Mr. DIAZ-BALART. Mr. Speaker, I rise for two reasons this evening.

First, I want to say, I would like to say, how embarrassed I was for the drug czar, Mr. McCaffrey, recently when I read wire reports that he continues to cover up the well-known, established, reiterated, longstanding participation by the Castro dictatorship in drug trafficking. This is an extremely serious reality, but the drug czar and other officials of this administration continue to cover it up. And so I make reference once again to the letter that, along with the gentleman from Indiana (Mr. BURTON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), I sent General McCaffrey in November of 1996 in detail relating the evidence that has been made public; it is not classified, it is well known; of the longstanding and reiterated participation of the Cuban dictatorship in facilitating the importation of tons of Columbian cartel cocaine into the United States. And I asked that he answer, the drug czar, Mr. McCaffrey, our letters, that letter and subsequent letters, with the seriousness that this issue deserves.

CLINTON ADMINISTRATION REFUSES TO RETURN ''THE HUMAN RIGHTS''

Mr. DIAZ-BALART. I also rise, Mr. Speaker, because a very distinguished friend of mine in South Florida at this point is on a hunger strike. He is the leader of a movement known as the Democracy Movement. It is a peaceful movement that advocates change, democratic change, in Cuba.

And they have two vessels, and on December 10 they were heading south, and, pursuant to an executive order issued by the President, the Coast Guard boarded the vessel. It is known, it is called, The Human Rights, and it was the day that the Universal Declaration of Human Rights was being commemorated, the anniversary of it, the 50th anniversary, in fact, of the Universal Declaration of Human Rights. And the Coast Guard boarded it and found some documents that referred to the Universal Declaration of Human Rights, and since that day dissidents within Cuba had announced that they were going to attempt to demonstrate peacefully in commemoration of the 50th anniversary of the Declaration of Human Rights.

This vessel, The Human Rights, was boarded by the Coast Guard and confiscated, and to this date the Clinton administration refuses to give it back.

Mr. Speaker, it is really unconscionable. More than even unfortunate, it is unconscionable.

So I asked the administration to note the hunger strike by Ramon Saul Sanchez to return The Human Rights vessel that was confiscated, as I say, for the crime, in quotes, of being found on the high seas with documents in support of the Universal Declaration of Human Rights, and here is the official communication of the Department of Treasury.

The Coast Guard received information; this is to Mr. Sanchez; that you planned to disembark in Cuba, received information, by the way, from the Castro government, and that you planned to join a demonstration in support of the Universal Declaration of Human Rights. During the boarding it was determined that there was sufficient evidence indicating that the vessel was intending to enter Cuban waters, and a decision was made to seize the vessel.

By the way, the evidence that the Clinton administration says existed with regard to intent to enter Cuban waters was finding documents that contained the Universal Declaration of Human Rights. That is happening in this country at this time because of this administration. It is shameful, and it is time to release the vessel The Human Rights.

MOURNING THE PASSING OF REVEREND CLARENCE E. STOWERS, SR.

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

Mr. DAVIS of Illinois. Mr. Speaker, leadership can be defined in many ways: the position or office of a leader, capacity or ability to lead, giving guidance and/or direction. The definition which I like best is that leadership is the ability to get others to do what you want them to do but because they want to do it.

Such has been the life and such is the legacy left by the Reverend Clarence E. Stowers, Sr., former pastor of the Mars Hill Missionary Baptist Church in Chicago who recently passed away.

Reverend Stowers grew up in Mason, Tennessee, married his childhood sweetheart, Miss Margaret Malone Stowers, and they were blessed to produce five children, one of whom has succeeded him, the Reverend Clarence E. Stowers, Jr., who is now pastor of Mars Hill.

In 1963, Reverend Stowers and 17 members of his family, friends and associates founded the Mars Hill Church and located it at 3311 West Roosevelt Road. However, within 2 years, the church outgrew that facility and relocated to a larger one at 2809 West Harrison Street. Twelve years later, the church acquired its current facility at 5916–22 West Lake Street, a massive structure which seats over 2,000 parishioners, houses their own elementary school and space for other programs and activities.

