MALVERN, PA,
December 15, 1998.

Hon. CURT WELDON,
Rayburn House Office Building,
Washington, DC.

DEAR HONORABLE CURT WELDON: The Paoli Battlefield should be preserved as a national park because these graves should honor the brave soldiers that fought for our country.

If you were one of the honorable soldiers that fought on this field would you like developers to build something over you? We have enough developments built in Paoli. This would be great for us kids that are learning about history. This would be a wonderful addition to Valley Forge Park.

Sincerely,

MYLES NEWMAN.

P.S. Thank you for reading my letter.

DECEMBER 22, 1998.

DEAR REP. WELDON, I am in Mrs. Weigal's 4th grade class. I live in Frazer, PA.

I'm writing to you to ask you to do all you can to save the Paoli Battlefield. I think that the builders are wrong to want to build houses there when 50 people are buried there. I hope you can do something about it.

Sincerely,

ALYSSA JACKSON.

JANUARY 4, 1999.

DEAR MR. WELDON, please save the Paoli Battlefield! It is very special to us. It helps us to learn about our country's history. I have seen the Paoli Battlefield it is very pretty.

Sincerely,

EMILY.

CHESTER COUNTY, PA,
December 22, 1998.

DEAR REP. WELDON, you should strongly support saving the Paoli Battlefield because many people lost their lives fighting for freedom and if you didn't it would be dishonorable to the soldiers. But really what would you rather have more population or more historical sites? Have a good time in Washington, D.C. with that legislation (I hope it will be positive.)

Sincerely,

TREY MORRIS.

DEAR REP. WELDON, my name is Steven Binstein. I am in fourth grade at Charlestown. I live in Malvern. I would appreciate it if you don't let the developers make houses on the Paoli Battlefield because that is a very nice peace of land. Soldiers fought their and some died and some didn't. The real reason I think the developers shouldn't build houses there is because people were buried there, and they cant just build over them.

That's why I think you shouldn't let the developers build there.

Sincerely,

STEVEN BINSTEIN.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for Tuesday, February 9, and the balance of the week on account of illness.

Ms. CARSON (at the request of Mr. GEPHARDT) for Wednesday, February 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. COMBEST, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes, today.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, February 11, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

469. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas [Docket No. 95–086–2] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

470. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Illinois Abandoned Mine Land Reclamation Plan [SPATS No. IL–093–FOR] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

471. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup and Black Sea Bass Fisheries: Summer Flounder Commercial Quota Transfer From North Carolina to Virginia [I.D. 121598I] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

472. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod and pollock in the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 012099B] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

473. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore-Offshore Allocations of Pollock and Pacific Cod Total Allowable Catch; Inshore-Offshore Allocation of 1999 Interim Groundfish Specifications [Docket No. 981021263–9019–02; I.D. 090898D] (RIN: 0648–AK12) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

474. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–7] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

475. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications and Additions to the Unified Partnership Audit Procedures [TD 8808] (RIN: 1545–AW23) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. MCINTOSH, Ms. DANNER, Mr. RILEY, Mr. HERGER, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARTLETT

of Maryland, Mr. BARTON of Texas, Mr. BARRETT of Nebraska, Mr. BEREUTER, Ms. BIGGERT, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BURR of North Carolina, Mr. BUYER, Mr. CALVERT, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DREIER, Mr. DUNCAN, Ms. DUNN of Washington, Mr. DEMINT, Mr. EHRLICH, Mr. ENGLISH, Mrs. EMERSON, Mr. EWING, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSELLA, Mrs. FOWLER, Mr. GEKAS, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HANSEN, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILL of Montana, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISTOOK, Mr. JENKINS, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mr. KING of New York, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KUYKENDALL, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mrs. MYRICK, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MCKEON, Mr. NEY, Mr. NETHERCUTT, Mr. NORWOOD, Mr. NUSSLE, Mr. OSE, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PEASE, Mr. PETRI, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REYNOLDS, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROGERS, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SALMON, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHADEGG, Mr. SHAW, Mr. SHERWOOD, Mr. SHOWS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TANCREDO, Mrs. TAUSCHER, Mr. TAUZIN, Mr. HOUGHTON, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. THUNE, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mrs. WILSON, Mr. WOLF, Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. GRAHAM, Mr. DELAY, Mr. YOUNG of Florida, Mr. QUINN, Mr. ROGAN, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. BASS, Mr. CANADY of Florida, Mr. COOK, Mr. EHLERS, Mr. EVERETT, Mr. FRANKS of New Jersey, Mr. HYDE, Mr. LEWIS of California, Mrs. NORTHUP, Mr. BILBRAY, Mr. COMBEST, Mr. GALLEGLY, Mr. KINGSTON, Mrs. JOHNSON of Connecticut, Mr. STUPAK, Mr. CONDIT, Ms. STABENOW, Mr. FORD, Mr. WICKER, Mr. PETERSON of Minnesota, Mr. CRAMER, Mr. TOOMEY, Mr. GARY MILLER of California, Mr. KASICH, Mr. MORAN of Virginia, and Mr. RAHALL):

H.R. 6. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. SHUSTER, Mr. LIPINSKI, Mr. DUNCAN, and Mr. HORN):

H.R. 661. A bill to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations; to the Committee on Transportation and Infrastructure.

By Mr. BARR of Georgia:

H.R. 662. A bill to prohibit the use of funds to administer or enforce the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties; to the Committee on International Relations.

H.R. 663. A bill to provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect; to the Committee on International Relations.

By Mr. ALLEN (for himself, Mr. TURNER, Mr. WAXMAN, Mr. BERRY, Mr. STARK, Mr. SANDERS, Mrs. CAPPS, Mr. TIERNEY, Mr. LAMPSON, Ms. STABENOW, Mr. DAVIS of Illinois, Mr. KENNEDY, Ms. DELAURO, Mr. WEXLER, Mr. FROST, Mr. MCGOVERN, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. SANDLIN, Mr. FORD, Mr. BROWN of Ohio, Mr. WEYGAND, Ms. KILPATRICK, Mr. POMEROY, Mr. BORSKI, Mr. OLVER, Mrs. THURMAN, Mr. BLUMENAUER, Mr. SERRANO, Mr. BALDACCI, Mr. MATSUI, Mr. DELAHUNT, Ms. SLAUGHTER, Ms. HOOLEY of Oregon, Mrs. MCCARTHY of New York, Mr. CRAMER, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. ANDREWS, Mr. MEEHAN, Mr. FILNER, Mr. KLECZKA, Mr. BARRETT of Wisconsin, Mr. STUPAK, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. LUTHER, Mr. PALLONE, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. OBEY, Mr. MALONEY of Connecticut, Mr. KUCINICH, Mr. EVANS, Ms. MCKINNEY, Ms. SANCHEZ, Mr. BENTSEN, Ms. MILLENDER-MCDONALD, Mr. BISHOP, Mr. SHOWS, and Mr. BOSWELL):

H.R. 664. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself, Mr. VENTO, Mr. BAKER, Mr. CAPUANO, and Mr. ACKERMAN):

H.R. 665. A bill to enhance the finanical services industry by providing a prudential framework for the affiliation of banks, securities firms, and other finanical service providers and ensuring adequate protection for consumers, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 666. A bill to authorize the Secretary of Energy to establish a multi-agency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials technology; to the Committee on Science.

By Mr. BURR of North Carolina:

H.R. 667. A bill to remove Federal impediments to retail competition in the electric power industry, thereby providing opportunities within electricity restructuring; to the Committee on Commerce.

By Mr. CAMPBELL (for himself and Mr. LANTOS):

H.R. 668. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Administration.

By Mr. CAMPBELL (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. BEREUTER, Mr. BONIOR, Mr. PORTER, Mrs. LOWEY, Mr. GREENWOOD, Mr. BERMAN, Mr. ENGLISH, Mr. MENENDEZ, Mr. PAYNE, Mr. SHAYS, Mr. FARR of California, Mr. WALSH, Mr. HALL of Ohio, Mr. PETRI, Mr. CONYERS, Mr. LEACH, Mr. MCDERMOTT, Mrs. MORELLA, Mr. POMEROY, Mr. HOUGHTON, Mr. LANTOS, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. SMITH of Washington, Mr. MCNULTY, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Ms. RIVERS, Mr. DELAHUNT, Mr. TIERNEY, Ms. LEE, and Mr. MARTINEZ):

H.R. 669. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. HOUGHTON, Mr. BORSKI, Mrs. KELLY, Mr. FATTAH, Mr. PEASE, Mr. HINCHEY, Mr. BONIOR, Mr. DOYLE, Mr. SPRATT, Mr. DEAL of Georgia, Mr. KILDEE, Mr. SAWYER, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. KENNEDY, Mr. STARK, Ms. BROWN of Florida, Mr. DAVIS of Florida, Mr. ROMERO-BARCELO, Mr. STRICKLAND, Mr. FARR of California, Ms. DELAURO, Mr. MEEHAN, Mr. THOMPSON of Mississippi, Mr. BISHOP, Mr. FRANK of Massachusetts, Ms. HOOLEY of Oregon, Mr. HOLDEN, Mr. WEYGAND, Mr. SANDLIN, Mr. ALLEN, Mrs. THURMAN, Mr. CUMMINGS, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. CLAY, Mr. BALDACCI, Ms. STABENOW, Mr. KLECZKA, Mr. UNDERWOOD, and Mr. GOODE):

H.R. 670. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes; to the Committee on Government Reform.

By Mr. CARDIN (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, and Mr. JEFFERSON):

H.R. 671. A bill to amend part E of title IV of the Social Security Act to help children aging out of foster care to make the transition to becoming independent adults, to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include individuals who were in foster care just before their 18th birthday, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. MATSUI):

H.R. 672. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. SHAW):

H.R. 673. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MCCRERY, and Mr. WATKINS):

H.R. 674. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 675. A bill to provide jurisdiction and procedures for affording relief for injuries arising out of exposure to hazards involved in the mining and processing of beryllium; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 676. A bill to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes; to the Committee on Resources.

H.R. 677. A bill to amend the Internal Revenue Code of 1986 to encourage the construction in the United States of luxury yachts, 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 Mrs. LOWEY (for herself, Mr. KING of New York, Mr. SHOWS, Mr. HORN, Mr. BISHOP, Mr. LOBIONDO, Mr. GUTIERREZ, Mr. FOLEY, Mr. CROWLEY, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. KENNEDY, Mr. FILNER, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. TRAFICANT, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. FROST, Ms. ROYBAL-ALLARD, Mrs. THURMAN, Mr. SANDLIN, Mr. ALLEN, Mr. LANTOS, Mr. STUPAK, Mr. BALDACCI, Mr. RANGEL, Mr. JOHN, Mrs. KELLY, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. LAMPSON, Ms. RIVERS, Mr. VENTO, Mr. WYNN, and Mrs. MCCARTHY of New York):

H.R. 678. A bill to amend title 18, United States Code, to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. LUTHER (for himself, Mr. RAMSTAD, Ms. RIVERS, Mr. LAFALCE, Mr. BROWN of Ohio, Mr. HINCHEY, Mr. GUTIERREZ, Ms. SLAUGHTER, and Mr. CONYERS):

H.R. 679. A bill to limit further production of the Trident II (D–5) missile; to the Committee on Armed Services.

By Mr. LUTHER (for himself, Mr. GUTKNECHT, Ms. LOFGREN, Mr. HALL of Texas, Mr. ENGLISH, and Mr. MINGE):

H.R. 680. A bill to reduce the number of executive branch political appointees; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. KLECZKA, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. WATKINS, Mr. MATSUI, Ms. DUNN of Washington, Mr. CRANE, Mr. HULSHOF, Mr. FOLEY, Mr. HOUGHTON, and Mr. WELLER):

H.R. 681. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. WATKINS, Mr. PACKARD, and Mr. EHRLICH):

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the $1,000,000 exclusion from the estate and gift taxes; to the Committee on Ways and Means.

By Mrs. MEEK of Florida (for herself and Mr. MILLER of Florida):

H.R. 683. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Ms. KILPATRICK, Mrs. TAUSCHER, Mr. PALLONE, Mr. STARK, Ms. RIVERS, and Mr. MEEHAN):

H.R. 684. A bill to amend the Federal Water Pollution Control Act to control water pollution from concentrated animal feeding operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. LUCAS of Kentucky, Mr. SHOWS, Mr. HOEFFEL, Mr. CAPUANO, Mr. BISHOP, Mr. BOYD, Mr. FORD, and Mr. DEFAZIO):

H.R. 685. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. ORTIZ:

H.R. 686. A bill to designate a United States courthouse in Brownsville, Texas, as the ''Garza-Vela United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself and Mr. VENTO):

H.R. 687. A bill to abolish the Special Reserve of the Savings Association Insurance Fund and to repeal the provision which would have established the Special Reserve of the Deposit Insurance Fund had section 2704 of the Deposit Insurance Funds Act of 1996 taken effect; to the Committee on Banking and Financial Services.

By Mr. SALMON:

H.R. 688. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. CRANE, Mr. LEVIN, Mr. THOMAS, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. KLECZKA, Mr. HOUGHTON, Mr. LEWIS of Georgia, Mr. HERGER, Mrs. THURMAN, Mr. MCCRERY, Mr. RAMSTAD, Ms. DUNN of Washington, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. WATKINS, Mr. WELLER, Mr. MCCOLLUM, Ms. MILLENDER-MCDONALD, Mr. BEREUTER, Mr. PETERSON of Pennsylvania, Mr. LEACH, Mr. DOOLEY of California, Mr. STEARNS, Mr. MANZULLO, and Mr. HALL of Texas):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 690. A bill to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. STUMP, Mr. EVANS, Mr. SHOWS, Mr. RAHALL, and Mrs. KELLY):

H.R. 691. A bill to amend title 38, United States Code, to provide for a portion of any funds recovered by the United States in any future lawsuit brought by the United States against the tobacco industry to be made available for health care for veterans; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. SESSIONS, Mr. ROYCE, Mr. SAXTON, Mr. BALLENGER, Mr. DICKEY, Mr. THORNBERRY, Mr. BURTON of Indiana, Mr. RADANOVICH, Mr. PETRI, Mr. HAYWORTH, Mr. SHADEGG, and Mr. DOOLITTLE):

H.R. 692. A bill to terminate the e-rate program of the Federal Communications Commission that requires providers of telecommunications and information services to provide such services for schools and libraries at a discounted rate; to the Committee on Commerce.

By Mr. THUNE (for himself, Mr. MINGE, Mr. BOSWELL, Mrs. EMERSON, Mr. POMEROY, Mr. EVANS, Mr. WELLER, and Mrs. CLAYTON):

H.R. 693. A bill to amend the Agricultural Marketing Act of 1946 to institute a program of mandatory livestock market reporting for meat packers regarding prices, volume, and the terms of sale for the procurement of domestic and imported livestock and livestock products, to improve the collection of information regarding swine inventories and the slaughtering and measurement of swine, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL of New Mexico (for himself and Mrs. WILSON):

H.R. 694. A bill to direct the Secretary of the Interior to convey an administrative site to the county of Rio Arriba, New Mexico; to the Committee on Resources.

H.R. 695. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to convey an administrative site in San Juan County, New Mexico, to San Juan College; to the Committee on Resources.

By Mr. WATKINS:

H.R. 696. A bill to amend the Federal Election Campaign Act of 1971 to extend the deadline for the submission to the Federal Election Commission of campaign reports covering the first quarter of the calendar year; to the Committee on House Administration.

By Mr. WICKER:

H.R. 697. A bill to amend the Individuals with Disabilities Education Act to provide that any decision relating to the establishment or implementation of policies of discipline of children with disablities in school be reserved to each State educational agency, or as determined by a State educational agency, to a local educational agency; to the Committee on Education and the Workforce.

H.R. 698. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 699. A bill to reward states that enact welfare policies and support programs that truly lift families out of poverty; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 700. A bill to amend title 49, United States Code, to provide enhanced protections for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. JOHN, Mr. BAKER, Mr. RANGEL, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. ROGERS, Mr. TANNER, Mr. LIVINGSTON, Mr. LAMPSON, Mr. MCCRERY, Mr. TOWNS, Mr. GOSS, Mr. KILDEE, Mr. NORWOOD, Mr. SHOWS, Mr. HILLIARD, Mr. SESSIONS, Mr. LUTHER, Mr. ROEMER, Ms. MCCARTHY of Missouri, Mr. WEYGAND, Mr. WELLER, Mr. WATKINS, Mr. JEFFERSON, Ms. LEE, Mr. COOKSEY, Mr. HOLDEN, Mr. BASS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 701. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-ROBERTSon Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources.

By Mr. LAZIO of New York:

H. Con. Res. 27. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GILMAN (for himself, Mr. GEPHARDT, Mr. GEJDENSON, Mr. COX of California, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. ROHRABACHER, Mr. LANTOS, Mr. PORTER, Mr. BURTON of Indiana, Mr. SALMON, Mr. CHABOT, and Mr. TANCREDO):

H. Con. Res. 28. Concurrent resolution expressing the sense of Congress that the United States should introduce and make all efforts necessary to pass a resolution criticzing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; to the Committee on International Relations.

By Mrs. FOWLER (for herself, Mr. SPENCE, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. STEARNS, Mrs. BONO, Mr. WICKER, Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr. BILIRAKIS, Mrs. CHENOWETH, Mr. HASTINGS of Washington, Mr. KINGSTON, Mr. BLUNT, Mr. BEREUTER, Mr. HANSEN, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. TAUZIN, Mr. COLLINS, Mr. SUNUNU, Mr. BACHUS, Mr. BRADY of Texas, Mr. HEFLEY, Mr. NETHERCUTT, Mr. HILLEARY, and Mr. FOLEY):

H. Con. Res. 29. Concurrent resolution expressing the opposition of Congress to any deployment of United States ground forces in Kosovo, a province in the Republic of Serbia, for peacemaking or peacekeeping purposes; to the Committee on International Relations.

By Mr. METCALF (for himself, Mr. HYDE, Mr. TANCREDO, Mr. ISTOOK, Mr. HERGER, Mr. GILMAN, Mr. TRAFICANT, Mr. ENGLISH, and Mr. SCARBOROUGH):

H. Con. Res. 30. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only and has no force or effect unless enacted as law; to the Committee on the Judiciary.

By Mr. TIERNEY (for himself, Mr. LARSON, Mr. NETHERCUTT, Mr. SAXTON, Mr. MEEHAN, Mr. UNDERWOOD, Mr. BRADY of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. FROST, Mr. LATOURETTE, Mr. MCNULTY, Mr. HOLDEN, Mr. ENGLISH, Mr. BARTLETT of Maryland, Mr. BORSKI, and Mr. RAMSTAD):

H. Con. Res. 31. Concurrent resolution to designate a flag-pole upon which the flag of the United States is to be set at half-staff whenever a law enforcement officer is slain in the line of duty; to the Committee on the Judiciary.

By Mr. FROST:

H. Res. 50. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mrs. LOWEY (for herself and Mr. ENGEL):

H. Res. 51. A resolution recognizing the suffering and hardship endured by American civilian prisoners of war during World War II; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H. Res. 52. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 702. A bill for the relief of Frank Redendo; to the Committee on the Judiciary.

H.R. 703. A bill for the relief of Khalid Khannouchi; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 704. A bill for the relief of Walter Borys; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII sponsors were added to public bills and resolutions as follows:

H.R. 33: Mrs. FOWLER.

H.R. 133: Mr. SOUDER.

H.R. 198: Mr. SCHAFFER.

H.R. 206: Mr. DAVIS of Illinois.

H.R. 207: Mr. FRANK of Massachusetts.

H.R. 220: Mr. DOOLITTLE.

H.R. 222: Mr. MCKEON and Mr. EVANS.

H.R. 323: Ms. RIVERS, Mr. WELDON of Florida, Mr. COOK, Mr. PICKERING, Ms. ESHOO, Mr. BOEHLERT, Mr. EHRLICH, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. CLAY, Mr. KNOLLENBERG, Mr. QUINN, and Ms. KILPATRICK.

H.R. 347: Mr. HALL of Texas, Mr. CALLAHAN, Mr. YOUNG of Alaska, Mr. CONDIT, Mr. HOLDEN, Mr. HILLEARY, Mr. STUMP, Mr. CALVERT, Mr. NETHERCUTT, Mr. BURR of North Carolina, Mr. BOUCHER, Mr. HAYWORTH, Mr. GOODE, Mr. PAUL, Mr. BARTON of Texas, Mr. HOSTETTLER, Mrs. EMERSON, Mr. WELDON of Florida, Mrs. CUBIN, Mr. NEY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. SCHAFFER, Mr. COMBEST, Mr. PICKERING, Mr. STEARNS, and Mr. BARCIA of Michigan.

H.R. 351: Mr. SANDLIN and Mr. CAMP.

H.R. 357: Mr. BORSKI and Mr. STUPAK.

H.R. 358: Mr. LIPINSKI and Mr. SMITH of Washington.

H.R. 415: Ms. JACKSON-LEE of Texas.

H.R. 506: Mr. ADERHOLT, Mr. GEKAS, Ms. JACKSON-LEE of Texas, Mr. ROGERS, and Ms. PELOSI.

H.R. 516: Mr. HOSTETTLER and Mr. MORAN of Kansas.

H.R. 525: Mr. WEINER, Mr. UDALL of Colorado, Mr. KLECZKA, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mrs. MINK of Hawaii, Mr. LANTOS, and Mr. NEAL of Massachusetts.

H.R. 530: Mr. CALVERT, Mr. SANFORD, Mr. JONES of North Carolina, Mr. STUMP, Mr. SHAYS, and Mr. BACHUS.

H.R. 540: Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. UPTON, Mr. LATOURETTE, Ms. DEGETTE, Mr. SANDERS, and Mr. MCHUGH.

H.R. 576: Mr. ENGLISH, Mrs. CLAYTON, Mr. CROWLEY, Mr. SHOWS, Mr. EHRLICH, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. GEJDENSON, Mr. WYNN, Mr. LEWIS of California, Mr. GREEN of Texas, and Mr. BROWN of Ohio.

H.R. 586: Mr. SHOWS.

H.R. 590: Mr. BALDACCI.

H.R. 614: Mr. SHAW, Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. SUNUNU, Mr. CHAMBLISS, Mrs. EMERSON, Mr. SOUDER, and Mr. METCALF.

H.J. Res. 9: Mr. MCCRERY, Mr. HERGER, Mr. BACHUS, Mr. KOLBE, and Mr. ROYCE.

H. Res. 19: Mrs. CAPPS, Mrs. CUBIN, Mrs. MALONEY of New York, Mrs. BONO, Mr. WISE, Mrs. MYRICK, Mr. DEFAZIO, Mr. FARR of California, Mr. LOBIONDO, Mr. UNDERWOOD, Mr. SHOWS, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. KILPATRICK, Mr. TOWNS, Mr. NADLER, Mr. STRICKLAND, Mr. FORD, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. BALDACCI, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. FOLEY, Ms. NORTON, Mr. ENGLISH, Mrs. MORELLA, Mrs. KELLY, Ms. RIVERS, Mr. GEORGE MILLER of California, and Mr. BOEHLERT.

H. Res. 20: Mr. KOLBE, Mr. GOODE, Mr. ENGLISH, and Mr. HOSTETTLER.

H. Res. 35: Mr. DINGELL, Mr. CONDIT, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. SHERMAN, Mr. GONZALEZ, Mr. BISHOP, Ms. KILPATRICK, Mr. WYNN, Mr. CUMMINGS, Mrs. CLAYTON, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. WATT of North Carolina, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. MEEHAN, Mr. MARTINEZ, Mr. MEEKS of New York, Mr. ENGEL, Mr. CLAY, Mr. LANTOS, Mr. HINCHEY, Mr. FROST, Mr. WEINER, Mr. RUSH, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Ms. DELAURO, Ms. MCKINNEY, Mr. KILDEE, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. DIXON, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. OLVER, Mrs. THURMAN, Mrs. CHRISTIAN-CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEUTSCH, Mr. FORBES, and Mr. NEAL of Massachusetts.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, FEBRUARY 10, 1999 No. 24

Senate

The Senate met at 10:06 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, thank You for the good men and women of this Senate. Today we ask what should be done when really good people disagree. You have shown us so clearly what should and should not be done. When the fabric of our human relationships is being frayed, it is time to deepen our relationship with You. Draw each Senator into healing communion with You that will give physical strength and spiritual assurance of Your unqualified love for him or her. Then in the inner heart give Your peace and direction. Give each Senator the courage to speak truth as she or he hears it and knows it. When this trial is finished, may none feel the pangs of unspoken convictions.

Dear God, we also know there is something we dare not do when good people disagree. You do not condone the impugning of other people's characters because they hold different convictions. You do not want us to break our unity or the bond of sacred friendship. Bless these good Senators as they press forward together with love for You, America, and each other. In the unity of Your spirit and the bond of peace. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial is approved to date.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, in a few moments, the Senate will resume the closed session in order to allow Members to continue to deliberate the two articles of impeachment. Members are reminded that the motion adopted yesterday allows for a RECORD to be printed on the day of the vote on the articles which could contain Senators' final statements if they choose to have them printed.

Also, Senator DASCHLE was just noting that while Senators have been careful not to comment on the discussion in closed session, we still should use a lot of discretion in going out and talking to the media about the details of what is happening here. I don't think there have been any violations, but use a lot of discretion. I would prefer we not even talk about which Senator spoke or how many spoke. I think we need to be careful in doing that.

I expect the Senate will be in session until approximately 6. We will confer with the Senators, the leadership, and the Chief Justice, and see how the discussions are going, and the speeches, how many are being made. Perhaps we would wrap it up before that. It would just depend on how much endurance we have today.

We will have a break from 12 until about 1:15, one hour and 15 minutes for lunch to allow the Chief Justice some time to return to the Supreme Court and then come back.

I expect the Senate to convene again tomorrow at 10 a.m. in order to try to conclude the debate and vote on the articles if at all possible by 5 o'clock on Thursday. If we are still having speeches, if we can't do it, we would certainly just go over until Friday, but I think we need to talk about that goal of 5 o'clock on Thursday.

Mr. REID. Thursday.

Mr. LOTT. Also, I know some Senators are still on the way here from committee meetings. There are only two or three going on today, but we didn't give them much notice that we were going to begin at 10, but we are notifying everybody now that we will come in at 10 tomorrow, so that they will go ahead and be able to take action this morning to cancel those hearings and be here sharply at 10 o'clock.

Again, we will alternate today, across the aisle, with the speakers going for up to 15 minutes.

Senator INHOFE is scheduled to be our first speaker today.

Mr. COVERDELL addressed the Chair.

Mr. LOTT. I will be glad to yield to Senator COVERDELL.

Mr. COVERDELL. Mr. Chief Justice, I ask unanimous consent to pose a point of clarification to the majority leader.

The CHIEF JUSTICE. Without objection.

Mr. COVERDELL. Mr. Leader, I am still a little confused about this posting of a statement in the RECORD. Is it possible for a Member of the Senate to submit to the closed session their statement rather than speaking? I think that might be desirable on the part of some.

Mr. LOTT. I think the answer to that is yes. You can do that.

Mr. COVERDELL. In other words, if I chose, I could submit the statement in my sequence to the RECORD, and subsequently, at my choice, decide whether it will be made part of the CONGRESSIONAL RECORD subsequent to the close?

Mr. LOTT. I believe that is correct.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. COVERDELL. I thank the Leader.

Mr. REID. Mr. Leader, and I would also say they would all appear the same as if they were spoken or not spoken.

Mr. LOTT. Correct.

Mr. LEAHY. Will the distinguished majority leader yield?

Mr. LOTT. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. Chief Justice, and I appreciate the courtesy of my good friend from Mississippi, I notice, as he has, that there are a lot of empty seats here in the Chamber. I realize at one time we thought we were coming in at noon, to have committee meetings.

If these statements are not made in the RECORD, the only time we are going to have a chance to discuss with each other what our thoughts are is in this closed session, by being here. I also think, in respect to the Chief Justice, we should be doing that.

I am inclined, I would say to my friend from Mississippi, to suggest the absence of a quorum. I am withholding, just for a moment, doing that. But if we are going to be off in committee meetings, I don't think that does service to the intent of this closed door hearing.

I hope that both leaders—and I have discussed this with the distinguished Democratic leader, too—would urge Members to be here. Nothing could be more important than this on our agenda today and tomorrow.

Mr. LOTT. Mr. Chief Justice, I certainly agree with that. We are going to have to have a momentary quorum, just to get the doors closed and then officially go forward. We will call and make sure all the committee hearings are being shut down. Actually, I think Members are coming in steadily, and within a moment we are probably going to have almost all the Senators here. But we will take just a couple of minutes to notify committees to complete their actions and come on the floor.

Mr. LEAHY. If I might complete then, Mr. Chief Justice, out of respect to my friend from Mississippi, and in courtesy to what he said, I will not make that suggestion, knowing that he is going to make a similar suggestion anyway.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. LOTT. I will be glad to yield.

Mr. GRAMM. Mr. Chief Justice, we are eager to get on with the debate. We have a quorum present. The Senator can make a point of order that a quorum is not present, but it is obvious to the naked eye that a quorum is present.

Mrs. HUTCHISON. Mr. Leader, would you yield?

Mr. LOTT. I will be glad to yield.

Mrs. HUTCHISON. I think it is important, for the record, that it be known there are at least 60 to 70 Members in the Chamber, ready to proceed.

Mr. LOTT. My count is we have about 70 Members here and I'm sure we will have a full complement here momentarily, so we can lock the doors and give a few more Senators a little more time to get here. Would the Senator from Alaska like to speak?

Mr. MURKOWSKI. May I ask for clarification relative to submitting statements in the RECORD and having them printed? What day would they be printed in the RECORD, assuming that we finish Thursday? The Friday RECORD?

Mr. LOTT. The day of the vote, which means it would come out, I guess, the next day. So if we vote on Thursday—if we vote on Friday, then it would be available, I guess, Saturday morning. If we vote Thursday night, it would be available in the RECORD Friday morning.

Mr. MURKOWSKI. I thank the leader.

Mr. LOTT. If the Senators choose.

Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. Would the leader wish we go into closed session before the quorum call?

Mr. LOTT. Yes, Mr. Chief Justice, and then suggest the absence of a quorum.

The CHIEF JUSTICE. The Senate will now resume closed session for final deliberations on the articles of impeachment.

CLOSED SESSION

(At 10:16 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:21 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I now ask unanimous consent that the Senate return to open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 11, 1999

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, February 11. I further ask that upon reconvening on Thursday and immediately following the prayer, the majority leader be recognized to make a brief statement with respect to the Senate schedule. I further ask unanimous consent that following the majority leader's comments, the Senate resume final deliberations in closed session on the articles of impeachment.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

PROGRAM

Mr. LOTT. We will reconvene tomorrow morning at 10 o'clock, and we hope to be able to finish tomorrow afternoon, Mr. Chief Justice, but we have to make a lot better progress than we did today.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. If there is no further business, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, at 6:21 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Thursday, February 11, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceeding.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1701. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Dewey Point, at the convergence of Greens Creek and Smith Creek near Oriental, North Carolina'' (Docket 05–98–054) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1702. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Chesapeake Bay, Hampton Roads, Norfolk Harbor Reach and Vicinity'' (Docket 05–98–068) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1703. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth river, VA'' (Docket 05–98–070) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1704. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA'' (Docket 05–98–078) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1705. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA'' (Docket 05–98–077) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1706. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; All Waters within the Captain of the Port Wilmington Zone as Defined by 33 CFR 3.25–20''

(Docket 05–98–079) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1707. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Neptune Festival Fireworks Display, Atlantic Ocean, Virginia Beach, VA'' (Docket 05–98–087) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1708. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Muskegon, Muskegon, Michigan'' (Docket 09–98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1709. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan'' (Docket 09–98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1710. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Muskegon, Michigan'' (Docket 09–98–026) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1711. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, North Beach, Michigan'' (Docket 09–98–027) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1712. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Michigan City, Indiana'' (Docket 09–98–028) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1713. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Michigan City, Indiana'' (Docket 09–98–031) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1714. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; St. Joseph, Michigan'' (Docket 09–98–032) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1715. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Chicago, Illinois'' (Docket 09–98–033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1716. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Black river, South Haven, Michigan'' (Docket 09–98–034) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1717. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Kalamazoo Lake and River, Saugatuck, Michigan'' (Docket 09–98–035) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1718. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; White Lake, Whitehall, Michigan'' (Docket 09–98–036) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1719. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; North Pier, South Haven, Michigan'' (Docket 09–98–039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1720. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Grand River, Grand Haven, Michigan'' (Docket 09–98–040) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Hammond, Indiana'' (Docket 09–98–041) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1722. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, New Buffalo, Michigan'' (Docket 09–98–044) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1723. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Chicago, Illinois'' (Docket 09–98–045) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1724. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Michigan City, IN'' (Docket 09–98–046) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1725. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Pentwater, MI'' (Docket 09–98–047) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1726. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Navy Pier, Chicago, Illinois'' (Docket 09–98–048) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1727. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Michigan, Grand Haven, MI'' (Docket 09–98–049) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1728. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Commencement Bay, Tacoma, WA'' (Docket 13–98–005) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1729. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Kennewick Old Fashioned Fourth of July Fireworks Display, Columbia River, Kennewick, WA'' (Docket 13–98–013) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1730. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Fourth of July Fireworks Display, Columbia River, Astoria, OR'' (Docket 13–98–014) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1731. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Fourth of July Fireworks Display, Columbia River, Vancouver, WA'' (Docket 13–98–015) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1732. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Rainier Days Fireworks Display, Columbia River, Rainier, OR'' (Docket 13–98–016) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1733. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; St. Helens 4th of July Fireworks Display, Columbia River, St. Helens, OR'' (Docket 13–98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1734. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Fourth of July Fireworks Display, Grays Harbor, Westport, WA'' (Docket 13–98–018) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Oaks Amusement Park Fireworks Display, Willamette River, Portland, OR'' (Docket 13–98–019) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1736. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Oregon Food Bank Blues Festival Fireworks Display, Wilamette River, Portland, OR'' (Docket 13–98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1737. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Fourth of July Fireworks Display, Chehalis River, Aberdeen, WA'' (Docket 13–98–021) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Seafair's Blue Angels Air Show, Lake Washington, Seattle, WA'' (Docket 13–98–024) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1739. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Astoria Regatta Fireworks Display, Columbia River, Astoria, OR'' (Docket 13–98–025) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1740. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Bite of Portland Fireworks Display, Wilamette River, Portland, Oregon'' (Docket 13–98–027) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1741. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Oregon Symphony Fireworks Display, Willamette River, Portland, Oregon'' (Docket 13–98–028) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1742. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security/Safety Zone Regulation; Columbia River, Portland, OR'' (Docket 13–98–029) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1743. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulation; Willamette River, Portland, OR'' (Docket 13–98–030) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1744. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security/Safety Zone Regulation; Willamette River, Portland, OR'' (Docket 13–98–031) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1745. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Vice President Gore's Visit to Seattle, Washington'' (Docket 13–98–032) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1746. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations, Commencement Bay, Tacoma, Washington'' (Docket 13–98–033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1747. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Neptune Festival Fireworks Display, Atlantic Ocean, Virginia Beach, VA'' (Docket 13–98–086) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 397. A bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 398. A bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 399. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

S. 400. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. INOUYE:

S. 402. A bill for the relief of Alfredo Tolentino of Honolulu, Hawaii; to the Committee on Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SANTORUM):

S. 403. A bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HELMS, Mr. MURKOWSKI, Mr. COVERDELL, Mr. HAGEL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. ROBERTS, Mr. NICKLES, and Mr. SESSIONS):

S. 404. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. HOLLINGS:

S. 405. A bill to prohibit the operation of civil supersonic transport aircraft to or from airports in the United States under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself, Mr. LOTT, Mr. BAUCUS, Mr. INHOFE, Mr. COCHRAN, Mr. CAMPBELL, and Mr. INOUYE):

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBB, Mr. SARBANES, Mr. KENNEDY, Mr. KERRY, and Ms. MIKULSKI):

S. 407. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 408. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. REID, Mr. GRASSLEY, Mr. ABRAHAM, Mr. ROBB, Ms. COLLINS, Mrs. BOXER, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE):

S. 409. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself and Mr. KERREY):

S. Con. Res. 8. A concurrent resolution expressing the sense of Congress that assistance should be provided to pork producers to alleviate economic conditions faced by the producers; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 397. A bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials; to the Committee on Energy and Natural Resources.

NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

• Mr. BINGAMAN. Mr. President, today I am pleased to introduce the ''National Materials Corridor Partnership Act of 1999.'' This bill will establish a comprehensive, multiagency program, led by the Department of Energy, to promote energy efficient, environmentally sound economic development along the US-Mexican border through the research, development, and use of new materials technology. I am also pleased to say that I developed this bill with Congressman GEORGE BROWN, the ranking member of the House Science Committee, who will introduce it in the House of Representatives.

As many of you are aware, NAFTA and the globalization of our economy have created a surge of economic

growth all along the 2000 mile US-Mexican border. The border region has become a major center for manufacturing and assembly in many industries, such as microelectronics and automobile parts, as well as a center for many materials industries, such as metals and plastics. However, with this economic growth have come serious problems. Pollution, hazardous wastes, and the inefficient use of resources threaten people's health and the prospects for long term economic growth. For example, there are numerous ''non-attainment'' regions for carbon monoxide and ozone along the border. If you've been down to the El Paso area, where New Mexico, Texas, and Mexico come together, your eyes and nose will tell you something's not as it should be.

However, solutions to some of these problems may lie close at hand—in new materials technologies. There are many research institutions along both sides of the border which have expertise in materials technology. In my state alone, Los Alamos and Sandia National Labs, New Mexico Tech, and the University of New Mexico, among others, are all involved in materials research. The importance of materials technology is often underappreciated, perhaps because it is so ubiquitous. But in many cases it is the very wellspring of technological revolutions. We have named various epochs of our history after new materials—the Stone Age, the Bronze Age, the Iron Age—because of how powerfully they can change our lives. Even today, materials science gave us the transistors and fiber optics lines that created the information age, the age of Silicon Valley. Materials technology can be a very powerful tool for improving people's standard of living.

Of course, the technologies coming out of this program are unlikely to create a new age, but they will be extremely helpful. For example, there are many family operated brick factories along the border which use very dirty fuels, like old tires, to fire their kilns. This fuel is, as you might guess, extremely polluting. In fact, brick factories are the third most significant source of air pollution along the border, after automobiles and road dust. Los Alamos has looked at redesigning the kilns, a materials processing technology, to use much less fuel and have a lower reject rate. This means less pollution and suggests the possibility of maybe even using natural gas to economically fire the kilns. The end result could be a major reduction in one pollution source.

Another well known problem is the solvents the microelectronics industry uses to clean its devices during assembly, which also contribute to smog. Los Alamos has developed a way to substitute supercritical carbon dioxide for these solvents within a closed system. This substitution of materials could reduce energy consumption, processing time, and an important source of industrial pollution.

The idea for a US-Mexican program to promote environmentally sound economic growth along the border via materials technology was originally suggested in 1993 by Hans Mark, then of the University of Texas, now the Director of Defense Research and Engineering. While Mexico's economic crisis of the early 90's stalled things, in 1998 the Mexican government revived the idea, proposing a ''Materials Corridor Partnership Initiative'' to the US-Mexican Binational Commission, and offering $1 million of funding for it if the United States would do the same. While an informal group with many research organizations, the ''Materials Corridor Council,'' has organized itself in response, the US government has yet to pick up on the Mexican offer. My legislation is meant to kick start the ''Materials Corridor Partnership Initiative'' inside the federal government.

So, what are the features of the program? It would be an interagency program led by the Department of Energy (DOE). An interagency program is a good way to bring various talents to bear on complex problems. DOE is a good choice to lead this program because its energy efficiency and national security missions, including nuclear cleanup, have led it to develop a large array of materials technologies to improve energy efficiency, reduce pollution, or handle hazardous wastes. In fact, in 1996, DOE was the largest civilian funder of materials research. Under DOE's leadership, the State Department, Environmental Protection Agency, National Science Foundation, and National Institutes of Standards and Technology will bring their complementary capabilities to the program as diplomats, environmental scientists, basic researchers, and standards experts.

The program will focus on materials technology to improve energy efficiency, minimize or eliminate pollution and global climate change gases, and use recycled materials as primary materials through three types of projects. First, there will be applied research projects aimed at showing the feasibility of a materials technology in order to hasten its adoption by industry. These projects will typically be led by companies, and to ensure the firms are really interested in the technology, the federal government will pay no more than 50% of the cost of such a project. Second, there will be basic research projects to discover new knowledge useful in creating these materials technologies; these will typically be led by an academic or other research institutions. Third, there will education and training projects to train border scientists, engineers, and workers in these new technologies. To cover this, the bill authorizes $5 million per year for five years.

Finally, this program will be a cooperative program with Mexico. Our border is, by definition, something we share. We share its opportunities and its problems, so it makes sense to share the solutions. Pollution needs no passport. Now, perhaps we will still be able to pick up Mexico's offer of $1 million for this program, but, in any event, the bill calls upon the Secretary of Energy to encourage Mexican organizations to contribute to it. And, to foster US-Mexican cooperation whenever possible, the bill allows US funds to be used by organizations located in Mexico provided Mexican organizations contribute significant resources to that particular project. Working closely with the Mexicans to solve our common problems will be much more effective than trying to go it alone.

Mr. President, I think the ''National Materials Corridor Partnership Act of 1999'' is an idea whose time has finally arrived. I hope my colleagues, particularly from the states along the US-Mexican border, will join me in supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 397

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Materials Corridor Partnership Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the region adjacent to the 2,000-mile border between the United States and Mexico is an important region for energy-intensive manufacturing and materials industries critical to the economic and social wellbeing of both countries;

(2) there are currently more than 800 multinational firms (including firms known as ''maquiladoras'') representing United States investments of more than $1,000,000,000 in the San Diego, California, and Tijuana, Baja California, border region and in the El Paso, Texas, and Juarez, Chihuahua, border region;

(3) materials and materials-related industries comprise a major portion of the industries operating on both sides of the border, amounting to more than $6,800,000,000 in annual commerce on the Mexican side alone;

(4) there are a significant number of major institutions in the border States of both countries currently conducting academic and research activities in materials;

(5)(A) the United States Government currently invests approximately $1,000,000,000 annually in materials research, of which, in 1996, the Department of Energy funded the largest proportion of civilian materials research; and

(B) there are also major materials programs at the National Science Foundation, the National Institute of Standards and Technology, and Department of Defense, among other entities;

(6) the United States and Mexico have invested heavily in domestic and binational cooperative programs to address major concerns for the natural resources, environment, and public health of the United States-Mexico border region, expending hundreds of millions of dollars annually in those efforts;

(7)(A) scientific and technical advances in materials and materials processing provide major opportunities for—

(i) significantly improving energy efficiency;

(ii) reducing emissions of global climate change gases;

(iii) using recycled natural resources as primary materials for industrial production; and

(iv) minimizing industrial wastes and pollution; and

(B) such advances will directly benefit both sides of the United States-Mexico border by encouraging energy efficient, environmentally sound economic development that protects the health and natural resources of the border region;

(8)(A) promoting clean materials industries in the border region that are energy efficient has been identified as a high priority issue by the United States-Mexico Foundation for Science Cooperation; and

(B) at the 1998 discussions of the United States-Mexico Binational Commission, Mexico formally proposed joint funding of a ''Materials Corridor Partnership Initiative'', proposing $1,000,000 to implement the Initiative if matched by the United States;

(9) recognizing the importance of materials and materials processing, academic and research institutions in the border States of both the United States and Mexico, in conjunction with private sector partners of both countries, and with strong endorsement from the Government of Mexico, in 1998 organized the Materials Corridor Council to implement a cooperative program of materials research and development, education and training, and sustainable industrial development as part of the Materials Corridor Partnership Initiative; and

(10) successful implementation of the Materials Corridor Partnership Initiative would advance important United States energy, environmental, and economic goals not only in the United States-Mexico border region but also as a model for similar collaborative materials initiatives in other regions of the world.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a multiagency program in support of the Materials Corridor Partnership Initiative referred to in section 2(8) to promote energy efficient, environmentally sound economic development along the United States-Mexico border through the research, development, and use of new materials technology.

SEC. 4. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the program established under section 5(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a comprehensive program to promote energy efficient, environmentally sound economic development along the United States-Mexico border through the research, development, and use of new materials technology.

(2) CONSIDERATIONS.—In developing the program, the Secretary shall give due consideration to the proposal made to the United States-Mexico Binational Commission for the Materials Corridor Partnership Initiative.

(b) PARTICIPATION OF OTHER FEDERAL AGENCIES.—The Secretary shall organize and conduct the program jointly with—

(1) the Department of State;

(2) the Environmental Protection Agency;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology; and

(5) any other departments or agencies the participation of which the Secretary considers appropriate.

(c) PARTICIPATION OF THE PRIVATE SECTOR.—When appropriate, funds made available under this Act shall be made available for research and development or education and training activities that are conducted with the participation and support of private sector organizations located in the United States and, subject to section 7(c)(2), Mexico, to promote and accelerate in the United States-Mexico border region the use of energy efficient, environmentally sound technologies and other advances resulting from the program.

(d) MEXICAN RESOURCE CONTRIBUTIONS.—The Secretary shall—

(1) encourage public, private, nonprofit, and academic organizations located in Mexico to contribute significant financial and other resources to the program; and

(2) take any such contributions into account in conducting the program.

(e) TRANSFER OF TECHNOLOGY FROM NATIONAL LABORATORIES.—In conducting the program, the Secretary shall emphasize the transfer and use of materials technology developed by the national laboratories of the Department of Energy before the date of enactment of this Act.

SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.

(a) ACTIVITIES.—Funds made available under this Act shall be made available for research and development and education and training activities that are primarily focused on materials, and the synthesis, processing, and fabrication of materials, that promote—

(1) improvement of energy efficiency;

(2) elimination or minimization of emissions of global climate change gases and contaminants;

(3) minimization of industrial wastes and pollutants; and

(4) use of recycled resources as primary materials for industrial production.

(b) MAJOR PROGRAM ELEMENTS.—

(1) IN GENERAL.—The program shall have the following major elements:

(A) Applied research, focused on maturing and refining materials technologies to demonstrate the feasibility or utility of the materials technologies.

(B) Basic research, focused on the discovery of new knowledge that may eventually prove useful in creating materials technologies to promote energy efficient, environmentally sound manufacturing.

(C) Education and training, focused on educating and training scientists, engineers, and workers in the border region in energy efficient, environmentally sound materials technologies.

(2) APPLIED RESEARCH.—Applied research projects under paragraph (1)(A) should typically involve significant participation from private sector organizations that would use or sell such a technology.

(3) BASIC RESEARCH.—Basic research projects conducted under paragraph (1)(B) should typically be led by an academic or other research institution.

SEC. 7. PARTICIPATION OF DEPARTMENTS AND AGENCIES OTHER THAN THE DEPARTMENT OF ENERGY.

(a) AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the departments and agencies referred to in section 5(b) on the coordination and implementation of the program.

(b) ACTIONS OF DEPARTMENTS AND AGENCIES.—Any action of a department or agency under an agreement under subsection (a) shall be the responsibility of that department or agency and shall not be subject to approval by the Secretary.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary and the departments and agencies referred to in section 5(b) may use funds made available for the program for research and development or education and training activities carried out by—

(A) State and local governments and academic, nonprofit, and private organizations located in the United States; and

(B) State and local governments and academic, nonprofit, and private organizations located in Mexico.

(2) CONDITION.—Funds may be made available to a State or local government or organization located in Mexico only if a government or organization located in Mexico (which need not be the recipient of the funds) contributes a significant amount of financial or other resources to the project to be funded.

(d) TRANSFER OF FUNDS.—The Secretary may transfer funds to the departments and agencies referred to in section 5(b) to carry out the responsibilities of the departments and agencies under this Act.

SEC. 8. PROGRAM ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an advisory committee consisting of representatives of the private, academic, and public sectors.

(2) CONSIDERATIONS.—In establishing the advisory committee, the Secretary shall take into consideration organizations in existence on the date of enactment of this Act, such as the Materials Corridor Council and the Business Council for Sustainable Development-Gulf Mexico.

(b) CONSULTATION AND COORDINATION.—Departments and agencies of the United States to which funds are made available under this Act shall consult and coordinate with the advisory committee in identifying and implementing the appropriate types of projects to be funded under this Act.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Federal departments and agencies participating in the program may provide financial and technical assistance to other organizations to achieve the purpose of the program.

(b) APPLIED RESEARCH.—

(1) USE OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—Federal departments and agencies shall, to the extent practicable, use cooperative agreements to fund applied research activities by organizations outside the Federal Government.

(B) NATIONAL LABORATORIES.—In the case of an applied research activity conducted by a national laboratory, a funding method other than a cooperative agreement may be used if such a funding method would be more administratively convenient.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal Government shall pay not more than 50 percent of the cost of applied research activities under the program.

(B) QUALIFIED FUNDING AND RESOURCES.—No funds or other resources expended either before the start of a project under the program or outside the scope of work covered by the funding method determined under paragraph (1) shall be credited toward the non-Federal share of the cost of the project.

(c) BASIC RESEARCH AND EDUCATION AND TRAINING.—

(1) IN GENERAL.—Federal departments and agencies shall, to the extent practicable, use grants to fund basic research and education and training activities by organizations outside the Federal Government.

(2) NATIONAL LABORATORIES.—In the case of a basic research or education activity conducted by a national laboratory, a funding method other than a grant may be used if such a funding method would be more administratively convenient.

(3) FEDERAL SHARE.—The Federal Government may fund 100 percent of the cost of the basic research and education and training activities of the program.

(d) COMPETITIVE SELECTION.—All projects funded under the program shall be competitively selected using such selection criteria as the Secretary, in consultation with the departments and agencies referred to in section 5(b), determines to be appropriate.

(e) ACCOUNTING STANDARDS.—

(1) WAIVER.—To facilitate participation in the program, Federal departments and agencies may waive any requirements for Government accounting standards by organizations that have not established such standards.

(2) GAAP.—Generally accepted accounting principles shall be sufficient for projects under the program.

(f) NO CONSTRUCTION.—No program funds may be used for construction.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2000 through 2004.●

By Mr. CAMPBELL:

S. 398. A bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; to the Committee on Banking, Housing, and Urban Affairs.

THE BUFFALO COIN ACT OF 1999

● Mr. CAMPBELL. Mr. President, today I introduce the Buffalo Nickel Coin Act, a bill based on legislation I introduced in the 105th Congress, S. 1112 and Senate Amendment 3013. This bill authorizes the minting of a limited-edition commemorative coin, based on the design of the original Buffalo Nickel, which was in circulation from 1913 to 1938. It also directs the dedication of profits from the sale of the coin to the construction of the Smithsonian's Museum of the Native American. This bill is in compliance with USC Title 31, the Commemorative Coin Act.

In February 1998, I presented the design of the coin to the Mint and provided testimony regarding the history of the nickel and its design. Former Ambassador to Austria and Colorado buffalo rancher, Swanee Hunt, joined me at this presentation to share her support.

Since then I have been working closely with officials at the Treasury and the Citizens Commemorative Coin Advisory Committee. The recommendation of the Committee is necessary in order to bring the coin into circulation. In their 1998 annual report, the Committee approved the minting of a half-dollar coin, based on the design of the Buffalo Nickel, which will go into circulation in 2001. The Committee's recommendation to put the coin into circulation in 2001 will coincide well with the Museum's scheduled opening date of 2002.

This legislation reflects the goals of all interested parties, and still maintains the original goal of raising funds for the preservation of Native American artifacts in the Museum of the American Indian. I urge my colleagues to support passage of this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 398

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 ''Buffalo Coin Act of 1999''.

SEC. 2. BUFFALO HALF-DOLLAR.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

''(n) BUFFALO HALF-DOLLAR.—

''(1) DENOMINATIONS.—Notwithstanding any other provision of law, during the 3-year period beginning on January 1, 2001, the Secretary shall mint and issue each year not more than 500,000 half-dollar coins, minted in accordance with this title.

''(2) DESIGN REQUIREMENTS.—The design of the half-dollar coins minted under this subsection shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 to 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side a representation of a buffalo.

''(3) SELECTION.—The design for the coins minted under this subsection shall be—

''(A) selected by the Secretary, after consultation with the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Indian Affairs of the Senate, and the Commission of Fine Arts; and

''(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(4) QUALITY OF COINS.—Coins minted under this subsection shall be issued in uncirculated and proof qualities.

''(5) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under this subsection from sources that the Secretary deems appropriate, including from stockpiles established under the Strategic and Critical Materials Stockpiling Act.

''(6) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this subsection.

''(7) SALE OF COINS.—

''(A) IN GENERAL.—The coins issued under this subsection shall be sold by the Secretary at a price equal to the sum of—

''(i) the face value of the coins;

''(ii) the surcharge provided in subparagraph (D) with respect to such coins; and

''(iii) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

''(B) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this subsection at a reasonable discount.

''(C) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this subsection before the issuance of such coins. Sale prices with respect to prepaid orders shall be at a reasonable discount.

''(D) SURCHARGES.—All sales of coins minted under this subsection shall include a surcharge of $3.00 per coin.

''(8) DISTRIBUTION OF SURCHARGES.—

''(A) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be paid promptly by the Secretary to the Numismatic Public Enterprise Fund established under section 5134.

''(B) PROCEEDS.—Proceeds from the sale of coins minted under this subsection shall be made available to the National Museum of the American Indian for the purposes of—

''(i) commemorating the tenth anniversary of the establishment of the Museum; and

''(ii) supplementing the endowment and educational outreach funds of the Museum.''.●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 399. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 1999

● Mr. CAMPBELL. Mr. President, today I introduce the Indian Gaming Regulatory Improvement Act of 1999, co-sponsored by Senator INOUYE, to address two critical elements related to the federal component of Indian gaming regulation.

With any legislation affecting Indian gaming, it is important to keep in mind the aims of the 1988 Indian Gaming Regulatory Act (IGRA): ensuring that gaming continues to be a tool for Indian economic development, and ensuring that the games conducted are kept free from corrupting forces to maintain the integrity of the industry.

First, this bill provides necessary reforms in the area of gaming regulation by requiring that the National Indian Gaming Commission and the gaming tribes themselves, develop and implement a system of minimum internal control, background investigation and licensing standards for all tribes that operate class II and class III gaming.

My intention in proposing these standards is to guarantee that gaming is conducted in a safe and fair manner at every tribal gaming facility in the United States not only to preserve gaming integrity but to provide certainty and security to the consumers of Indian gaming.

Second, this legislation provides that the fees assessed are used only for the regulatory activities of the National Indian Gaming Commission (NIGC) by requiring that all fees be paid into a trust fund, which may only be accessed by the NIGC for purposes approved by Congress.

The existing federal Indian gaming law was passed by Congress more than ten years ago. At that time, gaming was a small industry, consisting mainly of high stakes bingo operations, termed ''class II'' gaming under the statute.

In 1988, virtually no one contemplated that gaming would become the billion dollar industry that exists today, providing tribes with much needed capital for development and employment opportunities where none previously existed.

Because of gaming, some tribes have been wildly successful, fortunate because of their geographical location. These tribes employ thousands of people, both Indian and non-Indian, and have greatly reduced the welfare rolls in their local area.

Though gaming revenues have exploded in the last ten years, the IGRA has been significantly amended only one time. In 1997, I introduced an

amendment that would allow the NIGC to assess fees against casino-style gaming operations, termed ''class III'' gaming under the statute, and to fund its regulatory efforts in Indian Country.

Mr. President, these additional fees are necessary to ensure meaningful federal involvement in the regulation of class III gaming. As of January 1, 1998, approximately 77% of NIGC-approved management contracts were for class III operations. In 1997, the NIGC processed some 18,000 fingerprint cards and 21,000 investigative reports. The Commission also approved some 241 tribal gaming ordinances and, importantly, took 53 formal enforcement actions. The vast majority of these enforcement actions were issued against class III operations. Most striking, before the 1997 amendment was enacted, the NIGC employed only 7 investigators who were responsible for monitoring the entire Indian gaming industry.

The 1997 amendment has enabled the NIGC to take steps to increase its regulation and enforcement efforts. Additionally, the Commission has been able to hire much-needed field investigators who are personally responsible for monitoring local tribal gaming operations. The Commission should be applauded for these activities.

What these facts and figures do not reveal, however, is the significant amount of tribal and joint tribal-state regulatory activities undertaken at the local level. It should be noted that many Indian tribes, often working with the states where gaming is located, have developed sophisticated regulatory frameworks for their gaming operations.

Many of those tribes have put in place standards regarding rules of play for their games, as well as financial and accounting standards for their operations. They are significant and for many tribes contribute the bulk of regulatory activities under the IGRA.

The amendment I propose today would require the NIGC, prior to assessing any fee against an Indian gaming operation, to determine the nature and level of any such tribal or joint tribal-state regulatory activities and to reduce the fees assessed accordingly.

The goals of this provision are twofold: to provide the NIGC with the resources it needs to carry out its obligations under the IGRA, but to recognize the often significant regulatory activities at the local level.

It is important for us to keep these facts, and the goals of the gaming statute, in mind. Where gaming exists, it provides a great opportunity for tribes to develop other business and development projects. However, it must be our goal, and it is my mission, to assist the tribes in the development of their economies through clean and efficient gaming operations.

I urge my colleagues to support these reasonable and necessary amendments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

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 ''Indian Gaming Regulatory Improvement Act of 1999''.

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) by striking the first section and inserting the following:

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

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Gaming Regulatory Act'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Congressional findings.
''Sec. 3. Purposes.
''Sec. 4. Definitions.
''Sec. 5. National Indian Gaming Commission.
''Sec. 6. Powers of Chairman.
''Sec. 7. Powers of Commission.
''Sec. 8. Commission staffing.
''Sec. 9. Commission—access to information.
''Sec. 10. Minimum standards.
''Sec. 11. Rulemaking.
''Sec. 12. Tribal gaming ordinances.
''Sec. 13. Management contracts.
''Sec. 14. Civil penalties.
''Sec. 15. Judicial review.
''Sec. 16. Subpoena and deposition authority.
''Sec. 17. Investigative powers.
''Sec. 18. Commission funding.
''Sec. 19. Authorization of appropriations.
''Sec. 20. Gaming on lands acquired after October 17, 1988.
''Sec. 21. Dissemination of information.
''Sec. 22. Severability.
''Sec. 23. Criminal penalties.
''Sec. 24. Conforming amendment.'';

(2) by striking sections 2 and 3 and inserting the following:

''SEC. 2. CONGRESSIONAL FINDINGS.

''Congress finds that—

''(1) Indian tribes are—

''(A) engaged in the operation of gaming activities on Indian lands as a means of generating tribal governmental revenue; and

''(B) licensing those activities;

''(2) because of the unique political and legal relationship between the United States and Indian tribes, Congress has the responsibility of protecting tribal resources and ensuring the continued viability of Indian gaming activities conducted on Indian lands;

''(3) clear Federal standards and regulations for the conduct of gaming on Indian lands will assist tribal governments in assuring the integrity of gaming activities conducted on Indian lands;

''(4) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

''(5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands, if the gaming activity—

''(A) is not specifically prohibited by Federal law; and

''(B) is conducted within a State that does not, as a matter of criminal law and public policy, prohibit that gaming activity;

''(6) Congress has the authority to regulate the privilege of doing business with Indian tribes in Indian country (as defined in section 1151 of title 18, United States Code);

''(7) systems for the regulation of gaming activities on Indian lands should meet or exceed federally established minimum regulatory requirements;

''(8) the operation of gaming activities on Indian lands has had a significant impact on commerce with foreign nations, and among the several States, and with the Indian tribes; and

''(9) the Constitution of the United States vests Congress with the powers to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, and this Act is enacted in the exercise of those powers.

''SEC. 3. PURPOSES.

''The purposes of this Act are as follows:

''(1) To ensure the right of Indian tribes to conduct gaming activities on Indian lands in a manner consistent with—

''(A) the inherent sovereign rights of Indian tribes; and

''(B) the decision of the Supreme Court in California et al. v. Cabazon Band of Mission Indians et al. (480 U.S.C. 202, 107 S. Ct. 1083, 94 L. Ed. 2d 244 (1987)), involving the Cabazon and Morongo bands of Mission Indians.

''(2) To provide a statutory basis for the conduct of gaming activities on Indian lands as a means of promoting tribal economic development, tribal self-sufficiency, and strong Indian tribal governments.

''(3) To provide a statutory basis for the regulation of gaming activities on Indian lands by an Indian tribe that is adequate to shield those activities from organized crime and other corrupting influences, to ensure that an Indian tribal government is the primary beneficiary of the operation of gaming activities, and to ensure that gaming is conducted fairly and honestly by both the operator and players.'';

(3) in section 4—

(A) by striking paragraphs (1) through (6) and inserting the following:

''(1) APPLICANT.—The term 'applicant' means any person who applies for a license pursuant to this Act, including any person who applies for a renewal of a license.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' means the Attorney General of the United States.

''(3) CHAIRMAN.—The term 'Chairman' means the Chairman of the Commission.

''(4) CLASS I GAMING.—The term 'class I gaming' means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.'';

(B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''(5)(A) The term'' and inserting ''(5) CLASS II GAMING.—(A) The term'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, by striking ''(6) The term'' and inserting ''(6) CLASS III GAMING.—The term''; and

(E) by adding after paragraph (6), as redesignated by subparagraph (B) of this paragraph, the following:

''(7) COMMISSION.—The term 'Commission' means the National Indian Gaming Commission established under section 5.

''(8) COMPACT.—The term 'compact' means an agreement relating to the operation of class III gaming on Indian lands that is entered into by an Indian tribe and a State and that is approved by the Secretary.

''(9) GAMING OPERATION.—The term 'gaming operation' means an entity that conducts class II or class III gaming on Indian lands.

''(10) INDIAN LANDS.—The term 'Indian lands' means—

''(A) all lands within the limits of any Indian reservation; and

''(B) any lands the title to which is held in trust by the United States for the benefit of

any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

''(11) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians that—

''(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians; and

''(B) is recognized as possessing powers of self-government.

''(12) MANAGEMENT CONTRACT.—The term 'management contract' means any contract or collateral agreement between an Indian tribe and a contractor, if that contract or agreement provides for the management of all or part of a gaming operation.

''(13) MANAGEMENT CONTRACTOR.—The term 'management contractor' means any person entering into a management contract with an Indian tribe or an agent of the Indian tribe for the management of a gaming operation, including any person with a financial interest in that contract.

''(14) NET REVENUES.—With respect to a gaming activity, net revenues shall constitute—

''(A) the annual amount of money wagered; reduced by

''(B)(i) any amounts paid out during the year involved for prizes awarded;

''(ii) the total operating expenses for the year involved (excluding any management fees) associated with the gaming activity; and

''(iii) an allowance for amortization of capital expenses for structures.

''(15) PERSON.—The term 'person' means—

''(A) an individual; or

''(B) a firm, corporation, association, organization, partnership, trust, consortium, joint venture, or other nongovernmental entity.

''(16) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in section 5(b)(3), by striking ''At least two members of the Commission shall be enrolled members of any Indian tribe.'' and inserting ''No fewer than 2 members of the Commission shall be individuals who—

''(A) are each enrolled as a member of an Indian tribe; and

''(B) have extensive experience or expertise in Indian affairs or policy.'';

(5) in section 6(a)(4), by striking ''provided in sections 11(d)(9) and 12'' and inserting ''provided in sections 12(d)(9) and 13'';

(6) by striking section 13;

(7) by redesignating section 12 as section 13;

(8) by redesignating section 11 as section 12;

(9) by striking section 10 and inserting the following:

''SEC. 10. MINIMUM STANDARDS.

''(a) CLASS II GAMING.—As of the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999, an Indian tribe shall retain the rights of that Indian tribe, with respect to class II gaming and in a manner that meets or exceeds the minimum Federal standards established under section 11, to—

''(1) monitor and regulate that gaming;

''(2) conduct background investigations; and

''(3) establish and regulate internal control systems.

''(b) CLASS III GAMING UNDER A COMPACT.—With respect to class III gaming conducted under a compact entered into under this Act, an Indian tribe or State (or both), as provided in such a compact or a related tribal ordinance or resolution shall, in a manner that meets or exceeds the minimum Federal standards established by the Commission under section 11—

''(1) monitor and regulate that gaming;

''(2) conduct background investigations; and

''(3) establish and regulate internal control systems.'';

(10) by inserting after section 10 the following:

''SEC. 11. RULEMAKING.

''(a) IN GENERAL.—Subject to subsection (b), not later than 180 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999, the Commission shall, in accordance with the rulemaking procedures under chapter 5 of title 5, United States Code, promulgate minimum Federal standards relating to background investigations, internal control systems, and licensing standards described in section 10. In promulgating the regulations under this section, the Commission shall consult with the Attorney General, Indian tribes, and appropriate States.

''(b) FACTORS FOR CONSIDERATION.—In promulgating the minimum standards under this section, the Commission may give appropriate consideration to existing industry standards at the time of the development of the standards and, in addition to considering those existing standards, the Commission shall consider—

''(1) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

''(2) the broad variations in the nature, scale, and size of tribal gaming activity;

''(3) the inherent sovereign rights of Indian tribes with respect to regulating the affairs of Indian tribes;

''(4) the findings and purposes under sections 2 and 3;

''(5) the effectiveness and efficiency of a national licensing program for vendors or management contractors; and

''(6) any other matter that is consistent with the purposes under section 3.'';

(11) in section 12, as redesignated by paragraph (8) of this section—

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

''(a) CLASS I GAMING.—Class I gaming on Indian lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''and'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(III) by striking the flush language following subparagraph (B) and inserting the following:

''(C) such Indian gaming meets or exceeds the requirements of this section and the standards established by the Commission under section 11.'';

(ii) in paragraph (2)—

(I) in subparagraph (D), by striking ''$25,000'' and inserting ''$100,000'';

(II) in subparagraph (E), by striking ''and'' at the end; and

(III) in subparagraph (F)—

(aa) by striking subclause (I) of clause (ii) and inserting the following:

''(I) a tribal license for primary management officials and key employees of the gaming enterprise, issued in accordance with the standards established by the Commission under section 11 with prompt notification to the Commission of the issuance of such licenses;''; and

(bb) in subclause (III) of clause (ii), by striking the period and inserting ''; and''; and

(ii) by adding at the end the following:

''(G) a separate license will be issued by the Indian tribe for each place, facility, or location on Indian lands at which class II gaming is conducted;'';

(C) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) Any Indian tribe that operates, directly or with a management contract, a class III gaming activity may petition the Commission for a fee reduction if the Commission determines that the Indian tribe has—

''(A) continuously conducted that gaming activity for a period of not less than 3 years, including a period of not less than 1 year that begins after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999;

''(B) implemented standards that meet or exceed minimum Federal standards established under section 11;

''(C) otherwise complied with the provisions of this Act; and

''(D) paid all fees and assessments that the Indian tribe is required to pay to the Commission under this Act.''; and

(D) in subsection (d)—

(i) in paragraph (2)(B)(ii), by striking ''section 12(e)(1)(D)'' and inserting ''section 13(e)(1)(D)''; and

(ii) in paragraph (9), by striking ''section 12'' and inserting ''section 13'';

(12) in section 13, as redesignated by paragraph (7) of this section, by striking ''section 11(b)(1)'' and inserting ''section 12(b)(1)'';

(13) in section 14—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 11 or 12'' and inserting ''section 12 or 13'';

(ii) in paragraph (3), by striking ''section 11 or 12'' and inserting ''section 12 or 13''; and

(B) in subsection (b)(1), by striking ''section 11 or 12'' and inserting ''section 12 or 13'';

(14) in section 15, by striking ''sections 11, 12, 13, and 14'' and inserting ''sections 12, 13, and 14''; and

(15) in section 18—

(A) in subsection (a)—

(i) by striking ''(a)(1) The'' and all that follows through the end of paragraph (3) and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OF SCHEDULE OF FEES.—Except as provided in paragraph (2)(C), the Commission shall establish a schedule of fees to be paid to the Commission annually by each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act.

''(2) RATE OF FEES.—

''(A) IN GENERAL.—The rate of fees under the schedule established under paragraph (1) imposed on the gross revenues from each activity regulated under this Act shall be as follows:

''(i) No more than 2.5 percent of the first $1,500,000 of those gross revenues.

''(ii) No more than 5 percent of amounts in excess of the first $1,500,000 of those gross revenues.

''(B) TOTAL AMOUNT.—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed $8,000,000.

''(C) MISSISSIPPI BAND OF CHOCTAW.—Nothing in this section shall be interpreted to permit the assessment of fees against the Mississippi Band of Choctaw for any portion of the 3-year period beginning on the date that is 2 years before the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999.

''(3) COMMISSION AUTHORIZATION.—By a vote of not less than 2 members of the Commission, the Commission shall adopt the rate of fees authorized by this section. Those fees

shall be payable to the Commission on a quarterly basis.

''(A) IN GENERAL.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account the duties of, and services provided by, the Commission under this Act.

''(B) FACTORS FOR CONSIDERATION.—In making a determination of the amount of fees to be assessed for any class II or class III gaming activity, the Commission shall provide for a reduction in the amount of fees that otherwise would be collected on the basis of the following factors:

''(i) The extent of regulation of the gaming activity by a State or Indian tribe (or both).

''(ii) The issuance of a certificate of self-regulation (if any) for that gaming activity.

''(C) CONSULTATION.—In establishing a schedule of fees under this subsection, the Commission shall consult with Indian tribes.'';

(ii) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

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

''(4) TRUST FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Gaming Trust Fund (referred to in this paragraph as the 'Trust Fund'), consisting of—

''(i) such amounts as are—

''(I) transferred to the Trust Fund under subparagraph (B)(i); or

''(II) appropriated to the Trust Fund; and

''(ii) any interest earned on the investment of amounts in the Trust Fund under subparagraph (C).

''(B) TRANSFER OF AMOUNTS EQUIVALENT TO FEES.—

''(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the aggregate amount of fees collected under this subsection.

