SENATE—*Friday, July 12, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, our help in ages past and our hope for years to come, we thank You for Your mercy and blessing toward the United States throughout our history. Hear us as we seek Your continued guidance in our day. May the women and men of this Senate be so sensitive to Your grand vision for our Nation that they will be a conscience to our citizens calling them back to You. Give these leaders soundness of judgment, courage in their decisions, and a united zeal to serve You together. You have warned us that a kingdom divided against itself cannot stand. Help us to affirm that those things on which we agree are of greater value than those things on which we differ. As we work together, deepen our understanding of one another's needs and enlarge our respect for one another's opinions. Make us one in the common cause of justice, righteousness, and truth. We all commit ourselves to the work of government for the honor and glory of Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning, there will be a period for morning business until the hour of 12:30 p.m., with Senator COVERDELL of Georgia, or his designee, in control of the time between now and 11 a.m.; Senator FORD in control of the time from 11 a.m. to 12 noon; and Senator DASCHLE in control from 12 noon to 12:30 p.m.

Following morning business, the Senate will adjourn until 9 a.m. on Tuesday. No rollcall votes will occur during today's session, and the Senate will not be in session on Monday.

When the Senate reconvenes on Tuesday at 9 a.m., under the provisions of rule XXII, a live quorum will begin at 10 a.m.

Following the establishment of a quorum, there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. If cloture is invoked on Tuesday, it is the leader's hope that we may proceed in short order to the consideration of this important legislation. If cloture is not invoked, there will be a cloture vote on the Defense appropriations bill.

In that we have lost valuable time during the consideration of the Defense bill, the leader hopes that all Senators will cooperate and allow us to finish that matter and move on with the appropriations process.

I ask unanimous consent that the Senator from Iowa be granted up to 6 minutes, not to be counted against the controlled time under my jurisdiction.

The PRESIDING OFFICER (Mrs. HUTCHISON). Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I thank the Senator from Georgia.

PULSE CHECK ON AMERICA

Mr. GRASSLEY. Madam President, the Office of National Drug Control Policy recently released the latest "Pulse Check" on drug use and drug abuse in America. The "Pulse Check" provides an opportunity to see what is happening with drug use in markets across the country. The news is not good. Other Senators and I have spoken often on this floor at the alarming trend in drug use. We have told the Nation that drug use is rising; that drug users are getting younger; and that the drugs are getting stronger and more dangerous.

We are heading down a dangerous road. "Pulse Check" does not report on trend lines. Instead, it provides a snapshot of what is happening, a road sign to what lies ahead. Here is what the most recent "Pulse Check" shows:

Heroin is gaining in popularity in many areas of the country. We are seeing higher purity and lower prices. The increased purity has allowed new users to avoid using needles. The result is increased use and popularity. In some areas, cocaine and crack dealers are being pressured by their South American distributors to diversify and also sell heroin.

The news on cocaine and crack use is also disturbing. While use remains stable throughout most areas of the country, availability remains high. Prices are fairly stable throughout the United States. Although it is losing some of its appeal in southern California, New York, and Colorado, it is gaining in popularity in areas in Texas, Delaware, Georgia, and Washington, DC, especially among female drug users. This supports recent reports that drug use no longer has a gender gap.

Perhaps the most disturbing news of all, marijuana use is up all over, especially among younger users. This is particularly disturbing in light of marijuana's role as a gateway drug. As a recent study by the Center on Addiction and Substance Abuse shows, the earlier someone starts using marijuana, the more likely they are to move onto harder, more dangerous substances. Perhaps the first sign of this occurring can be seen in reports of increasing incidence of marijuana cigarettes laced with crack or PCP or even embalming fluid. "Pulse Check" reports that these marijuana users are generally younger and represent the gamut of socioeconomic groups. Also, the quality of marijuana is higher than previous years. This means a much stronger drug is available today than was available during the last drug crisis.

Besides these three more traditional menaces, methamphetamine use continues to rise in the West and Northwest, and is headed toward the east coast. It was once considered mainly a biker drug and found mainly in the Southwest. Now, Mexican organized crime organizations have moved in and are incorporating this new product into their existing networks for cocaine and heroin. Meth is a drug which can be injected, inhaled, or made into pills. It appeals to wide variety of users. Earlier I mentioned that cocaine was losing some of its appeal in southern California and Colorado, where it has developed a lowlife reputation. "Pulse Check" reports that in its stead, methamphetamine has moved in and has become the new hip drug.

Even though little of this makes the nightly news, there is an alarming story to tell here. Perhaps the only one of these dangerous drugs that is getting as much national press coverage that it deserves is Rohypnol. As the DEA works toward rescheduling this date rape drug into the same category as LSD and heroin, it is becoming increasingly prevalent in the Southwest and Mid-Atlantic region. Senator BIDEN first warned us of the coming threat of this powerful sedative. And it is a growing problem.

Other so-called club drugs continue to rise in popularity, as well as so-called natural products found in health food stores and mail order catalogs. Often these natural products contain ephedrine—one of the key components of methamphetamine—and they induce similar effects. These drugs are especially popular among younger drug users. They are marketed by comparing their effects with those of other

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

street drugs, and portraying them as health supplements.

This is what is happening now. The "Pulse Check" gives us a feel of where we are at in the fight against illegal drug use. We are still on the same downward spiral that we have been on since 1992. Drug use is climbing, acceptance is climbing, and all of the associated problems and difficulties are climbing.

The sad part is, this comes after years of declines in drug use. From 1979 to 1991, drug use fell dramatically. We were winning the fight for the future of our children. For some reason, we seem to have hit a roadblock in this success. We have moved off this successful road and have found an hauntingly familiar course where drug use numbers are again headed in the wrong direction.

Some have said that raising this concern is merely partisanship, playing politics. But kids using drugs is not political. Rising incidence of drug use is not political. Talking seriously about the drug problem in America is not partisan. It is an exercise in responsibility. I would welcome the President to come out and say "Drugs are bad. Don't do drugs. If someone offers you a joint, if someone offers you a snort of cocaine, just say no." Unfortunately, after a few public remarks on the issue, the President has, once again, lapsed into silence. We have had a stealth drug policy. It is clear, however, that this approach has simply not worked.

But let's not mistake criticism for partisanship. Since 1992, teenage drug use has surged. Acceptance of drug use by teens has also risen dramatically. These are not partisan conclusions. These are the facts. Modern music, movies, and even clothing depict drugs as "hip." This is a radical change from the eighties when the message was loud and consistent: "Just say no!"

Here in the Capitol, both sides of the aisle have spoken often on this issue. Many have issued the warning that we must change our message now. There are 39 million members of the "baby bust" generation who are beginning to face the choice of whether or not to use drugs. They will be faced with the choice of saying no, or trying drugs that are more potent and more addicting than what was available before. When this generation looks around to see what their leaders are saying, we need to be there loud and strong. We have been down this road before. And we know what strong leadership can accomplish. From 1979 to 1992, drug use fell at a fairly steady pace. It was not always a smooth ride, but we were headed in the right direction.

Congress, too, needs to do its part. We cannot be satisfied with rhetoric and hearings. I would encourage my colleagues to support the drug czar's proposal to reprogram $250 million from the Department of Defense to the Office of National Drug Policy, as well as increased funding for the International Narcotics and Law Enforcement Effort at the State Department.

Madam President, we need to get back on the right track. Congress needs to do its part and support funding. In March we started along this path with a $3.9 million appropriation to restaff the Office of National Drug Control Policy. We should continue by supporting the reprogramming of $250 million I just mentioned from DOD to the counterdrug effort. And I would hope that the President would join us in support and show some leadership by speaking out more on the dangers of drugs and drug use.

In closing, I hope that when the next "Pulse Check" on drug use is released, I will have some good news to share with my colleagues. Unless we change directions, without a change in message, and without a show of strong moral leadership, I fear this will not happen.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

GETTING AMERICA'S BUSINESS DONE

Mr. COVERDELL. Madam President, we heard a really stern leader yesterday talking to both sides of the aisle and to America about getting the job of America's business done. I think he made a very eloquent case in delineating the strategy on the other side of the aisle to bog the Congress down, to keep it gnarled up. At the base of it is a political strategy, and that political strategy is ignoring America's needs and interests.

Just yesterday, the other side brought forth an outline of a program they call families first. But in the 104th Congress they have made American families and America last by stalling and filibustering and dragging their feet on issues that are of enormous interest to the welfare and benefit of millions of American families.

I can think of none more important than health care reform. Getting that done would put American families first. And stalling it and filibustering it is putting American families last.

Madam President, just to recount for a moment what the leader endeavored to move forward on behalf of America yesterday evening, he asked unanimous consent that the Senate insist on an amendment to H.R. 3103 and that the Senate agree to the request for a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

Well, that is a lot of process. What that means is moving forward on health care reform, something that every American family is looking to the 104th Congress to do. And 87 percent of the American public want us to move forward on targeted health care reform, but we are in the 80th day of filibustering by the Senator from Massachusetts. The leader came to the floor and to the assembled body and said, "I ask unanimous consent we go ahead, get the conferees and move forward on health care reform." The other side objected.

The leader then asked for unanimous consent to proceed with the Department of Defense appropriations bill. One of the fundamental responsibilities of the Government, of the Federal Government, is to provide for the defense of the Nation and the keeping and care of our integral defense establishment. The other side objected.