As Reverend Stowers' congregation grew, so did he. He earned both his Bachelors and Master of Arts degrees in religion and theology from the Chicago Baptist Institute and Trinity Evangelical Seminary.

Reverend Stowers recognized that being involved beyond the sanctuary of his church was vitally important to his ministry. Therefore, he helped to organize and served as President of the Illinois Baptist State Convention for 8 years. He also served as Recording Secretary of the National Missionary Baptist State Convention of America, President of the West Side Ministers' Conference and the Religious Council on Urban Affairs.

Reverend Stowers had a powerful preaching style and delivered messages not only throughout America but also preached in Israel, Jordan, Egypt and in Rome, Italy. He was actively involved in his local community and hosted many of the large rallies during the Harold Washington political era in Chicago history.

He led Mars Hill in the development of its own school, the Musical Acres Resort in Adams, Wisconsin, a housing development of new homes near the church, and the establishment of a health ministry where people learn how to care for themselves and to make the most effective use of health resources within their community.

Mrs. Margaret Stowers, Reverend Clarence Stowers, Jr., Sharron Lynn, Robin Denise, Shawinette Michelle and Marcie, as well as the entire Mars Hill family can take pride in the leadership and accomplishments of their pastor, husband, father, friend, mentor and leader, the Reverend Clarence Edward Stowers, Sr. His work stands as a living testament, and his legacy shall continue through the life and works of those whom he has left behind.

BILLION DOLLAR BLACK HOLE

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

Mr. HANSEN. Mr. Speaker, it is amazing to me that many in the environmental movement believe that we as a society do not spend enough money on implementation of the Endangered Species Act. They constantly blame the problem with the ESA on lack of funding. While a convenient excuse, it is simply is not true.

When measured by how many species are recovered under its draconian rules and regulations, the ESA is a total failure. The rate of recovery has been minimal, and some listed species continue to go extinct. However, we continue to throw money at the ESA in the hope that somehow funding might recover species. This approach will not work.

Let us look at the numbers and how the ESA forces the Federal Government, the State and local governments and countless private citizens to waste money on a system that is broken. It is almost impossible to figure out how much money is being spent under the auspices of endangered species protection, but the figure is nearing a billion dollars a year by many estimates.

In 1998, Congress, concerned about rising ESA costs and seeking better information on how we were spending, required the Secretary of the Interior to report to Congress how much the Federal Government is spending directly on endangered species.

□ 1815

Any Federal agency that undertakes activity on behalf of a listed species is required to document expenses and create an annual report to the Fish and Wildlife Service.

The Fish and Wildlife Service is then required to compile that information into an annual accounting to Congress. The Service stays several years behind, but we now have accounting records for the years of 1989 through 1995; annual direct expenditures from $43 million in 1989 to over $330 million in 1995. However, these figures do not tell the whole story. It does not get into administrative costs and overhead. For example, over 400 units of our National Wildlife Refuge System have at least one threatened or endangered species during some part of the year. A total of 58 refuges have been established specifically to protect threatened and endangered species, and 36 contain areas defined as critical habitat.

The cost of acquiring refuges and other public lands for protection of endangered species is absolutely staggering. We recently completed the acquisition of the Headwaters Forest at a cost of $250 million to the Federal taxpayer, and another $130 million to the California taxpayer, all to protect spotted owls and marbled murrelets.

The administration's budget request includes funds for the Archie Carr National Wildlife Refuge, which will cost $105 million; the Attwater Prairie Chicken National Wildlife Refuge which will cost $25 million; the Balcones Canyonlands National Wildlife Refuge which will cost $71 million; the Oahu Forest National Wildlife Refuge at $23 million, and the list goes on and on, millions and millions of dollars.

In addition, every State in the Union has been forced to pay. California just paid $38 million. Even more troubling is that most of the costs of endangered species protection is passed on to private citizens, businesses, local communities and then we get into mitigation, which costs millions and millions of dollars. To get permission to use private or public land or to allow important local projects to continue, the landowner or local government must agree to buy and mitigate lands. It is an awesome amount of money.