''(ii) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under clause (i) shall be transferred not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(C) INVESTMENTS.—

''(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. The Secretary of the Treasury shall invest the amounts deposited under subparagraph (A) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

''(ii) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund, except special obligations issued exclusively to the Trust Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(iii) CREDITS TO TRUST FUND.—The interest on, and proceeds from, the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(D) EXPENDITURES FROM TRUST FUND.—

''(i) IN GENERAL.—Amounts in the Trust Fund shall be available to the Commission, as provided in appropriations Acts, for carrying out the duties of the Commission under this Act.

''(ii) WITHDRAWAL AND TRANSFER OF FUNDS.—Upon request of the Commission, the Secretary of the Treasury shall withdraw amounts from the Trust Fund and transfer such amounts to the Commission for use in accordance with clause (i).

''(E) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subparagraph (D)(ii), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subparagraph (A).''; and

(B) in subsection (d), by striking ''section 11(d)(3)'' and inserting ''section 12(d)(3)''.

SEC. 3. CONFORMING AMENDMENTS.

(a) TITLE 10.—Section 2323a(e)(1) of title 10, United States Code, is amended by striking ''section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4))'' and inserting ''section 4(10) of the Indian Gaming Regulatory Act''.

(b) INTERNAL REVENUE CODE OF 1986.—Section 168(j)(4)(A)(iv) of the Internal Revenue Code of 1986 is amended by striking ''Indian Regulatory Act'' and inserting ''Indian Gaming Regulatory Act''.

(c) TITLE 28.—Title 28, United States Code, is amended—

(1) in section 3701(2)—

(A) by striking ''section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))'' and inserting ''section 4(11) of the Indian Gaming Regulatory Act''; and

(B) by striking ''section 4(4) of such Act (25 U.S.C. 2703(4))'' and inserting ''section 4(10) of such Act''; and

(2) in section 3704(b), by striking ''section 4(4) of the Indian Gaming Regulatory Act'' and inserting ''section 4(10) of the Indian Gaming Regulatory Act''.●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 400. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

● Mr. CAMPBELL. Mr. President, in 1996 Congress enacted historic legislation involving the financing, construction, and maintenance of housing for American Indians and Alaska Natives. With this initiative, called the Native American Housing Assistance and Self-Determination Act (NAHASDA), decisions regarding Indian housing are no longer solely a matter for the Department of Housing and Urban Development (HUD).

Consistent with principles of local autonomy and Indian self-determination, NAHASDA enables tribes—for the first time—to develop and implement housing plans that meet their needs, and in a way that is more efficient. The Act requires that funds for Indian housing be provided to Indian tribes in housing block grants with monitoring and oversight provided by HUD.

I am hopeful that the successes achieved by tribes who participate in the Indian Self-Determination and Education Act and the Tribal Self-Governance Act can now be duplicated in the housing arena with the implementation of NAHASDA. With housing as the anchor for community development, we can turn our attention to other initiatives such as banking, business development, and infrastructure construction.

NAHASDA became effective October 1, 1997. In implementing the Act both HUD and the tribes have told us that there are provisions in the statute in need of clarification. I would like to cite two examples.

Prior to the passage of NAHASDA, Indian tribes receiving HOME block grant funds could use those funds to leverage low income housing tax credits. Unlike HOME funds, block grants to tribes under the new NAHASDA are considered ''federal funds'' and cannot be used to access these tax credits.

Therefore, tribes cannot use designated new block grant funds to access a program which they formerly could is an unintended consequence affecting housing development in Indian country. This bill would restore tribal eligibility for the low income housing tax credit by placing NAHASDA funds on the same footing as HOME funds, with no change to current low income housing tax credit programs.

In addition, there are conflicting provisions in the statute with regard to the authority of the HUD Secretary to enforce the act against non-compliant entities. This bill clarifies that authority and provides clear guidance for the Secretary in such instances.

Tribal leaders, Indian housing experts, and federal officials testified at a hearing of the Senate Committee on Indian Affairs in March 1997 about funding and other anticipated problems, including achieving the appropriate level of oversight and monitoring. The focus of the hearing was constructive and encouraged all parties to work for a better managed and more efficient Indian housing system.

The bill I am introducing today, joined by Senator INOUYE, the Native American Housing Assistance and Self-Determination Act Amendments of 1999, provides the required clarification and changes that will help the tribes and HUD in achieving a smoother transition from the old housing regime to the new framework of NAHASDA.

In the last session, I originally introduced a bill identical to this legislation, S.1280, and I am hopeful that these amendments can be enacted this year.

As Chairman of the Committee on Indian Affairs I am committed to ensuring that funds for Indian housing are used efficiently, properly and within the bounds provided by law. I also want to ensure that, consistent with the federal obligation to Indian tribes, tribal members have safe, decent, and affordable housing. That is the goal of NAHASDA and that is the policy of this Congress.

I am confident that the implementation of NAHASDA has given tribes the

ability to better design and implement their own housing plans and in the process provide better housing opportunities to their tribal members. In making the transition from dominating the housing realm to monitoring the activities of the tribes, HUD needs guidance from the Committee as to its proper role and responsibilities under the Act.

The Act, and the amendments I am proposing today, will go a long way in making sure that the management problems that were associated with the old, HUD-dominated housing system will be eliminated, paving the way for more and better housing for American Indians and Alaska Natives.

I urge my colleagues to join me in enacting these reasonable and necessary amendments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follow:

S. 400

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Act Amendments of 1999''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on waiver authority.
Sec. 3. Organizational capacity; assistance to families that are not low-income.
Sec. 4. Elimination of waiver authority for small tribes.
Sec. 5. Expanded authority to review Indian housing plans.
Sec. 6. Oversight.
Sec. 7. Allocation formula.
Sec. 8. Hearing requirement.
Sec. 9. Performance agreement time limit.
Sec. 10. Block grants and guarantees not Federal subsidies for low-income housing credit.
Sec. 11. Technical and conforming amendments.

SEC 2. RESTRICTION ON WAIVER AUTHORITY.

Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows before the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to extreme circumstances beyond the control of the Indian tribe''.

SEC. 3. ORGANIZATIONAL CAPACITY; ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

(a) ORGANIZATIONAL CAPACITY.—Section 102(c)(4) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112(c)(4)) is amended—

(1) by redesignating subparagraphs (A) through (K) as subparagraphs (B) through (L), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1) of this subsection, the following:

''(A) a description of the entity that is responsible for carrying out the activities under the plan, including a description of—

''(i) the relevant personnel of the entity; and

''(ii) the organizational capacity of the entity, including—

''(I) the management structure of the entity; and

''(II) the financial control mechanisms of the entity;''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. EXPANDED AUTHORITY TO REVIEW INDIAN HOUSING PLANS.

Section 103(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(a)(1)) is amended—

(1) in the first sentence, by striking ''limited''; and

(2) by striking the second sentence.

SEC. 6. OVERSIGHT.

(a) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(b) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 1465) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—

''(1) IN GENERAL.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(2) PAYMENT OF COSTS.—

''(A) IN GENERAL.—The Secretary may arrange for, and pay the cost of, any audit required under paragraph (1).

''(B) WITHHOLDING OF AMOUNTS.—If the Secretary pays for the cost of an audit under subparagraph (A), the Secretary may withhold, from the assistance otherwise payable under this Act, an amount sufficient to pay for the reasonable costs of conducting an audit that meets the applicable requirements of chapter 75 of title 31, United States Code, including, if appropriate, the reasonable costs of accounting services necessary to ensure that the books and records of the entity referred to in paragraph (1) are in such condition as is necessary to carry out the audit.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit under subsection (a)(1), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ONSITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Human Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

SEC. 7. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2000 and each fiscal year thereafter, with respect to any Indian tribe having an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

SEC. 8. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

SEC. 9. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result:

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

SEC. 10. BLOCK GRANTS AND GUARANTEES NOT FEDERAL SUBSIDIES FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended to read as follows:

''(E) BUILDINGS RECEIVING HOME ASSISTANCE OR NATIVE AMERICAN HOUSING ASSISTANCE.—

''(i) IN GENERAL.—

''(I) INAPPLICABILITY.—Assistance provided under the HOME Investment Partnerships Act or the Native American Housing Assistance and Self-Determination Act of 1996 as in effect on the day before the date of enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1997 with respect to any building shall not be taken into account under subparagraph (D) if 40 percent or more of the residential units in the building are occupied by individuals whose income is 50 percent or less of the area median gross income.

''(II) APPLICABILITY OF OTHER LAW.—Subsection (d)(5)(C) does not apply to any building to which subclause (I) applies.

''(ii) SPECIAL RULE FOR CERTAIN HIGH-COST HOUSING AREAS.—In the case of a building located in a city described in section 142(d)(6), clause (i) shall be applied by substituting '25 percent' for '40 percent'.''.

(b) APPLICABILITY.—The amendment made by this section shall apply to determinations made under section 42(i)(2) of the Internal Revenue Code after the date of enactment of this Act.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended to read as follows:

''SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each of fiscal years 2000 through 2003—

''(1) to provide assistance under this title for emergencies and disasters, as determined by the Secretary, $10,000,000; and

''(2) such sums as may be necessary to otherwise provide grants under this title.''.

(c) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(d) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter be considered to be a dwelling unit under section 302(b)(1).''.●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN BUSINESS DEVELOPMENT TRADE PROMOTION AND TOURISM ACT

● Mr. CAMPBELL. Mr. President, I am introducing a bill to assist Indians and tribal businesses to foster entrepreneurship and healthy reservation economies. I am pleased to be joined by Senator INOUYE. As we stand ready to enter the next century, Indian tribes and their members continue to face many challenges—poor health, substandard housing and educational facilities, substance abuse, and a host of other social and economic problems.

A top priority for the Committee on Indian Affairs and me in the next two years will be to help tribal governments build stronger and healthier economies to provide jobs and hope to their members.

The results of centuries of federal domination of Indian affairs and Indian economies is predictable: stagnant reservation economies and the absence of a private sector to create the kind of job opportunities and business-creating activities that Indians so desperately need.

Despite the popular myth that ''all Indians are rich'' from gambling, the realities of life for the great majority of Native Americans are harsh and have shown little sign of improvement in recent years. In the Great Depression of the 1930s, the national unemployment rate was 25 percent, and it was a national crisis.

In 1999, Indian country has a collective unemployment rate running at 50% and there are few comments made, little urgency heard, and very little being done to address the problem. We sympathize, as we should, with Third World countries torn by strife and lack of economic development. We provide loan guarantees, technical assistance, and aid and trade.

For Indians, the response is usually that ''they should just get a job''. The fact is there are few if any job opportunities on most Indian lands in this nation.

The requirement that people on federal assistance get and keep a job is the long-term goal of the 1996 welfare reform laws, and frankly, the tribes are behind the curve in preparing for the full implementation of the law. The goal of the legislation I introduce today and other bills this session will be on helping attract capital and value-added activities to Indian lands in such fields as manufacturing, energy, agriculture, livestock and fisheries, high technology and electronic commerce, arts and crafts and a host of service industries.

This bill aims to make best use of existing programs to provide the necessary tools to tribes to attract and retain capital and employment. The model I am encouraging with this bill has proven highly successful in the self governance arena and in the Indian job training program, known as the ''477 program''.

By providing for an efficient coordination of existing business development programs in the Commerce Department and maximizing resources

available to tribes, this bill is a first step toward better cooperation between and within agencies across the federal government.

Building healthy Indian economies will require efforts by the tribal as well as the federal government. The tribes have a responsibility as well. A fundamental principle of Indian self determination requires that the tribes play a greater role in their own affairs. In many areas such as self governance, the tribes are increasingly administering federal services, programs, and activities in lieu of the federal government. This has led to more capable and accountable tribal governments.

A corollary of Indian political self government is a reduction in the dependence on the federal bureaucracy and federal funds, through assuming a greater role in the tribes funding their own government activities. A number of tribes are achieving some success in reaching this stage, and it should be our policy to assist more tribes in achieving this transition from federal to tribal-domination of tribal affairs.

Under this bill, the Native American Business Development Office (NABDO) will coordinate existing programs within the Department of Commerce, including those geared to encouraging American businesses in the fields of international trade and tourism.

I want to be clear: this bill does not create any new programs but will achieve more efficiency in those that already exist, and within existing budget authority. Because the central aim of the legislation is to encourage non-gaming development, the bill also prohibits assistance under the act from being used for gaming on Indian lands.

I urge my colleagues to join me in providing the tools necessary to build strong and diversified Indian economies so that tribal members have the same job opportunities enjoyed by other Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

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 ''Native American Business Development, Trade Promotion, and Tourism Act of 1999''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration, of the Indian self-determination era of the Federal Government, each President has confirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, American Indians and Alaska Natives suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of American Indian and Alaska Native communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (8) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for American Indians and Alaska Natives can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Indian reservation economies by—

(A) encouraging the formation of new businesses by eligible entities, the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian reservations and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and tribal- and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' has the meaning given that term in the first section of the Act entitled ''To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a).

(2) DIRECTOR.—The term ''Director'' means Director of Native American Business Development appointed under section 4(a).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means an Indian tribe, tribal organization, Indian arts and crafts organization, tribal enterprise, tribal marketing cooperative, or Indian-owned business.

(4) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(5) FOUNDATION.—The term ''Foundation'' means the Rural Development Foundation.

(6) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(7) INDIAN ARTS AND CRAFTS ORGANIZATION.—The term ''Indian arts and crafts organization'' has the meaning given that term under section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a).

(8) INDIAN GOODS AND SERVICES.—The term ''Indian goods and services'' means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originating within an eligible entity; and

(C) services provided by eligible entities.

(9) INDIAN LANDS.—The term ''Indian lands'' has the meaning given that term in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(10) INDIAN-OWNED BUSINESS.—The term ''Indian-owned business'' means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(11) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(12) OFFICE.—The term ''Office'' means the Office of Native American Business Development established under section 4(a).

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(14) TRIBAL ENTERPRISE.—The term ''tribal enterprise'' means a commercial activity or business managed or controlled by an Indian tribe.

(15) TRIBAL MARKETING COOPERATIVE.—The term ''tribal marketing cooperative'' shall have the meaning given that term by the Secretary, in consultation with the Secretary of the Interior.

(16) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development.

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development. The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(3) ASSISTANCE.—In conjunction with the activities described in paragraph (2), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(4) PRIORITIES.—In carrying out the duties and activities described in paragraphs (2) and (3), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(5) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the ''program'').

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available to eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) IN GENERAL.—

(1) DEMONSTRATION PROJECTS.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Foundation, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma; and

(D) for the Indians of the Great Plains area (as determined by the Secretary).

(b) STUDIES.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled ''To provide for the

establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes'', approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and Secretary of the Treasury shall approve the applications.●

By Mr. ALLARD (for himself and Mr. SANTORUM):

S. 403. A bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO PROHIBIT IMPLEMENTATION OF KNOW YOUR CUSTOMER REGULATIONS

● Mr. ALLARD. Mr. President, I rise today to introduce legislation to help protect the financial privacy of Americans. The so-called Know Your Customer regulations proposed by Federal banking agencies threaten the privacy of our financial transactions. My bill would ensure that those regulations are not enacted, and that Americans can be confident in the privacy of their bank account.

Governmental overregulation has invaded nearly every aspect of our lives, often at the cost of our privacy. Technology has the potential to accelerate the invasion of our privacy.

The Know Your Customer regulations have been proposed by the four banking regulators: the Federal Reserve, the FDIC, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision. These regulations may force banks to snoop through customers' bank accounts under the guise of looking for ''suspicious activity.'' Banks would have to know the source of funds for all financial transactions. Specifically, the regulations would require banks to develop standards of normal and expected transactions for all accounts. The bank then would be required to monitor all account activity to see if it fits the normal and expected activity profile. If a financial transaction takes place that doesn't fit the model, the bank could be forced to file a suspicious activity report with a federal law enforcement agency, such as the FBI or DEA.

Imagine that you sell an old car and then go to the bank to deposit the money in your account. You explain that you simply sold your car and this is the money from the sale. However, you are informed that the explanation is insufficient. The deposit does not fit your usual and expected transaction profile, so you might be reported to law enforcement officials. You may now have to prove to the satisfaction of the FBI or other federal agency that you are not a drug dealer or money launderer. These proposed regulations could force you to prove your innocence before you have even been accused of a crime.

Unfortunately, this scenario is one that could be repeated many times over. Anytime someone receives a bonus at work, receives an inheritance, receives a large gift, sells a large item, or withdraws money to make a major purchase it could trigger a suspicious activity report and an investigation by law enforcement. The perverse effect of causing law enforcement officials to investigate so much mundane financial activity merely because it deviates from some profile of ''normal'' is that resources will be unavailable to combat genuine financial fraud.

Would all this happen? We don't know, but the extremely broad and vague wording of the draft regulations could certainly permit it to happen.

Furthermore, these regulations are unnecessary because banks already partner with law enforcement to fight financial crime without invading the privacy of customers. Banks currently report insider abuse, violations of federal law, and potential money laundering activity. But these are after the fact. Banks are also required to report all cash transactions over $10,000. By contrast, the proposed regulations would force them to snoop through accounts to look for transactions to report, merely because they are deemed ''suspicious.'' Banks are then transformed from an agent monitoring regulatory compliance to an investigator and enforcer for the government. This creates a significant unfunded federal mandate for the banking industry.

Accordingly, the proposed regulations are opposed by major banking groups, including the American Bankers Association and the Independent Bankers Association of America. They fear a loss of privacy for their customers that would negatively impact their industry. In addition, these regulations are very selective-credit unions, securities firms, and insurance firms would not be subject to the proposed regulations.

Obviously, these proposed regulations could be detrimental to the millions of Americans who use a bank for their financial transactions. This legislation would prevent the Federal banking agencies involved from implementing the proposed Know Your Customer regulations. We must protect the financial privacy of Americans, and prevent the proposed regulations from being enacted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 403

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

SECTION 1. PROHIBITION ON IMPLEMENTATION.

(a) IN GENERAL.—No regulation or amendment thereto prescribed by the Secretary of the Treasury or any Federal banking agency under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of Public Law 91–508, or any other provision of Federal law, that requires a depository institution or any other private entity to obtain information concerning any person in connection with a financial transaction between such person and the depository institution or other private entity (commonly referred to as ''know your customer'' regulations) may be implemented or otherwise take effect on or after the date of enactment of this Act.

(b) DEFINITIONS.—The terms ''Federal banking agency'' and ''depository institution'' have the same meanings as in section 3 of the Federal Deposit Insurance Act.●

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HELMS, Mr. MURKOWSKI, Mr. COVERDELL, Mr. HAGEL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. ROBERTS, Mr. NICKLES, and Mr. SESSIONS):

S. 404. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans' Affairs.

VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1999

● Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 404, a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress. The bill is identical to S. 1903 which I introduced at the end of the last Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an Administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the ''Bells of Balangiga.''

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga

on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

> Officers slept in, and enlisted men didn't bother to carry their rifles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23–year–old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.
>
> With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Other poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.
>
> Though he was also slashed across the back, PFC Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 U.S. soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only 20 of the company's 74 members survived.

A detachment of 54 volunteers from 9th infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells and an old cannon with them back to Wyoming as memorials to the fallen soldiers.

The bells and cannon have been displayed in front of the base flagpole on the central parade grounds since that time. The cannon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

Off and on since 1981, there have been some discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original.

Opposition to the proposal from local and national civic and veterans groups has been very strong. Mr. President, I will include in the RECORD the text of a letter from the national office of the American Legion dated April 8, 1998; from the national office of the VFW Dated January 6, 1998 from the American Legion's Department of Wyoming dated December 5, 1997; and from the United Veterans Council of Wyoming dated March 13, 1998.

To head off any move by the Administration to dispose of the bells, I and Senator ENZI introduced S. 1903 on April 1. The bill had 18 cosponsors, including the distinguished Chairmen of the Committees on Armed Services, Foreign Relations, Finance, Energy and Natural Resources, Rules, Ethics, and Banking; the Chairmen of five Subcommittees of the Foreign Relations Committee; and five members of the Armed Services Committee.

Mr. President, at this point let me dispose of a canard that was forwarded shortly after the time I introduced S. 1903 by those seeking the return of the bells. They asserted that the bill was actually in contravention of the wishes of the people of the State of Wyoming because the Wyoming Legislature, quoting a letter from the Ambassador of the Philippines dated April 3, 1998, ''supports the sharing of the bells.'' That statement, however, glosses over the real facts.

Wyoming's legislature is not a ''professional'' one—that is, the legislators have other, full-time jobs and the Legislature only sits for forty days at the beginning of each year and twenty days in the fall. When the Legislature meets, it is often to process an entire year's worth of legislation in just a few weeks.

Like Congress, the Wyoming Legislature has a formal process of introducing, considering, and then voting on bills which become law upon the signature of the chief executive—in this case the governor. Also like Congress, the Legislature has a system for expressing its non-binding viewpoint on certain issues through resolutions. But unlike Congress, the Legislature also has an informal resolution process to express the viewpoint of only a given number of legislators, as opposed to the entire legislative body, on a given topic; the vehicle for such a process is called a ''joint resolution.''

In this process, a legislator circulates the equivalent of a petition among his or her colleagues. Support for the subject matter is signified simply by signing one's name to the petition. Once the sponsor has acquired all the signatures he or she can—or wishes to—acquire, the joint resolution is simply deposited for the record with the Office of the Governor; it is never—I repeat never—voted on in either House of the Legislature, nor is it signed by the governor. As a consequence, it is not considered to be the position of, or the expression of the will of, the Legislature as a whole, but only of those legislators who signed it.

Although the Bells are an issue of interest among some circles state-wide, the issue is not well-known all over Wyoming. I have heard from several of the signatories of the joint resolution on the bells that they were not aware of the circumstances surrounding the bells at the time they signed the joint resolution. In this regard, it is important to note that the sponsor of the joint resolution did not enlighten them about the role of the bells in the unprovoked killing of 54 American soldiers in Balangiga before they signed the document. Moreover, that fact was completely and purposefully left out of the wording of the joint resolution itself; the death of these American soldiers was completely glossed over. The closest the joint resolution gets to mentioning the surprise attack and resulting deaths is this, which I quote verbatim:

> Whereas, at a point in the relationship, nearly one hundred (100) years ago following the Spanish-American War, armed conflict occurred between the United States and the Philippines; and
>
> Whereas, a particularly noteworthy incident occurred on the island of Samar in 1901 during the course of that conflict; and
>
> Whereas, that incident involved the ringing of the Church Bells of Balangiga on Samar to signal the outbreak of fighting.

Imagine. The author of the joint resolution reduced the surprise attack and horrible deaths of fifty-four soldiers to a seemingly innocent, benign ''noteworthy incident.'' So while some may rely the joint resolution as though it were the ''voice of Wyoming'' in support of their position, an examination of the actual facts surrounding it proves that reliance to be very misplaced.

While time has passed since this issue came to a head last April, Mr. President, my deep concern that the Administration might still dispose of the bells has not. The Administration has not disavowed its earlier intent to seek to return the bells—an intent derailed by the introduction of S. 1903 last year. In addition, despite Article IV, section 3, clause 2 of the Constitution, which states that the ''Congress shall have the power to dispose of . . . Property belonging to the United States,'' the Justice Department has issued an informal memorandum stating that the Bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. §2572.

I continue to be amazed, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the

line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recall this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures. Consequently, Senator ENZI and I have decided to reintroduce the bill in the 106th Congress.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory.

S. 404 will protect the bells and similar veterans memorials from such an ignoble fate. The bill is quite simple; it prohibits the transfer of a veterans memorial or any portion thereof to a foreign country or government unless specifically authorized by law; Representative BARBARA CUBIN is introducing similar legislation this week in the House. I am pleased to be joined by Senators ENZI, HELMS, HAGEL, SMITH of Oregon, MURKOWSKI, SMITH of New Hampshire, ROBERTS, SESSIONS, NICKLES, and COVERDELL as original cosponsors. I trust that my colleagues will support its swift passage.

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. The year 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last as President—to the United States. The disposition of the bells was high on President Ramos' agenda; he has spoken personally to President Clinton and several Members of Congress about it over the last three years, and made it one of only three agenda items the Filipino delegation brought to the table. Since January 1998, the Filipino press has included almost weekly articles on the bells' supposed return, including several in the Manila Times in April and May which reported that a new tower to house the bells was being constructed in Borongon, Samar, to receive them in May. In addition, there have been a variety of reports vilifying me and the veterans in Wyoming for our position on the issue, and others threatening economic boycotts of U.S. products or other unspecified acts of retaliation to force capitulation on the issue.

Moreover, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue increased in frequency in the first four months of 1998. I also learned that the Defense Department, perhaps in conjunction with the Justice Department, prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response, the Wyoming congressional delegation wrote a letter to President Clinton on January 9, 1998 to make clear our opposition to removing the bells. In response to that letter, on May 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps one of the best indicators of the direction the White House was headed on this issue.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 404

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

SECTION 1. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

THE AMERICAN LEGION,
Washington, DC, April 8, 1998.

Hon. CRAIG THOMAS,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMAS: The American Legion supports S. 1903, legislation that would prohibit the return of veterans memorial objects without specific authorization in law by the United States Congress.

Article IV, Section III of the United States Constitution specifically grants Congress the authority to dispose of property belonging to the United States. The Preamble to the Constitution of The American Legion specifically calls for The American Legion to ''uphold and defend the Constitution of the United States of America'' and ''to preserve the memories and incidents of our associations in the Great Wars.'' The American Legion believes your legislation would help achieve these two important democratic tasks.

Once again. The American Legion supports S. 1903, legislation that would prohibit the return of veterans memorial objects without specific authorization in law by the United States Congress. The American Legion appreciates your continued leadership on issues important to veterans, their families and the United States of America.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
January 6, 1998.

Re Bells of Balangiga.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past, several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any of their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken

out after the conclusion of the Spanish-American War of 1896. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, ''The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled.''

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,

KENNETH A. STEADMAN,
Executive Director.

THE AMERICAN LEGION,
DEPARTMENT OF WYOMING,
Cheyenne, WY, December 5, 1997.

Hon. WILLIAM CLINTON,
U.S. President, White House, Washington DC.

DEAR PRESIDENT CLINTON: A copy of House Resolution 312 urging our President to transfer one of the Bells of Balingiga from F.E. Warren Air Force Base, Cheyenne, Wyoming, to the Philippines has been received by The American Legion, Department of Wyoming Headquarters. On behalf of the Wyoming Legionnaires and other veterans, I urge you to oppose this resolution. Also attached is a Resolution from The American Legion, Department of Wyoming, strongly advocating the retention of both bells at F.E. Warren AFB in Cheyenne. We still feel strongly that to dismantle a memorial to our fallen comrades—even partially—that is almost a hundred years old is a breach of faith with those who gave the ultimate sacrifice in service to their country. The Preamble to the Constitution of The American Legion states ''For God and country, we associate ourselves for the following purposes . . . to preserve the memories and incidents of our association in the great wars: . . .'' We have seen some of the emotions of living veterans at such memorials as the Vietnam Wall and the Korean War Memorial in Washington DC. To remove a memorial from the oldest active military installation in our country would send a very adverse message to those who are serving our country at the present time and in the future.

Sincerely,

JOSEPH G. SESTAK,
Department Commander.

UNITED VETERANS COUNCIL
OF WYOMING,
Cheyenne, WY, March 13, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON,
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to you concerning an issue which is of great importance to Wyoming's veterans and other citizens of our great state. The United Veterans Council of Wyoming, Inc. is a coalition of veteran's service organizations located throughout Wyoming. Members of the United Veterans Council include the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars of the United States, and eleven smaller, though no less important, veteran's service organizations.

As you may know, the Philippine government has attempted since 1980 to have the Bells of Balangiga returned. In brief, the bells serve as a permanent war memorial to U.S. Army soldiers sent from Ft. D.A. Russell, Wyoming to the Philippine Islands following the Spanish-American War of 1898. In 1901, soldiers garrisoned in the village of Balangiga to protect the village from Muslim and rebel raids, were killed by insurgents who used the church bells to signal a surprise attack on a quite Sunday morning. The bells now hang from an attractive brick memorial near the parade grounds of Fort Russell, now F.E. Warren AFB, in Cheyenne. Pentagon officials have determined that the United States government has proper title to the bells under international law.

Since his posting to Washington in 1993, Philippine Ambassador Paul Rabe has been quietly negotiating the return of the bells with Wyoming church leaders, civic organizations, local businessmen with economic ties to the Philippines and state law-makers.

However, after several trips to Wyoming, Ambassador Rabe has yet to meet with veterans or veteran's organizations. It is important to know, that for ninety-five years, U.S. military personnel and Wyoming veterans have kept safe, maintained, and preserved the bells. Veterans were instrumental in establishing the permanent memorial as it now stands, dedicated to the sacrifice of fallen comrades. The memorial is adjacent to the base flag pole and part of the daily retreat ceremony.

Philippine President Fidel V. Ramos is visiting Washington in April. I understand he intends to meet with you to discuss, among other things, House Resolution 312 urging the transfer of ownership of one of the bells to the Philippines as a compromise offer. President Ramos is attempting to justify the return of one or more bells for use during a centennial celebration of Philippine independence from Spain.

As the VFW and others have continually pointed out, the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898, three years before the bells were used to signal the massacre of the U.S. soldiers at Balangiga. Following Admiral Dewey's victory, Spain relinquished control of the islands to the United States. The Philippines were granted their independence in 1946. We believe the bells have no significance or connection to any celebration of Philippine independence from Spain.

The Philippine government even compared the church bells to our Liberty Bell, a comparison which is completely unfounded and quite a stretch. The Liberty Bell was rung on July 8, 1776 following the first public reading of the Declaration of Independence. The Bells of Balangiga, as used in 1901, signaled the brutal massacre by Filipino insurrectionists hiding in the church and in the jungle on unsuspecting and unarmed soldiers of Company C, Ninth U.S. Infantry Regiment garrisoned there. Surprised and outnumbered, the soldiers were nearly wiped out in the first terrible minutes of fighting. Of the company's original compliment of seventy-four soldiers, forty-eight were killed or unaccounted for, twenty-two were wounded, and only four escaped unharmed to the American garrison at Basey.

After a careful review of the history surrounding the bells, the United Veterans Council of Wyoming, Inc. on behalf of our member veteran's organizations and supporting citizens, opposes any compromise offer. The Council does so without malice towards the people of the Philippines. We simply hold dear, the feelings of mutual respect and a shared memory of fallen comrades who paid the ultimate sacrifice while serving their country.

On his last visit to Cheyenne on February 18, 1998, Ambassador Rabe was asked if the bells would be returned to Catholic churches or to be used in a secular setting. The Ambassador replied, ''That is something to be discussed.'' It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Over the years, the United States government has repeatedly, and for all the right reasons, declined to return the Bells of Balangiga to the Philippine government. The church bells were paid for with American blood in 1901 when they were used to signal an attack on U.S. soldiers. The bells should stay right where they are—in Wyoming.

Sincerely yours,

JIM LLOYD,
President.

THE WHITE HOUSE,
Washington, March 26, 1998.

Hon. CRAIG THOMAS,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.

● Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called ''Bells of Balangiga'' war memorial located in Wyoming's capital city of Cheyenne. Though a similar bill was introduced during the last congress, it was not voted on before adjournment. Unfortunately, the issue this legislation hopes to address is alive and well.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Filipino insurgents to call the faithful to prayer that harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of the use for the bells originally intended by the Philippine government. As everyone conceded last year, the Philippine government desired the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe these bells serve as a most fitting memorial indeed and I am opposed to their dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.●

By Mr. HOLLINGS:

S. 405. A bill to prohibit the operation of civil supersonic transport aircraft to or from airports in the United States under certain circumstances; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT LEGISLATION

● Mr. HOLLINGS. Mr. President, today, I introduce legislation to ban the Concorde (flown by British Airways and Air France to the U.S.) from operating in the U.S. A companion bill is being offered in the House by Congressman OBERSTAR. This measure is in direct response to a pending European Union resolution which places arbitrary design-based barriers on the operation of U.S.-registered, huskitted, aircraft meeting the highest U.S. technological noise standards. The EU, under the guise of an environmental regulation, has essentially declared a trade war. Their regulation, a so-called ''non-addition rule,'' is to be voted on by the EU in mid-February to become effective April 1, 1999. After that date, no U.S.-registered, stage 3 compliant aircraft (the quietest standard) can be operated in Europe. This EU regulation not only violates the Chicago Convention (which sets the framework for all bilateral aviation agreements) as it not only refuses to recognize U.S. air carriers' air worthiness certificates issued by our Government, it also holds great economic consequences for U.S. manufacturers and for many airlines. Those which are most vulnerable are small airlines and freight operators, which have fleets and operations based entirely on these aircraft. In essence, this ruling treats domestic and foreign operations differently in violation of the non-discrimination principle. The United States will not suffer such insidious trade practices lightly. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 405

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

SECTION 1. COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT.

The Secretary of Transportation shall prohibit the commercial operation of civil supersonic transport category aircraft to or from an airport in the United States—

(1) if the Secretary determines that the European Union has adopted Common Position (EC) No. 66/98 as a final regulation, unless

(2) the Secretary also determines that such aircraft comply with Stage 3 noise levels.●

By Mr. MURKOWSKI (for himself, Mr. LOTT, Mr. BAUCUS, Mr. INHOFE, Mr. COCHRAN, Mr. CAMPBELL, and Mr. INOUYE):

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

● Mr. MURKOWSKI. Mr. President, today I rise on behalf of myself and the Majority Leader Mr. LOTT, Senator BAUCUS, Senator COCHRAN, Senator INHOFE, Senator CAMPBELL, and Senator INOUYE, to introduce legislation to permanently authorize and expand the Medicare and Medicaid direct collections demonstration program under section 405 of the Indian Health Care Improvement Act.

This Act will end much of the red tape and bureaucracy for IHS facilities involved with Medicare and Medicaid reimbursement, and will mean more Medicaid and Medicare dollars to Native health facilities to use for improving health care.

Our bill will allow Native hospitals to collect Medicare and Medicaid fund directly from the Health Care Financing Administration instead of having to go through the maze of regulations mandated by IHS.

This bill is an expansion of a current demonstration project that includes Bristol Bay Health Corporation of Dillingham, Alaska: the Southeast Alaska Regional Health Corporation of Sitka, Alaska; the Mississippi Choctaw Health Center of Philadelphia, Mississippi: and the Choctaw Tribe of Durant, Oklahoma. All of the participants in the demonstration program—as well as the Department of Health and Human Service and the Indian Health Services report that the program is a great success. HHS Secretary Donna Shalala stated in a letter to Senator JOHN MCCAIN on July 23, 1996, that the program has:

Dramatically increased collections for Medicare and Medicaid services, which in turn has provided badly-needed revenues for Indian and Alaska Native health care:

Sigificantly reduced the turn-around time between billing and the receipt of payment for Medicare and Medicaid services: and,

Increased the administrative efficiency of the participating health facilities by empowering them to track their own Medicare and Medicaid billings and collections.

In her letter, Secretary Shalala also mentions that the Southeast Alaska Regional Health Corporation has been able to make ''great strides in upgrading the health facilities'' as a result of increased collections brought on by its participation in the demonstration program.