The leader then asked for unanimous consent to move forward with the immediate consideration of the White House Travel Office. As he said here on the floor, in all probability when that legislation finally comes to a vote, it will pass overwhelmingly. The other side objected. The leader asked for unanimous consent to proceed with the legislative matter that the Presiding Officer has had an interest in for so long, the stalking bill. That bill will probably ultimately pass 100 to 0. But for days after days it has been stalled on the other side.

When he asked for unanimous consent to turn to the calendar and bring up stalking legislation, which the Senator from Texas has pursued for so long, what happened? The other side objected.

He asked for unanimous consent that the Senate proceed to the nuclear waste bill. There is probably not a single piece of legislation that has more significance to the environment and the safety of every American than the nuclear waste bill. I mean, we have over half the States that are deeply involved with how to manage nuclear waste. The leader spoke eloquently on the floor before yesterday about the importance of this legislation and the environmental impact it would have on our country. So he asked unanimous consent to proceed to this very important piece of legislation. The other side objected.

He asked, once again, to proceed to the health insurance reform conferees—twice now. There is probably no single piece of legislation that would have such a profound effect on the anxiety of working families in America than untying health care reform. So again he asked for unanimous consent, and, yes, there was an objection on the other side of the aisle.

So here, for all of these important pieces of legislation, it was demonstrated conclusively yesterday that the strategy of the other side is to just bog everything down. America last, politics first.

To reinforce the point that I am endeavoring to make, the number of legislative items having cloture—that

means trying to stop a filibuster, Madam President—we in the 104th Congress have 28 times tried to shut off a filibuster.

The minute we return next Tuesday, our first task will be to try to shut down these filibusters from the other side.

The Republican majority has filed 54 percent of their cloture motions on the first day a measure was considered. There was an argument that we have been doing that too often. But the other side, in the 103d Congress, has done it 60 percent of the time. America needs to know, particularly in light of a theme that they are putting American families first, that on 73 occasions they put American families last. They have had 73 filibusters in the 104th Congress on the other side of the aisle. The President has conducted 15 major vetoes of legislation that the 104th Congress sent to the President in response to America calling for major change in America. He vetoed balanced budgets, the President vetoed welfare reform, the President has vetoed tax relief, even after promising tax relief to the middle class. Over and over again, 73 filibusters and 15 vetoes.

Mr. President, we will talk about a few of the filibusters. Unfunded mandates: We began the 104th Congress discussing an issue that had become, nationwide, highly visible. America was saying to Washington, "Quit mandating costs to our local governments." It is like appropriating our property taxes at the local level. The Federal Government would try to fulfill the need of some special interest up here in Washington, send it down to the States and local governments and say, "Here, here is a new program. You pay for it."

Finally, in an unprecedented piece of legislation that was introduced to begin to control these unfunded mandates, wide support, bipartisan support, headed by the junior Senator from Idaho, Senator KEMPTHORNE, Senate bill 1, we had to file four motions to shut off filibusters—four of them—and then when we finally got it to a vote, it was 98 to 2—98 to 2, overwhelming support for this legislation. Yet, we had to spend 3 weeks, 3 precious weeks, of the 104th Congress and had to, 4 times, try to shut off the filibuster on the other side.

It could not be clearer. It does not take a rocket scientist to understand that from day one, it was the intent of the other side to bog this Congress down. That was their reaction to the 1994 election mandate, drag it out, slow it down, see if we cannot get to another election so that all these changes that were talked about in the 1994 elections could somehow be throttled or choked. Maybe it is just an interim phenomena and America will forget all these changes of wanting unfunded mandate control, taxes lowered, and welfare. Maybe we can get by by stalling and keeping that from happening. We will have 73 filibusters. We will veto all this legislation and see if we cannot get through it.

The balanced budget amendment, balanced budget amendment, House Joint Resolution 1, we had to try three different times to shut off the filibuster before we could actually get to a vote. I can go on, from product liability to interstate waste.

Try this one: Antiterrorism. We had to even cut off a filibuster on antiterrorism before we could get to that bipartisan proposal. Welfare reform, the Cuban Liberty and Democratic Solidarity Act took three attempts—three—to bring that to a vote. Then, after a tragic occurrence, the President wants the legislation to sign. Time and time again, 73 times.

The President, as I said, has vetoed 15 propositions. Product liability was one, something the whole country has been endeavoring and calling for, product liability reform, the debt ceiling limit, the Balanced Budget Act, welfare reform—twice shut it down, stall and see if we cannot get to another election.

There was a story by Carolyn Lockheed, the Washington bureau of the Chronicle, appearing July 8. She says: "For Democrats, the hope is to deprive Republicans of any accomplishments." Now, is that putting American families first, or is that using all of this legislative time of the 104th Congress for political strategy? If you are going to put American families first, you are not going to have 73 filibusters and 15 vetoes and veto balanced budgets and tax relief and welfare reform. She says, "For Democrats, the hope is to deprive Republicans of any accomplishments."

Taking a page from the Republican playbook, unified Senate Democrats are filibustering or otherwise blocking and delaying almost anything that threatens to move. She says that the Senator from Massachusetts has succeeded in discombobulating the Republican majority with the bill to raise the minimum wage and has led the fight to stop—stop—the hugely popular health insurance reform legislation he cosponsored with Kansas Republican NANCY KASSEBAUM.

I might just say, Mr. President, on this issue of health care reform, the Senator from Massachusetts often indicates the reason he is into his 80th day of filibustering a bill, that millions of Americans are suffering because it is not the law, the reason he says he is doing it is because we have a possibility that a conference report would include medical savings accounts, and that is just not the right thing to do because it was not in the Senate version, but it is in the House version, Madam President. It is in the House version. That is what conference reports are about, to work out the differences between House and Senate proposals. I guess he is going to filibuster this until he gets some assurance that he can manage what the White House thinks is appropriate for health care reform, and override the fact that almost half the Members of the Senate agree with the House on medical savings accounts.

Madam President, I will talk for a moment about this filibuster that we have from the Senator from Massachusetts on health care reform. That is probably the single largest and most extended filibuster that we have been dealing with. As I said, Madam President, we are into our 80th-plus day.

In the Washington Post, an article quotes a fellow by the name of David Nexon, who is Senator KENNEDY's health policy director, and the quote reads: "If it"—that is the health care reform proposal—"[the Kassebaum-Kennedy health care bill] fails, just a narrow political calculation, it helps us"—that is the Democrat side—"more than them"—that is the Republican side—"because then we can credibly blame the Republicans for killing it."

In other words, again, as I said earlier, American families last. The American workplace is trying to find an insurance environment that is easier for them to deal with, that comes secondary to having a political advantage and being able to blame somebody for the fact that health care reform, which is so needed, could not get passed. Well, I think it is eminently clear that this idea is not going to work. If we do not have health care reform, it will rest squarely on the shoulders of the senior Senator from Massachusetts and this administration because it will be clear, and there will be no mistake that they have been engaged in an extended filibuster over the interests of American families, who are trying to find a better and friendlier health insurance marketplace for them and their spouses and their children.

How about this quote: "Certainly, his views haven't changed."

That is, President Clinton's views. He was addressing an audience of health care executives, hospital trustees, and others, at a symposium sponsored by the Hospital Association of Rhode Island. Ira Magaziner—if we remember, he was, along with Mrs. Clinton, a principal architect of Government health care, a huge Government-run system. We all remember the charts that were shown here on this massive Government takeover of medicine. Well, Ira Magaziner said, "The American public still cries out for a comprehensive health care system, and President Clinton remains committed to this idea. Indeed, the President will try again if a more receptive Congress is ever elected."

Well, that means to try again for a massive Government-run health care program. That brings up an interesting point.

Now, the President promised tax relief to the middle class. Just yesterday, I pointed to the book called "People First," where, on page 15, he promised a middle-class tax cut. But that became virtually a half-trillion-dollar tax increase—the exact opposite of what was promised. Then, yesterday, we had the Families First Program—from People First to Families First. CBO says that could cost another half-trillion dollars. This Government-run health program that America rejected, for which is still harbored hope on the other side to resurrect, that was about another $200 billion in tax increases. The net effect of all of that, I might add, requires that the average working family in America forfeits about another $6,000 to $8,000 of their income to the Government. That is what all this adds up to.

Another quote: "We're going to get this done, and we're going to keep coming back at it * * *. If we can have a big sweep for the Democrats in the House and the Senate, we'll get single payer." That means Government-run health care. Who said that? Well, the senior Senator from Massachusetts said that.

So maybe now it is becoming a little clearer as to exactly why this filibuster is going on. The idea is, do not get the targeted health care reform that Americans have asked for. Let us throttle that and let us see if we cannot stall the 104th Congress, and maybe the American people will change the balance here and we can get back to pursuing our ultimate goal, which is a national Government-run health care program, with massive new taxes to run it, and an opportunity for the Government to be expanded even beyond 50 percent of the American economy.

This is Senator KENNEDY's quote: "I'm strongly in favor of universal comprehensive health care for all Americans." That was Senator KENNEDY on "Larry King Live," May 8, 1996.

Senator KENNEDY's key aide said, "It may be that, ultimately, the effect of our bill is to lead the Government to take further steps to increase coverage and control costs of health care. My boss still wants universal coverage with cost containment * * *."