In California, they had to plant 5 trees for the beetle, the longhorn beetle, at a cost of millions of dollars. In addition, changes in projects required by the Fish and Wildlife Service can add millions to the project. We have examples of that for a fly that cost $3.5 million building this hospital in a different place. That is $441,000 per fly.

We have an example in my State of Utah where we spend on children in Washington County, the weighted pupil unit is $3,554, but for the desert tortoise, which is not threatened incidentally, it is only threatened in the Mojave, not up in that area, we spend $33,000 per tortoise to take care of the tortoise, which has never been threatened since I was a kid in that area, but we have still put the money out.

The administration likes to brag about the 200 habitat conservation plans that have been negotiated. Again, almost all of these are in the West. These HCPs, as they are called, can be very expensive to prepare and biologists have to be brought in and people that cost all kinds of money. It is hard to calculate how much money we use.

Should we be concerned about these costs? Of course we should. We pay these costs one way or another, either in Federal taxes, local taxes or from mitigation or whatever it may be.

Now let us talk about the great success stories of which there are none. They like to talk about the bald eagle and the peregrine falcon. Guess what really happened? Biologists took them in, bred them in captivity and out of that they were able to return them to the environment. Let us face it, Mr. Speaker, the EAS has been a dismal, dismal, costly failure. It sounds good but it does not work. We need a new approach to this problem that does not drain our American economy and truly takes care of endangered species. The way we are doing it does not work.

It is amazing to me that many in the environmental movement seem to believe that we as a society don't spend enough money on implementation of the Endangered Species Act. They constantly blame the problems with the ESA on not enough money.

While a convenient excuse, it simply is not true. The ESA when measured by how many species have recovered under it's draconian rules and regulations, is a total failure. Very few species have recovered and some have been removed from the list of species because after being listed under the ESA, they went extinct.

However, we continue to throw money at the ESA in the hope that some how money might recover species. This approach won't work. Let's look at the numbers and at how the ESA forces the federal government, the state and local governments and countless private citizens to throw money at a system that is irretrievably broken.

It is almost impossible to figure out how much money is being spent under the auspices of endangered species protections, but the figure is nearing a billion dollars a year by many estimates.

In 1988, Congress, concerned about raising ESA costs and seeking better information on how much we were spending, required the Secretary of the Interior to begin reporting to Congress, how much the federal government is spending directly on endangered species. Every federal agency that undertakes any activity on behalf of any listed species is supposed to keep track of those expenses and make an annual report to the Fish and Wildlife Service. The Fish and Wildlife Service was then supposed to compile that information into an annual accounting to Congress. Now, the Service stays several years behind, but we now have accounting records for the years 1989 through 1995. We have gone from an annual direct expenditures in 1989 of $43 million to over $330 million in 1995.

However, these figures don't really tell the whole story because these figures don't include general overhead and administrative expenses associated with direct spending on the species itself. Nor do these figures tell the story of the amount of land that has been acquired for endangered species. For example, over 400 units of our National Wildlife Refuge System have at least one threatened or endangered species during some part of the year. A total of 58 refuges have been established specifically to protect threatened and endangered species, and 36 contain areas defined as designated critical habitat. Refuges are often the major part of a recovery plan for an individual species. In fiscal year 1999 we will spend more than $237 million dollars just to operate and maintain our vast wildlife refuge system.

The costs of acquiring refuges and other public lands for protection of endangered species is staggering. We just recently completed the acquisition of the Headwaters Forest at a cost of $ to the federal taxpayer and another to the California taxpayer, all to protect spotted owls and marbled murrelets. The Administration's budget request include funds for the Archie Carr National Wildlife Refuge which will ultimately cost over $105 million; the Attwater Prairie Chicken National Wildlife Refuge which will cost over $25 million; the Balcones Canyonlands National Wildlife Refuge which will cost over $71 million; the Oahu Forest National Wildlife Refuge at $23 million; the Lower Rio Grande Valley National Wildlife Refuge Complex at $135 million; and last but certainly not least is the San Diego National Wildlife Refuge which is expected to cost over $560 million. And this is just a partial list.