In 1998, when the demonstration program was about to expire, Congress extended it through FY 2001. This extension has allowed the participants to continue their direct billing and collection efforts and has provided Congress with additional time to consider whether to permanently authorize the program.

It is time to recognize the benefits of the demonstration program by enacting legislation that would permanently authorize it and expand it to other eligible tribal participants.●

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBB, Mr. SARBANES, Mr. KENNEDY, Mr. KERRY, and Ms. MIKULSKI):

S. 407. A bill a reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

THE STOP GUN TRAFFICKING ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce legislation that will reduce the murder and mayhem on our streets by making it harder for criminals to run guns between states. I am pleased to be joined in this effort by Senators TORRICELLI, SCHUMER, FEINSTEIN, ROBB, SARBANES, KENNEDY, KERRY, and MIKULSKI.

Gun traffickers continue to supply an illegal gun market by buying large quantities of guns in states with lax gun laws and then reselling them on the streets—often in cities and states with strict gun laws. If these traffickers cannot legally buy a gun themselves, or if they do not want to have their name turn up if the gun is later found at a crime scene, they find others to make the purchases for them. The trafficker pays a straw purchaser, in money or drugs, to buy 25, 50 or more handguns at a time. The trafficker then resells the guns to those who otherwise could not buy them—such as convicted felons, drug addicts, or children.

The Stop Gun Trafficking Act would prohibit any person from purchasing, and any licensed dealer from selling to an individual, more than one handgun a month. This sensible limit on handgun purchases should substantially reduce gun running, while not creating an unreasonable obstacle to legitimate sportsmen and collectors. Under the law, individuals would still be able to purchase up to twelve handguns per year and hundreds of weapons during a lifetime. It is hard to imagine why anyone would need more handguns.

Last year, I introduced similar legislation. In order to make my colleagues more aware of the deadly problem of gun trafficking, I sponsored a forum on the issue. The testimony I heard at the forum has made me even more determined to pass this legislation and make it more difficult for gun traffickers to obtain and sell their deadly merchandise on our streets.

The witnesses at the forum included: Philadelphia Mayor Ed Rendell, who is also the chair of the Conference of Mayor's Task Force on Gun Violence; James and Sarah Brady; Captain R. Lewis Vass of the Virginia State Police, and Captain Thomas Bowers of the Maryland State Police.

We also heard from a panel of youth from right here in our nation's capital who live with gun violence every day in their communities. And what they had to say was terrifying. Guns were an everyday part of their lives. For these kids, D.C. does not stand for District of Columbia. It stands for Dodge City.

These young people told us that guns are easy to get in their neighborhoods and schools. They call it getting strapped. And if you do not get strapped you might not make it through the day, they said.

One young woman put it eloquently: ''It's not fair,'' she said. ''Other kids get to go to college. We get to go to funerals. These people who sell guns are the real predators. They feed off our pain.''

We must shut these predators down.

And we can shut these predators down by passing this legislation. We know this approach works because three states—Virginia, Maryland, South Carolina—have passed one-gun-a month laws and the results have been dramatic. Gun-trafficking from these states has plunged.

At the forum, officers from the Virginia State Police testified that after Virginia passed its one-handgun-a-month limit in 1993, the number of crime guns traced back to Virginia from the Northeast dropped by nearly 40 percent. Prior to one-gun-a-month, Virginia had been among the leading suppliers of weapons to the so-called ''Iron Pipeline'' that feed the arms race on the streets of Northeastern cities. Furthermore, in 1995, the Virginia Crime Commission conducted a comprehensive study of the one-handgun-a-month limit to determine if the law had achieved its purpose. That study found, and I quote, ''Virginia's one-gun-a-month statute . . . has had its intended effect of reducing Virginia's status as a source state for gun trafficking.''

Maryland and South Carolina witnessed similar results. In South Carolina, according to the same Crime Commission report: ''Prior to the passage of the one-gun-a-month law, South Carolina was a leading source state for guns traced to New York City, accounting for 39% of guns recovered in criminal investigations. Following the implementation of the law, South Carolina virtually dropped off of the statistical list of source states for firearms trafficked to the northeast.''

Maryland—the most recent state to pass a limit on handgun purchases—passed its law in 1996 and has already seen the benefits. According to testimony from the Maryland State Police: ''In 1991 Maryland was nationally ranked second in terms of suppliers of crime guns to the City of New York. By 1997, one year after the passage of Maryland's one gun a month law, Maryland moved out of the top ten suppliers of crime guns to New York City.''

So limits on gun sales are working in some regions. But we need a national law to prevent criminals from simply moving their operations from state-to-state.

Poll after poll shows that Americans, including gun-owning Americans, want tougher controls on guns. A 1996 University of Chicago study found that 80 percent of those polled support legislation limiting handgun sales to one a month.

I urge my colleagues to listen to the American people: stop turning a blind eye to the daily destruction caused by guns in America. I urge my colleagues to have the will to do something to help the youth of America live without the sound of gunshots in their lives. I ask my colleagues to support this common sense approach to keep handguns out of the hands of criminals.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 407

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 ''Stop Gun Trafficking Act of 1999''.

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.—

''(1) IN GENERAL.—It shall be unlawful for any licensed dealer—

''(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

''(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

''(2) TIME LIMITATION.—It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

''(3) EXCHANGES.—Paragraph (1) does not apply to an exchange of 1 handgun for 1 handgun.''.

(b) PENALTIES.—Section 924(a)(2) of title 18, United States Code, is amended by striking ''or (o)'' and inserting ''(o), or (z)''.

SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

SEC. 4. DEADLINES FOR DESTRUCTION OF RECORDS RELATED TO CERTAIN FIREARMS TRANSFERS.

(a) HANDGUN TRANSFERS SUBJECT TO THE WAITING PERIOD.—Section 922(s)(6)(B)(i) of title 18, United States Code, is amended by striking ''20 business days'' and inserting ''35 calendar days''.

(b) FIREARMS TRANSFERS SUBJECT TO INSTANT CHECK.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting ''not later than 35 calendar days after the date the system provides the licensee with the number,'' before ''destroy''.

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting '', except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer'' before the semicolon.●

By Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. REID, Mr. GRASSLEY, Mr. ABRAHAM, Mr. ROBB, Ms. COLLINS, Mrs. BOXER, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE):

S. 409. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PROGRAM FOR INVESTMENT IN MICRO-ENTREPRENUERS ''PRIME'' ACT OF 1999

● Mr. KENNEDY. Mr. President, it is a privilege to join with Senator DOMENICI in introducing the PRIME Act—the Program for Investment in Micro-Entrepreneurs. This important idea is part of President Clinton's budget for Fiscal Year 2000. It deserves bipartisan support and I look forward to working closely with Senator DOMENICI to achieve its passage early this year.

The nation's entrepreneurial spirit is thriving, fueled by the record-breaking economic growth and prosperity that we currently enjoy. But, many deserving entrepreneurs still face unfair challenges that limit their ability to turn innovative ideas into successful businesses that create new jobs. They need skills and technical training in the business basics needed to take their ideas to the next level—starting their own firms.

The PRIME Act will help entrepreneurs close the gap between worthwhile ideas and successful businesses. It will provide $105 million dollars over the next four years to build skills in record keeping, planning, management, marketing, and computer technology, and other basic business practices.

The Community Development Financial Institutions Fund in the Treasury Department is now the lead federal agency for micro-enterprise activities across the country, and the PRIME Act will enhance these efforts in several specific ways:

It will provide grants for micro-enterprise organizations across the country that assist disadvantaged and low-income entrepreneurs and provide them with essential training and education.

It will encourage the development of new micro-enterprise organizations, and expand existing ones to reach more entrepreneurs.

It will enhance research on innovative and successful ways of encouraging these new businesses and enabling them to succeed.

Under the Act, between $15 and $35 million in grants will be available each year to organizations that work with entrepreneurs. The President's fiscal year 2000 budget proposes $15 million for the program. Local groups will leverage these funds with their own public and private resources to increase the overall assistance that will be available.

Massachusetts and New Mexico are already leaders in this effort. The business communities and local banks in our states have made significant investments in creating loan capital for micro-entrepreneurs to start their own businesses. Non-profit organizations working with micro-entrepreneurs on this effort have worked closely with us on this legislation. We look forward to working with them and with other members of Congress to give micro-entrepreneurs across the country the greater opportunity they deserve to realize their potential.

By investing in micro-entrepreneurs, we will be harnessing the spirit and ideas of large numbers of Americans and creating new opportunities for self-sufficiency. We'll be creating new small businesses that will strengthen local economies in communities across the country. And that in turn will help to keep our national economy strong as well. This is worthwhile legislation, and I urge the Senate to approve it.●

● Mr. DOMENICI. Mr. President, I am pleased today to join with Senator KENNEDY and a group of bipartisan cosponsors to introduce the ''Program for Investment in Micro-Entrepreneurs'' or ''PRIME Act of 1999.''

Starting one's own business long has been viewed as a realization of the American dream. Right now, thousands of creative and hardworking men and women across the country believe that they have a solid idea for building a new business. However, starting a small business takes more than a good idea, hard work, and luck to make it work—many of these men and women need help turning their ideas into a viable business enterprise.

These would-be small and micro entrepreneurs face overwhelming obstacles, due in part to the complexity of local, state, and Federal laws, and the difficulty of finding adequate sources of capital. Often, they have no experience dealing with the intricacies of marketing, feasibility studies, and bookkeeping practices. Entrepreneurs usually need basic technical assistance, training, and mentoring to be successful.

Under this bill, grants will be available through the Community Development Financial Institutions Fund, matched at least 50 percent in non-Federal funds, to help experienced non-profit organizations provide the assistance these new businesses so urgently require. Fifty percent of these grants will be awarded to applicants serving low-income clients and those serving equally both urban and rural areas.

From so many case studies and histories of successful businesses, we know that enthusiastic entrepreneurs can build and sustain their businesses when they have access to critical training and professional technical assistance at the outset of their endeavor.

During the past few years, I have had the pleasure of visiting countless new micro-level businesses in my State of New Mexico. A great majority of these businesses received assistance from the WESST Corp. organization, now located in five different sites throughout our State. This organization provides key technical assistance and training, as well as access to low interest revolving loans. But WESST Corp. also goes a step further in providing guidance and information about sound business practices to ensure that the creative ideas of micro-entrepreneurs become sound business endeavors.

Micro and small businesses are absolutely critical components of our national economic growth. They often embody the ingenuity and innovation central to the American spirit. Investment in the ideas of these enterprising Americans has long been recognized as a worthwhile endeavor. The Small Business Administration, for example, lends excellent support to entrepreneurs. The PRIME Act will establish a complementary program which enables intermediary organizations to serve more micro-level entrepreneurs who need specialized and hands-on assistance.

This is a good investment for the future, and will be rewarded many times over by the creation of businesses that can contribute to the growth of family, local and national economies. We all can recall success stories about business that began with the inspired idea of a single person and eventually grew in to a major global corporation. In every story, the basic tenacity of a businessman, woman, or family allowed the fledgling business overcome initial obstacles and achieve great success. We have no way of knowing how many more such success stories will be told in the future. It is guaranteed, however, that there are thousands of such extraordinary entrepreneurs willing to provide the ideas and hard labor to make it happen, and with a little help, they can realize their dreams.

Senator KENNEDY and I came up with this concept in legislation we introduced during the 105th Congress, and I understand that the President has made room for it in his budget this year. I am pleased to join Senator KENNEDY in cosponsoring the PRIME Act again in this Congress. Owning one's own business remains a vital part of the American dream. Whatever we can do to continue this legacy and assist those who want to be self-reliant and successful entrepreneurs is an investment worth making.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 40

At the request of Mr. WARNER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 40, a bill to protect the lives of unborn human beings.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 101

At the request of Mr. LUGAR, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 113

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 113, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 170

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 246

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 246, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 247

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 270

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. VOINOVICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE CONCURRENT RESOLUTION 8—EXPRESSING THE SENSE OF CONGRESS THAT ASSISTANCE SHOULD BE PROVIDED TO PORK PRODUCERS TO ALLEVIATE ECONOMIC CONDITIONS FACED BY THE PRODUCERS

Mr. GRASSLEY (for himself and Mr. KERREY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 8

Whereas the price for domestic live hogs has declined by 72 percent since July 1997;

Whereas on December 12, 1998, the price of domestic live hogs decreased to below $10 per hundredweight for the first time since 1955;

Whereas pork producers are losing between $55 and $70 on each hog the producers sell;

Whereas, adjusted for inflation, prices paid to pork producers for live hogs have not been this low since the Great Depression;

Whereas based on estimates made by the Secretary of Agriculture, pork producers are losing approximately $144,000,000 in equity per week and lost more than $2,500,000,000 in equity during 1998;

Whereas low prices for hogs are threatening the livelihood of tens of thousands of farm families and the very existence of suppliers, equipment dealers, and main street businesses in rural communities across the United States;

Whereas the domestic demand for pork increased by up to 7.1 percent during 1998 despite average retail prices for pork remaining roughly the same;

Whereas despite the loss of markets in Asia and Russia, pork exports from the United States during 1998 increased by 28 percent;

Whereas a primary cause of these increased pork exports is increased pork supply intensified by an increase of pork imports from Canada and a reduction in domestic slaughter capacity for hogs;

Whereas the slaughter plant bottleneck for hogs has been exacerbated by approximately 100,000 Canadian hogs being trucked to the United States for slaughter each week; and

Whereas a 37 percent increase in the number of Canadian hogs being exported to the United States for slaughter has caused the number of live hogs to exceed the 383,000 daily slaughter capacity of United States plants, depriving domestic pork producers of all leverage in bargaining for a fair price: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. NEED FOR ASSISTANCE FOR PORK PRODUCERS.

It is the sense of Congress that—

(1) the President and the Secretary of Agriculture are commended on their efforts to assist pork producers in alleviating economic conditions faced by the producers; and

(2) additional assistance needs to be provided to pork producers to alleviate the economic conditions.

SEC. 2. FORMS OF ASSISTANCE FOR PORK PRODUCERS.

To alleviate the economic conditions that are faced by pork producers, it is the sense of Congress that the President should—

(1) immediately request an emergency supplemental appropriation to provide funds for providing—

(A) guarantees of farm ownership loans under subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.), and operating loans under subtitle B of that Act (7 U.S.C. 1941 et seq.), made to pork producers; and

(B) assistance to pork producers under the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) and other provisions of that Act that authorize the Secretary of Agriculture to reduce or subsidize the interest rate paid by pork producers;

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing, not later than 30 days after enactment, a program to provide disaster assistance to pork producers, including assistance in the form of—

(A) economic assistance;

(B) an expanded loan and debt restructuring program; and

(C) compensation for lost markets as a result of increased pork imports;

(3) continue to facilitate the donation and distribution of pork and pork products for humanitarian purposes;

(4) work with the Canadian Government to address the many problems that contribute to the increased export of pork and pork products into the United States;

(5) take appropriate steps to encourage increased use and expansion of the domestic slaughter capacity for hogs;

(6) direct the Secretary of Agriculture, the Attorney General, and the Secretary of Commerce to investigate noncompetitive and antitrust practices in the pork industry;

(7) direct the Secretary of Agriculture to improve price reporting in the domestic livestock industry to ensure fair, open, and competitive markets; and

(8) immediately implement the loan guarantee paperwork reduction regulation of the Secretary of Agriculture that will allow pork producers and lenders to use existing lender documents, rather than creating new documents, when applying for loan guarantees under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCESS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee On National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the President's proposal fiscal year 2000 Budget for National Park Service programs and operations.

The hearing will take place on Wednesday, February 24, 1999, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

RURAL HEALTH INFRASTRUCTURE

ADDITIONAL STATEMENTS

● Mr. FRIST. Mr. President, the Nation's rural health infrastructure is facing immense pressures. Changes in the private market, Medicare, Medicaid, and costs of new technologies, treatments and education are squeezing many providers out of rural areas. The President's budget shows a surprising lack of sensitivity to the critical realities in these underserved areas.

First, the President would cut reimbursement to hospitals an additional $9 billion over the next five years. This comes before most providers have had time to absorb the full impact of the Balanced Budget Act. Rural hospitals have lower patient volumes than urban hospitals, and they serve populations with a larger proportion of seniors, on average, than urban populations. In addition, nearly 20% of rural individuals don't carry health insurance. The burden this imposes on rural providers is intensified by the President's reduction of bad debt payments to hospitals by 10%.

Congress has begun to address these problems, and late last year, we provided $25 million for state implementation of the Rural Hospital Flexibility Program. This program creates cost-based reimbursement for Critical Access Hospitals. The money will help states develop and implement a rural health plan, develop networks, designate Critical Access Hospitals, and to improve rural emergency medical services.

I must point out that people in rural areas don't have many choices of health providers. Thirty-seven states have less than 1% enrollment in Medicare risk plans. Often one hospital will serve the needs of many communities interspersed through very large regions. We must take great care to support, rather than destroy, the rural health infrastructure. We may need to reexamine the payment rates to hospitals, but let us do so with good data, and an awareness of the special needs of rural safety net providers.

In addition, HCFA has not yet adequately educated beneficiaries or resolved the regulatory payment issues surrounding Medicare private plan opportunities in rural areas. We in Congress must continue to monitor the developments in Medicare+Choice, and make the most of opportunities to increase the quality and choice of health care for rural Americans.

The Administration also ignored calls for an increased investment in important programs such as the National Health Service Corps, and Rural Health and Telehealth—flatlining their funding. The Office of Management and Budget also refused a request from the rural health caucus to appropriate additional demonstration grant funding for the development of emergency medical services networks.

At a time when the U.S. needs to prepare itself for emergency response to public health threats, including bioterrorism and identifying and tracking emerging threats such as antimicrobial resistance, President Clinton proposes to eliminate the health professions education programs intended to increase the number of individuals in the public health workforce. These programs include support for retraining existing public health workers, as well as increasing the supply of new practitioners to address priority public health needs.

As Chairman on the Subcommittee on Public Health, I was especially disturbed to find that the President proposes to eliminate programs directed at training primary care physicians and dentists with an emphasis of practicing in rural areas. The President signed my bill reauthorizing these important programs less than three months ago.

Currently $80 million is spent to assist medical and dental schools in developing programs to train family physicians, general internists, physician assistants, general dentists and pediatric dentists.

There is a demonstrated imbalance between primary care providers and specialists. The key to correcting this imbalance is to provide appropriate incentives at the medical school level to introduce more students to primary care settings during their training. Yet, the President wants to eliminate it.

[Last year's request = $77 million ($80 million appropriated)]

COMMUNITY-BASED LINKAGES:

Today, $54 million is spent to develop and support health professional training programs that link community providers with academic institutions. President Clinton suggests a $17 million (30%) reduction.

This funding supports:

Area Health Education Centers (AHECs)—support health care in underserved rural and urban areas, including recruitment and support to help rural communities retain health professionals.

Education and Training Relating to Geriatrics—Congress established this program to ensure that our health professionals are trained to meet the needs of seniors. With the aging of the baby boom generation, the number of seniors will double over the next 40 years.

Rural Interdisciplinary Training Grants—supports projects to train, recruit and retain health care practitioners in rural areas.

[Last year's request = $51 million, $54 million appropriated, fy'00 request = $37 million]

I'm disappointed that such important rural programs failed to receive adequate funding under the President's budget proposal. It appears that the Administration would do well to reexamine their commitment to a viable rural health infrastructure, and I urge my colleagues to renew their efforts to protect vulnerable Americans in rural areas.●

IN RECOGNITION OF PACZKI DAY

● Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to one of the most eagerly anticipated holidays each year in my home state of Michigan, Paczki Day.

The day before Lent is known in other parts of the country as Fat Tuesday or Mardi Gras, but in Metro Detroit and in other Michigan communities we celebrate Paczki Day. Paczkis, which are similar to jelly-filled doughnuts, were introduced to Metro Detroit by new immigrants from Poland who settled in the city of Hamtramck, Michigan. Today, thanks to the people of Hamtramck, Michigan is the paczki capital of the United States, with several million dozen paczkis sold every year. The Detroit Free Press reported that in 1993, paczki sales totaled

$7 to $8 million, which, as the Free Press reported, was ''. . .not bad for a one-day holiday with a three-day selling period.''

Paczki Day is a little like St. Patrick's Day. It is said that on St. Patrick's Day, everyone is a little bit Irish no matter what their family's background actually is. Well, on Paczki Day in Hamtramck and throughout Metro Detroit, we are all a little bit Polish. I look forward to celebrating my own ''Polish heritage'' with the people of Hamtramck on Paczki Day this year.●

100TH BIRTHDAY OF ELISE KIRKLAND YARDLEY

● Mr. THURMOND. Mr. President, I rise today to recognize Mrs. Elise Kirkland Yardley, a daughter of South Carolina, on the occasion of her 100th birthday. I wish her many more happy birthdays.

Mrs. Yardley was born in Camden, South Carolina on February 16, 1899, in the historic Camden home known as Cool Springs. She was one of nine children born of Thomas and Fredricka Kirkland, and she is the last surviving member of her immediate family. The Kirkland family has South Carolina roots that stretch back to before the Revolutionary War, and it has produced many fine public servants and citizens. Notably among them are Lane Kirkland, Mrs. Yardley's nephew and the former President of the AFL–CIO.

After her childhood in Camden, Mrs. Yardley attended Winthrop College in Rock Hill, South Carolina, where she graduated in 1919 with a degree in teaching. She moved back to Camden and met Sherborne Yardley, the man who would become her husband of more than 50 years. The Yardleys eventually settled in Birmingham Alabama, where Mr. Yardley worked for Republic Steel and Mrs. Yardley ran the household. Mr. Yardley passed away in 1978.

The Yardleys have three children: Thomas, an investment banker, John, a clinical pathologist, and Elizabeth, a homemaker. The family has grown to include eight grandchildren and 16 great-grandchildren. I am assured that Mrs. Yardley continues to serve as the presiding officer over the entire brood.

Mrs. Yardley still resides in Birmingham, although she returns regularly to Camden, where her entire family will gather in a few days to celebrate her 100th birthday. When they come together, her family will not only be observing Mrs. Yardley's centennial, but also honoring a lively, beautiful, and determined woman. They have much to celebrate.

As we pause briefly today to celebrate her long life, we do well to look back on what Mrs. Yardley has seen. She grew up in the rural South before that area had electrification. She has seen Halley's Comet pass this planet twice, watching it the first time in 1910, when her father gathered the family on their porch to marvel at the sight. She was alive to witness the invention of the airplane, the automobile, the computer, and space travel. Her husband served in the Navy during the First World War, and her sons served in the military during the Second World War. Her grandfather died in the Civil War. She saw the end of the 19th century, the whole of the 20th century, and will doubtlessly be around to experience the new millennium.

I am pleased to rise today to honor this charming and accomplished woman. It seems fitting that I do so not only as the senior senator from her home state, but also as the one Member of this body who qualifies as Mrs. Yardley's peer. Mrs. Yardley and I both know the many rewards of a long and healthy life. I wish her continued good health and prosperity.●

TRIBUTE TO TURNER BROADCASTING SYSTEM AND MEDIAONE

● Mr. CLELAND. Mr. President, I rise today to commend and congratulate Turner Broadcasting System, Inc. and MediaOne cable company for sponsoring a special educational event for students in the metropolitan Atlanta area commemorating Black History Month.

In recognition of Black History Month, Turner Broadcasting System, Inc., a Time-Warner company, and MediaOne cable company are hosting a special educational event on Wednesday, February 10, 1999 at the ''Magic'' Johnson Theater in Atlanta, Georgia. This event will serve as a venue to screen Turner Network's Original film, ''Passing Glory,'' and engage students in after-viewing discussion.

Inspired by a true story about two undefeated high school basketball teams in segregation-era Louisiana, ''Passing Glory,'' is a powerful study about the discovery of mutual respect which crosses racial boundaries. Father Joseph Verrett ignites the sparks of the Civil Rights movement in New Orleans when he organizes a game between his own undefeated African American team and an undefeated prep school team from a white community. Along with his star player, he must overcome the fears and prejudices of the city's residents, both black and white, to forever change the established social order.

Turner Broadcasting and MediaOne are sponsoring this local educational event during Black History Month to offer students the opportunity to discuss the themes of the film, such as tolerance, teamwork, diversity, and racism. The forum will provide a venue for students to question civil rights experts and renowned sports figures about the history of segregation and the role that sports has played in bridging the racial divide.

This type of forum will motivate students to explore the history of race relations in this country and encourage dialogue which will foster understanding, the identification of common ground and a genuine commitment to afford equal opportunity and civil rights for people of all races, religions and ethnic origins. It is the human rights of all mankind that underpins the dignity and humanity of all people and a worthy goal to which we must all continue to aspire.

Mr. President, I ask that you join me and our colleagues in recognizing and honoring Turner Broadcasting and MediaOne on many years of worthwhile work and achievements which have culminated with their most recent collaborative educational project on behalf of the many students of the Atlanta area in honor of Black History Month.●

TRIBUTE TO WILLIAM JEWELL COLLEGE ON ITS SESQUICENTENNIAL CELEBRATION

● Mr. BOND. Mr. President, February 27 is the 150th anniversary of the founding of William Jewell College, a small liberal arts college in Liberty, Missouri, and one of the oldest four-year colleges west of the Mississippi River.

William Jewell's reputation is far larger than its size. Because of the quality of its academic programs and facilities, and the breadth of its student and public service activities, Jewell is recognized as a preeminent liberal arts college in the Midwest. Jewell is classified among the nation's top 162 liberal arts colleges by the Carnegie Foundation for the Advancement of Teaching. Jewell has been recognized in the prestigious ''National Liberal Arts'' category in the ''America's Best Colleges'' edition of U.S. News & World Report.

Affiliated with the Baptist church since its founding, the college places a strong emphasis on Christian values, character development, and public service. Jewell is listed regularly in the Templeton Foundation's Honor Roll of Character-Building Colleges.

The institution has awarded more than 14,000 baccalaureate degrees since its founding. While most of its students are from Missouri, the school attracts students from nearly half of the 50 states and more than a dozen foreign countries.

Alumni accomplishments at the highest levels of business, industry, government and the professions figure prominently in maintaining Jewell's reputation as a preeminent liberal arts college. And the college is frequently referred to as the ''Campus of Achievement'' due to the high percentage of Jewell students appearing in annual ''Who's Who'' directories.

And, on a personal note, Jewell graduates are certainly overrepresented on my Senate staff in terms of their percentage of the Missouri population!

While the school has a right to be proud of its achievements, what sets it apart from other colleges are the opportunities it offers all of its students, and the larger Kansas City community. William Jewell's Fine Arts Program, now in its 34th season, is a regional and national treasure, having presented

Luciano Pavarotti's American recital debut in 1973. Each year, the Fine Arts Program brings to Kansas City venues internationally acclaimed orchestras, ensembles, dance troupes, plays, musicals, and individual performers.

International programs in England, Japan, Australia, India and Ecuador give students the opportunity to travel widely and study at some of the world's great centers of learning. The recently endowed Pryor Leadership Studies program is a unique curriculum of course work, activities and lectures which actively promote personal, vocational and civic leadership development. And a Service Learning certificate program, sustained by its own endowment, encourages formal involvement in community service activities, along with national and international outreach, and mission trips.

It is a credit to her faculty, administration, board, alumni, and students that William Jewell has been able to maintain high academic standards through the years, and to serve so well the Kansas City community, the State of Missouri, and the entire nation.

I offer the entire William Jewell community a heartfelt congratulations on their first 150 years!●

MARTIN LUTHER KING, JR., RECOGNITION ACT

● Mr. ABRAHAM. Mr. President, I rise in support of the Dr. Martin Luther King, Jr. Day Recognition Act of 1999. This legislation will correct an unfortunate oversight that has left the federal holiday recognizing our great civil rights leader without the full ceremonial status it deserves. This is an injustice to a great leader and one I hope the Senate will act to correct as soon as possible.

Mr. President, federal holidays celebrating the birthdays of great Americans have traditionally included celebratory signs of respect. In particular, they have been on the list of days on which the American flag should be flown nationwide. Yet, across this country, in the schools and on the streets that bear the name of Martin Luther King, Jr., that flag has not been flown to commemorate his holiday.

Dr. King, minister, civil rights leader, winner of the Nobel Prize for his nonviolent resistance to segregation, has been recognized around the world as a pivotal figure in American history and in the global struggle for civil rights. He was instrumental in putting an end to segregation and to putting issues of racial equality and civil rights into the forefront of American public life.

As a nation we have recognized the importance of Dr. King's efforts and of his achievement by instituting celebration of a federal holiday in his honor. It is time to complete that recognition by adding Dr. King's holiday to the list of days on which the American flag should be flown nationwide.

I urge my colleagues to support this important legislation.●

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. MURKOWSKI. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on Energy and Natural Resources.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments

to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommottee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.●

RULES OF THE COMMITTEE ON SMALL BUSINESS

● Mr. BOND. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 5, 1999, the Committee on Small Business held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Small Business.

The rules follow:

RULES OF THE COMMITTEE ON SMALL BUSINESS

(As adopted in executive session February 5, 1999)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record §3231 (daily edition March 21, 1986)

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the office of the Committee at least 24 hours prior to the meeting. This subsection may be waived by the Chairman or by a majority vote of the members of the Committee.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath of any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

NOMINATIONS

Executive nominations received by the Senate February 10, 1999:

DEPARTMENT OF JUSTICE

CARL SCHNEE, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS VICE GREGORY M. SLEET, RESIGNED.

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, VICE BILL RICHARDSON, RESIGNED.

RICHARD HOLBROOKE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

EXTENSIONS OF REMARKS

HUMAN RIGHTS ABUSES IN CHINA AND TIBET

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. GILMAN. Mr. Speaker, today I am introducing H. Con. Res 28, a resolution expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

In a December 22, 1998 speech commemorating the 20th anniversary of the Third Plenary Session of the 11th Communist Party Central Committee, China's President and Party Secretary Jiang Zemin stated that China needed to ''nip those factors that undermine social stability in the bud, no matter where they come from.'' In the same speech, Jiang emphasized that, ''the Western mode of political systems must never be copied.'' Soon after his remarks more arrests were made of key dissidents.

We should not be surprised by the arrests and lengthy prison terms that have been imposed. The West abandoned the tactic of any serious condemnation of China at the U.N. Commission on Human Rights in Geneva, or elsewhere. It has replaced criticism of or substantive action against Beijing's ruthless representation of human rights with so-called bilateral dialogues on human rights. Accordingly, China's rulers believe that they can act with impunity.

Early last year, the word was out that the Administration would not sponsor or pursue a resolution in Geneva if China signed the International Covenant on Civil and Political Rights. Last summer, President Clinton traveled to China and in October its government signed the Covenant.

''The Democracy Wall'' movement in the late 1970s and the ''Hundred Flowers Campaign'' in the late 1950s were also periods when citizens were first encouraged to express their beliefs and then subsequently they were severely persecuted for their criticism of the Communist Party and their desire for democracy.

Similarly, the period before President Clinton visited China in June also saw an easing of political repression by the authorities—though some of us were concerned that this was only a temporary change, and that the government would—as it has indeed—revert to form.

When viewed as a cyclical historical process or as a method to preserve power, the outcome is always the same—a brutal suppression of the people's thirst for freedom and democracy in China. Regrettably, the policy of this Administration remains unchanged despite this latest wave of repression.

In December, the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China released a report stating that China has been stealing weapons designs from American nuclear laboratories and obtaining sensitive computer missile and satellite technologies. The Select Committee confirmed Pentagon and State Department findings that two American companies not only helped the Chinese space industry and may have helped improve the reliability of China's missiles.

And yet every year billions of dollars of more goods from Chinese labor camps made by imprisoned democracy advocates come into our country and adds to our growing trade deficit with China.

In a few months, China, flush with foreign currency reserves, will receive SS–N–22 ''Sunburn'' missiles that it bought from Russia. These missiles are designed to be able to destroy our most sophisticated naval ships. If in the future China blockades democratic Taiwan for refusing to reunify, how effective will our Seventh Fleet be?

We question why our assistance to Russia has not been tied to the sale of these missiles and what has the Administration done to prevent the Chinese from purchasing them?

When President Clinton was in China last year, he urged President Jiang to negotiate the future of Tibet with His Holiness the Dalai Lama. His Holiness once again publicly met Beijing's preliminary demands to the beginning of negotiations and stated that he only wants some genuine autonomy for his nation and not independence. His efforts were rebuffed.

On January 11th, Administration officials met with representatives of the People's Republic of China for a dialogue on human rights. We were pleased to learn that Harold Koh, our new Assistant Secretary for Human Rights, strongly pressured the Beijing delegation to end its repression of the democracy movement in China.

In general though, we have a pattern and failure in our China policy that has stretched for many years through many Administrations and has permitted our Nation's security to be weakened and our moral stand to be questioned. Hopefully, the Administration and the Congress will begin to confront this problem and ''nip in the bud'' this failed policy and those who benefit from it. Our economy and security are at stake. We need no stronger motivation.

This week we received the findings of an Amnesty International Report that was designed to determine whether President Clinton's visit to China last summer to bestow a formal state visit upon the Chinese leadership had resulted in any significant improvement in the human rights situation. According to Amnesty International, ''The President gave the Chinese leaders a propaganda coup, and, so far, has virtually nothing to show for it. The fact is that, while there has been minor, and mostly symbolic, progress in a few areas, in most areas the situation has actually gotten worse in the last three months.''

Accordingly, I urge my colleagues to support H. Con. Res. 28.

H. CON. RES. 28

Whereas the Government of the People's Republic of China has signed two important United Nations human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;

Whereas the Government of the People's Republic of China recognizes the United Nations Universal Declaration of Human Rights, which calls for the protection of the rights of freedom of association, press, assembly, religion, and other fundamental rights and freedoms;

Whereas the Government of the People's Republic of China demonstrates a pattern of continuous, serious, and widespread violations of internationally recognized human rights standards, including violations of the rights described in the preceding clause and the following:

(1) restricting nongovernmental political and social organizations;

(2) cracking down on film directors, computer software developers, artists, and the press, including threats of life prison terms;

(3) sentencing poet and writer, Ma Zhe, to seven years in prison on charges of subversion for publishing an independent literary journal;

(4) sentencing three pro-democracy activists, Xu Wenli, Wang Youcai, and Qing Yongmin, to long prison sentences in December 1998 for trying to organize an alternative political party committed to democracy and respect for human rights;

(5) sentencing Zhang Shanguang to prison for ten years for giving Radio Free Asia information about farmer protests in Hunan province;

(6) putting on trial businessman Lin Hai for providing e-mail addresses to a pro-democracy Internet magazine based in the United States;

(7) arresting, harassing, and torturing members of the religious community who worship outside of official Chinese churches;

(8) refusing the United Nations High Commissioner on Human Rights access to the Panchen Lama, Gendun Choekyi Nyima;

(9) continuing to engage in coercive family planning practices, including forced abortion and forced sterilization; and

(10) operating a system of prisons and other detention centers in which gross human rights violations, including torture, slave labor, and the commercial harvesting of human organs from executed prisoners, continue to occur;

Whereas repression in Tibet has increased steadily, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, and suppression of peaceful protests, and the Government of the People's Republic of China refuses direct dialogue with the Dalai Lama or his representatives on a negotiated solution for Tibet;

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human performance;

Whereas during his July 1998 visit to the People's Republic of China, President Clinton correctly affirmed the necessity of addressing human rights in United States-China relations; and

Whereas the United States did not sponsor a resolution on China's human rights record at the 1998 session of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring, That it is the sense of the Congress that the United States—

(1) should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; and

(2) should immediately contact other governments to urge them to cosponsor and support such a resolution.