So from his point of view the foot is in the door and that is a good thing. There can be no mistake that we are engaged in an attempt to throttle targeted health care reform, to stall, and to wait to see if there is an opportunity to move to broader health care reform.

Now, Mr. President, one of the centerpieces of contention that is always brought up about the senior Senator from Massachusetts, Senator KENNEDY, is that the other side, the House, has a proposal called medical savings accounts, and somehow that is objectionable.

Madam President, it has been determined by the General Accounting Office that 25 million Americans could be helped by this targeted health care reform proposal. We need to understand that, in this proposal, there are a number of features that the American public are waiting for. One is that it ensures portability. What does that mean? The health care reform proposal is designed so that the health care insurance can move with the employee if they change jobs. Currently, in the workplace, many of the insurance policies, if the employee wants to move from job A to job B, the insurance stays with the old employer. So they become vulnerable. They have to leave their job, and their insurance does not travel with them. That is a very, very important problem, one which the health care reform that is being filibustered solved.

The proposal fights fraud and abuse. It creates a national health care fraud and abuse control program to coordinate Federal, State, local law enforcement actions. Funding is increased for investigation and prosecution. I do not talk to many citizens, Madam President, that I do not hear a deep concern, usually followed by anecdotal incidents. They know of somebody that got in an ambulance and was taken 300 miles to another hospital and it was at the cost of the insurance or to the Government. They will name some incident they have seen, some bill that they got—a bill that is three times the normal cost. They want us to pursue this fraud and abuse. This health care reform proposal accomplishes that.

Madam President, this legislation will make health insurance far easier to obtain in our workplace, because it deals with the issue of preexisting conditions. It makes it more possible for individuals to get insurance who do not have it. That is an important ingredient. You have many, many Americans today that are worried and concerned that they have a preexisting condition and even though they want to be responsible and they want to obtain health insurance, they cannot do it because they have had a preexisting condition, some health problem in their past.

This measure begins to get at that problem and begins to make it easier for people with preexisting conditions to get their insurance.

Madam President, it also, in the House version, includes a provision for medical savings accounts. This is the issue that the Senator from Massachusetts focuses on. He uses that as the principal reason for his filibuster.

I suggest that my quotes earlier said that there is another reason. He wants to see if he can stall this and block it so that maybe there is another chance to go back to the total Government-run health care system that America says it clearly does not want. It wants the targeted reform, just as I have described. So he has taken this medical savings account and set it out as the red herring, as I would call it.

Just what is a medical savings account? A medical savings account is a great new idea and product for the marketplace. It would lower costs for people trying to get health insurance. A lot of small companies in America do not offer health insurance. A large number of Americans who do not have access to health insurance are employed by the very, very small companies who cannot afford a health insurance program. The medical savings account gets at this target and would take millions of Americans off the uninsured rolls and get them into insurance.

It is a great idea because it basically eliminates the front-end deductible and the back-end copayment and at the same time lowers costs. I am going to come back to that in just a moment and talk some more about medical savings accounts.

We have been joined by the assistant majority leader, the Senator from Oklahoma. I yield up to 10 minutes to the Senator from Oklahoma on this subject.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Thank you very much, Madam President. I compliment my friend and colleague from Georgia for bringing to the attention of the American people issues which the Senate needs to work, and it needs to move forward with the Nation's business. We have found it increasingly difficult because we have been frustrated by the obstructionist tactics by Members of the Democratic Party in the Senate.

The Senate is a great body in which to serve. It is a body that has rules that are open for debate. I like that. It is a body where it is easy to have amendments. You can amend anything. You can have any amendment on any issue. It does not have to be germane. I happen to like that. I will defend that right. It gives the minority enormous power to influence and delay and obstruct. Right now we have seen the minority using a lot of the Senate rules to obstruct, to delay, and to make it very difficult to pass legislation. Unfortunately, a lot of that legislation is very much needed.

We have before the Senate right now for example the Department of Defense appropriations bill. I have been around here a long time. I cannot remember anybody ever filibustering that bill because we all know it needs to pass. We know we need to fund the military. We need to make decisions on how many people we are going to have in the Armed Forces and what we are going to pay them. We need to have decisions made on what we are going to buy as far as airplanes, as far as equipment, as far as munitions, and as far as research and development. We may have differences of opinion on how much, but

we have to make those decisions. You cannot make the decision unless you have the bill on the floor.

In this case, we have Senators INOUYE and STEVENS, two of our more respected Members and two of our more talented legislators, who have been totally frustrated for 3 days trying to bring that bill to the floor. They are ready to go to work. I remember seeing both Senators having their notebooks and ready to go to work. That was on Wednesday afternoon. We have yet to have any substantive, real debate on the Department of Defense appropriations bill because a couple of Senators—and I respect their rights—are filibustering that bill because they think this will delay consideration of the nuclear waste disposal bill, which may come up after DOD. So, if they can filibuster and tie up the DOD appropriations bill, maybe that will help protect them as far as the nuclear waste bill. I disagree with that strategy.

I respect the Senators from Nevada, and I respect their right to try to protect their State. But by delaying action on the Department of Defense bill, I do not think they are helping their case one iota as far as Nevada is concerned. That is just the latest tactic. That is rather unusual—very unusual, I might say—to filibuster one bill, particularly a bill as important as the Department of Defense bill, to hopefully influence legislation on the nuclear waste bill, or a bill that is coming subsequently; very unusual in my opinion; not a good tactic, in my opinion; not helpful for the Senate.

The Senate needs to do its work on the appropriations bills. If people have philosophical differences on different issues which they feel strongly about, they have a right to filibuster those, but not really on appropriations bills. It does not make any sense to filibuster appropriations bills. We know we have to pass these appropriations bills. They are all important. They probably all spend money that we should not spend, however, if Senators disagree with the way some of the money is spent, they can have amendments to strike that spending, to reduce the spending or to increase the spending. That is the way the system should work.

We should not filibuster appropriations bills. We should give priority to appropriations bills over many others because we know we have to do that. We have to pass these bills.

Again, we can fight, wrestle, argue, and amend over what the amount of money should be in those bills. But I think all of them agree that we should spend some money in each one of those 13 accounts for appropriations. To date, in the Senate, unfortunately, we have only passed one—military construction. We need to pass the Department of Defense appropriations bill. Hopefully, we will be able to get back to that on Tuesday and move forward.

That is not the only case of obstruction that we have seen from our Democratic colleagues. Senator COVERDELL mentioned the health care bill, the so-called Kassebaum-Kennedy bill. That bill passed the Senate in April by a vote of 100 to 0. The House has already passed it. The normal course of procedure is that we would appoint conferees and work out the differences between the House and the Senate.

We have some differences between the House and the Senate—however, these are not real substantive differences in too many areas. But we need to go to conference to work them out. Senator KENNEDY has obstructed that. He has objected to appointing conferees indicating he would filibuster any effort to appoint conferees. He may well have the opportunity to filibuster it.

I think we need to make a decision. Are we going to allow one Senator to deny us the opportunity to go to conference for final action on a bill that passed the Senate 100 to 0? I think Senator KENNEDY is wrong in objecting to this bill. This bill is an important bill. It bears his name—the Kassebaum-Kennedy bill. It has a lot of provisions that are agreed upon with strong bipartisan support. We made some improvements in that bill as originally introduced.

I remember some of our colleagues saying that we cannot amend that bill, that, if we amend it, we threaten the bill. We did amend it.

We put in a provision that I know is of interest to the Presiding Officer that allows the self-employed to have deductions for health insurance rising from 30 to 80 percent. That is a very important provision, a good provision, one that passed. Nobody objected to it. We included it in the Finance Committee action. No one objected to it on the Senate floor. It must be a great provision. It certainly is common sense. It has some equity for taxes as far as health care is concerned. Major corporations get to deduct 100 percent. Why would a self-employed person only get to deduct 30 percent? It does not make sense. Now at least that is increased to 80 percent. It takes 7 years to get there. But that is a positive provision.

Senator KENNEDY right now is objecting to that provision because we are not able to get this bill to conference. I find that very important. He has objected now for 80 days; almost a record. I cannot find any bill that anybody has objected to longer for appointing conferees. If he wants to filibuster the bill when it comes out of conference, he has that right, and I respect that right. I may not agree with him, but at least I respect somebody who is abiding by the rules. Under the rules, you can filibuster appointment of conferees. That is what he is doing. But what he is doing is denying 25 million Americans portability between group insurance and individual insurance. In other words, if they leave a group—maybe they are working for a company that has health insurance and they are fired, or they quit, or they have to move, for whatever reason, and they want to go into a different plan—this bill says they will be able to move their insurance. They will be able to get coverage either in an individual policy or another group policy.

That is a good provision. It has strong bipartisan support. By blocking the appointment of conferees, Senator KENNEDY is not allowing us to take that up and pass it, and put it on the President's desk and have it become law.

Ostensibly the reason the Democrats are objecting to appointing conferees is they do not like medical savings accounts. The House has a medical savings accounts provision that basically makes it available as an option for, I believe, most Americans. The Senate had a close vote, 52 to 46, on medical savings accounts. We were not successful in having a broad medical savings accounts provision. And so since the Democrats do not want medical savings accounts they have refused to let the conference go forward. Even yesterday, the minority leader, Senator DASCHLE, said if you will give us the medical savings accounts provision or let us define it, then we will go to conference.