In addition, every state in the union has jumped on the bandwagon and each state spends it own state funds to protect various endangered species within their own borders. Those range from a high in California of $38 million on down.

But even more troubling is that most of the cost of endangered species protection is passed along to private citizens, businesses and local communities by threatening lawsuits and prosecution if those citizens don't agree to undertake costly mitigation projects. Why is mitigation running up costs? Mitigation is the cost of doing business with the Fish and Wildlife Service where there are endangered species. As one of my colleagues recently said in a hearing, you can get anything you want from the Fish and Wildlife Service if you put enough money on the table.

To get permission to use private or local land or to allow important local projects to continue, the landowner or local government has to agree to either buy mitigation land to be set aside in perpetuity or pay into a mitigation fund to buy land. Almost all of this mitigation requirement is occurring in the west. It adds millions of dollars to many projects. For example, the Resources Committee held hearings on why flood control levees weren't being promptly repaired in California. We learned that in order to protect the elderberry longhorn beetle, local flood control agencies were being required to ''mitigate'' on a 5 to 1 ratio for the beetle. This meant that they were required to obtain land for planting elderberry trees—not just 5 trees for each tree removed from levees, but 5 trees for every branch on each elderberry tree.

In addition, changes in projects required by the Fish and Wildlife Service can add millions to the cost of the project. In San Bernadino,

California the presence of eight Delhi Sands Flower Loving Flys added over $3.5 million to the cost of building a public hospital—that is over $441,243 per fly. The Fish and Wildlife Service made the project planners move the hospital after it was already planned for construction to save fly ''habitat.''

Let me give you an example from my own district in Washington County, Utah where we have been forced to develop a Habitat Conservation Plan for the Desert Tortoise which happens to reside in one of the fastest growing areas of the nation. The County, the City of St. George and the private landowners have responsibly participated in this process but at an incredible cost. For example, within Washington County Utah we spend $3,554.00 dollars per student in the public school system and this County has a great school system with all of the modern necessities. However, when it comes to the desert tortoise we spend a lot more. There are approximately 7,000 to 8,000 tortoises within the preserve. We are going to spend in excess of $250 million on these tortoises. That is over $33,000 per tortoise! Is it not incredible that we are spending almost ten times the amount of public funds on a tortoise than what we are spending on the education of our children! If the American public understood that tortoises, flies and beetles were more important to this Administration than our children, there would be even more outcry for reform.

The Administration likes to brag about the over 200 habitat conservation plans that they have negotiated. Again, almost all of these are in the west. These HCP's as they are called can be very expensive to prepare, with private landowners bearing the cost of paying for their development and implementation. Some of these cost over a million dollars just to propose because the private landowner must pay biologist to conduct surveys and develop plans to avoid the take of the species on the property.

How much is the ESA costing? The real cost is incalculable. The cost includes lost jobs to loggers in the Pacific Northwest and in the southwest where the logging industry and its taxes have been totally destroyed. It includes ranchers and farmers in the southwest who are having to cut back their herds because of an avalanche of lawsuits filed by radical groups with nothing better to do than file lawsuits against the people who are the back bones of these communities. It includes farmers who don't have enough water for their crops. It includes over a billion dollars spent on salmon with nothing to show for it according to the General Accounting office.

Should we be concerned about these costs? You bet we should be concerned. We all pay these costs in one way or another and yet all this money has resulted in almost no recoveries of endangered species because of actions taken under the ESA. The bald eagle and peregrine falcon did not recover because of ESA. They recovered because of the actions of a few dedicated ornithologists who were able to breed them in captivity and return them to the wild after we removed DDT from our environment. That was not done because of ESA.

ESA has been a dismal, costly failure. We need a new approach that works, but doesn't drain our American economy and create impoverished rural communities throughout the west.