COLORADANS CARE ABOUT LIFELONG, SATISFYING MARRIAGES AND HAPPY CHILDREN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, for two years, Coloradans have been bombarded with opinions suggesting it's not about fidelity, commitment, or personal behavior. But now a new survey from the Rocky Mountain Family Council shows what Coloradans really care about are lifelong, satisfying marriages and happy children.

As Members of Congress returned to Washington for the recent impeachment vote, the Rocky Mountain Family Council was unveiling the Marriage Matters: 1998 Colorado Marriage Health Index. The results clearly contradict the values demonstrated by the recent affairs of our President and his apologists.

President Clinton's exploitation of a clever slogan proved decisive in ushering him into office, ''It's the economy stupid!'' Coloradans, being common sense, caring people, recognize marriage and family last forever. Economic prosperity, however, is often only as secure as the next paycheck.

Sure, some may find solace in this period of relative economic prosperity. Fatter wallets tend to squelch the alarm of cultural decay to a certain degree.

But even the highest heights of consumer confidence cannot achieve the kind of moral indifference upon which political left-wingers are banking in the face of executive scandal and infidelity. On the contrary, Coloradans bristle when politicians betray their marriage vows for extramarital affairs, even when downplayed as ''affectionate'' or ''hugging'' relationships.

According to the Family Council, when asked if they could wave a magic wand and guarantee certain life goals for themselves, Coloradans overwhelmingly chose a lifelong, satisfying marriage and happy children over material goods like fancy houses, comfortable retirements, and fulfilling careers. Further underscoring this result is the fact that Coloradans were far more willing to give up houses, retirements and careers if that would ensure a satisfying, lifelong marriage and happy kids.

The question for political leaders becomes one of how government can best help the average citizen achieve these goals. Government should take a page from the Hippocratic Oath: ''First, do no harm.''

Many well-intentioned government programs designed to strengthen families achieve just the opposite by subsidizing parents spending time away from their spouses and children. Government policies which support marriage and family, like doing away with the marriage tax penalty in the tax code, can go a long way toward ensuring Coloradans realize their family goals and dreams.

Working families struggling under a heavy tax burden may be so crushed by the weight of supporting lofty government programs they can't spend the time with their spouses and children they'd like. Economic prosperity, lower taxes, and freedom can support and strengthen families and marriages if they enable spouses and parents to devote more attention to what really matters.

Fancy houses? Fat retirement accounts? Cushy jobs? These pale in comparison to heartfelt desires for happy marriages and children. As we enter the twenty-first century, elected officials would do well to respond to what Coloradans say is really important to them. Failure to do so will only perpetuate the myth that strong marriages and families are just by-products of a strong economy.

After all, no one ever went to his or her grave saying, ''I wish I had worked longer hours.'' Government can, and should, do all in its power to allow families and marriages to grow strong without interference.

A BILL THAT IS GOOD FOR NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I introduce legislation, which is being cosponsored by my colleague from New Mexico, HEATHER WILSON, that provides for the transfer of an unwanted facility and federal land to the people of Rio Arriba County, NM. Mr. Speaker, this is a companion bill to a bill that has already been reintroduced in the other chamber on January 21, 1999, by Senator DOMENICI and cosponsored by Senator BINGAMAN, both of New Mexico. This bill was originally introduced by Senator DOMENICI as the Rio Arriba, New Mexico Land Conveyance Act of 1998. With the administration's support, the Senate Energy and Natural Resources Committee reported the bill unanimously in May 1998. On July 17, 1998, the Senate passed this legislation as S. 1510. Unfortunately, the bill died in this chamber at the end of the last session.

This legislation provides for a transfer by the Secretary of Interior of real property and improvements at an abandoned and surplus ranger station in the Carson National Forest to Rio Arriba County. This site is known locally as the ''Old Coyote Administration Site'' and is located near the town of Coyote, NM. The site will continue to be used for public purposes and may be used as a community center, fire substation, storage facilities, or space to repair road maintenance equipment and other county vehicles.

Mr. Speaker, the Forest Service has moved its operations to a new facility and has determined that this site is of no further use. Furthermore, the Forest Service has notified the General Services Administration that improvements to this site are considered surplus and the sites are available for disposal. In addition, the land on which the facility is built, is withdrawn public domain land, and falls under the jurisdiction of the Bureau of Land Management. Since neither the Bureau of Land Management nor the Forest Service have a future plan to utilize this site, the transfer of the land and facilities to Rio Arriba County would create a benefit to a community that would make productive use of it.

In summary, this legislation creates a situation in which the federal government, the State of New Mexico, and the people of Rio Arriba County all benefit. With the bipartisan support of the New Mexico delegation, I am confident that this chamber realizes that this bill is good for New Mexico. For these reasons, I ask immediate consideration and passage of the bill.

IN MEMORY OF BRIG. GEN. (RET) BEN J. MANGINA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to say a few words in tribute to the late Brigadier General (Retired) Ben J. Mangina, USAF, of Windsor, Missouri. General Mangina, a loyal and dedicated airman and a good friend of mine through the years, passed away at the age of 78.

General Mangina, a native of Birmingham, Alabama, was born the son of Joseph and Josephine Amari Mangina. He was the commander of several Air Force bases, including Richard-Gebauer Air Force Base. There he commanded the 442nd fighter wing.

General Mangina was also active in the community. He was a member and deacon of First Baptist Church along with many other civic organizations.

General Mangina is survived by his wife, Ethel Mae; his daughter, Rose; his son, Ben; two stepsons, Ken and Don; seven grandchildren and four great-grandchildren.

Mr. Speaker, Ben Mangina was a dedicated airmen and a true friend. I am certain that the members of the House will join me in paying tribute to this fine Missourian.

COMMENDATION OF MICHAEL OSTERHOLM, EPIDEMIOLOGIST FOR THE STATE OF MINNESOTA

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. LUTHER. Mr. Speaker, Minnesota's longtime state epidemiologist, Michael Osterholm, has chosen to leave his post at the Minnesota Department of Health after 24 years. I want to take this opportunity to commend Mr. Osterholm for his many years of service, and more importantly, the contribution he has made to our state and the nation in the area of infectious diseases.

He has a long record of successes. In the 1990s alone, Mr. Osterholm found the link between deadly toxic shock syndrome and tampons; traced the source of a salmonella outbreak to trucks that had previously transported

contaminated eggs; and tracked the source of Legionnaire's disease that may have killed as many as eight people and hospitalized dozens more to an air conditioning unit. During his tenure he published nearly 180 scientific papers in the New England Journal of Medicine, the Journal of the American Medical Association, and other publications. In addition, he contributes to or helps edit 25 medical journals.

Most recently, Mr. Osterholm has been actively engaged in bringing attention to the threat of bioterrorism. Due in part to his diligence, the President recently announced a significant investment in the federal response to a biological attack on the United States. He highlighted the issue at every turn, and made me and others aware of the sorrowful state of our vaccination supplies for potential biological agents that could be used in an attack.

While Mr. Osterholm's departure is a loss for the state Department of Health, I am pleased that he will continue his efforts through a new enterprise he is embarking on in the private sector, and will remain ''on call'' to the state in times of need. My thanks and best wishes to Mike Osterholm and his wife Barb Colombo, a former Assistant Commissioner of Health, and their children. Your exemplary service to our state and nation is greatly appreciated.

LEGISLATION TO PROHIBIT THE DEPARTMENT OF THE TREASURY FROM ISSUING ANY REGULATIONS DEALING WITH HYBRID TRANSACTIONS UNDER SUBPART F OF THE INTERNAL REVENUE CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CRANE. Mr. Speaker, joined by my Ways and Means Committee colleague, Mr. MATSUI, I introduced legislation today to prohibit the Department of the Treasury from issuing any regulations dealing with hybrid transactions under Subpart F of the Internal Revenue Code. The bill will further instruct the Secretary of the Treasury to conduct a study of the tax treatment of hybrid transactions and, after receiving input from the public, to submit his findings to the House Committee on Ways and Means and the Senate Committee on Finance.

This legislation is identical to a bill we introduced in the 105th Congress. During the last Congress, most members of the House Ways and Means Committee expressed their concern over the policy changes to Subpart F suggested by Treasury in Notice 98–11. Both Chairman Archer and Ranking Democrat Rangell wrote Secretary Rubin to express their concerns with both the policy changes pursued by Treasury as well as the means by which Treasury implemented the changes. Mr. Matsui and I, along with 31 other Committee members, also wrote Treasury asking them to withdraw the regulations in order for Congress to have an opportunity to review the issues. We hoped that Treasury would do this in consultation with members of our Committee.

The provisions of Subpart F of the Code have a direct impact on the competitiveness of U.S. businesses operating in the global marketplace. Congress historically has moved carefully when making changes to those sections of the Code relating to international taxation. Unwarranted or injudicious action in these areas can have a substantial adverse impact on U.S. businesses operating abroad.

Treasury issued Notice 98–11 to restrict the use of hybrid entities. After input from Congress and the business community, Treasury issued Notice 98–35, which withdrew Notice 98–11. However, Notice 98–35 still left Treasury with the option of issuing binding rules regarding hybrid transactions. And, although the rules will not be finalized before January 1, 2000, they will be effective for certain payments made on or after June 19, 1998. I am concerned that Treasury's actions, in effect, legislate in this area. Our bill will protect Congress' Constitutional prerogative.

With regard to the policy, I am concerned that the proposed changes would put U.S. companies at a competitive disadvantage in world markets by subjecting them to more taxation by foreign governments. This raises the question as to why the U.S. Treasury Department is so concerned about helping to generate revenue for the coffers of other countries. Furthermore, Notice 98–35, or similar regulations, is at odds with changes Congress recently made to Subpart F in the Taxpayer Relief Act of 1997.

I look forward to further study and input from Treasury on the issue of modifications to Subpart F. However, we must not allow Treasury to implement regulations in this area until Congress determines the appropriate course of action. The bill we introduce today will allow for that judicious process to go forward and I urge my colleagues to join with us by cosponsoring this bill.

INTRODUCTION OF LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. OBERSTAR. Mr. Speaker, the European Community has proposed regulations that would discriminate against U.S. aircraft and airlines by banning certain aircraft for allegedly creating excessive noise, while not banning European aircraft that are noisier. This proposal is particularly aggravating when we recall that we have allowed British Airways and Air France to fly the Concorde into the United States, even though the Concorde does not meet our environmental noise limits.

To counter the unfairness in Europe toward U.S. aviation, I am introducing legislation today with my colleagues Mr. SHUSTER, Mr. LIPINSKI, and Mr. DUNCAN to ban supersonic aircraft, specifically, the Concorde, from operating in the United States if the European Union (''EU'') adopts the proposed regulation that will blatantly discriminate against U.S. aviation products.

The EU proposed regulation, which may be considered by the European Parliament this week, would restrict the use, in Europe, of certain aircraft that have had either a new engine, known as a ''re-engined'' aircraft, or a hushkit installed to meet the highest current noise standards, called Stage 3 or Chapter 3. The European restriction would only apply to U.S. aircraft and engines even though, in some cases, they are quieter than their European counterparts that would continue to be operated. If finalized, the proposed regulation could potentially cost American businesses over $1 billion in spare parts and engine sales; reduce the resale value of over 1600 U.S. aircraft; and cause severe financial losses for hushkit manufacturers, all of which are U.S. companies.

The EU portrays its action as one to promote higher environmental standards. However, this claim has no basis in scientific or technical fact. ''Hushkits'' have been used for close to 15 years as an appropriate measure to quiet existing aircraft, first to meet the Chapter 2 standards and, since 1989, to meet the International Civil Aviation Organization's (''ICAO'') Chapter 3 standards. In addition, the EU regulation would not be applied consistently to re-engined aircraft. The regulation would ban only those engines with a by-pass ratio of less than 3. Engines with a higher by-pass ratio would be allowed, even though an engine's by-pass ratio has no direct correlation to the noise it produces.

As a practical matter, this cut-off would tend to ban the use of U.S. manufactured engines and allow the use of European manufactured engines. A comparison of the cumulative noise between a Boeing 727–200 (re-engined with a Pratt & Whitney JT8D–217C/15) and an Airbus A300B4–200 (equipped with a CF6–50C2 engine) underscores this point. The re-engined B727, with engines having a by-pass ratio of less than 3, has a better cumulative noise performance standard of 288.8 decibels, as compared to the Airbus' 293.3 decibels. Yet the Boeing would be banned and the Airbus would continue to fly.

A further, important consideration: the proposal's adoption would deal a severe, long-term blow to the environment because it would undermine the ability of the international community to agree to, and enforce, new and improved noise standards in the future.

Banning Concorde flights to and from the United States will have positive environmental benefits. According to a preliminary analysis from the FAA, such a prohibition will reduce the noise footprint around New York's John F. Kennedy International Airport by at least 20 percent. The Concorde aircraft has enjoyed a waiver from noise standards for over 20 years even though it does not meet Stage 2 noise standards. We in the U.S. have been very tolerant of and cooperative with the Concorde. I am willing to continue cooperating and allow continuation of this waiver, but only if the EU drops this outrageous proposal.

The Administration has seen through this thinly-veiled attempt to give a competitive advantage to EU aircraft and engine manufacturers. Transportation Secretary Slater, Undersecretary for International Trade Aaron, and U.S. Trade Representative Barshefsky have already tried to persuade to the EU Commission to defer action on this issue, and instead refer it to the proper forum—ICAO. These requests have been rejected. We must now make it clear to the EU that their initiative cannot proceed without severe consequences. Banning the Concorde is only the first step. I am committed to additional actions, including discussing the issue directly with the EU Parliament or Commission, if necessary.

The EU proposal is bad environmental policy and bad for American businesses. If we

are to deal seriously with noise and air quality standards in the future, we must ensure that the process is fair and based on scientific and technical evidence. The EU proposal fails on both accounts. By taking a strong stand against the EU action, we will help stop this current policy as well as lay the foundation for future, constructive action on aviation environmental issues. I hope my colleagues will join me in this effort, by cosponsoring this legislation.

THE SITUATION IN KOSOVA

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. KELLY. Mr. Speaker, peace and security for the Kosovan people will never become a reality unless NATO brings military pressure to bear on Serbian strongman Slobodan Milosevic, and unless the ongoing peace negotiations include a guaranteed right to self-determination for the ethnic Albanian majority in Kosova.

The fact is, Mr. Speaker, NATO should have intervened a year ago when widespread violence against the Kosovan people was first initiated by Mr. Milosevic. Thousands are dead, tens of thousands are homeless, and many more have fled the country. Thousands of refugees now live in camps and settlements in neighboring countries, too afraid to return out of fear of reprisals. These countries are bearing the burden of the lack of peace in this region.

Sadly, we have seen this spectacle before. Once again Milosevic carries out a genocidal campaign of ethnic cleansing, once again the international community is slow to react, and once again it is innocent civilians who must pay the terrible price that world indifference imposes.

The renewed violence in Kosova is but the latest example of the manner in which Milosevic attempts to use terror and murder to hold together the republics which made up the former Yugoslavia. His policies of ethnic cleansing in Bosnia, policies which shocked the world and eventually led to international intervention, are now being carried out with renewed vigor in Kosova. Sadly, the very same lack of resolve on the part of the international community which allowed Milosevic to kill thousands in Bosnia is allowing him to carry out a new campaign of terror against the ethnic Albanian majority in Kosova, which makes up 90% of the population.

Perhaps no event better illustrates Milosevic's brutal policies than the recent massacre in the village of Racak, where 45 ethnic Albanians, many of whom were women and children, were found murdered by Serb military and police units. As in the past, it took a tragic event to finally focus the world's attention to the plight of the Kosovan people, and to move governments to act to stop the violence.

Mr. Speaker, unless we wish to see more massacres, more fighting, and more misery in Kosova, the peace negotiations currently underway in France must include a military commitment to enforce the peace. Despots such as Milosevic and Saddam Hussein do not respect international law. They do not respond to impassioned appeals for peace and human rights. They do, however, recognize and respond to the very real threat of overwhelming military force. The world community was slow to learn this fact in Bosnia, and we continue to inch along painfully slow toward understanding this fact in Kosova.

The Kosovan people are running out of time, however. Humanity cannot stand idly by and witness further atrocities such as those committed in Racak. Milosevic enforces his policies from the point of a gun, and I fear that time has long past for NATO to confront him by doing the same.

Finally, Mr. Speaker, any peace settlement must also include an iron-clad commitment that the Kosovan people will have the opportunity that we often take for granted—the right of self-determination. Anything less is a recipe for renewed violence and death in the future.

HONORING THE 100TH BIRTHDAY OF LEOTTA GITTENS HOWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Leotta Gittens Howell, who on February 14, 1999 will be 100 years old. She is a woman whose passion filled life serves as an example to us all.

Born on February 13, 1899, Leotta Gittens was the first of four children born to Alberta and Thomas Gittens on the sunny island of Barbados, West Indies. Leotta was educated in Barbados and at an early age showed an affinity to the sewing craft. She created garments for her family, and beautiful and imaginative party dresses and gowns for special occasions.

Loetta Gittens immigrated to the United States in 1922. She met and married Edgar Howell in 1924 and from this union, a daughter Marilyn Alleyne, was born. Leotta exhibited a true entrepreneurial spirit by continuing her seamstress business, while working full time during the day. After the death of her husband, Ms. Howell continued her success as a seamstress. When her daughter, a professional musician, performed she was adorned in her mother's creations.

Ms. Howell retired in 1970 and true to her spirit became active in the Fort Greene Senior Citizens Center. She became and remains an active member today. Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in a standing ovation for Ms. Leotta Howell Gittens.

RICHARD GOLDBERG TO RECEIVE COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring the accomplishments of my very good friend, Attorney Richard M. Goldberg, to the attention of my colleagues. This month, Dick will receive the prestigious S.J. Strauss Lodge of the B'nai B'rith Community Service Award at the group's 55th Annual Lincoln Day Dinner. I am pleased and proud to have been asked to participate in this event.

The Community Service Award is presented each year to an outstanding citizen who has made a valuable contribution to the fabric of community life through courageous leadership and dedication to humanity. Dick Goldberg is a shining example of such leadership.

Those of us who know Dick know of his extreme love of country and his pride in having served for thirty years in the United States Army Reserve. Prior to his retirement, Colonel Goldberg was Chief of Staff for the 79th Army Reserve Command at the Willow Grove Air Station in Willow Grove, Pennsylvania. He was awarded the Legion of Merit, Army Achievement Medal, Humanitarian Services Medal, Army Service Ribbon, Pennsylvania Meritorious Service Medal, Pennsylvania Commendation Medal, three Meritorious Service Medals, two Armed Forces Reserve Medals, and five Army Reserve Components Achievement Medals.

Dick Goldberg has had an equally outstanding legal career. A member of the prestigious local law firm of Hourigan, Kluger, and Quinn, Dick has also served as Luzerne County Solicitor since 1984. A native of Wilkes-Barre, Dick received his bachelor of arts degree from Dickinson College and law degrees from the Dickinson, Pennsylvania State University, and Temple University. He was cited as an Outstanding Young Man of America in 1972 and has been honored with the Valley Forge Freedom Foundation Award twice. He has served as chairman of the Young Lawyers Section of the Pennsylvania Bar Association, membership chairman of the Young Lawyers Section of the American Bar Association, chairman of the Pennsylvania Bar Association Unauthorized Practices Committee, and chairman of the American Bar Association Standing Committee of the Unauthorized Practice of Law. Dick served as president of the Wilkes-Barre Law and Library Association and currently serves on the Board of Governors of the Pennsylvania Bar Association.

Dick Goldberg's dedicated service to his community is well documented by a long list of memberships and board seats. He presently is a member of the Board of Trustees of Wyoming Seminary and is a director of the Jewish Home of Eastern Pennsylvania, the United Way of Wyoming Valley, and Jewish Family Services. An Eagle Scout himself, he is active with the local Boy Scouts of America.

Dick is a past president of Temple Israel and the Jewish Community Center. He chaired the Jewish National Fund, Temple Israel School Board, Luzerne County Heart Fund Drive and the Osterhout Library Society Campaign. He has served as president of the Reserve Officers Association.

Mr. Speaker, throughout my legal career and my tenure in the House of Representatives, I have been privileged to work with Attorney Dick Goldberg many times. I consider him to be a good friend and an outstanding community leader. I am proud to join with his wife, Rosemary, his family, his friends, and the community in congratulating Dick on this prestigious honor. I extend my very best wishes on this momentous occasion and for continued good health and happiness in the years to come.

DOUG BELL AND MARILYN STAPLETON SET EXAMPLES FOR YOUNG ATHLETES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to two fine people and world class athletes from Greeley, Colorado. Mr. Doug Bell and Ms. Marilyn Stapleton were both ranked third among America's best runners by age group in the Running Times. I commend them for their hard work, commitment and dedication. Year round, despite the elements, fatigue and adversity, these fine athletes constantly train and strive to better themselves. Doug Bell, owner of Bell's Running, and Marilyn Stapleton set fine examples for young athletes, and for everyone seeking to achieve such admirable goals.

INTRODUCTION OF LEGISLATION OF ADD BRONCHIOLO—ALVEOLAR PULMONARY CARCINOMA TO SERVICE-CONNECTED LIST OF CANCERS FOR VETERANS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today, I am reintroducing legislation that would add a rare form of cancer, bronchiolo-alveolar pulmonary carcinoma, to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation, in accordance with the provisions of Public Law 100–321.

The merits of adding bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation during their military service were pointed out to me in 1986 when I became acquainted with Joan McCarthy, a constituent from New Jersey. Mrs. McCarthy has worked tirelessly for many years to locate other ''atomic veterans'' and their windows and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom McCarthy, was a participant in Operation Wigwam, a nuclear test in May of 1995 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles southwest of San Diego.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe the Operation Wigwam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with the airborne products of the detonation. The spray from the explosion was described in the official government reports as an ''insidious hazard which turned into an invisible radioactive aerosol.'' Tom spent 4 days in this environment while serving aboard the U.S.S. *McKinley*.

In April of 1981, at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a nonsmoking related lung cancer which is remarkable given the fact that nearly 97 percent of all lung cancers are related to smoking. On his deathbed, Tom told Joan, his wife, about his involvement in Operation Wigwam and wondered about the fate of the other men who were also stationed on the U.S.S. *McKinley* and on other ships.

Mr. Speaker, it has been well documented in medical literature that exposure to ionizing radiation can cause this particular type of lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V (Biological Effects of Ionizing Radiation) reports, stating that ''Bronchiolo-Alveolar Carcinoma is the most common cause of delayed death from inhaled plutonium 239.'' The BEIR V report notes that this cancer is caused by the inhalation and deposition of alpha-emitting plutonium particles in the lungs.

Mr. Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. In May of 1994, Secretary Jesse Brown wrote to then Chairman Sonny Montgomery of the Veterans' Affairs Committee regarding this issue. Secretary Brown stated as follows:

> The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association with exposure to ionizing radiation and lung cancer has been strengthened by such evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee the Biological Effects of Ionizing Radiation (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

Back in 1995, I met with former Secretary Brown and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, however, the VA has repeatedly denied Joan McCarthy's claims for survivor's benefits.

The VA has claimed in the past that adjudication on a case-by-case basis is the appropriate means of resolving these claims. Unfortunately, the practical experiences of claimants reveal deep flaws in the process used by the VA.

Mr. Speaker, I believe the widows of our servicemen who participated in these nuclear tests deserve better than this. They should not be required to meet an impossible standard of proof in order to receive DIC benefits, which CBO estimates will cost the government, on average, a mere $10 thousand a year for each affected widow.

As many of my colleagues will remember, this legislation was passed on the floor of the House on October 14, 1998 by a vote of 400 to 0. Unfortunately, our colleagues in the Senate failed to take up this legislation before Congress' adjournment. During the 104th Congress, the House passed H.R. 368, identical legislation to the bill we are considering today. It too added bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation. H.R. 368 was later included as part of H.R. 3673, an omnibus veterans' package which passed the House on July 16, 1996. Unfortunately, this provision was dropped from the final conference report.

They say that the third time is the charm so I remain hopeful and determined that my introduction of this legislation today will result in its speedy consideration in the House and approval in the Senate. I would also like to thank my colleague, Congressman LANE EVANS from Illinois, the ranking democrat on the House Veterans' Affairs Committee, who is joining me today as an original cosponsor of this legislation. His tireless work on behalf of ''atomic veterans,'' and those who have suffered as a result of exposure to radiation while serving our country is to be commended and I thank him for his support of my legislation.

A TRIBUTE TO THE LABOR MOVEMENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the labor movement. As the American trade union movement prepares to move into its second century, it is important to applaud the movement's ''century of achievement'' that included the historic reuniting of the AFL–CIO in 1955.

American labor has played a central role in the raising of the American standard of living. American workers have had to struggle to achieve the gains they have made during this century. And it has been a struggle! Improvements did not come easily. By organizing, winning the right to representation, utilizing the collective bargaining process, struggling against bias and discrimination, working Americans have built a trade union movement of formidable proportions.

Labor in America has correctly been described as a stabilizing force in the national economy and a bulwark of our democratic society. The gains that unions have achieved have brought benefits directly and indirectly to the American people and have served as a force for our nation's progress.

Labor has reached out to groups in America who strive for their share of the American dream and there is a common bond between the labor movement and African-Americans, Hispanics, and other minorities. In the words of Dr. Martin Luther King: ''Our needs are identical with labor's needs—decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community.''

But today, America's workplace is in transition. The workforce that was once predominantly ''blue collar'' has now expanded to include ''white collar'' employees and the significantly increasing ''gray collar'' workers representing the workers in service industries. Mass production industries have downsized and many have gone out of business. Increasing numbers of the new industries require new skill levels from employees and work once

performed in the United States has been moved out of the country.

However, change has not lessened the absolute need for protection and representation for our nation's working men and women. And change has not lessened the resolve of the union movement to represent and protect America's workers.

As the labor movement continues to face the looming challenges, it is important to note that the union movement is on the right track. In 1998, the number of union members rose in more than half the states and union membership grew by more than 100,000 nationwide. In all, the number of union members in the nation rose from 16.1 to 16.2 million. As AFL–CIO President John Sweeney has said, ''Our commitment and dedication to organizing, at all levels of the labor movement, is beginning to bear fruit—but we still have a long way to go. We need to stay focused and redouble our efforts.''

THE SENIOR CITIZENS INCOME TAX RELIEF ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SALMON. Mr. Speaker, I rise to introduce the Senior Citizens Income Tax Relief Act. This legislation would repeal the Clinton Social Security tax increase of 1993.

Millions of America's senior citizens depend on Social Security as a critical part of their retirement income. Having paid into the program throughout their working lives, retirees count on the government to meet its obligations under the Social Security contract. For many, the security provided by this supplemental pension plan is the difference between a happy and healthy retirement and one marked by uncertainty and apprehension, particularly for the vast majority of seniors on fixed incomes.

As part of his massive 1993 tax hike, President Clinton imposed a tax increase on senior citizens, subjecting to taxation up to 85 percent of the Social Security received by seniors with annual incomes of over $34,000 and couples with over $44,000 in annual income. This represents a 70 percent increase in the marginal tax rate for these seniors. Factor in the government's Social Security Earnings Limitation and a senior's marginal tax rate can reach 88 percent—twice the rape paid by millionaires.

An analysis of government-provided figures on the 1993 Social Security tax increase finds that, at the end of 1998, America's seniors have paid an extra $25 billion because of this tax hike, including $380 million from senior citizens in Arizona alone.

Older Americans are just as willing as the rest of the country to pay their fair share, but the President and other big spenders in Congress should not take that as a license to finance their big government agenda on the backs of Social Security beneficiaries. Our nation's seniors have worked too hard to have their golden years tarnished by the government reneging on its promises. In an era of budget surpluses, surely we can find a way to provide America's seniors with relief from this burdensome tax.

INTRODUCTION OF BILL TO CLARIFY THAT NATURAL GAS GATHERING LINES ARE 7-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced legislation, H.R. — to provide much needed certainty with respect to the proper depreciation classification of natural gas gathering lines. Natural gas gathering lines play an integral role in the production and processing of natural gas as they are used to carry gas from the wellhead to a gas processing unit or interconnection with a transmission pipeline. In many instances, the gathering network for a single gas field can consist of hundreds of miles and represents a substantial investment for natural gas processors.

The proper depreciation classification for specific assets is determined by reference to the asset guideline class that describes the property. Asset class 13.2 subject to a 7-year cost recovery period, clearly includes ''assets used by petroleum and natural gas producers for drilling wells and production of petroleum and natural gas, including gathering pipelines and related production facilities.'' Not only are gathering lines specifically referenced in asset class 13.2, but gathering lines are integral to the extraction and production process. Nonetheless, it has come to my attention that some Internal Revenue Service auditors now seek to categorize natural gas gathering lines as assets subject to a 15-year cost recovery period under asset class 46.0, titled ''Pipeline Transportation.''

Over the past several years, I have corresponded and met with officials of the Department of Treasury seeking clarification on Internal Revenue Service policy and the issuance of guidance to taxpayers as to the proper treatment of these assets for depreciation purposes. These efforts have been to no avail. In the meantime, the continued controversy over this issue has imposed significant costs on the gas processing industry on audit and in litigation, and has resulted in a division of authority among the lower courts as to the proper depreciation of these assets. While it is not my intent to interfere with ongoing litigation, I do believe that legislation is needed to clarify the treatment of these assets under the Internal Revenue Code in order to provide certainty to the industry for tax planning purposes, and to avoid costly and protracted audits or litigation.

Accordingly, I have introduced legislation that would amend the Internal Revenue Code to specifically provide that natural gas gathering lines are subject to a 7-year cost recovery period. While I believe that this result should be obvious under existing law, this bill would eliminate any uncertainty surrounding the proper treatment of these assets. The bill also includes a proper definition of ''natural gas gathering lines'' to distinguish these assets from pipeline transportation for purposes of depreciation.

I urge my colleagues to support this important legislation.

DRUG USE AMONG OUR CHILDREN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. PACKARD. Mr. Speaker, I rise today to express my concern over the continuing increase in teenage drug abuse. Our nation's children are our future and they must be protected from the evils of illegal drugs.

Despite the Clinton Administration's promises, drug use among our children has increased in the last few years. The statistics speak for themselves, Between 1996 and 1997 illicit drug use by children grew from 9.6 percent to 11.4 percent. The Administration's response to this crisis has been appalling. The international interdiction programs have been reduced by nearly $1 billion, while the present level of staff at the White House Office of Drug Control Policy is now 25, down from 146 employees.

As a father of seven and a grandfather of thirty four, I am very concerned with the ever lowering age of drug use in this country. I am proud to be working with other Member of Congress who are committed to the war on drugs. We have already passed legislation increasing the punishment for dealing in methamphetamines and we have increased spending to stop drugs from entering our borders. It should not stop there. For our children's sake we have to do more. We must increase the punishment for people who continue to deal in drugs, especially when children are concerned.

There is much more to do to stop the rise of drug use. Congress and the Administration must work together and reduce the influence of illegal drugs. I urge my colleagues to address this issue during the 106th Congress and to implore this administration to get tough on drug use among our children.

50TH WEDDING ANNIVERSARY OF MR. AND MRS. JAMES McCLOSKEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BORSKI. Mr. Speaker, I rise today to congratulate a truly remarkable couple, Mr. and Mrs. James McCloskey. On January 9, 1999, they celebrated fifty years of marriage—their Golden Anniversary. Together, this exceptional couple has served as a role model for their family and community. I am greatly honored to pay tribute to them.

James J. McCloskey grew up in Philadelphia, PA and graduated from LaSalle University in 1951. For many years to follow, he worked diligently for the Delaware River Port Authority, managing contracts and insurance. He found time to actively participate in numerous organizations dedicated to serving his country and community. He belonged to the American Legion Post #88, Knights of Columbus, the Malvern Retreat League, the Irish Society, and the Association of Government Accountants. He was a past commander and life member of AMVET Post 57. Mr. McCloskey also involved himself in local politics by serving as a Democratic Committeeperson for nearly 30 years.

Anne McCloskey is a native Philadelphian who graduated from Mastbaum High School. She shares her husband's interest in the government and has participated in Philadelphia politics for years. Mrs. McCloskey was a Constituent Service Representative for Pennsylvania State Representative Cliff Gray from 1978–1982. She is currently employed as an Administrative Aide for State Senator Vincent J. Fumo and serves with her husband on the Democratic Committee.

Mr. Speaker, it is with great pleasure that I recognize these two outstanding American citizens, James and Anne McCloskey. They have devoted their lives to their four children and six grandchildren while maintaining the vital role as neighborhood leaders. The McCloskeys are an extraordinary couple who possess a love and dedication to each other that is commendable. I wish them many more years of marital bliss.

SEVEN CHEERS FOR MONTGOMERY BLAIR HIGH SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Montgomery Blair High School in Silver Spring, Maryland. This year, Montgomery Blair had six finalists named in the Intel Science Talent Search, formerly known as the Westinghouse Science Talent Search. This group of six students is the largest number from one high school since 1991.

Montgomery Blair is a math, science, and computer science magnet high school drawing students from every corner of Montgomery County, Maryland. When Blair first became a magnet school in 1986, its reputation was declining. The development of an outstanding science and math magnet program has brought the school into the national spotlight.

As a former teacher, I applaud principal Phil Gainous and the teachers at Montgomery Blair High School for inspiring six of the top finalists in the Intel Science Talent Search. The fact that six science all-stars attend the same high school is a testament to the commitment and dedication of the teachers at Montgomery Blair in providing a quality education to a diversity of students.

My heartiest congratulations to: Wei-Li Deng, James Hansen, Grace Lin, Michael Maire, David C. Moore, and Scott Safranek. These students of the math and science magnet program are multi-talented and participate in a wide range of activities at Montgomery Blair and in the Montgomery County community: Wei-Li plays first violin with the Montgomery County Youth Orchestra; James is a drummer in a jazz band, Grace is an accomplished pianist and singer; Michael reads French fluently; David scored a perfect combined score of 1600 on his SATs; and Scott enjoys martial arts, bowling, poker, poetry, philosophy, and listening to music.

I also want to congratulate another Montgomery Blair High School magnet student. Sarah Iams, from Bethesda, Maryland, is a national winner of the Siemens Award for Advanced Placement (AP). This award is given to the most outstanding young science and mathematics students from around the country. In addition to her pursuit of accelerated programs in math and science, Sarah is a member of the debate team, and a serious athlete who practices Tae Kwon Do, plays team soccer and runs cross country and track.

I wish the winning combination of students and teachers at Montgomery Blair High School continued success in achieving excellence in math and science education.

HONORING FIRE CHIEF ALBERT V. WINGO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Chief Albert V. Wingo who, after serving the Village of Bradley for 44 years, retired as Bradley Fire Chief on December 29, 1998.