That is not the way we do business. If we did business that way, the minority would say, well, we will not let you go to conference until we see the final outcome. In other words, the conference does not make any difference; we will write the final package or we do not have a bill or we will not go to conference.

I disagree with that. That is a crummy way to legislate. That is not good, and we should not let it happen. And, frankly, we are not going to let it happen.

The proposals we have made in an effort to compromise on this bill are several. We have already said that we would drop medical malpractice liability reform that the House had in their bill and we did not have in our bill. We have already said, well, that will be dropped. We dropped purchasing alliances for small businesses. In my opinion, we should not have dropped it, but we did.

So we have made several compromises. On medical savings accounts, we said that instead of making the medical savings accounts open for all people in the country, as I think we should, we will confine it to small business, to businesses with 50 or less, and the self-employed. I think that is a very minimal move toward medical savings accounts. As of yesterday, Senator KENNEDY and others think that is

still too generous. They do not want to give self-employed people the right to have a medical savings account or they do not want to give a small business with 50 or less employees the right to start a medical savings account.

What are they afraid of? That it is going to work? Are they afraid they are going to be popular? Are they afraid they are going to take off and be a real success? Frankly, they will be. They will prove you can save money and you can provide an option.

We are not mandating that anybody in America has to have a medical savings account. We are saying that should be an option. And if they choose it, great. If they do not choose it, that is great. It would be their option. It would be another method of obtaining health insurance. Individuals and small companies could decide for themselves where they would take that couple of thousands of dollars a year and say, well, if I do not use it on medical care, I can save if for long-term care.

Madam President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Madam President, I yield another 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. So we would allow small businesses the right to offer to their employees medical savings accounts as an option—not a mandate, as an option—so they could use that money. It would be their money. People are a lot more frugal with their own money than they are with Government money or they are with their employer's money. So there will be savings involved. That is positive. That is good.

What is Senator KENNEDY afraid of, that this is going to work? I have heard him say something about, well, this would be utilized by the wealthy and the healthy. I disagree with that. We had hearings and listened to people, school teachers and others, who really like this opportunity.

The States have given them a small tax advantage. What we would do on the Federal level is allow them to have medical savings accounts, treat it somewhat like an individual retirement account, and if they do not use it for health care purposes, they could use it for long-term health care purposes. If they do not use it today, they would accumulate it. They do not have to use it or lose it. So people would have an incentive not to run up their medical expenses. They could save it and use it, if not this year, next year. They could save it for a real problem in the future or perhaps save it for dental care that their health care did not cover. Or maybe they could use it for long-term health care, which most people in this country do not save for, which makes eminent good sense.

Madam President, I am very disappointed that my colleagues on the Democrat side have objected to appointing conferees on the health care bill which benefits up to 25 million Americans. We should move forward on that bill, and we should move forward on it now.

I appreciate the fact that the majority leader yesterday tried to get unanimous consent to move to the health care bill, and once again, I think for probably about the eighth time, the Democrats have objected. I know that he will be making that motion again on Tuesday. I hope that they will reconsider. I have stated my intention to make sure that we move toward the health care conferees before we appoint conferees on the minimum wage. I think both conferences should be appointed. I do not make any bones about that. Both conferences should be appointed.

We should not be objecting to conferees. We should let the majority will of the Senate go forth. But I do think it is important, for a little leverage, for Senator KENNEDY and others, if they really want minimum wage, they are going to have to allow appointment of conferees on the health care bill. I hope they will see the wisdom in allowing the conferences go forward on both and see that the will of Congress can go forward on two very important issues.

Madam President, again, I thank my friend and colleague from Georgia for his time and also for his leadership on this issue.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the assistant majority leader for his presentation and knowledge on this subject, his assistance in participating in our controlled time.

Madam President, I yield up to 10 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Georgia for his leadership and giving us an opportunity to express ourselves on what appears to be the state of the Senate today.

Far be it for me to come over here and argue that it is inappropriate for someone to filibuster, and I will not make that argument. The Senator from Kentucky is familiar with the procedure, has employed it on numerous occasions over the years, to good end, for the Nation.

What I would like to say to my colleagues this morning, Mr. President, is I am not trying to turn the Senate into the House here. I understand the Senate is not the House. We all know from high school civics that in the House of Representatives, if you have a majority, you can run the place. The House of Representatives can be sort of like a triangle, with the Speaker and the chairman of the Rules Committee at the top of the triangle, and with the concurrence of a mere majority the place can be run like a fast train out of the station. The House of Representatives was constructed by the framers of our Constitution to be a place of great passion and quick reaction. That is the way it has always been, and we understand that.

Many people in the House over the years have referred to the Senate as "the House of Lords," with some degree of derision. The Senate was a ponderous place, a place in which things were contemplated for quite some time. And, boy, that is the way it has worked for 200 years, and, in fact, that was the way it was designed. Frequently, we heard the Senate described as the saucer underneath the coffee cup where the coffee sloshed down the cup into the saucer and cooled off.

I am here to object to none of that. I am not in favor of changing the rules of the Senate. I am not in favor of diminishing the rights of the minority. But it seems to me what is going on right now in the Senate is different in several measurable ways from what has been experienced in the past. I could be wrong about this, but I cannot remember in any of the years I have been here in the minority that we tried to stop appropriations bills. It is one thing to attempt to stop, to pull together 41 people to try to do what you think is best for America by stopping a bad piece of legislation.

We saved the country from "Clintoncare," the Nation's most aggressive effort to take over all of health care by the Federal Government through the use of the filibuster. I make no apologies about that. I am proud of that. We stopped the stimulus package in 1993 through the use of the filibuster, saved 20-odd billion dollars in waste. I make no apologies about that. We stopped an effort by the Government to take over all of the political campaigns and snuff out the voices of Americans and hand the check to the Treasury to support political campaigns. I make no apologies for that.

However, never in the years I was here in the minority did we try to stop appropriations bills, the essential element of operating the Government.

It seems to me that is what is going on here; an orchestrated effort on the part of our friends on the other side of the aisle, maybe in conjunction and concurrence with the administration, to simply create a situation where the Government must come to a standstill, and to try to do it subtly, somehow to try to get it done in a way that everybody does not figure out what is going on.

By any standard that is a new low. That is not trying to stop an issue on the merits because you think it is bad for America. That is saying we will not engage in the elementary, basic function of Government for which the Congress remains responsible, and that is discretionary spending. We cannot control interest on the national debt; we cannot control, at least on an annual basis, the entitlements; but the one thing we do do around here every year, at a bare minimum, is the 13 appropriations bills, the fundamental function of Government.

So let me cite an example. I am chairman of the Foreign Operations Subcommittee. It is not a huge amount of money in the grand scheme of things around here, but this year we will be appropriating about $12 billion to pursue America's interests around the world through the use of means other than sending in the troops; another tool for the No. 1 country in the world to pursue its interests around the world without the deployment of troops.

Last year we had nine different votes on the foreign operations appropriations bill in the House and the Senate on the issue of population control, admittedly a very divisive issue upon which Members of this body and the other body are divided, on a bipartisan basis. But finally, after 5 months of ping-ponging this bill back and forth from the House to the Senate, trying to work out some kind of compromise on the population control issue that would bring the President's signature, we were able to do that. The President signed the bill. He signed the bill.

This year I would say, Mr. President, in an effort to secure a signature on the foreign operations bill, the House of Representatives inserted into their version of the foreign operations bill exactly the language that the President signed in February—exactly. It was an effort to reach out to the administration and say, "Let's not have a fight over this issue this year. It was a difficult compromise to achieve last year, so we will just put in exactly the language you signed in February—now."

"Oh, but that is not good enough. What was good enough in February is not good enough now. We will not sign it again. The standard somehow has evolved from February until now."

What is going on here, Mr. President? There is no other conceivable explanation for that, than that the President would like to veto this appropriations bill. We have not sent it down to him yet. Hope springs eternal. Maybe that will not happen. But it is very difficult to deal with an administration that will not stay stuck to any position. These people can change positions in the middle of a sentence, and do—frequently. Why? They are looking for a reason to stop the Government.

Mr. President, that is what is going on here. I do not know whether there is sort of daily coordination between the White House and our friends on the other side of the aisle or not, but the effort here is to do the country harm—harm, by creating a crisis that does not exist. Because we are not arguing, here, in many of these instances, over freestanding policy matters. Although we are having a dispute here on the minimum wage and the health care bill, I want to say to the distinguished occupant of the chair, as someone who has filibustered appointment of conferees in the past myself, I think it was entirely appropriate for the assistant majority leader to take the position that what is good for the goose is good for the gander. If we are going to object to going to conference on health care, then why not object to going to conference on the minimum wage and small business tax bill? I think that linkage is appropriate. I think it makes sense. It seems to me it might bring about a condition where we can pass two bills that at this point clearly ought to pass the Senate and the House.

But what I fear we are going to see here in the next few months, not only on that side of the aisle but also downtown, is an effort to create reasons to not engage in the basic function of Government, which is to pass these annual appropriations bills. I think it is important for the American people to understand what is going on here; basic functions of Government, not big ideological disputes about the future of the country, but the fundamental activity of the Congress.