FIBROMYALGIA, IT IS A DISABLING CONDITION

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

Mr. FILNER. Mr. Speaker, I rise this evening in honor of National Fibromyalgia Awareness Day and the suffering that those with this disorder endure. In honor of this day, I just introduced the Access to Disability Insurance Act with the hopes of ending the suffering that those with this disorder experience at the hands of insurance companies.

It is estimated that 6 to 12 million people suffer from fibromyalgia. 75 percent of those with this disease are women. The illness affects people between the ages of 20 to 60, often striking people in their 20s and 30s.

Although nearly all of those with the disorder suffer from both muscular pain and fatigue, the vast majority also experience insomnia, joint pain and headaches. For many, the suffering they experience with fibromyalgia is just the beginning. When they try to collect on their private disability insurance because their symptoms are debilitating and prevent them from working, they are denied by their insurance company. To add insult to injury, they are then denied the ability by law to appeal their denial.

This denial is easy and is commonplace by insurance companies because of the way that the Employee Retirement Income Security Act is written. This act, known as ERISA, prevents an individual from appealing an insurance company's denial of a claim unless the person can prove that the insurance company, and I quote, abused its discretion.

That is difficult to do because insurance companies have often stated that physician diagnoses of fibromyalgia are, in their words, subjective because the doctor had to rule out a number of disorders in order to arrive at this fibromyalgia diagnosis.

My bill, the Access to Disability Insurance Act, would allow appeals of insurance company decisions without having to demonstrate the hard to prove standard of abuse of discretion.

Picture this: You and your employer have paid into disability insurance for years, hoping that you will never have to use it. Then you do get sick and fight to get well, but are unable, constantly dealing with uncontrollable pain and fatigue. Then you have to stop working. All the while, your physician is struggling to determine what has gotten you sick. In many cases, it takes 5 years, 5 years, for accurate diagnoses. After all of this, your disability insurance company denies your claim.

Under current law, there is no recourse, no ability to appeal that denial.

Why should a doctor's painstaking diagnosis be brushed off by an insurance company claims administrator? Because, I believe that patients have a right to appeal that decision, the same right they would have if they applied for governmental Social Security disability benefits, I am introducing this legislation tonight.

This is not an isolated problem. Approximately 30 to 40 percent of fibromyalgia patients have paid into long-term disability plans while they were working, hoping as we all do that we will never need to use this insurance.

It is bad enough that people have to suffer from this illness. They should not have to suffer through a disability process that closes the door on them before even hearing an appeal.

I urge all of my colleagues to join me in cosponsoring the Access to Disability Insurance Act and to celebrate National Fibromyalgia Awareness Day.

ENSURING PROPER COMPENSATION FOR THE NUCLEAR CLAIMS, RELOCATION AND RESETTLEMENT COSTS OF THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS

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

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday, the House Committee on Resources held a hearing on a subject that I feel is critically important, and I wanted to take this opportunity to share it with our colleagues and to our Nation.

Mr. Speaker, I deeply commend the gentleman from Alaska (Mr. YOUNG), the House Committee on Resources chairman, and the gentleman from California (Mr. GEORGE MILLER), the committee's ranking Democrat for convening a hearing to review the long-term effects of America's nuclear testing program on our close friends and long time allies, the good people of the Republic of the Marshall Islands.

Mr. Speaker, our great Nation owes an immense debt to the Marshallese people for their tremendous sacrifices that directly contributed to and continues to contribute to our Nation's nuclear deterrent and ballistic missile defense capability.

Mr. Speaker, the United States in the 1950s detonated 67 nuclear bombs in the homeland of the Marshallese people, directly facilitating development of America's nuclear arsenal while poisoning the environment and the people in the Marshall Islands.

Today the Marshallese people continue to contribute to America's security by providing U.S. testing facilities at Kwajalein Atoll. This atoll, Mr. Speaker, happens to be the largest atoll in the world, for development of our Nation's ballistic missile defense against rogue states possessing weapons of mass destruction.

I want to share a little bit of data with my colleagues, Mr. Speaker. The total amount of TNT that was exploded