Chief Wingo has a long and distinguished record with the Village of Bradley Fire Department as well as the Village of Bradley itself. During his 44 year career with the Bradley Fire Department, Chief Wingo served as Bradley Fire Chief for 28 years. Chief Wingo's dedication to the Fire Department is also shown through his membership in various fireman associations. Chief Wingo has played an active role in the following associations—member and Past President of the Kankakee Valley Firemen's Association, member of the Kankakee Valley Arson Task Force, member of the Kankakee County 911 Board, member of the Hundred Club, member of the Illinois Association of Fire Chiefs, and a member of the National Fire Protection Association. Chief Wingo also served 21 years as Building Inspector and 21 years as Health Inspector for the Village of Bradley.

Chief Wingo was born on April 28, 1926 in Kenney, Illinois. He proudly served his country during World War II while in the service of the United States Navy from 1944 to 1946. On July 3, 1949, Chief Wingo married Jean Vaughn who passed away in 1993. Chief Wingo is the proud father of three children and the grandfather of six grandchildren.

I know the Village of Bradley will greatly miss Chief Wingo's dedication, knowledge and experience. It is always a great honor for me to be able to proudly acknowledge outstanding citizens, like Chief Wingo, who resides in my 11th Congressional District.

Mr. Speaker, today I recognize this gentleman for his honorable career and uncommon loyalty. I urge this body to identify and recognize others in their own districts whose actions have so greatly benefited and strengthened America's communities.

HONORING SYLVAN DALE RANCH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize and praise the Sylvan Dale Ranch for obtaining a conservation easement from the Larimer County Commissioners, which will preserve a very scenic stretch of open space at the mouth of the Big Thompson Canyon west of Loveland, CO.

The easement will prevent development on the land, protecting it for the benefit of current and future users. This pro-active, public-private agreement strikes a balance between preserving open space and respecting property rights. I strongly support the ideas underlying this partnership, namely, that ranchers and farmers are the best stewards of the land, and they are crucial to preserving valuable open space amidst Colorado's booming growth. It is my hope other ranches and farms will follow Sylvan Dale's lead and take effective steps to preserve their land heritage through such common-sense, forward-looking arrangements.

Sylvan Dale is a well-known, family owned and operated guest ranch, a viable cattle and horse ranch, and a working farm. Susan Jessup manages Sylvan Dale Ranch, founded in 1946 by her parents Maurice and Mayme Jessup. Building on their commitment to provide one of the best outdoor experiences in Colorado, the Jessup's vision has always been to sustain the natural character of the landscape and provide an authentic Western environment. Accordingly, the Jessup's sought to shield the land from urbanization pressures which lead to the easement protecting 431 acres—about 15 percent of the ranch's land. The family will continue to actively use the land, including grazing horses and cattle, and raising hay.

Clearly, Sylvan Dale Ranch embodies the unrefined characteristics of the Colorado Rocky Mountain foothills and the West, as well as the straightforward, no-nonsense thinking of the earliest pioneers. Highly visible, extremely popular, and easily accessed, the lands owned by Sylvan Dale Ranch are a testament to the wisdom of landowners who know how to best protect and preserve the land.

HONORING JAMES VICTOR STANCIL III

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. James Victor Stancil III on his achievement of the rank of Eagle Scout. This outstanding young man from Lillington, North Carolina is an active member of the community and Antioch Baptist Church, as well as an exemplary student at Western Harnett High School.

As a member of Troop 2, Victor displays his leadership ability as Patrol Leader, Troop Guide, and Junior Assistant Scout Leader. He has also organized many community service projects, including building a picnic shelter for a local church. In 1995, Victor earned his Order of the Arrow Award and served as the troop chaplain.

Academically, Victor excels in many areas of study. He is President of the Beta Honor Club and of the Future Teachers of America Club, as well as a member of the Future Business Leaders and Future Farmers of America Clubs. He has been awarded best actor for his Drama Club performance of ''Mircle on 34th Street'' and the ''Advanced Biology Project

Award'' from his Science Club. Victor has also participated in two of North Carolina's prestigious summer programs for academically gifted youth, the North Carolina Governor's School and Summer Ventures in Math and Science. He plans to attend North Carolina State University in my Congressional District in the fall.

As a former Scout leader myself and a recipient of the Boy Scouts' Silver Beaver Award, I know the difference that Scouting can make in young lives. Scouting instills important values in young men that leave a lasting imprint and the experience gained through Scouting will continue to serve Victor well.

I was honored to present Victor with his Eagle Scout Award on January 17, 1999. I congratulate him on this momentous achievement and wish him all the best in his future endeavors.

STRUCTURED SETTLEMENT PROTECTION ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SHAW. Mr. Speaker, on opening day of the 106th Congress, I, along with my colleague Mr. STARK and a broad bipartisan group of our colleagues introduced the Structured Settlement Protection Act, H.R. 263.

This bill would address the serious public policy concerns that are raised by transactions in which so-called factoring companies purchase recoveries under structured settlements from injured victims.

Recently there has been dramatic growth in these transactions in which injured victims are induced by factoring companies to sell off future structured settlement payments intended to cover ongoing living and medical needs in exchange for a sharply-discounted lump sum that then may be dissipated, placing the injured victim in the very predicament the structured settlement was intended to avoid.

As long-time supporters of structured settlements and the congressional policy underlying such settlements, we have grave concerns that these factoring transactions directly undermine the policy of the structured settlement tax rules. The Treasury Department shares these concerns.

Because the purchase of structured settlement payments by factoring companies directly thwarts the congressional policy underlying the structured settlement tax rules and raises such serious concerns for structured settlements and injured victims, it is appropriate to deal with these concerns in the tax context.

Accordingly, H.R. 263 would impose a substantial excise tax on the factoring company that purchases the structured settlement payments from the injured victim. The excise tax would be subject to an exception for genuine court-approved hardship cases to protect the limited instances of true hardship.

Mr. Speaker, too many Americans have been taken advantage of through the purchase of structured settlements by factoring companies. I urge my colleagues to join me to end this abusive practice.

TRANSITION TO ADULTHOOD PROGRAM (TAP) ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CARDIN. Mr. Speaker, when children leave their families to make it in the world, they often do so in stages. The first step for many is to go away to college while still depending on their parents for tuition and living expenses. Others attempt to work immediately, but they also might rely on their family for financial assistance, not to mention emotional support. However, there is one group of young Americans that are required to become completely self-sufficient on their 18th birthday—kids aging out of foster care. The cruel irony of course is that this population is perhaps the least capable of becoming fully independent at such a young age. These kids have to deal with all the traumas and difficulties associated with being removed from their family because of abuse, neglect or abandonment and then being placed in one, two, three or more foster homes. This is hardly the most solid foundation from which to build the rest of their lives.

Repeated studies have illustrated that a sink-or-swim policy for children aging out of foster care has resulted in many falling beneath the waves of poverty and despair. A national study by Westat, Inc. in 1992 found less than half of former foster children had graduated high school between 2.5 and 4 years after being discharged. The study also found only half of former foster kids were working; one-quarter had spent at least one night homeless; and 40% needed some kind of public aid. More recent studies by the University of Wisconsin-Madison and the University of Illinois also have illustrated the extreme difficulties faced by this population. The authors of these reports and many of the state officials responsible for overseeing our Nation's child welfare system have called for bold changes to help foster children make the transition to independence. For example, Peter Digre, Director of the Department of Children and Families in Los Angeles, and Nicholas Scoppetta, Commissioner of the Administration for Children's Services in New York City, released a joint statement in 1998 on youth aging out of foster care which declared, ''It becomes our responsibility as a society to provide these young people, who are proven to be at a heightened risk of homelessness or involvement in the criminal justice system, with the opportunity to succeed, (including) a safe and comfortable place to live—an opportunity to continue education—(and) access to health care.''

I am introducing legislation today, along with my Democratic colleagues on the Ways and Means Subcommittee on Human Resources, to ensure that the end of foster care does not mean the beginning of poverty and hopelessness for thousands of young Americans every year. The Transition to Adulthood Program (TAP) Act would provide States with the option of extending assistance to former foster youth up to the age of 21 as long as they are working or enrolled in educational activities and have a plan to become completely self-sufficient. This extension of foster care assistance would provide needed resources for housing, education, health care and employment. In addition, the legislation would: provide tax credits to employers who hire former foster children; allow children in foster care to save more resources for their eventual emancipation; require a collaboration among existing housing, educational and employment programs to help foster kids; and update the formula for the current Independent Living Program. In general, the legislation seeks to send foster children down a ramp to independent and productive lives, rather than off a cliff to destitution and welfare dependency.

Some of my colleagues have said in the past that government programs too often take the role and responsibility of families. However, I would remind them that government is the defacto parent for foster children and therefore has an obligation to do a better job of helping them become self-sufficient. How many other parents tell their children at the age of 18 that they are completely and utterly on their own? Of course, it is true that some foster children make a seamless transition to self-reliance at such a young age, but the statistics show that many ultimately do not.

Mr. Speaker, less than two years ago, Congress passed bipartisan legislation to help promote the adoption of children in foster care. However, adoption is not always possible for many older foster children, and we therefore see our TAP legislation as the next logical step in reforming our foster care system. We offer the bill not so much as the final work on helping foster children, but more as the first step towards building a consensus that Congress must act on this important issue. We stand ready to work with anyone who wants to help former foster youth achieve real independence.

HONORING COLORADO STATE SENATOR TILLMAN BISHOP UPON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. McINNIS. Mr. Speaker, I'd like to take a moment to honor an individual who for so many years has exemplified the notion of public service and civic duty and an individual we on the western slope of Colorado will be hard pressed to replace.

Senator Tillman Bishop has represented Colorado's 7th District in the Colorado Senate for 28 years and before that, in the Colorado General Assembly for 4 years. His years of service rank him 5th in the state's history for continuous years of service and he is the longest serving senator from Colorado's western slope.

Senator Bishop, or Tillie, as he is affectionately known, has for decades selflessly given of himself and has always placed the needs of his constituents before his own. I myself served with Tillie when I was a member of the Colorado General Assembly and I consider myself fortunate to have worked with a representative of his caliber.

The number of honors and distinctions that Tillie has earned during his years of outstanding service are too numerous to list, and too few to do justice to his contribution to the state of Colorado.

Senator Bishop will be sorely missed in the halls of the Colorado Capitol, both for his wisdom and knowledge of Colorado, but also for his kind and gentle demeanor which endeared him to all those with whom he came in contact.

1998 marked the end of Senator Bishop's tenure in elected office and the state of Colorado is worse-off because of his absence. There are too few people in elected office today who are prepared to serve in the selfless and diligent manner of Tillman Bishop. He is the embodiment of the citizen-legislator and a model for every official in elected office.

His constituents, of whom I was one, owe him a debt of gratitude and I wish him well in his well-deserved retirement.

INTRODUCTION OF LEGISLATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. McCRERY. Mr. Speaker, today I am pleased to introduce on behalf of myself, Mr. NEAL of Massachusetts and several of my other colleagues from the Ways and Means Committee, legislation to permanently extend the exception from Subpart F for active financing income earned on overseas business. U.S.-based finance companies, insurance companies and brokers, banks, securities dealers, and other financial services firms should be permitted to act like other U.S. industries doing business abroad and defer U.S. tax on the earnings from the active operations of their foreign subsidiaries until such earnings are returned to the U.S. parent company. Without this legislation, the current law provision that keeps U.S. financial services industry on an equal footing with foreign-based competitors will expire at the end of this year. Moreover, this legislation will afford America's financial services industry parity with other segments of the U.S. economy.

Due to the international growth of American finance and credit companies, banks and securities firms, and insurance companies and brokers, this legislation is essential in securing the position of the U.S. financial services industry by making this provision a permanent part of the law and ending the potential impairment of these industries because of the ''on-again, off-again'' system of annual extensions that does not allow for fiscal certainty.

Furthermore, Mr. Speaker, we believe the permanent extension of this provision is particularly important today as the U.S. financial services industry is the global leader and plays a pivotal role in maintaining confidence in the international marketplace. Also, recently concluded trade negotiations have opened new foreign markets for this industry, and it is essential that our tax laws complement this trade effort.

Additionally, Mr. Speaker, while this legislation merely provides for a permanent extension of current law, the highly competitive and global nature of many of the businesses that will benefit from this legislation must continually be reassessed to ensure that U.S. tax policy does not hamper their ability to compete in the international marketplace. One such area to which I hope the Congress and Treasury department will give further attention is the business of reinsurance. This industry is placing more business outside of their home countries, a trend which continues and is accelerating. Many of these decisions are motivated by a variety of business reasons and the highly competitive global nature of the business itself. While some of the changes made last year were included to close down perceived tax avoidance schemes, we, in turn, should not create or perpetuate a restrictive tax regime that penalizes those who are doing legitimate business transactions and have significant business operations in those countries.

In closing, we must not allow the tax code to revert to penalizing U.S.-based companies by allowing to occur the expiration of the temporary provision after this year and hope that this legislation can be given every possible consideration.

MINNESOTA CELEBRATES PEARSON CANDY'S SWEET TREATS FOR 85 YEARS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. VENTO. Mr. Speaker, I submit for the RECORD the following article from the Monday, January 18, 1999, edition of the St. Paul Star Tribune which recognizes the continued success of the Pearson Candy Co. I want to extend my congratulations to the owners and employees for continuing to produce quality candies for more than 85 years.

This recognition is well-deserved; not only for their production of delicious treats such as Nut Goodies and Salted Nut Rolls, but also for their commitment to the community of St. Paul, Minnesota. In such a competitive industry with the mega companies such as Hershey's, Nestle, and Mars, and a host of foreign imports, it is a superb accomplishment for the Pearson Candy Company of St. Paul, Minnesota to continue in the tradition of a great quality product.

Congratulations and best wishes to the Pearson Candy Co. and their good work force, that have provided the candy treats of my youth yesterday, for our grandchildren today, and hopefully will be doing so long into the new century tomorrow.

[From the St. Paul Star Tribune, Jan. 18, 1999]

AROUND ST. PAUL: PEARSON CANDY CO. CELEBRATES 90 YEARS

(By Joe Kimball)

Automation handles much of the candymaking these days at the Pearson Candy Co., but workers at the W. 7th Street plant watch every stage to pluck out broken or misshapen Nut Goodies, mints and Salted Nut Roll.

''If we learned anything from George Pearson, it's that our recipes are great, but the tradition of quality is what sets us apart,'' said company co-owner Larry Hassler.

The late George Pearson, who died in 1995, ran the company for 20 years, and is remembered as a great boss and great candymaker. The company founded by his father, P. Edward Pearson, turns 90 this year.

Pearson Candy competes in a field largely dominated by three giants—Hershey, Mars and Nestle—Hassler said.

After some rocky years in the 1980s, Pearson Candy now thrives under new management. The company recently added the Bun bar, which comes in maple, caramel and vanilla.

The company has been selling mints and Salted Nut Rolls through Wal-Mart and Target stores, and Hassler says he hopes to build on that national recognition of the Pearson brands.

But not all of the company's candy bar brands have survived over the years: Remember the Denver Sandwich?

It was something like a Twix bar, but a little ahead of its time.

Hassler takes the credit (or blame) for killing the famous Seven Up bar about 20 years ago. He said it took 10 workers to make the bar, which had seven creme and flavored fillings, and the company lost a dime on each bar it sold.

But the Seven Up bar had a special role in building the W. 7th Street plant.

''Pearson owned the name, 'Seven Up,' but so did the 7-Up soda company, so they'd come once a year to George Pearson and ask to buy the name so they could legally protect it, and then they'd lease the name back to us.

''Well, every year George would say no. I think he got a thrill out of telling this big company to just go away. But finally, in the 1950s, they came again and offered him a blank check. This time, he wrote in an amount, some very, very high figure, and they said: 'We've got a deal.'

''Those proceeds built this plant.''

COMPANY HISTORY

P. Edward Pearson and four brothers started the company in Minneapolis. With the Nut Goodie, invented in 1913, and the Salted Nut Roll, 1921, it grew to be one of the nation's top 20 candy manufacturers.

When P. Edward died in 1933, his son George quit college and became a partner with his uncles. In 1951, George bought the Trudeau Candy Co. in St. Paul, which made mints and the Seven Up bar.

George became president of the company in 1959 but sold it in 1969 to International Telephone and Telegraph's Continental Baking Co. Ten years later, a Chicago entrepreneur bought the company, and in 1981 Hassler was brought in as a financial officer. Hassler and Judy Johnston bought the company in 1985.

KEEPING THE NUT GOODIE

In the production area, which makes up most of the plant's 130,000 square feet, plant manager Roger Bruce supervises two shifts of workers who mix and blend sugar, corn syrup, chocolate and peanuts. About 175 people work for the company.

The peanuts come from North Carolina in 2,000-pound bags. The plant uses four to eight bags a day.

Hassler said his longtime employees saved him from making a big mistake in the 1980s—dropping the Nut Goodie.

''We were losing a nickel a bar and every time I saw an order for 100 cases, it killed me,'' he said. They had changed the bar's recipe and wrapper and weren't selling enough to make a profit.

''People in the plant said we've got to make the Nut Goodie the way they used to make it and go back to the old ugly, red-and-green wrapper. We did it and they were 100 percent right.'' Now, the company sells enough Nut Goodies to make a tidy profit.

Hassler said he has had sweet overtures from neighboring states asking him to move. But he's not chewing on those offers.

''St. Paul has been good for us. If you take St. Paul out of the equation, I'm afraid we'd lose it all,'' he said.

He's not entertaining buyout offers, either. ''If I sold out and made a fortune, I know I'd spend the rest of my life looking for another company just like Pearson Candy,'' he said.

TRIBUTE TO MYLES TIERNEY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. NADLER. Mr. Speaker, I rise today to express my condolences to the family of Myles Tierney. Myles Tierney was a journalist with the Associated Press who was tragically killed in a rebel attack while on assignment in Sierra Leone. Known as a vibrant young man who had a passion for traveling and journalism, he was a true journalist in the sense that he reported on news that would educate and inform the public. He was willing to put himself in harm's way to report on a story of significant value.

Mr. Tierney grew up in the SoHo area of New York City. His father, a mathematics professor, and his mother, a performance artist, allowed their son to nurture his creative abilities at an early age. He channeled these interests into journalism, and while attending Rutgers University for a period of time he realized he would rather pursue a career in the field he loved.

Mr, Tierney's career with the Associated Press began when he was hired in 1994 to produce news videos. In 1997, he was assigned to Nairobi. In Africa, he would travel throughout the continent covering stories in war-ravaged countries, often putting his own life in peril. His passion for journalism and love for his job allowed him to look beyond the dangers before him and bring news to the people throughout the world. For Myles Tierney, that was worth the risk.

Along with journalism, Mr. Tierney's other passion was traveling. This made working abroad in the remotest regions of Africa that much more appealing to him. Some journalists might have avoided such a challenge, but Myles Tierney jumped at the opportunity. His friends and colleagues say that he actually liked to travel to the most inhospitable of areas to cover a story. He cared deeply about his role as a journalist, and the real issues that affect the world around us.

Myles Tierney will be remembered by his family and friends as an individual of charm who had a passion for journalism . He did his best to inform others about world events—events that other journalists were reluctant to cover because they were less glamorous or too dangerous. He lived his life-long dream: traveling the globe, informing the world. Myles. Tierney was an exceptional young man who will be truly missed.

A TRIBUTE TO THE HONORABLE DR. FREDERICA WILSON, ROLE MODEL OF EXCELLENCE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. MEEK of Florida. Mr. Speaker, I am pleased to have this opportunity to pay tribute to one of south Florida's distinguished daughters, the Honorable Dr. Frederica Wilson, a champion of poor and minority students. After an extended period of distinguished community service in Miami, Dr. Wilson was elected recently to the Florida House of Representatives in Tallahassee.

Prior to her election to the state legislature, Dr. Wilson was a member of the Miami-Dade County School Board and was principal of Skyway Elementary School for twelve years. Dr. Wilson earned her Bachelor's degree in Elementary Education from Fisk University, and her M.A. degree in Supervision and Administration from the University of Miami. Dr. Wilson received an Honorary Doctorate of Humane Letters from Miami's Florida Memorial College.

Dr. Wilson is the founder of the 500 Role Models of Excellence Project, providing role models, training, and workshops for minority boys in the county's public school system. Dr. Wilson has introduced many initiatives to the Miami-Dade County School Board, including the annual ''Keep Me Safe'' march and vigil, when time is allocated for students and the community to honor children lost due to unsafe environments.

Dr. Wilson's inventiveness knows no bounds when fostering safety for Florida's students. One of the initiatives which she introduced has been ''Drug and Alcohol Awareness Fridays.'' And every Friday is ''Say No to Drugs'' Day in the public schools of Miami-Dade County.

In 1997, the 500 Role Models Project was cited by President Clinton and General Colin Powell as a leading volunteer teaching model for the nation at the President's Summit for America's Future in Philadelphia, Pennsylvania.

With other Florida leaders, such as Governor Jeb Bush, Dr. Wilson also recently participated in the sixty annual 500 Role Models of Excellence Project's Dr. Martin Luther King, Jr. Unity Scholarship Breakfast on Miami Beach in January, 1999.

While in our nation's capital to attend a White House function with First Lady Hillary Rodham Clinton, Dr. Wilson had the opportunity also to visit the Congress on February 3. I look forward to working with Dr. Wilson towards resolving the challenges facing our home state. Miami indeed is fortunate to have such a capable and devoted public servant among the ranks of its community leaders.

WASHINGTON POST EDITORIAL ON HONG KONG COURT DECISION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BEREUTER. Mr. Speaker, this Member would ask to submit for the RECORD an important editorial that appeared in the February 10, 1999 Washington Post concerning China's negative reaction to a recent high court decision in Hong Kong. The Members of the Task Force on Hong Kong, created at your request of former Speaker Gingrich to observe and report on conditions in Hong Kong following its reversion to China, are closely monitoring these developments. Indeed, the Task Force submitted its most recent report to be printed in the February 9, 1999 CONGRESSIONAL RECORD.

It is important to note that the decision by the Hong Kong Court of Final Appeals rightly asserts that body's right to interpret Hong Kong law for the people of Hong Kong. However, very sensitive issues must still be resolved, including how to limit the number of individuals seeking permanent entry into Hong Kong and whether it is Hong Kong or Beijing that makes the final determination on that number. Most importantly, however, this Member hopes that the Beijing authorities and the Government of the People's Republic of China will be cognizant of the importance of preserving the principles of autonomy and the rule of law that underlie the prosperity and liberty of Hong Kong and its people.

Mr. Speaker, this Member asks to insert this excellent editorial in the RECORD.

''MAKE OR BREAK'' IN HONG KONG

In the 19 months since Hong Kong reverted to China, the worst fears have not come true. Beijing has for the most part kept its hands off the former British colony as promised, allowing Hong Kong to manage its own affairs. Now the two entities may be approaching a crisis that determines whether Hong Kong can maintain substantive independence. It is ''make-or-break time,'' the chairman of Hong Kong's bar association, Ronny Teng, said yesterday.

A decision by Hong Kong's highest court triggered the confrontation. The decision ostensibly concerned the rights of children born in China to at least one Hong Kong parent to settle in Hong Kong. The court said they could, even if born out of wedlock. But the significance of the decision lay elsewhere, in its legal reasoning. For the first time, the court claimed for itself the authority to interpret Hong Kong law for Hong Kong. On most matters, in other words, the final word should not rest with Beijing. And more than that: Hong Kong laws should be interpreted above all with a deference to Hong Kong autonomy and an understanding that rights and freedoms are ''the essence of Hong Kong's civil society.'' The contrast to China's arbitrary one-party dictatorship could not have been sharper.

The decision has not sat well in Beijing. Four ''legal experts'' were the first to express dismay. Then Zhao Qizheng, a senior cabinet official, called the decision a mistake. Yesterday a Foreign Ministry spokeswoman in Beijing chimed in, saying the government was ''closely following'' the ruling.

The idea of ''one country, two systems'' was an experiment from the start. Trying to maintain an island of free enterprise and relative democracy within a Communist state was never going to be easy. But its success is crucial, not only to residents of Hong Kong but to China's credibility in the world and to those nations—such as the United States—that pledged to stand up for Hong Kong's freedom.

Now Beijing officials are threatening that success. Not only Hong Kong's liberty but its prosperity as well is at stake, since local and foreign companies alike will be reluctant to invest in Hong Kong if its rule of law can be compromised and superseded by party apparatchiks in Beijing. The Clinton administration should make clear that it, too, is ''closely following'' developments.

HONORING JOHN M. ALEXANDER, JR. FOR PUBLIC SERVICE IN THE AREA OF LEADERSHIP

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to the work of

John M. Alexander, Jr. of Cardinal International Trucks, Inc. in Raleigh, North Carolina, recipient of the ATD/Heavy Duty Trucking Dealer of the Year Award honoring his outstanding leadership within the truck industry and the community. Mr. Alexander's accomplishment is particularly exceptional because his father, John Alexander, Sr., won the NADA/Time Magazine Dealer of the Year Award in 1968.

John Alexander started working sorting parts in his father's dealership when he was twelve years old. During ensuing years, he worked in various departments of the family business, climbing up the company climber. In 1981, he became the new President and General Manager of Cardinal International Trucks. In addition to running his dealership, he also holds the position of secretary/treasurer of the UD National Dealer Council and serves as a ''grassroots lobbyist'' for the North Carolina Automobile Dealers Association.

John Alexander, Jr. is not only active in the truck industry, but he is also very active in his community. When Mr. Alexander is not at work he can be found raising funds for schools and local charities. His efforts helped supply Lacy Elementary School with their first computer lab. He has also shown his dedication to maintaining a strong relationship between fathers and schools by co-founding a program called the ''Dad's Lunch Bunch,'' which also allows him time to spend with his daughters, Mary Carroll who is sixteen and Catherine McKnitt who is fourteen.

I commend Mr. Alexander for his hard work in both the Raleigh community and the truck industry. I encourage my colleagues to read the following article announcing his important work and achievement:

1998 DEALER OF THE YEAR JOHN ALEXANDER, JR.

Alexander's first job in his father's dealership was counting parts at age 12. From there he worked his way through virtually every department—service, parts, administration and sales—until becoming president and general manager in 1981.

He has been an active participant in numerous industry activities. He is secretary/treasurer of the UD National Dealer Council, a ''grass roots lobbyist'' for the North Carolina Automobile Dealers Assn. and serves on the technical training committee of North Carolina Industries for Technical Education.

In his community he's a tireless fund-raiser for charitable organizations and the local schools. Largely due to his efforts, one local elementary school was the first in the county to get a computer lab and computers in each classroom. He co-founded the ''Dad's Lunch Bunch,'' a program aimed at getting fathers more involved in the schools, and is spearheading a drive to update computer technology in a local school.

HONORING THE RETIREMENT OF ROBERT JONES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CONDIT. Mr. Speaker, I rise today to honor the hard work and exemplary career of local industrial giant from my district in California's great Central Valley.

Robert Jones recently announced his retirement after an extraordinary career of 47 years with N.I. Industries, Inc. With the exception of only 7 months, Bob's entire career, which began in 1952, has been in manufacturing ammunition metal products. The last 25 years of his career have been in a managerial capacity. Without question, Bob's career significantly contributed to our ability to win the cold war.

Mr. Speaker, I am very proud to take a moment to reflect on Bob's career. He has proven that a young man with a willingness to work who takes responsibility for his actions can succeed and achieve the American dream. His is a story of hard work and success.

Bob ends his career at the highest level of management in his company. During his most recent position as general manager of the Riverbank Army Ammunition Plant, since 1988 he has implemented an ambitious, yet highly successful, environmental program which was recognized last year by the Department of Defense as the Nation's leader in industrial environmental remediation.

He also implemented a highly successful Armament Retooling and Manufacturing program to transform an idle manufacturing facility into inspired reuse— providing for more than a 300-percent increase in the local work force. His efforts have resulted in annual reductions in the operating budget by more than 50 percent.

Finally, Bob was instrumental in the development of the West Coast Deep Drawn Cartridge Case Facility at Riverbank to help continue to meet our Nation's munitions needs. His management skills have proven that we are indeed losing a true industrial giant.

Mr. Speaker, Bob reflects great credit on the dedication to the many men and women at the Riverbank Army Ammunition Plant and the entire 18th Congressional District.

I would like to extend my heartiest congratulations to Bob and his wife, Pat. I wish him health and happiness in his retirement years and hope he gets to enjoy the company of his three children and grandchildren. I ask that my colleagues rise with me in honoring Robert Jones in his retirement.

INTRODUCTION OF THE NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BROWN of California. Mr. Speaker, today I want to introduce the National Materials Corridor Partnership Act of 1999. I am joined by Mr. BINGAMAN who will be introducing the same legislation in the Senate today as well.

Members of the House are aware of my long-standing interest in improving scientific and technological cooperation between the United States and Mexico. The purpose of this bill is to promote joint research in materials science between research institutions in the border region.

The shared border region between the United States and Mexico has become increasingly important to the economies of both countries. The border region is a center of manufacturing, mining, metal, ceramics, plastics, cement, and petrochemical industries. Materials and materials-related industries are a significant element of the industrial base(s) on both sides of the border, accounting for more than $7 billion in revenue on the Mexican side alone. In addition, there are more than 800 multinational ''maquiladora'' industries valued at more than $1 billion in the San Diego/Tijuana and El Paso/Juarez regions. These materials-related industries, providing tens of thousands of jobs in both countries, are critical to the economic health of the border region. However, these same industries, in conjunction with continued population growth, have placed severe stress on the environment, natural resources and the public health of the region.

More needs to be done to harness the scientific and technical resources on both sides of the border to address these problems. Scientific and technological advances in the development and application of materials and materials processing provide major opportunities for significant improvements in minimizing industrial wastes and pollutants. Similar opportunities exist to eliminate or minimize emissions of global climate change gases and contaminants, to utilize recycled materials for production, and to allow for the more efficient use of energy. Recognizing these opportunities, academic and research institutions in the border region of both countries, together with private sector partners, recently proposed a Materials Corridor Partnership Initiative. This Initiative proposes joint collaborative efforts by more than 40 institutions to develop and promote the usage of clean eco-friendly and energy efficient sustainable materials technology in the border region. Organizations involved in the Material Corridor Partnerships Initiative include pre-eminent universities and national laboratories located on both sides of the border.

While the Initiative envisions conducting a strong cooperative program between universities and national labs, private sector participation also will be an integral part of its activities. One model for such participation is the Business Council for Sustainable Development (BCSD). In addition to the BCSD model, special industrial outreach programs would be developed to aid industry in problem solving, especially related to materials limitations, environmental protection and energy efficiency. Another important element of the Materials Corridor proposal is the education and training of the next generation of researchers.

Mexican institutions strongly support this initiative and have committed seed money to implement the program among Mexican institutions. I hope that the U.S. Government will also support this proposal. To this end, I am introducing the ''National Materials Corridor Partnership Act of 1999. The bill provides, among other things, authorization of $5 million for each of fiscal year 2000 through 2004 to fund appropriate research and development in support of the Materials Corridor Partnership Initiative. The monies would be used to support joint programs and would leverage support from the private sector in both countries, as well as the Government of Mexico.

I want to commend Senator BINGAMAN for his long-standing interest in improving scientific and technological cooperation between the United States and Mexico. And I look forward to working with him to realize the goals of this legislation.

I urge my colleagues to support this legislation.

INTRODUCTION OF THE FARM SUSTAINABILITY AND ANIMAL FEEDLOT ENFORCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I introduced legislation to address the most important source of water pollution facing our country—polluted runoff. A major component of polluted runoff in many watersheds is surface and ground water pollution from concentrated animal feeding operations (CAFOs), such as large dairies, cattle feedlots, and hog and poultry farms. Under current Clean Water Act regulations, CAFOs are supposed to have no discharge of pollutants, but as a result of regulatory loopholes and lax enforcement at the state and federal levels, CAFOs are in reality major polluters in many watersheds. My bill, the Farm Sustainability and Animal Feedlot Enforcement (Farm SAFE) Act addresses these deficiencies.

Farm SAFE will require large livestock operations to do their part to reduce water pollution. The bill will lower the size threshold for CAFOs, substantially increasing the number of facilities that will have to contain animal wastes. It will require all CAFOs to obtain and abide by a National Pollution Discharge Elimination System (NPDES) permit. The bill improves water quality monitoring, recordkeeping and reporting so that the public knows which CAFOs are polluting. Farm SAFE addresses loopholes in the current regulatory program by requiring CAFOs to adopt procedures to eliminate both surface and ground water pollution resulting from the storage and disposal of animal waste. The bill directs EPA, working with USDA, to develop binding limits on the amount of animal waste that can be applied to land as fertilizer based on crop nutrient requirements. In addition, the bill makes the owners of animals raised at large facilities liable on a pro rated basis for pollution caused by those facilities.

Water quality in California's San Joaquin Valley has been degraded by unregulated discharges of waste from dairy farms. Contaminants associated with animal waste have also been linked to the outbreak of Pfiesteria in Maryland and the death of more than 100 people from infection by cryptosporidium in Milwaukee. Although considered point sources of pollution under the Clean Water Act, until recently little has been done at the federal or state levels to control water pollution from CAFOs.

In recent years, many family farms have been squeezed out by large, well capitalized factory farms. Even though there are far fewer livestock and poultry farms today than there were twenty years ago, animal production and the wastes that accompany it have increased dramatically during this period. And although farm animals annually produce 130 times more waste than human beings, its disposal goes virtually unregulated.

I am encouraged by recent efforts by the Department of Agriculture and the Environmental Protection Agency to address pollution from animal feedlots. Many of the solutions proposed by these agencies, such as comprehensive nutrient management plans for livestock operations and limiting the amount of animal wastes applied to land as fertilizer are nearly identical to some provisions of Farm SAFE. But the Administration's proposal does not go far enough. It lets too many corporate livestock polluters continue to escape compliance with the Clean Water Act by setting the regulatory threshold too high and by not making the owners of animals raised by contract farmers shoulder an appropriate share of the responsibility for water pollution from these operations.

Farm SAFE is very similar to legislation that I introduced last Congress. Although hearings were held in the Agriculture Committee on the issue of animal feedlots, the House took no action on my legislation, nor did the House take any other action to address pollution from animal feedlots. I hope that this Congress does not continue to ignore this growing national problem. The states are beginning to wake up, smell the waste lagoons, and take action. But they need our help in the form of uniform national standards. Much like when Congress stepped in the early 1970s to set uniform national standards for industrial pollution, similar standards are now needed for large point sources of agricultural pollution. Otherwise, the country will become a mosaic of differing levels of environmental protection, with farmers in some states, like North Carolina, disadvantaged by their states commendable aggressive actions to curb pollution from factory farms.

This legislation will restore confidence that we can swim and fish in our streams and rivers without getting sick. It will do much to address our number one remaining water pollution problem—polluted runoff. I hope the House will join me in the effort to clean up factory farm pollution.

SUBCHAPTER S REVISION ACT OF 1999

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SHAW. Mr. Speaker, today over 2 million businesses pay taxes as S Corporations and the vast majority of these are small businesses. The S Corporation Revision Act of 1999 is targeted to these small businesses by improving their access to capital, preserving family-owned business, and lifting obsolete and burdensome restrictions that unnecessarily impede their growth. It will permit them to grow and compete in the next century.