Hopefully, this will not continue much longer. I commend the majority leader, who is not on the floor at the moment, but I want to commend the majority leader for finally going on and talking about it in public. We have been sort of sensing what has been going on around here. Everybody has been sort of exasperated about it. You kind of hate to admit publicly this body has declined to that level, but it is time to talk about it and I commend him for doing that. Hopefully our public discussion of this will bring about a more cooperative framework for advancing the business of the U.S. Senate.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, before the Senator from Kentucky leaves, he has given us a good civics lesson on the nature of the Senate, with which I agree. I concur that the rules ought not to be changed. But, if I might just make one point that I made before the Senator arrived, the Senator has conducted filibusters, and on very contentious issues for which there were deep divisions. But we opened the 104th Congress on the unfunded mandate bill which passed here 98 to 2, which was filibustered by the other side for 3 weeks. That is a distinction. That was not a filibuster over the issue embraced in the bill. It was a strategic design to thwart the interests of the American people and it is not families first, it is America last.

Mr. McCONNELL. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. McCONNELL. The Senator makes a very important point. I thought we wanted to pass a health care bill. This is essentially the same bill we wanted to pass in 1991. I thought they wanted to pass the minimum wage bill. The Senator from Georgia, I think, makes a very important point as to what is going on here. This is not about principle. There is no principle involved here. This is pure sabotage. I thank my friend from Georgia.

Mr. COVERDELL. I thank the Senator from Kentucky and I turn to the distinguished Senator from Texas and yield up to 10 minutes to Senator HUTCHISON of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague from Georgia, who wanted to talk about the gridlock that has come over the Senate, really in the last year and a half. But I think it is beginning to show, because our distinguished majority leader made the eloquent effort yesterday to bring up nine separate bills, and had objections raised to every one of them.

These are bills that range from the health care reform bill that was passed overwhelmingly by the Senate, which is being held up from even having conferees appointed for it, to a stalking bill that was passed unanimously by the House of Representatives and would be passed unanimously out of the U.S. Senate but for the objection of one colleague from the Democratic side.

Mr. President, we have had, in the last year and a half since Senator DASCHLE became minority leader, over 65 cloture motions that have been required to try to get on with the business of the Senate. Let me just give a list of a few of those.

Unfunded mandates, to keep the States from having to pay for the mandates that are dreamed up in Washington, D.C.: It took four cloture motions to bring the bill up, and once it was brought up the bill passed nearly unanimously.

Balanced budget amendment to the Constitution: That is what the people of this country have been asking for, a balanced budget amendment so that when we do finally balance the budget, hopefully, we will never again see the spectacle of a Congress that will tax our future generations for the programs that we ask for today. It took

three cloture motions before we could debate that bill. And when we finally did, we lost it by one vote.

Striker replacement, line-item veto, health insurance tax deductions for the self-employed and the small businesses of this country: Every one of these required cloture votes before we could even talk about them on the floor, debate the differences and pass them.

Let's go one step beyond. When we are talking about gridlock, it is not just the Democrats in the Senate, it is also President Clinton. It is the other end of Pennsylvania Avenue. President Clinton has vetoed 15 bills, 15 bills that have finally made it through this Congress, and of those 15, I want to read you what they are, because I think it is important to see the differences between President Clinton and the Democrats in Congress and what they would do versus what the Republicans would do, as shown by what we have passed in Congress.

The Bosnia-Herzegovina Self-Defense Act, vetoed by the President: This would have allowed the Moslems to arm and train themselves so that we might not have had to send Americans with a NATO force to bring peace to that country. They might have settled it 2 years earlier if we had given them the right to have free access to defend themselves. It was vetoed by the President.

Seven-year balanced budget: The President promised the American people a balanced budget. So did Members of Congress. Congress produced, and the President vetoed it.

Securities litigation reform: We were trying to have litigation reform that would cut the costs of the securities industry in this country and for the investors in this country. It was vetoed by the President. That one was overridden.

Welfare reform: Another promise of the President to the American people, a promise kept by the Republican Congress, vetoed by the President.

A ban on partial-birth abortions, a ban on killing babies that are halfway out of the mother's womb: Vetoed by the President.

Product liability reform: The single most important litigation reform bill that has been passed by this Congress that would have tried to bring down the costs of regulation and the prices to consumers, product liability reform, vetoed by the President.

The rest of the bills vetoed by the President were appropriations bills for specific agencies and departments of Government or authorization bills to run the departments of Government.

I think we are beginning to see a pattern here, a pattern of gridlock and obstruction, a pattern of broken promises. I think the American people deserve to know what Congress is trying to do and what we are being obstructed from doing.

Let's talk about some of the items that our majority leader tried to bring up yesterday. He mentioned the stalking bill. The stalking bill is my bill. It was passed unanimously by the House of Representatives. It is being held up because one Senator wants to put a gun control amendment on the bill.

Other Senators had amendments that they had hoped to offer on this bill. Senator FEINSTEIN had an amendment. Senator GRAMM of Texas had an amendment. They were willing to step back because they knew if we opened up the bill, we might not be able to get it passed, and, of course, we were hoping to send it directly to the President after its unanimous passage by the House of Representatives. So they agreed to step back and not change it so that it could go directly to the President and give to the stalking victims of this country another measure to help protect them from threats and harassment that might be fulfilled, because we have not passed this bill that would allow the FBI to come in and track a stalker that goes from one State to another.

This is especially important in a State like New York, where many of the people who work in the New York metropolitan area live in Connecticut or New Jersey. It is especially important where the threats become so great that a victim moves to another State to elude the threat and harassment and is followed by the stalker, and there is no way to have the ability to clamp down on that stalker before he fulfills his mission of beating up or murdering the victim. This bill is being held up for no good reason.

Why would we have a holdup on health insurance reform? The American people have asked for health insurance reform. They have asked for portability so that if they lose their jobs, they will not worry about losing their health care coverage. They have asked that we do away with preexisting condition clauses because they are worried that if they do change jobs, their insurance company will say, "No, I'm sorry, we cannot take you on because you or someone in your family has an illness that might be expensive."

That is what the bill does that was passed overwhelmingly by the Senate and by the House. Why would it be held up? Why would it be filibustered for 2 months?

The Senator from Massachusetts has raised the objections because——

Mr. FORD. Will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield for a question.

Mr. FORD. It is medical savings accounts [MSA's] that the Senate turned down, and the conferees are all for MSA's. Therefore, we will get something that the Senate turned down, and that is the basic objection.

Mrs. HUTCHISON. How would we know——

Mr. FORD. We absolutely know, if you know what is going on in the Senate.

Mrs. HUTCHISON. If you do not even appoint conferees——

The PRESIDING OFFICER. Senators will go through the Chair.

Mrs. HUTCHISON. To the conference committee, because we do not know how it is going to come out. MSA's were passed by the House—they were not passed by the Senate—by a narrow majority. So why should we not be able to work that out? Why would one Senator object to even appointing conferees so that we could sit down and work out the differences between our two bills? Is that not the way this process works?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 additional minutes.

Mr. FORD. Reserving the right to object, we have already gone beyond the 11 o'clock period of time. I had changed appointments to be here at 11 o'clock because that was the unanimous-consent agreement. I do not want to interfere with the distinguished Senator from Texas, but somehow or another we are going to have to stay on track. That was the unanimous-consent agreement last night, that we would have 11 o'clock. Now it is 11:10. And if I give——

Mr. COVERDELL. Mr. President, if I might, for parliamentary information, our control of time, as adjusted by unanimous consent, runs to 11:10, so it would be under my control to determine whether I extend additional time to the Senator from Texas. I yield another 2 minutes because we have other speakers besides the Senator from Texas.

The PRESIDING OFFICER. The Senator from Georgia has that right.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I think it is unconscionable to hold up health care reform that the people of this country expect and that both Houses of Congress have passed because we do not want conferees to sit down and work out a compromise on medical savings accounts.

Medical savings accounts, Mr. President, are something very important for health care reform in this country. It allows a business to give to an employee the amount of money that that employee would have anyway and have choices, so that the employee could take that money and perhaps save by going to different health care coverage or perhaps save money for future rainy day expenses for their health care needs for themselves and for their families. What we want is for them to have that option and to have the tax breaks to be able to save for those health care needs.

So, Mr. President, we are talking about not allowing the appointment of

conferees so we can move health care reform as we have promised the American people we would do. Mr. President, I also have to say I do not know why the Senator from Massachusetts would be so concerned about the ability to have medical savings accounts. I will just read from his very own health care reform bill in 1994, just 2 years ago, where his bill says:

It is the sense of the Committee on Labor and Human Resources of the Senate that provisions encouraging the establishment of medical savings accounts be included in any health care reform bill passed by the Senate.

So, Mr. President, the Senator from Massachusetts' own bill includes language encouraging the establishment of medical savings accounts. So why will the Senator from Massachusetts not allow us to have conferees appointed for that reason? Is he afraid that we cannot sit down and discuss it and get the health care reform?

Mr. President, it does not wash. There is gridlock in the Senate, and it has to stop. The majority in the Senate is trying to make that happen. I thank you, Mr. President, and I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Texas. I think she makes an excellent point when she reminds us that medical saves accounts—which is apparently what is holding this up—was an issue for the Senator from Massachusetts in his own legislation. That is a very important point. I commend the Senator for bringing that to the attention of the Senate.

I now yield 8 minutes, if I might, to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair.

Mr. President, although I am a new Senator, in my first term, I have had association with the Senate going back some 30 years. I started as an intern between school years some 30-odd years ago. I have served on the Senate staff, been associated with the Senate for a number of years. I want to draw on that experience to give a little historical perspective to what I think is going on in the Senate here.

I remember in the days that I have referred to that filibusters used to be very rare. When a filibuster occurred, it was a real filibuster. I remember the time when the Senators were told, "Get out the cots. You're going to be here around the clock. We're going to have quorum calls at 3 o'clock in the morning and do everything we can to break the filibuster." It was reserved, if you will, for those issues about which certain Senators felt most powerfully. The filibuster was not an ordinary tool that was used whenever a bill came up that a Senator objected to.

You contrast that to today's strategy when the filibuster is used almost routinely, when cloture votes are the most common votes that we cast, and you realize something rather fundamental has happened in the Senate.

I think what has happened is that people have discovered that through the use of the filibuster, in the present circumstance, they can change the political dynamic. It is no longer necessary to have a majority in order to work your will in the Senate. Through the use of the filibuster, all you need is 40 votes and you can control the Senate and you can force your opposition to cast votes that they might not want to cast so that you can then go home and campaign against them. The Senate has ceased to be a legislative arena and has turned into a campaign arena that seems to be ongoing and continuous.

I will obviously confess to having participated in filibusters in the last Congress. There were two issues that were very important, in my view, that we engaged in filibusters on. No. 1 was the stimulus package offered by the President of the United States. A group of us felt that was a serious mistake. We took the floor. We held the floor. We ultimately forced the President to back down on that issue. Looking back on it, we were right. The stimulus package that he was calling for was clearly nothing more than pork. I do not apologize for having tied up the Senate to prevent the $19 billion worth of pork that the President proposed.

Other filibusters—I will not take the time to describe them—but the one common thread was I participated in filibusters against bills I was opposed to. We have seen that going on here now. The two Senators from Nevada are involved in a filibuster against a bill that they are opposed to.

What is different in this Congress is that we are seeing filibusters against bills that people are for. Yes, they are doing their best to delay consideration of bills they intend to vote for. I have had to ask myself, what is the motivation behind a filibuster against a bill you are for? I have come to this conclusion, Mr. President—I may be wrong; and I will be happy to have someone demonstrate that I am wrong—but until that demonstration is convincing, I have come to the conclusion that the reason filibusters are currently being mounted against bills that the participants in the filibuster are, in fact, for is that they wish to embarrass the current leadership of the Senate for political purposes in November.

I could understand that when the majority leader was the Republican nominee. I did not approve of it, but I could at least understand it, people saying, "OK, we will filibuster this bill. We will make it look as if Bob Dole is impotent as a leader so that we can then attack him as being an ineffective leader as the nominee." Senator Dole recognized that that was going on, so he did the thing that surprised all of us, and I think perhaps probably disappointed the opposition a little, he said, "OK. I will resign as the majority leader. I will even resign from the Senate."

He made an interesting comment to us when he announced to Members of his own party that he was resigning. He said, "The people of Kansas deserve a full-time Senator, and I can't do that being the nominee. The Republicans deserve a full-time leader, and I can't do that being the nominee. And the people who nominated me deserve a full-time nominee, and I can't do that and stay in the Senate." So out of a great sense of duty and responsibility, Senator Dole resigned his position in the Senate, obviously stepping down as majority leader.

I thought that would solve it. I thought once Senator Dole was gone as a target, that the filibusters slowing down the work of the Senate would stop and we could then get ahead with the work of the Senate. It turns out I was wrong. I have come to the conclusion that there is a deliberate strategy to try to make the leadership of the Senate look bad in an effort to then go to the people in the election and say, "Change leadership. We will be able to get things through." I hope I am wrong, but I have come to the conclusion that that is the strategy and that that is why people are filibustering bills that they favor.

So, Mr. President, I hope we will step back and look at this in a historic context and say, is this the right thing to do in the Senate? Is it the right thing to get us in the habit and the pattern of deciding everything that comes before us in a purely political context, both sides perhaps equally guilty if we get into that circumstance? Or should we all say, let us step back, let us recognize that the Presidential campaign is going to be between Bob Dole, no longer a Senator, and Bill Clinton, who is not a Member of this body, and let them fight their issues out? Let us take our constitutional responsibilities seriously and get on with the business of the Senate.

Let us stop dilatory tactics that are geared not to change the content of legislation but to simply slow down the process and tarnish the image of the leadership. Let us take our lumps. If we lose, we lose. If we feel passionately about an issue, use the filibuster about the issue we feel passionately about; but if there is an issue that can be decided and will be decided by a majority vote, go ahead and decide it by a majority vote and not try to tarnish the effectiveness of the leaders we have chosen.

I voted for Senator LOTT as the leader because I feel he is committed to

moving the business of the Senate forward in a proper, professional way, regardless of his ideological position. I think we should give him the chance to do that. I think we owe him the courtesy of doing that. I think the same would be true if Senator DASCHLE were the majority leader. I would not engage in a filibuster myself on any bill I intended to vote for. I think it should be reserved for those bills that we opposed.

Mr. COVERDELL. Mr. President, I thank the Senator from Utah. I yield up to the balance of the time remaining to the Senator from Arizona.

Mr. MCCAIN. Out of curiosity, how much time remains?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. MCCAIN. I thank my friend from Georgia, and I thank my colleagues for their indulgence.

Mr. President, I am worried about our ability to serve the American people. I am worried about the impression that we are creating and giving the taxpayers of America that sent us here to do their work to achieve a better Government, to meet the needs of those in our society who are less fortunate than we, to fulfill our obligations to national security as embodied by the Department of Defense appropriations bill. There is no higher calling that this body has than to provide for national security. All of that has obviously ground to a halt.

Mr. President, a lot of things have been said about the gridlock that is here today. Unfortunately, it seems to be continuing, particularly in light of the fact that we have only a handful of weeks left remaining in session.

Mr. President, I have only been here about 10 years. It is a pretty long time in the view of some, too long in the view of a few—I hope only a few—but not nearly as long as some Members of the Senate. One of the Members of the Senate that I have grown to admire over the years, that I have engaged in fierce and sometimes partisan debates with, is the senior Senator from the State of West Virginia, Senator BYRD, who all of us respect and revere as sort of the institutional conscience here.

Not too long ago, Mr. President, Senator BYRD stated it most succinctly and in a most compelling fashion. Senator BYRD, back in December of last year, December 15, 1995, said in the CONGRESSIONAL RECORD:

> Under the Constitution, the only real responsibility we elected Members of Congress have to worry ourselves with is that of ensuring the passage of the 13 appropriations bills that fund the Federal Government. That is all we really have to do. This year, while Members of Congress have spent months and months raising the public's expectations for an end to the legislative gridlock and a new blueprint for governing, we seem to be more preoccupied with one petty nuance after another. Instead of ensuring that the people's needs are met, we are arguing over the size of the negotiating table, how many people can attend, and which door of the airplane we can use. All of this is an unnecessary and unwarranted diversion. This year, as always, there are differences in priorities between the Democrats and Republicans and the Congress and the White House.

Mr. President, we are rapidly approaching a position where we cannot carry out what Senator BYRD described as the only real responsibility we have in Congress. Mr. President, it is interesting what a difference a couple years can make in one's viewpoint. It is always interesting to me, because back on October 26, 1994, the Vice President of the United States, Vice President GORE, was quoted in an Associated Press story of October 26, 1994, which read, in part:

> With the President overseas, Vice President Al Gore stepped in to launch a blistering attack on Republicans, who he said were "determined to wreck Congress in order to control it, and to wreck the Presidency in order to recapture it." Urging Americans to rethink their votes 3 weeks before election day, Gore, on Tuesday, labeled Republicans "advocates of isolationism and defeatism abroad and of a reckless strategy of partisan paralysis at home," chastised by name several GOP leaders and a handful of Republican candidates in close Senate races, saying "their campaign platform would result in giant tax breaks for the wealthy."

He takes particular aim, Mr. President, at Senate GOP leader Bob Dole and House GOP whip, then-GOP whip, GINGRICH. GORE mocked their recent statements that they are already planning a transition to a Republican-controlled Congress. "We must not and we will not let the future of America be trapped in the dark corner of Dole and deadlock GINGRICH and gridlock reaction and recession," GORE said.

I hope the Vice President of the United States would come over and treat us to his views today as to what is going on here in the U.S. Senate.

Mr. President, I believe and we all believe that the rights of every Senator and the minority party have to be protected. Mr. President, for 8 of the 10 years I have been here, I was in the minority party. I understand and jealously guard those prerogatives and those rights.

Mr. President, I can cite example after example—and I see my friend from Kentucky here on the floor, one of the ferocious defenders of his party and its principles and a person who I have grown to know, admire and respect in many ways. On this issue, I think the Senator from Kentucky would agree with me that there is a time when we have to do the people's work we are sent here to do, and we must give the votes and the debate to the issues of the day or we are basically derelict in our duty.