Even after the relief provided in 1996, S corporations face substantial obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and C corporations. For instance, S corporations are unable to attract the senior equity capital needed for their survival and growth. This bill would remove this obsolete prohibition and also provide that S corporations can attract needed financing through convertible debt.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility. Under current law, multigenerational family businesses are threatened by the 75 shareholder limit which counts each family member as one shareholder. Also, nonresident aliens would be permitted to be shareholders under rules like those now applicable to partnerships. The bill would eradicate other outmoded provisions, many of which were enacted in 1958.

The following is a detailed discussion of the bill's provisions.

TITLE I—SUBCHAPTER S EXPANSION

Subtitle A—Eligible Shareholders of an S Corporation

SEC. 101. Members of family treated as one shareholder—All family members within seven generations who own stock could elect to be treated as one shareholder. The election would be made available to only one family per corporation, must be made with the consent of all shareholders of the corporation and would remain in effect until terminated. This provision is intended to keep S corporations within families that might span several generations.

SEC. 102. Nonresident aliens—This section would provide the opportunity for aliens to invest in domestic S corporations and S corporations to operate abroad with a foreign shareholder by allowing nonresident aliens (individuals only) to own S corporation stock. Any effectively-connected U.S. income allocable to the nonresident alien would be subject to the withholding rules that currently apply to foreign partners in a partnership.

Subtitle B—Qualification and Eligibility Requirements of S Corporations

SEC. 111. Issuance of preferred stock permitted—An S corporation would be allowed to issue either convertible or plain vanilla preferred stock. Holders of preferred stock would not be treated as shareholders; thus, ineligible shareholders like corporations or partnerships could own preferred stock interests in S corporations. A payment to owners of the preferred stock would be deemed an expense rather than a dividend by the S corporation and would be taxed as ordinary income to the shareholder. Subchapter S corporations would receive the same recapitalization treatment as family-owned C corporations. This provision would afford S corporations and their shareholders badly needed access to senior equity.

SEC. 112. Safe harbor expanded to include convertible debt—An S corporation is not considered to have more than one class of stock if outstanding debt obligations to shareholders meet the 'straight debt' safe harbor. Currently, the safe harbor provides that straight debt cannot be convertible into stock. The legislation would permit a convertibility provision so long as that provision is substantially the same as one that could have been obtained by a person not related to the S corporation or S corporation shareholders.

SEC. 113. Repeal of excessive passive investment income as a termination event: This provision would repeal the current rule that terminates S corporation status for certain corporations that have both subchapter C earnings and profits and that derive more than 25 percent of their gross receipts from passive sources for three consecutive years.

SEC. 114. Repeal passive income capital gain category—The legislation would retain the rule that imposes a tax on those corporations possessing excess net passive investment income, but, to conform to the general treatment of capital gains, it would exclude

capital gains from classification as passive income. Thus, such capital gains would be subject to a maximum 20 percent rate at the shareholder level in keeping with the 1997 tax law change. Excluding capital gains also parallels their treatment under the PHC rules.

SEC. 115. Allowance of charitable contributions of inventory and scientific property—This provision would allow the same deduction for charitable contributions of inventory and scientific property used to care for the ill, needy or infants for subchapter S as for subchapter C corporations. In addition, S corporations would no longer be disqualified from making 'qualified research contributions' (charitable contributions of inventory property to educational institutions or scientific research organizations) for use in research or experimentation. The S corporation's shareholders would also be permitted to increase the basis of their stock by the excess of deductions for charitable contributions over the basis of the property contributed by the S corporation.

SEC. 116. C corporation rules to apply for fringe benefit purposes—The current rule that limits the ability of ''more-than-two-percent'' S corporation shareholder-employees to exclude certain fringe benefits from wages would be repealed for benefits other than health insurance. Under this bill, fringe benefits such as group-term life insurance would become excludable from wages for these shareholders. However, health care benefits would remain taxable to the extent provided for partners.

Subtitle C—Taxation of S Corporation Shareholders

SEC. 120. Treatment of losses to shareholders—A loss recognized by a shareholder in complete liquidation of an S corporation would be treated as a ordinary loss to the extent the shareholder's adjusted basis in the S corporation stock is attributable to ordinary income that was recognized as a result of the liquidation. Suspended passive activity losses from C corporation years would be allowed as deductions when and to the extent they would be allowed to C corporations.

Subtitle D—Effective Date

SEC. 130. Effective date—Except as otherwise provided, the amendments made by this Act shall apply to taxable years beginning after December 31, 1999.

Mr. Speaker, I urge my fellow members to review and support the S Corporation Revision Act, which will help families pass their businesses from one generation to the next and create a level playing field for small business. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

IN MEMORY OF REVEREND DAVID LEE BRENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Reverend David Lee Brent of Jefferson City, Missouri.

Reverend Brent was born on June 27, 1929, in Forest City, Arkansas, the son of Will B. and Annie Mae Foreman Brent. A 1946 graduate of Benton Harbor High School, he graduated form Moody Bible Institute of Chicago, in 1957. He received his master's degree and a doctor of theology degree from Southern Baptist Theological Seminary in Georgia.

Reverend Brent served on the St. Louis Council on Human Rights, served several churches in Missouri, was co-paster of Second Christian Church, Jefferson City, MO, and was a licensed insurance agent. He was the chief human relations officer for the Missouri Department of Mental Health of 28 years.

Reverend Brent was a leader in the community, in his church, and in the local National Association for the Advancement of Colored People (NAACP). Two years ago, he became the president of the NAACP in Jefferson City. Shortly after taking the helm, he was instrumental in the formation of a city task force to study racial tensions in the public schools. Reverend Brent was the co-founder of Christians United for Racial Equality and the Black Ministerial Alliance. Reverend Brent was also a member of Tony Jenkins American Legion Post 231.

I know the House will join me in extending heartfelt condolences to his family: his wife, Estella; his two sons, five daughters, one brother, three sisters, six grandchildren, and three great-grandchildren.

LAND TRANSFER FOR SAN JUAN COLLEGE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I introduce legislation, which is being co-sponsored by my colleague from New Mexico, HEATHER WILSON, that will transfer a parcel of federal property to San Juan College. This transfer will benefit the people of San Juan County, New Mexico—specifically the students and faculty of San Juan College. This legislation creates a situation in which all benefit by allowing the transfer of an unwanted federal land to an educational institution which can use it. Mr. Speaker, this is a companion bill to a bill that has already been introduced in the other chamber on January 21, 1999. The other bill was introduced by Senator DOMENICI and is also co-sponsored by Senator BINGAMAN, both of New Mexico.

This legislation provides for the transfer by the Secretary of Agriculture and the Secretary of Interior of real property and improvements at an abandoned and surplus ranger station for the Carson National Forest to San Juan College. This site is located in the Carson National Forest near the town of Gobernador, New Mexico. The site will continue to be used for public purposes, including educational and recreation purposes by San Juan College.

Mr. Speaker, the Forest Service has determined that this site is of no further use because the Forest Service has moved its operations to a new administrative facility in Bloomfield, New Mexico several years ago. Transferring this site to San Juan College would protect it from further deterioration.

In summary, this bill creates a situation in which all benefit: the federal government, the State of New Mexico, the people of San Juan County, and most importantly, the students and faculty of San Juan College. Since this legislation enjoys bipartisan support from the New Mexico delegation, I look forward to prompt consideration and passage of this legislation.

CLEVELAND HOMELESS PROJECT LOSES FUNDS FROM HUD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to expose a great injustice that has been committed by a federal agency against a needy population in the Cleveland metropolitan area. The victims of this injustice are homeless men who are struggling to get back on their feet and put their lives together. And the perpetrator of this injustice is the U.S. Department of Housing and Urban Development (HUD).

I have an increasing interest in the activities of HUD, given my experience with the agency over the past two years. I find dealing with HUD as a Member of Congress to be a most frustrating experience, and I must imagine the frustration felt by our constituents, who do not occupy a seat in Congress, with the agency. Indeed, HUD is a disappointment. It represents why many Americans have lost confidence in their federal government.

Today I enter into the Congressional Record a collection of letters and newspaper articles that document the following situation in Cuyahoga County.

The Department of Housing and Urban Development recently refused to provide continued funding to a very worthy program for homeless men in Cleveland because of a ''technical'' mistake. This decision has been appealed, and HUD has summarily rejected the appeal.

Since 1995, the Salvation Army in Cleveland has operated an innovative program—the PASS Program—that helps homeless men by providing a place for them to live (for up to 12 months) while they put their lives back together. The program provides counseling, job training and transition skills. The program is one component of an entire ''continuum of care'' services that are coordinated by the Cuyahoga County Office of Homeless Services. The city and the county have developed an excellent system in which government officials and community organizations work together to develop a comprehensive response to the homeless problem in the metropolitan area. The County considers the Salvation Army program as their highest priority for funding.

As an innovative effort, the PASS Program received demonstration project funds from HUD for several years. By the time they applied for another year of funding—a request of $1.5 million to support their program—this particular HUD demonstration program had been terminated. The County and the Salvation Army realized that this had happened, and contacted the appropriate HUD office in Columbus, Ohio to seek guidance.

County staff asked HUD staff whether their program would be considered a ''New'' program or a ''Renewal.'' According to the County, HUD staff did not respond one way or another. So the applicant assumed that this would be considered a Renewal, and completed the paperwork accordingly. The application was submitted to HUD in Washington, and became one of 2,600 projects that sought funding.

On December 23, 1998, when the President announced homeless grants across the country, Northeast Ohio received $9.4 million for a

variety of HUD programs by various community-based organizations. Cleveland officials were shocked to learn that the PASS Program—their top priority—would not be funded. When contacted for an explanation, HUD officials explained that they could not consider the program because the applicant had committed a ''technical error'' and submitted the wrong form.

When I met personally with top HUD officials, I was told that the reason this program was not funded was because the applicants had submitted the wrong budget form. The wrong budget form! Therefore, HUD could not consider the proposal and could not tell the applicant that this error had been made until after all of the grants had been announced. This is a great injustice, Mr. Speaker, and I urge the Congress to investigate this and other examples of abuses at HUD.

The following documentation includes letters from the Northeast Ohio Coalition for the Homeless and Cuyahoga County Commissioners Tim McCormick, Jane L. Campbell and Jimmy Dimora.

NORTHEAST OHIO COALITION
FOR THE HOMELESS,
Cleveland, OH, December 24, 1998.

Secretary ANDREW CUOMO,
Department of Housing and Urban Development, Washington, DC.

Dear Secretary CUOMO: As a member of the Cleveland/Cuyahoga Continuum of Care process, we once again want to register our strongest dissatisfaction with the federal funding process conducted by the Department of Housing and Urban Development. The Coalition is a collaboration of homeless people, members, and advocates. We spent a great deal of staff time and energy in getting the opinions and ''expert'' testimony of homeless people to be a part of the process. We staged regular meetings with those on the streets to develop a priority list of gaps in the community, and then compiled that information for the HUD application. The two projects that were skipped by officials in HUD Washington were two important projects for the community.

This is the third year in a row that Cleveland/Cuyahoga County has seen the priorities of the community disregarded by officials in Washington and valuable resources that were intended to get homeless people into stable housing were denied our community. Again, we ask if your agency is being faithful to the Congressional mandate to return control of these funds to the local community? It is disingenuous to champion local control and yet every year discard the priorities of the local Continuum of Care coordinating body. We would have hoped that HUD would have gone to great lengths to fund a project like the Salvation Army's PASS program, which was deemed by the Continuum of Care committee as Cuyahoga County's highest priority for funding of Recovery Resource's project which was our second highest rated new project.

We were unhappy with the process last year, and did not see any relief from the appeal process. This year the situation demands your prompt attention. This year we were denied funding for a program that currently exists in the community which was developed as the foundation for the services to single men. You will see Cleveland/Cuyahoga County back significantly in addressing the needs of homeless men by withdrawing funding from the PASS program. The other program, submitted by Recovery Resources, was an attempt to provide assistance to people coming out of treatment to maintain sobriety by funding a stable living environment. This is critical especially in light of the recent report by the National Coalition for the Homeless which found homeless people, in many cases, leave treatment and are forced to return to the streets and the drug and alcohol culture.

We once again renew our call for some changes in the HUD Continuum of Care process in Washington so that the local coordinating body actually makes the decisions on where Federal funds are disbursed in Cuyahoga County. We ask that the priorities of the local community including homeless people be respected. There needs to be communication between HUD and the applicant before there is a public announcement if one of the projects that the community has deemed to be a high priority is to be skipped. We also believe that there should be a separate application process and deadline for renewal projects that does not overlap with the new or expanding project's applications so that locally, one committee can evaluate the impact of existing projects, and another entity can work on priorities for new or expanded projects.

You said in your press conference that the Continuum of Care has been successful because it brings together non-profit groups, the private sector and local and state government in a partnership to design local programs to help homeless people to become self sufficient. In Cleveland, we have worked tirelessly to put in place this collaboration and expanded it to include homeless people in the process and yet we have repeatedly seen HUD discard our recommendations. We cannot build an effective continuum of care if our priorities are ignored by HUD Washington.

Sincerly,

BRIAN P. DAVIS,
Executive Director.

[From the Plain Dealer, Dec. 24, 1998]

FEDERAL FUNDING CUT FOR HOMELESS PROGRAM IN CUYAHOGA COUNTY

(By Stephen Koff)

WASHINGTON.—President Clinton yesterday announced $850 million for groups across the country that help homeless people, including $9.4 million for Northeast Ohio, but the program ranked as most important by Cuyahoga County was cut from federal funding.

Salvation Army's PASS program in Cleveland, which helps homeless men with shelter, counseling, job training and transition skills, will have to close if the Clinton administration does not change its mind, said Bill Bowen, director of professional and community services for Salvation Army of Greater Cleveland.

Neither the Salvation Army nor advocates who sent the application for funding could understand why PASS (which stands for Pickup, Assessment, Shelter and Services) did not get the $1.5 million it requested.

But Sandi Abadinsky, a spokeswoman for the U.S. Department of Housing and Urban Development, said PASS was rejected because it previously was funded as a demonstration, or tryout, program, getting seed money in 1995. Such programs cannot assume their funding will continue when their tryout is over.

''They knew when they were receiving the funding that they were receiving seed money,'' Abadinsky said.

Brian Davis, executive director of the Northeast Ohio Coalition for the Homeless, who helped coordinate the applications sent by Cuyahoga County, said PASS should have qualified under HUD's Continuum of Care grants.

They reward efforts to stabilize the lives of homeless people through assessment, counseling, training and transition into housing.

Despite HUD's insistence otherwise, Davis said homeless advocates understood from HUD that continuing projects like PASS could still get money by applying under Continuum of Care.

The $1.5 million in the application represented PASS' entire budget, Bowen said. ''We'll probably have to close the program'' without the grant, he said. ''But I'd rather not be gloom and doom about that.''

Cuyahoga County homeless advocates plan to appeal the rejection, and Bowen said he would talk to officials this weekend to see about getting the funding.

Groups that got HUD funding in Cuyahoga County are: Transitional Housing, Inc., $360,583; Care Alliance, $1.6 million; Volunteers of America, $629,103; Continue Life, $235,302; Family Transitional Housing, $111,542; YMCA of Greater Cleveland's Y-Haven 1, $244,307; Cuyahoga Metropolitan Housing Authority, $529,714; Mental Health Services Inc., $835,026; EDEN Inc., $244,954; Joseph's Home, $1.029 million; Hitchcock Center for Women, $764,073; Cornerstone Connection, $150,472; Inter-Church Council of Greater Cleveland, $524,194; YWCA of Cleveland, 111,522; and East Side Catholic Shelter, $522,162.

The funding will help Transition Housing with planning for treatment and shelter programs for the 64 women who participate at any given time, said director Kathleen Fant. ''It's to help these women get on their feet again, and stay there,'' she said.

''This is definitely the kind of news I like to hear,'' said Don See, executive director of East Side Catholic Shelter, who like most of the others had not been notified by HUD of its awards yesterday.

HUD Secretary Andrew Cuomo yesterday said 460 communities submitted applications representing 2,600 programs or projects. Of those, HUD awarded 307 applications with 1,400 projects.

Besides the program grants, HUD announced grants for emergency shelter: $300,000 for Akron, $1.08 million for Cleveland, $91,000 for Lakewood and $115,000 for Cuyahoga County.

[From the Plain Dealer, Jan. 11, 1999]

LOSS OF FUNDS JEOPARDIZES SHELTER

(By James F. Sweeney)

A technical mistake in an application for federal funding could lead to the closing of a Cleveland homeless shelter.

''It's heartbreaking,'' said Sandi Abadinsky, spokeswoman for the U.S. Department of Housing and Urban Development in Washington.

HUD last month rejected a Salvation Army of Greater Cleveland application for $1.5 million to keep its PASS homeless shelter open for three years. The Cleveland/Cuyahoga County Office on Homeless Services, which prepared the application, asked for funding under the wrong program, Abadinsky said.

The shelter, which houses 47 men in a building behind Salvation Army headquarters on E. 22nd St., has been praised in its two years of operation for its innovative approach in breaking the cycle of homelessness.

''This program has seen me through a lot of disturbances in my life,'' said Clyde Owens, a resident of the PASS program for 16 months. ''If they want to shut this down, I feel sorry for the next man.''

PASS stands for Pickup, Assessment, Shelter and Services.

Local officials expressed surprise and anger that a technicality could endanger the shelter.

The Office on Homeless Services should have been given the chance to correct the mistake, said Brian P. Davis, executive director of the Northeast Ohio Coalition for the Homeless.

''We'll keep working on it,'' said William V. Bowen Jr., director of professional and community services for the Salvation Army. ''We'll appeal.''

Ruth Gillett, director of the homeless services office, could not be reached for comment late Friday.

While city and county officials appeal the decision, Salvation Army directors will meet over the next weeks to decide what to do. Federal funding ran out at the beginning of the month, and the shelter is counting on a promised $133,000 from the city to stay open through March.

The failure to get the grant shocked Salvation Army officials last month. They have suspended a two-year search for a larger building in which to expand the program and are scrambling to save what they have.

PASS is not like other shelters, where the goal is to keep the homeless alive by providing a warm place to sleep and something to eat.

It is home for residents for three months to a year or more, as long as it takes them to get their lives under control, to find jobs and save enough money to rent places of their own.

The residents, many of whom are chronically homeless, are given a range of services.

Those with drug and alcohol problems are sent to detox centers. Counselors and tutors are brought in. The staff helps residents open savings accounts and find jobs and permanent housing.

All the Salvation Army asks is that the men be willing to change.

From its start in October 1997 to Sept. 31, 1998, 117 men were discharged from the program, 60 of whom were placed in permanent housing, according to Salvation Army figures. Thirty-nine of the 60 were still in housing as of last October.

''Those are pretty good numbers, given the population they're working with,'' said Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio, a Columbus-based advocacy group.

Some residents volunteer to help on the food and clothing van the Salvation Army sends out nightly to homeless gathering sites. Others staff donation kettles, sometimes to help drive aggressive panhandlers out of a neighborhood.

Faith's high opinion of the program was shared by a local committee that advises HUD on which projects should be funded. Continuing the Salvation Army program was its top recommendation.

HUD awarded a total of $9.4 million for homeless programs in Northeast Ohio.

HUD spokeswoman Abadinsky said the Office on Homeless Services applied for renewal funding under a program that no longer exists. It should have applied as a new program for another source of funding, she said.

''They just didn't do it 100 percent correctly, and that's why they weren't eligible,'' Abadinsky said.

HUD rules do not allow the agency to notify applicants of mistakes in their applications, she said.

Though the Salvation Army must wait a year before applying for more funding, it could look for money from $1.2 million in emergency shelter funding awarded by HUD to the city and county, Abadinsky said.

Davis, of the Northeast Ohio Coalition for the Homeless, said shifting those funds would hurt other homeless programs.

''If we were to take funding from another source from HUD, that would close another shelter,'' he said. ''Do you want to take money from the domestic violence shelters and keep open PASS?''

County commissioners said they are determined to save the program.

''It appears to me we have heard a bureaucratic reaction rather than a compassionate reaction,'' said Commissioner Jane Campbell. ''This is a time when we need a creative response from HUD.''

She and Commissioner Timothy McCormack said they would look for other funding if HUD does not change its mind.

''It is of the utmost importance to me,'' McCormack said.

Commissioners have sent a letter to HUD Secretary Andrew Cuomo asking him to reconsider and fund PASS.

City officials, who have lobbied for HUD funding for the program, did not return phone calls.

Palmer Mack, 55, joined PASS in mid-October after losing his apartment and his job. Heart disease keeps him attached to an oxygen tank, the tubes running under his nose and over his ears.

Mack said the program had saved his life. Shutting the shelter would be a tragedy, he said.

''This is really like the Rolls-Royce of this kind of program,'' he said.

CUYAHOGA COUNTY OF OHIO,
January 21, 1999.

Re Appeal of 1998 Supportive Housing Program Decision.

FRED KARNAS,
Assistant Secretary, Department of Housing & Urban Development, Washington, DC.

DEAR MR. KARNAS: Thank you for your communication with us as well as that of others who have contacted you on behalf of Cleveland's homeless population. We write this to respectfully and in a formal manner on appeal HUD's rejection of the Number One ranked project in Cuyahoga County, Ohio 1998 Supportive Housing Program (SHP) application.

Cuyahoga County, Ohio is the Applicant for this project, the Salvation Army of Greater Cleveland is the Project Sponsor and the name of the Project is the PASS Program (Pick-up, Assessment, Services, and Transitional Shelter). Our staff consulted with your Columbus, Ohio office in preparing the 1999 application. We forwarded the application based on this guidance and on communication between Secretary Andrew Cuomo and Mayor Michael White. We were surprised to learn of this vital project's rejection based on a technicality. We now want to work with you to resolve this problem.

We have been advised by staff of your office, that the Project was rejected for the following reason: ''The Project was submitted under the wrong component of the application. Specifically, it was submitted as a RENEWAL Project, as opposed to a NEW Project.''

The basis of this appeal rests on the argument that our staff preparing the application sought technical assistance from HUD Columbus staff, and were not advised that they were applying under the wrong component.

Cuyahoga County staff, through the Cleveland/Cuyahoga County Office of Homeless Services (OHS), work closely with City of Cleveland, Community Development staff to develop and coordinate a coherent Continuum of Care strategy for homeless services in the community. The OHS is administratively housed within the County governmental structure, however, the City of Cleveland shares the operating costs of the Office.

In the Spring of 1998, Mayor Michael White wrote to Secretary Cuomo stating that the community understood that Innovative Homeless Demonstration Program (IHDP) projects were not eligible for renewal from that source. Mayor White's letter explained the importance of the PASS project to the Continuum of Care strategy for addressing the needs of the chronically homeless male population. Mayor White went on to ask if the upcoming Super NOFA (Notice of Fund Availability) would offer an opportunity for continued HUD support for the PASS Program.

Secretary Cuomo's response, quoted herein, was ''. . . unfortunately there are no IHDP funds available to renew your project. However, two other sources are possibilities for funds. First, the Supportive Housing program (SHP) could be a source of funds. . . .'' Later in the same paragraph, Secretary Cuomo states, ''While SHP grants are commonly for new activities, funds can also replace the loss of nonrenewable funding from private, federal, or other sources not under the control of State or local government.''

The letter does not direct the community to apply as a New project. Local interpretation of the information was that while the PASS Program could not be renewed through IHDP funds, eligible program activities could be renewed through the Supportive Housing Program. Given staff awareness of the prohibition against submitting existing projects for New funding through the SHP, that a Renewal was being suggested is the only interpretation staff would have made. Unless the letter had stated clearly that the project should be submitted as NEW, staff would not have pursued that approach. At no time was the community ever informed by the Columbus HUD Office that our approach was incorrect.

The Office of Homeless Services has prepared the application from Cleveland/Cuyahoga County every year since 1994. In 1998, the final application included 18 projects. The process to develop and complete the application included: establishing a representative, Ad Hoc committee to oversee the application process, holding community meetings to identify and rank gaps in services, a community review and ranking, of the existing projects which were seeking renewal, providing technical assistance to agencies submitting renewal or new projects, review and ranking of all new projects, final assembly and submission of the application.

Because the County is the Applicant for the PASS Project, there was further, direct communication with the Columbus HUD Office concerning filling out Sections of Exhibit 2. Again, let us be clear that the County was proceeding with the Exhibit as a RENEWAL. Section D. of Exhibit 2 asks that the applicant indicate the Program Component. Cuyahoga County checked the Renewal box. Section E follows with the parenthetical note ''. . . To be completed for new projects only''. As a Renewal applicant, the County followed this directive and went on to the next applicable Section.

While filling out Section J. the Renewal Budget, staff called the Columbus HUD Office for assistance. The original IHDP awards were not broken out according to the SHP budget categories of Supportive Services/Operating/etc. Staff specifically asked for direction in formatting the IHDP budget onto the Renewal Budget Form. HUD staff indicated that they didn't know how to do this. They never indicated that the wrong Budget Form was being used.

Without an immediate response from HUD as to the ''right'' way to do something, and with the application deadline approaching, staff formatted the information according to the understanding staff has as to HUD's definitions of what constitutes Supportive Services and Operating costs. This information was faxed to the HUD Columbus Office with a request for a response. When a response was not received, staff assumed that either the proposed format was acceptable, or that if it was not exactly correct, it could be corrected during the Technical Submission process.

In the course of developing this appeal, it has been suggested that HUD staff are prohibited from providing technical assistance to applicants once the Notice of Fund Availability (NOFA) has been published. Clearly, HUD cannot write applications for agencies. However, advising that an incorrect form is being utilized would seem to fall into a category of ''general information''. Moreover, there has been a practice by the HUD Columbus staff to assist applicants in clarifying application related questions.

It has been the experience of this community that HUD staff are dedicated professionals, who see their role as facilitating community planning efforts. Regardless of the outcome of this appeal, we will continue to build a partnership with HUD to promote this objective.

We look forward to hearing from you at your earliest convenience.

Sincerely,

TIM MCCORMACK, *President,*
JANE L. CAMPBELL,
JIMMY DIMORA,
Cuyahoga County Board of Commissioners.

WHAT AETNA ISN'T TELLING YOU ABOUT THE GOODRICH CASE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. STARK. Mr. Speaker, in recent weeks, Aetna has sent Members' offices criticisms of a recent California court case in which a jury has awarded $120 million to a widow for the economic loss and pain and suffering caused by the Aetna HMO's treatment of her husband, David Goodrich. Aetna is saying the facts do not support—and argue against—allowing HMO members to sue their HMO.

Ex parte communications about a lawsuit—and Aetna says it is appealing—are always questionable.

Aetna, of course, has a ton of money to lobby Congress. The Goodrich family has no Washington lobbyist. Therefore, I asked the Goodrich attorney to comment on Aetna's mailing to us.

Guess what? There is another side to the story.

Following is a side-by-side prepared by the plaintiffs. Also, I am including in the RECORD a press release from California's Consumers for Quality Care, which makes the excellent point that the CEO of Aetna, who loves to write long editorials about quality, has thrown a temper tantrum, blaming the ''not intelligent enough'' jurors. It would be far better for him to look within to the quality of his operations. Is this really the kind of CEO we would want as head of the nation's largest health insurance company?

AETNA MISLED CONGRESS ABOUT FACTS OF GOODRICH CASE: INVESTIGATIONS, WITHDRAWAL OF FEDERAL CONTRACTS CALLED FOR

BOARD OF AETNA ALSO ASKED TO FIRE C.E.O. HUBER OVER REMARKS

Consumers For Quality Care, the national health care watchdog group, today called upon Congress to convene hearings and suspend Aetna's government contracts over the HMO's attempts to mislead Congress about the facts of the landmark *Goodrich vs. Aetna* case in order to prevent HMO reform.

Aetna recently sent a statement to Congress distorting the facts of the case, in which a San Bernardino jury issued a $120 million rebuke of the HMO's conduct toward District Attorney David Goodrich. Goodrich died of stomach cancer after a two and one half year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors.

In a letter to members of the United States House of Representatives and Senate today, Consumers For Quality Care urged action against Aetna because ''Aetna's conduct . . . shows a contempt both for the Court, the American justice system and for Congress.'' A point-by-point refutation of Aetna's statement to Congress about the case, based on the court record, was also released. (Available upon request)

''We intend to make a federal case out of Aetna's misrepresentations and remorseless defiance of the civil jury and their authority,'' said Jamie Court, director of Consumers For Quality Care, a health care project of the Foundation for Taxpayer and Consumer Rights. ''It should be federal case when the nation's largest HMO misleads Congress and thumbs its nose at the civil justice system. Aetna's defiance of civil society's dictates should bolster the case for giving to all patients the right to sue that Mrs. Goodrich has.''

The Goodrich case exposed the disparity in federal law between government workers, like the Goodrich family, who can sue their HMO and private sector workers, who are prevented from suing for damages unless Congress changes the Employee Retirement Income Security Act of 1974 or ERISA.

HUBER SHOULD BE FIRED

Consumers For Quality Care also wrote Aetna's Board of Directors asking it to fire Chief Executive Officer Richard Huber over his remarks attacking Goodrich's widow.

Huber responded in the Hartford Court to the verdict. ''This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow.'' Later, a Los Angeles Times columnist reported, ''he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-informed, as a result of the judge's evidentiary rulings, to render a sound verdict.''

''We have been astounded at your Chief Executive Officer's lack of remorse over the handling of David Goodrich's care and ask you to act immediately to remove him,'' wrote Court. ''If Aetna is dedicated to making things better for patients, Mr. Huber does not belong as your C.E.O. The true travesty of justice would be if Mr. Huber remains at the helm of Aetna and company policy continues to be indifference to its dying patients and to juries that condemn such policies.''

The Foundation for Taxpayer and Consumer Rights is a tax-exempt, nonprofit, nonpartisan organization dedicated to advancing and protecting the interests of consumers and taxpayers.

THE FOUNDATION FOR TAXPAYER AND CONSUMER RIGHTS,
Santa Monica, CA, February 9, 1999.

The True Travesty of Justice.

AETNA INC.,
Hartford, CT.

DEAR MEMBERS OF THE BOARD OF DIRECTORS: The origin of change is regret. We have been astounded at your Chief Executive Officer's lack of remorse over the handling of David Goodrich's care and ask you to act immediately to remove him.

As you may know, Goodrich, a district attorney who risked his life by prosecuting gang violence, died of stomach cancer after a two and one-half year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors. A San Bernardino County jury issued a $120 million rebuke of your company's handling of Goodrich's treatment.

Unfortunately, your C.E.O., Richard Huber, responded to the verdict without remorse: ''This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow.'' (The Hartford Courant, January 22, 1999)

Does Mr. Huber really deny the right of a widow to weep for her husband?

Later, a Los Angeles Times columnist reported, ''he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-informed, as a result of the judge's evidentiary rulings, to render a sound verdict.'' (Kenneth Reich, ''Verdict Against Aetna Is An Omen Of Clash Over HMOs,'' Los Angeles Times, Thursday, January 28, 1999, p. B5.)

Is Aetna really this contempful of the civil justice system and its ethic of responsibility, or are these Mr. Huber's own views?

We had hoped that $116 million in punitive damages might be enough to cause Aetna to reconsider how it deals with patients like David Goodrich. The message from the jury was that Aetna must do better. But Mr. Huber's remarks suggests that in the future Aetna's patients will get no better treatment at Aetna than David did.

The Goodrich jury felt that Aetna did not respond quickly when a patient's life hung in the balance and that Aetna ignored its own doctors' recommendations for Mr. Goodrich's care. In one instance, it took Aetna four months to approve high-dose chemotherapy and Goodrich could no longer benefit. Company and industry standards claim a 24 to 48 hour turn-around time.

Is this the appropriate standard of care at Aetna?

When it was clear Mr. Goodrich could wait no longer, Goodrich's doctors ultimately acted without approval. The public servant died believing he had left his wife with $750,000 in medical bills. While Aetna claimed, in a letter to Congress, that the treatment was paid for by ''another insurance company,'' in fact the taxpayers picked up the bill. Mrs. Goodrich was a Yucaipa school teacher and the school district paid $500,000 of David's bills, only under the threat of litigation and with the understanding the cost would be repaid out of any Aetna verdict.

If Aetna is dedicated to making things better for its patients, Mr. Huber does not belong as your C.E.O. The true travesty of justice would be if Mr. Huber remains at the helm of Aetna and company policy continues to be indifference to its dying patients and to juries that condemn such policies.

We urge you to remove Mr. Huber as a signal that pro-patient reforms at Aetna will be forthcoming and that no other family will have to endure what the Goodrich family has.

Sincerely,

JAMIE COURT.

THE FOUNDATION FOR TAXPAYER AND CONSUMER RIGHTS,
Santa Monica, CA, February 9, 1999.

AETNA HAS MISLEAD CONGRESS & THE PUBLIC

DEAR MEMBER OF CONGRESS: Attempting to stymie HMO reform, Aetna, the nation's largest HMO, has misled you in a recent communique defending its treatment of cancer patient David Goodrich. The San Bernardino County district attorney died after a two and one half year ordeal trying to

get Aetna to approve cancer treatment recommended by his Aetna doctors. Goodrich died believing he had left his wife with $750,000 in medical bills. A San Bernardino County jury awarded $120 million in the case—including $116 million in punitive damages for malice and oppression—to the widow.

Attached is a detailed refutation, based on court records, of Aetna's false and misleading statements to you. We urge you to immediately convene hearings regarding Aetna's conduct in this matter, which shows a clear contempt both for the Court, the American justice system and for Congress.

As you know, 125 million Americans with private sector, employer-paid health care cannot sue their HMOs for damages due to the Employee Retirement Income Security Act of 1974 or ERISA. Aetna's remorseless conduct bolsters the case for reforming ERISA and allowing all patients the same right to sue that government workers, like the Goodrich family, now have. Aetna has yet to accept the message that the Goodrich jury sent—that it must respond more quickly to its patients and defer to its doctors' recommendations. Civil remedies for all patients are clearly needed to force Aetna to behave more responsibly.

In his remarks in the Hartford Courant, Aetna's C.E.O. Richard Huber responded to the verdict: ''This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow.'' In fact, the judge was a former insurance defense attorney. Aetna's own lawyers' questioning caused Mrs. Goodrich to cry on the stand. The family's attorney was also a long-time friend of Mr. Goodrich who only took the case at the behest of the head San Bernardino District Attorney, who himself could not compel Aetna to pay for Goodrich's treatment.

Later, a Los Angeles Times columnist reported, ''he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-formed, as a result of the judge's evidentiary rulings, to render a sound verdict.''

Aetna's lack of remorse and the unwillingness to accept responsibility in this case is a symptom of the company's larger defiance of civil society's mandates. Such a company should not be entitled to federal contracts. We urge you to investigate Aetna's handling of this matter and are ready to assist.

Sincerely,

JAMIE COURT.