Mr. President, I cite several issues I was involved in for years, the line-item veto, which I was able to bring up time after time on the floor of this body. The gift ban, recently the campaign finance reform bill, which, through bipartisan agreement, was allowed a vote. The recent progress we made in the Department of Defense authorization bill, an agreement we made in order to move forward with a vote on the chemical weapons convention, and others. We should be able to sit down and reach agreements on these issues.

Mr. President, I am not in the business of predicting. I always keep in mind the words of the great philosopher, Yogi Berra, who said, "Never try to predict, especially when you are talking about the future." But I do predict that the American people will display their dissatisfaction in these upcoming elections with Members of both parties, if they see we are unable to do the work they sent us here to do. I believe they will exact some kind of retribution on both parties and send people here who are committed to working out these issues which transcend partisanship and transcend personal agendas.

I hope, Mr. President, that we will all appreciate that their excuse that Senator Dole, now departed, now candidate Dole, is responsible for deadlock is no longer valid, for gridlock is no longer valid. I suggest we, together on both sides of the aisle, should sit down and work out an agenda for the rest of this year so we can, at a minimum, work out the 13 appropriations bills that are necessary—a continuing resolution is an abrogation of our responsibilities—and also the authorizing legislation, including important issues such as the chemical weapons convention and other issues that are important to the future of this Nation.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona his time has expired.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Chair advises that, under the previous order, the time until 12:10, by an earlier unanimous-consent agreement, shall be under the control of the Senator from Kentucky [Mr. FORD].

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

(The remarks of Mr. FORD, Mr. THURMOND, and Mr. HEFLIN pertaining to the introduction of S. 1951 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I yield such time as the distinguished Senator from North Dakota may desire from the time that we have. I yield my portion of the time remaining to his control.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota for the balance of the time until the hour of 12:10 p.m.

Mr. DORGAN. Mr. President, might I inquire, following 12:10, is there another 30 minute block of time under the control of the minority leader?

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that there would be another 30 minutes under the control of the Democratic leader or his designee.

GRIDLOCK IN THE SENATE

Mr. DORGAN. Mr. President, I appreciate that information. This morning, I listened with great interest to a menu of opinions that was offered on the floor of the Senate about why the Senate has not moved forward more expeditiously to address this issue or that issue, and why the Senate is not working as well as it really ought to work, who is at fault, what is wrong. The chorus was a well-rehearsed chorus. Obviously, a fair amount of time was spent on this tune, because everybody was singing almost in complete harmony on these issues.

Let me take the most obvious and the easiest one. The U.S. Senate passed, by a vote of 100 to 0, a bill dealing with health care. It was a piece of legislation that almost every American believes is long past due. It says the kind of commonsense things like this: You ought to be able to take your health care with you when you move from one job to another. Your health care plan ought to be portable. This legislation says to every American family that when you move from one job to another, you are not going to be threatened by losing your health care benefits for you or your children.

It says that we ought not have a circumstance where insurance companies insure people as long as they are well and then cancel coverage when they are sick. It says we will not allow insurance companies forever now to say, if you have a child with a heart defect, a child with a preexisting condition of some sort, or a member of a family with a preexisting condition, that you are not going to get insurance coverage because that preexisting condition means you are no longer insurable.

This piece of legislation addresses all of those issues and more. It is a piece of legislation that every American family will want. It is something that should be done. And it was passed 100 to 0 in the U.S. Senate.

When we debated that bill, however, the then majority leader insisted that something else be added to it—something that was extraneous, an issue that was outside of the purview of what was in the Kennedy-Kassebaum or the Kassebaum-Kennedy bill called medical savings accounts. I must say, at least from my own standpoint, that I think it is useful to evaluate with a test program whether medical savings accounts are a good idea or bad idea, whether they work or do not work. That is fine with me. It is a new idea certainly. Let us figure out whether it works.

But to insist on a massive new approach—medical savings accounts, which many economists and other analysts say would undermine the whole circumstance of how we pay for health care costs in this country, I do not know whether they are right; I am just telling you there is a substantial amount of testimony about that—to suggest that must be added to this commonsense health care bill in order for it to move just is out of line. But the then majority leader insisted. He said this must be added to that bill.

So he brought it to the floor of the Senate, and we had what you call a democratic vote; two ways. A democratic vote means that we all have a chance to express our opinion; and, second, the then majority leader failed. Senator Dole failed. The Senate said no, we do not want to add medical savings accounts to the Kassebaum-Kennedy bill. No, we do not want to do it. We did not weigh the votes. We counted the votes. When the votes are counted, those who have the most votes win. The votes that had the largest tally were votes that said let us not laden this bill with something else. Let us pass this commonsense health care bill by itself the way it is, the way the Senate has crafted it. That is the way it left the Senate.

What has happened since that time? The bill is held hostage. No; not by the Senator from Massachusetts, or not by a dozen unnamed villains. The bill is held hostage by those who insist that the only way this commonsense health care bill will get through this Republican Congress is if it has medical savings accounts attached to it. If they are not attached to it, they have no interest in passing this legislation.

That is what is holding this legislation hostage. We are told that this Senator, that Senator, or some other unnamed Senator holds this bill, or that bill in the palm—well, it is nonsense. This bill, the Kassebaum-Kennedy bill, has not moved because of some people's insistence that the only way this will pass the Congress is if other things are included with it. If we are not able to put other freight on this train, then we are not going to let the train move. That is the attitude of some in this Chamber.

We heard a discourse yesterday about gridlock in the Senate. I think it is a curious thing to see in the U.S. Senate, which is a body where one would expect the issues of the day to be not just debated but debated fully, understood and thought out, reasoned, and compromised. I think it is unusual to see in the Senate a tactic in which the party that has the majority says the following: We are going to today, on Tuesday, or Wednesday, or whatever day it is, lay down a piece of legislation before the Senate. This will be the pending business of the U.S. Senate. This piece of legislation is what we will now begin working on today. Then on the same day—the same day—the majority party says, "By the way, we have now decided today we will begin debate. We will also file cloture to shut off debate." The same day on which a bill is filed to begin debate, repeatedly cloture motions are filed to end debate.

Yesterday we heard from the majority leader that this has been done before. We are simply learning lessons from what happened in previous Congresses.

Well, we looked at the 103d Congress. On only one occasion did that happen, and then it happened because there was uniform agreement on the procedure by which it would occur. There was no disagreement about it. It was on product liability. There was agreement by which a procedure called for two cloture votes and then the bill being withdrawn. It was the only occasion on which the Democrats would have ever done that in this Chamber in the 103d Congress. It has been done repeatedly in the 104th Congress—not by consent of anyone, but in a way that is shoved down someone's throat, a demand that although we begin debating the bill today, we also insist on shutting off debate today.

That is no way to run the U.S. Senate. If someone wants cooperation in the Senate on issues, to debate the issues that are important to the people of this country and to others in the Senate, then they must allow debate on these matters—not concoct a strategy that says, "By the way, we will offer our legislation as we have crafted it behind our closed doors without your involvement, and the day we offer it we will tell you, 'No debate; no debate.' We are going to shut off your ability to amend. We are going to shut off your ability to debate, and that is the way we legislate."

If you come into this Chamber with that attitude and then wonder why your vehicle does not develop any speed, I will tell you why it does not develop any speed. Because that is not the kind of a vehicle you can drive through a legislative process in something constituted like the United States is constituted.

There have to be some people who serve in the Congress who believe that we ought to be debating, amending, and improving legislation that deals with real issues people are concerned about. There are, to be sure, substantial disagreements in our philosophies about how to govern. I understand that.

I think it is really interesting, by the way, that we have a bill on the floor of the Senate now that calls for $11 billion more in spending than the Pentagon asked for pushed primarily by people who insist they want to cut Federal

spending—a bill that said let us spend hundreds of millions more for national missile defense, or a star wars program which the Pentagon does not want to deploy; a bill that chooses priorities that say we can afford the extra $11 billion but we have decided we cannot afford enough money to fully fund a Head Start Program. So we are going to tell a bunch of little kids that we do not have any room for you anymore in the Head Start Program. We know that program works. Do you believe that program does not deal with American security? Do you believe that program does not strengthen this country? That is the difference we have in priorities, I guess, in how we spend our money and how much we spend.

But I just think it is ironic that those who talk so much about wanting to cut spending on one of the biggest bills before Congress demands and insists that they spend $11 billion more than the generals and the admirals in this country felt was necessary to defend our country.

I am hoping that we will move ahead and deal with a series of issues in this Congress. I do not want a do-nothing Congress. I want a do-something Congress. I want to participate in a Congress that makes progress. I want to do something about the issue of jobs. I want to do something about shutting down the tax incentives that encourage runaway plants. I want to do something about health care. I want to pass the Kassebaum-Kennedy bill; invest in education to make sure that every little kid in this country has an opportunity to go to Head Start.

There is a litany of issues that we need to address, and address in a thoughtful and an appropriate way.

I want the majority leader to be a successful majority leader. I consider him a friend. I want the Senate to succeed—not as Republicans or Democrats. I want us to succeed as a Senate by addressing the issues which we think are appropriate and necessary to address at this point.