THE GOODRICH CASE: THE TRUE FACTS THAT AETNA DIDN'T TELL YOU[1]

Aetna's false and misleading statement:	The truth (court records show):
The statements attributed to the plaintiff's attorney in press coverage give an incorrect impression of the facts in the Goodrich case. The pertinent facts are.	The facts given by the plaintiff's attorney in the press coverage were the same facts that the jury heard, the same facts that the judge—who was formerly a partner in an insurance defense firm—allowed the jury to hear after repeated consideration of Aetna's motions regarding the evidence, and the same facts that led the jury to believe that Aetna would not listen unless the punitive damages imposed on it were sufficiently high.
In June 1992, Mr. Goodrich sought emergency medical treatment after collapsing at work. He was admitted to the hospital and treated. Although the hospital was not in his Aetna HMO network, Aetna paid the bills due to the emergency nature of the treatment.	Aetna's statement that it ''paid the bills'' for David's emergency treatment despite the fact that ''the hospital was not in his Aetna HMO network'' is a clumsy attempt to make it sound as though Aetna was doing David a favor by paying for his emergency care and, to that extent, is patently misleading: Under both federal and California law, Aetna was required to pay for all emergency treatment received by a member, including David, whether the treatment was provided at a network facility or not. And, notably, Aetna did not approve that payment until September 4, 1992—three months after the charges were incurred.
Mr. Goodrich's primary care physician, Dr. Richard Brown, referred him to a specialist, Dr. Joseph Dotan, who performed surgery on June 25, 1992 to remove a mass from Mr. Goodrich's stomach. This procedure was covered by Aetna. A biopsy revealed Mr. Goodrich had a rare form of stomach cancer.	Again, Aetna's statement implies that it did David a favor by paying for Dr. Dotan's surgery bills. In fact, Dr. Dotan was an in-plan, network provider under contract to Aetna. Aetna was required under Aetna's contract with Primecare Medical Group of Redlands, the medical group David was assigned to to pay for that treatment.
On July 28, Dr. Dotan referred Mr. Goodrich to an out-of-network hospital, City of Hope, for a consultation regarding his cancer. Aetna approved the out-of-network referral, and Mr. Goodrich scheduled an appointment at City of Hope for Sept. 3, 1992.	There are many problems with Aetna's statement on this issue: Dr. Dotan, David's in-plan surgical oncologist told David and his wife, Teresa, that David's form of cancer was very rare and he did not have ''vast experience'' with it. Dr. Dotan submitted David's case to the Redlands Community Hospital Tumor Board, the Chairman of which was also an Aetna in-plan oncologist. The Chairman of the Tumor Board also concurred that David's cancer was very rare and expressed the opinion that there was not a single doctor in the Redlands medical community who was qualified to treat it. Dr. Dotan and the Tumor Board recommended that David be sent to City of Hope for consultation about how to treat the tumor. But Dr. Dotan could not simply authorize David's referral to City of Hope. Instead he was required to obtain authorization for the referral from Aetna, through the medical group, Primecare. To that end, on July 28, 1992, Dr. Dotan requested a referral for David to see a doctor at the City of Hope. The referral for a consultation was approved on August 5, 1992. David was not told that the consultation had been approved until August 11. At this point, David was more than two months post-collapse and nearly one month post-diagnosis.
On Sept. 3 at City of Hope, Dr. James Raschko met with Mr. Goodrich and told him he might be a candidate for a treatment program combining highdose chemotherapy with a bone marrow transplant that, for his condition, was considered experimental. City of Hope scheduled him to be evaluated on Oct. 2, with the first stages of the bone marrow transplant procedure to begin on Oct. 28.	Dr. Raschko did not tell David that he ''might be a candidate'' for a bone marrow transplant. As reflected in Dr. Raschko's medical records, Dr. Raschko considered David a ''perfect candidate'' for the proposed treatment. Whether the bone marrow transplant was considered ''experimental'' or not is irrelevant. Under California law, every HMO is required to issue an ''Evidence of Coverage and Disclosure Form'' to each of its members. The ''EOC,'' as it is commonly called, is required to set forth all the benefits provided and must disclose all of the exclusions from coverage and limitations on coverage. Aetna's EOC did not contain an exclusion for experimental procedures. Thus, even if the treatment were considered ''experimental,'' Aetna was required to cover it. If Aetna, Primecare and the plan doctors had sent David to City of Hope earlier, he obviously would have been able to begin the treatment process before the cancer metasticized.
On Oct. 6, 1992, Dr. Raschko informed Mr. Goodrich that a CT scan performed on October 2 showed he was not a candidate for the proposed treatment as his cancer had metastasized to his liver. By the time Aetna received the request for experimental treatment two days later, on Oct. 8, the request for coverage was moot because plans for the treatment had been canceled. Dr. Raschko testified that no time delay had any negative effect on Mr. Goodrich's ability to qualify for the high-dose chemotherapy. Unfortunately, at no time did Mr. Goodrich ever become a candidate for this treatment.	Aetna did not ''first'' receive the request for the bone marrow transplant on October 8. Under its contract with Aetna, Primecare was obligated to process treatment requests and was therefore Aetna's agent for that purpose. Primecare—and thus Aetna—first received the request for authorization of the treatment no later than September 29. At that point, David's request for treatment was forced through a nightmarish consideration process that would be subsequently repeated later with regard to other treatment requests: David's primary care physician (''PCP'') had to refer David to an in-plan oncologist for assessment of whether the treatment was appropriate. The in-plan oncologist supported the use of the bone marrow transplant for David's condition, believed that it made ''good therapeutic sense,'' noted that there was no ''standard'' therapy available and that bone marrow transplants had been utilized for years and were not experimental. The in-plan oncologist had to refer David back to the PCP. The PCP then had to submit an authorization request to Primecare. Primecare's utilization review nurse was not authorized to approve treatment at an out-of-plan facility and so had to refer the treatment request to Primecare's medical director. Primecare's medical director also was not authorized to approve this treatment at an out-of-plan facility and so was required to refer the request to Aetna's local medical director. Aetna's local medical director was uncertain about approving the treatment request and referred the request to Aetna's home-office medical director in Hartford, Connecticut. Aetna's home-office medical director considered the procedure ''experimental''—even though there was no experimental exclusion in David's plan and even though the in-plan oncologist did not consider it experimental. Under Aetna's own internal policies, the home-office medical director was required to send any treatment requests to Aetna's home-office Technology Assessment Department before denying a treatment request on the basis that it was experimental. The treatment request was, therefore, sent to the Technology Assessment Department. The head of Aetna's home-office Technology Assessment Department reviewed the request and, because of his uncertainty as to whether the treatment would provide a medical benefit to David, referred it to the Technology Department's consultant. The consultant opined that the treatment was experimental and not covered—even though there was no experimental exclusion in the EOC. The head of the Technology Assessment Department then sent the treatment request to an outside medical consultant group, Medical Care Ombudsman Program (''MCOP''). The MCOP then sent the treatment request to three oncology consultants for review. The three oncology consultants concluded that the treatment was experimental and sent their recommendation that it not be approved to MCOP. MCOP sent its recommendation that the treatment be denied to Aetna's Technology Assessment Department. The Technology Assessment Department issued a memorandum that it would deny the treatment as being experimental, and then requested that the coverage language of the plan be provided. The Technology Assessment Department sent its denial of the treatment to the Aetna home office medical director. The home office medical director sent the denial to the Aetna local medical director. The local Aetna medical director sent the denial to the Primecare medical director. The Primecare medical director sent the denial to the Primecare utilization review nurse.

THE GOODRICH CASE: THE TRUE FACTS THAT AETNA DIDN'T TELL YOU [1]—Continued

Aetna's false and misleading statement:	The truth (court records show):
	The Primecare utilization review nurse sent the denial to David Goodrich—on November 18, 1992. This was two and one-half months after David's original consultation at the City of Hope, nearly a month after he was to have started the bone-marrow transplant procedure, and four months after his diagnosis.
	The denial was based on the fact that the treatment was deemed ''experimental''—even though there was no exclusion in the plan precluding coverage for experimental treatments.
	During this entire period of time, Aetna/Primecare's own standards required a 48-hour turn-around time for these determinations, as did the National Commission for Quality Assurance (NCQA).
Nevertheless, Aetna went forward with the original request and had it reviewed by independent medical experts selected by Grace Powers Monaco, a well-known patient advocate. They found that there was no hope of the experimental procedure benefiting Mr. Goodrich.	It is nonsensical for Aetna to say that despite the fact that David's cancer had metastasized and he could no longer qualify for City of Hope's bone marrow transplantation protocol, it decided to ''nevertheless'' go forward with the original request for treatment. As evidenced by the above outline of the process, the process had been started before the metastasis was discovered and the cumbersome and snail-like procedure merely lumbered its way along its pre-determined path. Aetna's communications with its own doctors were simply so lacking that it did not know that the proposed treatment was no longer viable.
Between October 1992 and January 1993, Mr. Goodrich chose to pursue conventional chemotherapy treatment with City of Hope—the out-of-network facility—without authorization. City of Hope never charged Mr. Goodrich for this treatment. The same courses of treatment were approved by Aetna for coverage at in-network facilities, but Mr. Goodrich declined to avail himself of that treatment.	It is false to say that David simply ''chose'' to pursue standard chemotherapy to treat his metastatic cancer. In fact, Aetna broke its specific promises to David by failing to discover any other potential treatments for him.
	In its marketing materials and in its EOC, Aetna specifically promised David, as well as other plan members, that it was dedicated to keeping David healthy, and helping to cure him when he got sick; Aetna promised ''to do more;'' it promised that it would provide David with ''comprehensive health services'' ''designed with [his] personal health in mind;'' that Aetna and its physicians would ''coordinate all necessary medical services. . . . ''that they would be ''directing and arranging [his] health care services;'' that they would ''coordinate all [his] health care needs.'' Even more significantly, Aetna represented to its members in the EOC that the ''Primary Care Physician listed on each member's card has accepted the responsibility for that member's health care.'' Similarly, in defining ''Primary Physician,'' the disclosure form states that the Primary Physician ''has overall charge of medical rendered to Members . . . and . . . directs the majority of health care services provided to such Members.''
	Although there was another option for treating David's liver metastasis—cryoablation (freezing) of the liver lesions—neither Aetna nor its doctors ever did anything to find out about that, or any other, alternative. Despite its promises, Aetna did not ''direct and arrange'' David's care or ''coordinate'' his health care needs. Aetna abdicated its responsibility for David's care.
	David's treating doctor, Leland Foshag, M.D., who is a nationally renowned specialist in treating cancers that have metastasized to the liver and who eventually performed the cryoablation surgery on David, testified that if David had received the cryoablation surgery six to nine months sooner, David would have lived 15 to 20 months longer than he did. But Aetna stripped him of that chance by not even bothering to find out how to treat David's condition.
	Aetna's own in-plan oncologist recommended that David receive the standard chemotherapy treatment at City of Hope—in order to assure the continuity of David's care. And under California law, Aetna was required to do just that. But Aetna ignored its own doctor's recommendation and ignored its duty to assure that David had continuity of care and, instead, refused to authorize or pay for that treatment.
	Since City of Hope—charitably—provided the treatment to David and did not charge David for the treatment, Aetna insisted that the cost of that treatment not be included as any part of the damages in the lawsuit. Thus, the City of Hope could not be reimbursed for the services it provided to David and its good deed was punished by Aetna—and Aetna escaped payment for treatment it actually owed under its contract.
On August 5, 1993, Mr. Goodrich consulted with his primary care physician, Dr. Wang, regarding an experimental procedure called cryosurgery. Dr. Wang referred Mr. Goodrich to an in-plan oncologist, Dr. Jack Schwartz, who recommended approval for the procedure at an out-of-network facility, St. John's Hospital, with Dr. Leland Foshag. A request for approval also was sent to Mr. Goodrich's other insurance company, which indicated it would pay for the procedure. Mr. Goodrich underwent the cryosurgery at St. John's on Sept. 21, 1993. Aetna again had this request for experimental treatment reviewed by independent medical experts selected by Grace Powers Monaco. This time, one specialist thought the cryosurgery might help Mr. Goodrich, so Aetna approved the treatment and paid for it..	Cryoablation was not an experimental treatment, even in 1993.
	The request for the cryoablation had to go through the nightmarish approval process and took months to do so.
	''Mr. Goodrich's other insurance company'' was a self-funded benefit plan operated by his wife's employer—the Yucaipa-Calimesa Unified School District, under which he was covered as his wife's dependent. In other words, the taxpayer's program. But Aetna was the primary insurer and whether the school district would be willing to cover the procedure was totally irrelevant to Aetna's duty to provide coverage to David in the first instance.
	Primecare, on behalf of Aetna, actually denied the treatment request for the cryoablation after David had already had the surgery.
	Aetna finally paid some, but not all, of the bills from the cryoablation six months after the surgery.
	Aetna never paid for the original consultation with Dr. Foshag.
In October 1993, Mr. Goodrich again began receiving conventional chemotherapy treatment without authorization at an out-of-network facility, this time at St. John's. Mr. Goodrich was notified by Aetna that self-referred, out-of-network treatment that was available in-plan could not be covered. He was offered a nurse case manager whose job would have been to assist him in coordinating his care with the appropriate providers to get the maximum coverage available under his health plan, but he did not respond..	Aetna's primary defense at trial—and its argument to the jury centered on—Aetna's claim that it should not be liable for either the bills or David's premature death because they resulted from David's failure to follow Aetna's ''rules.'' Aetna even insisted that the jury be instructed that it could allocate some or all of the fault to David. On the verdict from, the jury allocated 0% of the fault to David and 100% of the fault to Aetna.
	Much of the chemotherapy treatment received by David after the cryoablation was not standard chemotherapy. In fact, there were only two places in California that were equipped to provide some of the chemotherapy treatments—USC and UCLA. Since David could not obtain that treatment from ''in-plan'' facilities, Aetna was required under California law to pay for it at out-of-plan facilities.
	Requiring David to receive even the standard chemotherapy or to obtain even the lab tests or x-rays through in-plan facilities despite the fact that the treatment was being coordinated by Dr. Foshag and the medical oncologist working with him, Dr. Chawla, breached Aetna's obligation to assure that David had continuity of care as required under California law.
	Even when David tried to comply with Aetna's demands, Aetna rejected his treatment requests. Many, many times David asked his PCP to submit an authorization request to Primecare and Aetna for approval of a CT scan, blood test or chemotherapy treatment that Dr. Foshag or Dr. Chawla needed to have done and requested that those services be provided at in-plan facilities. The PCP signed those authorization requests and submitted them to Aetna. Aetna routinely denied those requests because they had been requested at the behest of the ''out-of-plan'' doctors, even though the requests were signed by the plan doctor assigned to David. At one point, Teresa asked David's PCP why Aetna was denying even the requests for treatment to be provided in-plan and the doctor's only response was ''HMOs are fine as long as you don't get sick.''
	David did utilize the services of a nurse case manager. Sharon Hopkins, R.N., Primecare's utilization review nurse assigned to David's case, actually spoke with David ''for hours'' during this time period. She looked forward to David's calls because he was ''such a nice man'' and was ''so interesting'' and ''so easy to talk to.'' Even though she had to keep denying his claims, she liked talking to him because he never made their relationship seem adversarial. He explained to her that he simply had to do whatever was necessary to try to stay alive as long as possible. Ms. Hopkins even visited David when he was in the hospital.
This pattern continued throughout 1994, as Mr. Goodrich received out-of-network, unauthorized conventional treatment at St. John's, and he ignored repeated warnings that out-of-network treatment could not be covered. Mr. Goodrich's out-of-network treatment was covered by his wife's health insurance—a fact that was withheld from the jury by a court ruling. Suggestions that he died without knowing these bills would be taken care of are not true. At no time did he take any action to question, protest or appeal any coverage denials by Aetna..	Since David did, in fact, request that the CT scans, x-rays, blood tests and chemotherapy treatments that could be done in-plan be approved, and since Aetna routinely denied those requests, what else was David supposed to do?
	The trial judge ruled that Aetna could not introduce evidence of the existence of coverage, if any, under the school district's plan because, as the judge put it, whether anyone else agreed to pay the bills was irrelevant to Aetna's responsibility to pay the bills. It is revolting and repugnant that Aetna would try to defend its own wrongful conduct by trying to foist its legal obligations onto a small school district.
	Aetna delivered its final denial letter to David when he was in intensive care the day after a final surgery in January, 1995. At that point, David did not know whether the school district would pay the bills. He died, still in the hospital, on March 15, 1995—knowing that there were more than a half million dollars in bills still outstanding and that neither, Aetna nor the school district would agree to pay them.
	Although the school district eventually paid the bills—over a year after David died—the payment of the bills depleted the school district's benefit fund so much that the school district's teachers were not able to receive their full raises the following year—evidence that the jury would have heard if Aetna had been allowed to tell the jury that the school district had paid the bills.
	The school district has a lien on any recovery by Teresa in the case and will be paid back out of the judgment for all the bills it paid.
	About the assertion that David never appealed Aetna's denial.
	The hospital itself repeatedly initiated appeals in response to Aetna's denials. All the appeals were rejected and the denials reaffirmed.
	The school district even appealed Aetna's denials of the bills. Aetna also rejected that appeal and reaffirmed the denials.
	After David's death, Teresa, through the PCP, also initiated an appeal. That appeal, too, was rejected and the denials reaffirmed.
	Aetna demanded that Teresa mediate her claims against Aetna immediately after she filed her complaint in this action. She did so. Aetna never tendered any payment for the bills at issue in the lawsuit.
	Aetna litigated the lawsuit for three years and never once offered to pay any of the bills.
	So, what difference would an appeal by David before he died have made?

THE GOODRICH CASE: THE TRUE FACTS THAT AETNA DIDN'T TELL YOU [1]—Continued

Aetna's false and misleading statement:	The truth (court records show):
In January 1995, Mr. Goodrich entered St. John's for surgery that had been precertified and approved by his other insurance company. This was conventional surgery that could have been conducted in-plan, so coverage by Aetna was denied. Mr. Goodrich remained hospitalized until his death on March 15, 1995.	Requiring the surgery to be conducted in-plan would have violated Aetna's obligation under California law to assure the continuity of David's medical care. The surgery was not precertifed and approved by the school district plan. In fact, the hospital did not call the right administrator and the school district's administrator later refused to cover the bills because of that mistake. Aetna had no right to rely on the school district's coverage since Aetna was the primary carrier. Aetna did not deny coverage for the surgery until after it was completed, in violation of the time standards Aetna was supposed to follow.
All of Mr. Goodrich's medical bills were covered by Aetna—when treatment was provided in-plan or authorized in accordance with plan requirements—or by Mr. Goodrich's wife's health insurance, although the jury was not permitted to hear about the secondary coverage. During the course of his treatment, the total out-of-pocket cost to the Goodriches was less than $2,000.	The abject falsity of this statement is evidenced by the facts, set forth above, demonstrating that even when David requested, through his in-plan PCP, that he be provided with in-plan treatment at in-plan facilities, the requests were denied by Aetna. Aetna had no right to foist its contractual obligations off onto the school district, or to force the school district's teachers to forgo their raises in order to provide Aetna with an even greater cost savings and profit margin. Teresa Goodrich—a kindergarten teacher—was faced with over $500,000 in bills for over a year after David died because both Aetna and the school district refused to pay the bills.
At no time did Mr. Goodrich fail to receive any treatment recommended by in-plan or out-of-plan doctors, and all treatment was obtained without delay due to the timing of coverage approvals or denials.	As testified to by Dr. Foshag, Aetna should have discovered and provided David with the cryoablation at least six months earlier and, if it had, David would have lived longer.

[1] Statements are from Aetna's response of January 29, 1999 to Congress. Attorneys for the Goodrich family, Sharon Arkin and Michael Bidart, prepared the factual response (909–621–4935).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 11, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.
Budget
To hold hearings on national defense budget issues.
SD–608

FEBRUARY 22

1 p.m.
Aging
To hold hearings to examine the impact of certain individual accounts contained in Social Security reform proposals on women's current Social Security benefits.
SD–628

FEBRUARY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on Department of Education reform issues.
SD–430

10 a.m.
Foreign Relations
To hold hearings on the President's proposed budget request for fiscal year 2000 for foreign assistance programs.
SD–419

FEBRUARY 24

9 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.
SD–406

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the National Security ramifications of the Year 2000 computer problem.
SH–216

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on.
SD–430

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on antimicrobial resistance.
SD–430

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense and for the future years defense program, focusing on recruiting and retention policies within DOD and the Military Services.
SR–222

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for National Park Service programs and operations.
SD–366

FEBRUARY 25

9 a.m.
Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of Energy and the Federal Energy Regulatory Commission.
SD–366

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association.
345 Cannon Building

Health, Education, Labor, and Pensions
To hold hearings on protecting medical records privacy issues.
SD–430

10 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine Asian trade barriers to United States soda ash exports.
SD–419

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.
SD–226

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–366

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.
SD–366

MARCH 4

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345 Cannon Building

MARCH 10

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.
SR–236

MARCH 17

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 24

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

SEPTEMBER 28

9:30 a.m.
Veteran's Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

Daily Digest

HIGHLIGHTS

The House agreed to S. Con. Res. 7, honoring the Life and Legacy of King Hussein of Jordan.

The House passed H.R. 350, Mandates Information Act of 1999.

Senate

Chamber Action

Routine Proceedings, pages S1411–S1436

Measures Introduced: Thirteen bills and one resolution were introduced, as follows: S. 397–409, and S. Con. Res. 8. **Page S1414**

Impeachment of President Clinton: *In closed session,* the Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against William Jefferson Clinton, President of the United States. **Pages S1411–12**

Senate will continue to sit as a Court of Impeachment on Thursday, February 11, 1999.

Nominations Received: Senate received the following nominations:

Carl Schnee, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations. **Page S1436**

Communications: **Pages S1412–14**

Executive Reports of Committees: **Page S1414**

Statements on Introduced Bills: **Pages S1414–31**

Additional Cosponsors: **Pages S1431–32**

Additional Statements: **Pages S1433–36**

Adjournment: Senate convened at 10:06 a.m., and adjourned at 6:21 p.m., until 10 a.m., on Thursday, February 11, 1999. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1412.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Indian Affairs: Committee ordered favorably reported the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission.

Prior to this action, Committee concluded hearings on the nomination, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Bills Introduced: 42 public bills, H.R. 6, 661–701; 3 private bills, H.R. 702–704; and 8 resolutions, H. Con. Res. 27–31, and H. Res. 50–52, were introduced. **Pages H583–86**

Reports Filed: No reports were filed today.

Mandates Information Act of 1999: The House passed H.R. 350, to improve congressional deliberation on proposed Federal private sector mandates by a recorded vote of 274 ayes to 149 noes, Roll No. 17. On February 4, the House completed general debate on the bill. **Pages H545–60**

Agreed to the committee amendment in the nature of a substitute made in order by the rule and printed in the bill (H. Rept. 106–5). **Page H559**

Amendments Rejected:

The Boehlert amendment that sought to require the Chair to rule on a point of order raised against legislation that imposes private sector mandates. If the point of order was sustained, then the House would debate the costs and benefits of the measure for twenty minutes (rejected by a recorded vote of 210 ayes to 216 noes, Roll No. 15); and **Pages H546–52**

The Waxman amendment that sought to permit a point of order for provisions which remove, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates established to protect human health, safety, or the environment (rejected by a recorded vote of 203 ayes to 216 noes, Roll No. 16). **Pages H552—58**

On February 4, the House agreed to H. Res. 36, the rule that provided for consideration of the bill. **Pages H422–31**

Honoring the Life and Legacy of King Hussein of Jordan: The House agreed to S. Con. Res. 7, honoring the life and legacy of King Hussein ibn Talal al-Hashem by a yea and nay vote of 420 yeas with none voting nay, Roll No. 18. **Pages H560–65**

President's Day District Work Period: The House agreed to H. Con. Res. 27, providing for an adjournment of both Houses of Congress. **Page H565**

Committee Election: The House agreed to H. Res. 50, electing Representatives Fattah and Davis of Florida to the Committee on House Administration. **Page H565**

Quorum Calls—Votes: One yea and nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H551–52, H557–58, H559–60, and H564–65. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 3:58 p.m.

Committee Meetings

MISCELLANEOUS MEASURES; REVIEW LIVESTOCK PRICES; COMMITTEE ORGANIZATION

Committee on Agriculture: Ordered reported the following bills: H.R. 17, Selective Agricultural Embargoes Act of 1999; and H.R. 609, to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

The Committee also held a hearing to review livestock prices. Testimony was heard from Keith Collins, Chief Economist, USDA; and public witnesses.

Prior to those actions, the Committee met for organizational purposes and approved the Committee's Oversight Plan for the 106th Congress.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies began appropriation hearings. Testimony was heard from Dan Glickman, Secretary of Agriculture.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold hearings on European Command and U.S. Central Command. Testimony was heard from the following officials of the Department of Defense: Gen. Wesley K. Clark, USA, Commander-in-Chief, U.S. European Command; and Gen. Anthony C. Zinni, USMC, Commander-in-Chief, U.S. Central Command.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Forest Service. Testimony was heard from Ronald E. Stewart, Deputy Chief, Programs and Legislation, Forest Service, USDA; and Barry T. Hill, Associate Director, Energy, Resources, and Science Issues, Resources Community and Economic Development Division, GAO.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education began

appropriation hearings. Testimony was heard from Donna Shalala, Secretary of Health and Human Services.

The Subcommittee held a hearing on the Health Care Financing Administration. Testimony was heard from and the following officials of the Department of Health and Human Services: Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration; and Dennis P. Williams, Deputy Assistant Secretary, Budget.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative began appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

The Subcommittee held a hearing on the Library of Congress and CBO. Testimony was heard from the following officials of the Library of Congress: James H. Billington, Librarian; and Donald L. Scott, Deputy Librarian; and the following officials of the CBO: Dan L. Crippen, Director; and Barry B. Anderson, Deputy Director.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation began appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

FINANCIAL SERVICES ACT

Committee on Banking and Financial Services: Began hearings on H.R. 10, Financial Services Act of 1999. Testimony was heard from public witnesses.

Hearings continue tomorrow.

NUCLEAR WASTE POLICY ACT

Committee on Commerce: Subcommittee on Energy and Power held a hearing on H.R. 45, Nuclear Waste Policy Act. Testimony was heard from Representatives Gibbons and Berkley; Lake H. Barrett, Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy; Jared Cohon, Chairman, U.S. Nuclear Waste Technical Review Board; Shirley Ann Jackson, Chairman, NRC; Robert Perciasepe, Assistant Administrator, Air and Radiation, EPA; Stuart E. Schiffer, Deputy Assistant Attorney General, Commercial Litigation Branch, Civil Division, Department of Justice; Kenny Guinn, Governor, State of Nevada; Kevin Phillips, Mayor, Caliente, Nevada; and public witnesses.

INTERNET POSTING—CHEMICAL WORST-CASE SCENARIOS

Committee on Commerce: Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a joint hearing on Internet Posting of Chemical ''Worst-Case'' Scenarios: A Roadmap for Terrorists? Testimony was heard from Robert M. Burnham, Section Chief, Domestic Terrorism, National Security Division, FBI, Department of Justice; Tim Fields, Acting Assistant Administrator, Office of Solid Waste and Emergency Response, EPA; Brett Burdick, Environmental Programs Manager, Department of Emergency Services, State of Virginia; and public witnesses.

WIRELESS PRIVACY ENHANCEMENT ACT; WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection approved for full Committee action the following bills: H.R. 514, Wireless Privacy Enhancement Act of 1999; and H.R. 438, amended, Wireless Communications and Public Safety Act of 1999.

MISCELLANEOUS MEASURE; COMMITTEE FUNDING; COMMITTEE OVERSIGHT

Committee on Education and the Workforce: Ordered reported H.R. 221, to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products.

The Committee also approved the Committee Budget request for the 106th Congress; and the Oversight Plan for the 106th Congress.

FEDERAL GOVERNMENT PROGRAMS—WASTE AND FRAUD

Committee on Government Reform: Held a hearing on Waste and Fraud in Federal Government Programs. Testimony was heard from June Gibbs Brown, Inspector General, Department of Health and Human Services; Susan Gaffney, Inspector General, Department of Housing and Urban Development; Roger C. Viadero, Inspector General, USDA; and David Walker, Comptroller General, GAO.

BUDGET REQUEST; COMMITTEE BUSINESS

Committee on House Administration: Approved the 106th Committee Budget Request and considered other pending Committee business.

KOSOVO—U.S. ROLE

Committee on International Relations: Held a hearing on U.S. Role in Kosovo. Testimony was heard from Thomas R. Pickering, Under Secretary, Political Affairs, Department of State; and Walter B. Slocombe, Under Secretary, Policy, Department of Defense.

U.S.-ASIA POLICY CHALLENGES

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Challenges in U.S.-Asia Policy. Testimony was heard from Stanley

Roth, Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

FINANCIAL NEEDS OF AIRPORTS, FAA AND AVIATION SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on the financial needs of airports, the FAA, and the aviation system, with emphasis on the economic impact of airports and airport improvements on the community and the economy. Testimony was heard from Representative Ford; Gerald L. Dillingham, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO; and public witnesses.

Hearings continue tomorrow.

HAZARDOUS MATERIALS TRANSPORTATION PROGRAM REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation held a hearing on reauthorizing the Hazardous Materials Transportation Program. Testimony was heard from Representative Pascrell; Kelley Coyner, Administrator, Research and Special Programs Administration, Department of Transportation; Chief Jim Fife, Chairman, Fire Commission, State of West Virginia; Larry Wort, Chief, Bureau of Safety Programs, Division of Traffic Safety, Department of Transportation, State of Illinois; and public witnesses.

AGENCY BUDGETS; COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Agency Budgets and Priorities for fiscal year 2000. Testimony was heard from Joseph W. Westphal, Assistant Secretary, Army, (Civil Works), Department of Defense; the following officials of the EPA: J. Charles Fox, Assistant Administrator, Water; and Timothy Fields, Jr., Acting Assistant Administrator, Solid Waste and Emergency Response; the following officials of the TVA: Kate J. Jackson, Executive Vice President, Resource Group; and David N. Smith, Chief Financial Officer; Albert S. Jacquez, Administrator, St. Lawrence Seaway Development Corporation; Danny Sells, Associate Chief, Natural Resources Conservation Service, USDA; and Nancy Foster, Assistant Administrator, Ocean Services and Coastal Management, NOAA, Department of Commerce.

Prior to the hearing, the Subcommittee met for organizational purposes.

SSI FRAUD PREVENTION ACT

Committee on Ways and Means: Subcommittee on Human Resources approved for full Committee action H.R. 545, SSI Fraud Prevention Act of 1999.

ANNUAL REPORT—IRS NATIONAL TAXPAYER ADVOCATE

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Annual Report of the Internal Revenue Service National Taxpayer Advocate. Testimony was heard from the following officials of the IRS, Department of the Treasury: Charles O. Rossotti, Commissioner; and W. Val Oveson, National Taxpayer Advocate; and Cornelia Ashby, Associate Director, Tax Policy and Administration Issues, General Government Division, GAO.

IMPACTS OF CURRENT SOCIAL SECURITY SYSTEM

Committee on Ways and Means: Subcommittee on Social Security continued hearings on the impacts of the current social security system. Testimony was heard from Cynthia Fagnoni, Director, Income Security Issues, Health, Education and Human Services Division, GAO; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 11, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: business Meeting to mark up S. 313, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 1999, and the proposed Financial Regulatory Relief and Economic Efficiency Act of 1999, 9 a.m., SD-538.

Committee on Commerce, Science, and Transportation: business Meeting to mark up S. 82, to authorize appropriations for Federal Aviation Administration, 8:45 a.m., SR-253.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the proposed budget request for the Department of Education, 8:30 a.m., SD-430.

House

Committee on Agriculture, hearing to review agribusiness consolidation, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Inspector General, 1:00 p.m., 2362–A Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Export and Trade Financing Agencies, 10:00 a.m., H–144 Capitol.

Subcommittee on Interior, on Energy Conservation, 10:00 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Centers for Disease Control and Prevention, 10:00 a.m., and on Substance Abuse and Mental Health Services Administration and Agency for Health Care Policy and Research, 2:00 p.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Military Procurement, hearing on protection equipment and countermeasure devices, 1:00 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, to continue hearings on H.R. 10, Financial Services Act of 1999, 10:00 a.m., 2128 Rayburn.

Committee on Commerce, to consider the following: Budget for the 106th Congress; Oversight Plan for the 106th Congress; H.R. 5l4, Wireless Privacy Enhancement Act of 1999; and H.R. 438, Wireless Communications and Public Safety Act of 1999, 10 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on H.R. 540, the Nursing Home Resident Protection Amendments of 1999, 2:30 p.m., 2322 Rayburn.

Committee on Education and the Workforce, hearing on the Administration's Education Proposals and Priorities for fiscal year 2000, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Census, hearing on Oversight of the 2000 Census: Examining the Benefits of Post-Census Local Review, 10 a.m., 2247 Rayburn.

Subcommittee on Postal Service, hearing on H.R. 22, Postal Modernization Act of 1999, 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H.R. 434, African Growth and Opportunity Act; and the Peace Corps Expansion Act; and to consider the Committee's Oversight Plan for the 106th Congress; 10:30 a.m., 2172 Rayburn,

Subcommittee on Africa, hearing and markup of H.R. 434, African Growth and Opportunity Act, 9 a.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 39, Neotropical Migratory Bird Conservation Act, 10:00 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, oversight hearing on Gettysburg general management plan and visitor center, 10:00 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on Fiscal Year 2000 Budget Request: The Sciences at NASA, 10 a.m., 2318 Rayburn.

Subcommittee on Technology, hearing to review the Fiscal Year 2000 Budget Request for the Technology Administration, 2:00 p.m., 2318 Rayburn.

Committee on Small Business, hearing to review the SBA's Women's Business Center Program, 10:00 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: to continue Committee organization; to approve Oversight Plan for the 106th Congress; H.R. 92, to designate the Federal building and United States courthouse located at 251 North Main Street in Winston Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse''; H.R. 158, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse''; H.R. 233, to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building''; H.R. 396, to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''; H.R. 603, to amend title 38, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act''; and H.R. 661, to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations; 1:30 p.m., 2167 Rayburn.

Subcommittee on Aviation, to continue hearings on the financial needs of airports, the FAA, and the aviation system, 9:30 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard and Federal Maritime Commission fiscal year 2000 Budgets, 2:00 p.m., 2325 Rayburn.

Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on fire safety issues within the Capitol Complex, 10:00 a.m., 2253 Rayburn.

Subcommittee on Ground Transportation, hearing on oversight of the Office of Motor Carriers: Part One, 2:00 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the Fiscal Year 2000 Budget of the Department of Veterans Affairs, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following: Committee budget; and Oversight Plan for the 106th Congress, 9 a.m., and to hold a hearing on social security reform lessons learned in other countries, 9:30 a.m., 1100 Longworth.

Subcommittee on Health, to meet for organizational purposes, 2 p.m., and to hold a hearing on Management of the Medicare Program, 2:30 p.m., 1310 Longworth.

Subcommittee on Trade, hearing on the Importance of Trade Negotiations in Fighting Foreign Protectionism, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on counternarcotics activities and operations, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

10 a.m., Thursday, February 11

Senate Chamber

Program for Thursday: Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 11

House Chamber

Program for Thursday: Consideration of H.R. 391, Small Business Paperwork Reduction Act Amendments (open rule, 1 hour of debate) and consideration of H.R. 437, to provide for a Chief Financial Officer in the Executive Office of the President (open rule, 1 hour of debate).

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