But it does no good, it seems to me, for the Senate to spend all of its time just standing around in a circle pointing fingers saying, "Well, this person is at fault; that person is at fault." The fact is that you cannot be laying down bills in the U.S. Senate and demanding on the same day that you are going to shut off debate and then say, "Well, boy, I am surprised that you object to that. I mean, it doesn't make any sense that you would object to a procedure by which we say we have concocted what we want in a locked room someplace outside your view. Now we bring it to you to show it to you and demand that you have no voice in determining how it is going to be shaped. Shame on you."

Well, no, not shame on us. If those who would begin developing this process would understand the quick way, the best way to get the Senate to act on these issues is to involve everyone and to reach sensible compromises and then faithfully represent those compromises as we move ahead, we would pass far more legislation that is far more beneficial to the American people than this 104th Congress has done to date.

I have some other things to say, Mr. President, but I will hold them for a bit. My colleague from North Dakota, Senator CONRAD, is here, and Senator Wyden from Oregon is present.

Mr. President, I yield such time as may be consumed to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair and I thank my colleague from North Dakota for this time.

Mr. President, I was in my office this morning listening to activity in the Chamber of the Senate, and I must say I was amazed to hear the charges leveled at the minority side by those in the majority. I was listening in my office, and I heard a litany of complaints against the minority for bringing gridlock to this Chamber.

Mr. President, it was as if the majority has forgotten that they were once in the minority and it is though they have forgotten that they are now in the majority and they are controlling the flow of business in this Chamber.

I especially found it fascinating that our friends across the aisle accuse us of stopping Government when it was their side who shut down the entire Government just a year ago—shut down the entire Government in order to try to dictate the results of the legislative process. It was their side that shut down the entire Government of the United States to try to dictate the results in this Chamber.

That is not the way this Chamber is supposed to function. It is not the way democracy is supposed to function. If we go back and try to recall what they were trying to do, I think we can understand why they had to try to be so heavy-handed. What was it they were trying to do a year ago? They were trying to cut Medicare $270 billion in order to provide a $245 billion tax cut that would have been directed mainly at the wealthiest among us.

That is what they were up to. And there was a reaction against that because it was too heavy-handed. The other side themselves described what they were trying to do as "a revolution." That is what they were seeking to impose on the American people, a revolution, and they did not want anybody standing in their way. They wanted to trample minority rights. They wanted to proceed. They had the arrogance of power, and they abused their power. And as a result there was a strong reaction against them not only in this Chamber but in the country as well because the American people did not want a revolution. They wanted change; they wanted us to get our fiscal house in order; they wanted to reform the welfare system; they wanted this country to work better; they wanted more opportunity; but they did not want a revolution, and they did not want folks taking from those who are middle class to give to those who are the wealthiest among us. That was not what the American people wanted.

The other side has engaged in a whole series of tactics to try to choke off the rights of the minority. We use a lot of words around here that are foreign to most people—cloture, cloture motion. What do those things mean? For most people it is not in their vocabulary. Most people I talk to back home in North Dakota have no idea what cloture is. I am not sure my colleagues understand all of what cloture means.

Very simply, the tactic that has been engaged by the other side is to prevent the minority here from being able to offer amendments. Now, that is basic to the legislative process. The majority leader said yesterday, "I just learned this tactic from your leader." No, they did not. Not once when we were in the majority did we lay down cloture motions on bills that could be amended unless there was an agreement by the two sides that were in dispute, and that only happened once. That only happened once, that a cloture motion was laid down which choked off amendments on the day the bill was introduced. And the only time we did was when there was agreement between the two sides in dispute. The other side has engaged in that practice repeatedly, laying down a cloture motion to choke off, to prevent the minority from offering amendments, to act as though the minority is not even here, to act as though the Democratic Party does not exist in the U.S. Senate, to act as though we have one-party rule.

Mr. President, we do not have one-party rule, and we are not going to have one-party rule in this country or in this Chamber, and the majority, I hope, will recognize that that kind of dictatorial stance has led us to the gridlock we have today. They want to know why there is gridlock? It is because they have tried to choke off legitimate minority rights. That is not democratic, that is not American, and it is not going to be accepted.

There is another way. There is another way. We see what works. We see, when we work together and we respect each other, that things can actually get done here. This week we got the minimum wage bill through this Chamber by an overwhelming vote. This week we got through this Chamber a significant package of tax cuts for small businesses and reforms in the pension system and a whole series of other measures to assist small business. How did it happen? It happened

by working together, not by one side, in a heavyhanded, arrogant way, trying to dictate to the other side. That way creates gridlock. But, instead, if we work together, if we respect each other, things can actually get done here. It happened in the telecommunications bill this year—a major piece of legislation—when both sides were allowed to participate in the legislative process.

I hope the majority will remember, this is an institution with two sides. This is an institution that was formed by our forefathers so that minority rights would not be trampled. This is a body that was formed by our forefathers to prevent a monopoly of power. This is a body that was formed by our forefathers to prevent the arrogance of power from trampling the legitimate rights of the minority.

I heard other things said on the floor this morning that require a response. I heard the attack on the President for vetoing some of the bills that were passed by the Republican majority. You bet the President vetoed some of those bills. He should have vetoed them. They were opposed by a majority of the American people.

The American people did not want to have a $270 billion cut in Medicare in order to finance tax cuts that disproportionately went to the wealthiest in our country. That is not what the American people wanted. Of course the President vetoed that legislation. I applaud him for it. He did exactly the right thing, and the American people agreed with him.

I also heard on the floor of the Senate this morning that we defeated the balanced budget amendment to the Constitution. I am very proud to have been one who rose in opposition to that phony balanced budget amendment. Boy, if there was ever a hoax tried to be perpetrated on the American people it was that so-called balanced budget amendment to the Constitution. I tell you, as more people found out how they were proposing to balance the budget by looting every penny of Social Security trust fund surplus over the next 7 years and call that a balanced budget, the American people would be in overwhelming opposition to it. That is not any kind of honest balancing of the budget.

If a private company tried to take the retirement funds of their employees and throw those into the company's pot and call that a balanced budget, they would be in violation of Federal law. They would be headed to a Federal institution, and it would not be the Congress of the United States. They would be headed to a Federal prison, because that is a violation of Federal law. But that is exactly what our friends on the other side were proposing, that we have a balanced budget amendment to the Constitution that would have enshrined in the Constitution of the United States the definition of a balanced budget that included looting every penny of Social Security trust fund surplus over the next 7 years to call it a balanced budget. They were going to take $525 billion of Social Security surpluses, throw those into the pot, and call it a balanced budget. What a charade. What a hoax, to call that a balanced budget.

Mr. DORGAN. Will the Senator from North Dakota yield?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. I wonder if the Senator recalls the discussions we had, actually inside the Cloakrooms, in which some members of the majority party were, in private, saying to us, "We will stop using the Social Security funds in 2008," while others were out on the floor saying, "We are not using Social Security funds to balance the budget." I said it was three stages of denial. Actually, there was a third person on the floor saying, "There are no Social Security funds."

So the three stages of denial that were orchestrated, all at the same time, in total harmony, and I might give them credit for that, are: First, there are no Social Security trust funds; or, second, there are Social Security trust funds, but we are not misusing them; and then, third, back in the Cloakroom here, in their own handwriting, which I still have, by the way, there are Social Security funds, we are misusing them, and we promise to stop by the year 2008.

Does the Senator recall that?

Mr. CONRAD. I recall it very well. The other side was negotiating with the Senator from North Dakota and myself. On the floor, they were saying, "Oh, no, we have no intention of using Social Security surpluses. We have no intention of doing that." But right in that room, right in that Cloakroom, they were telling us, "Well, yes, we are going to use them, but we will stop doing it in the year 2008."

First they said, "We will stop doing it in the year 2012," and we checked and we found out they were going to be using trillions of dollars of Social Security surpluses by that time. We said absolutely not.

They went back out and came back in and said, "Well, we will stop using the Social Security surpluses in 2008." Again, they would have taken over $1 trillion of Social Security surpluses, spent every dime, every penny, and then said they would balance the budget. What a fraud that would be.

You know, as I was thinking about it, in considering my vote on that question, I thought if I was the only vote in this Chamber against that proposition, and if every one of my constituents was on the other side, I would vote no. Because I would never want it said of me that I had helped to put in the Constitution of the United States, the organic law of this country, the document that has made this the greatest country in human history, something that says you balance the budget when you have looted trust funds in order to call it balanced.

I just want to conclude by saying, there is gridlock here. There is gridlock. And there is gridlock because the majority has tried to stifle the rights of the minority. They have tried to dictate legislative results. That is not the American way. That is not democracy. That is not the constitutional role of the U.S. Senate.

The way to get things done here is to respect the legitimate rights of everyone, to respect everyone and to work together. When we do that, we get things done. We got the minimum wage passed that way. We got the telecommunications bill passed that way. We got a substantial package of tax relief for small business and reform of pension laws of this country that way. If anybody is serious about trying to get things done, the way to achieve results is to work together.

I yield the floor.

Mr. DORGAN. Mr. President, I yield as much time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. WYDEN. Mr. President, let me say, as somebody who is new here, as a new Senator who campaigned for months on the idea that we have to come together, we have to find common ground, we have to get beyond some of the partisan labels, I want to come today and speak for a few moments about the importance of that approach and why I feel it is the only answer, and how I hope the Senate can get back on track and look at issues that way.

First, let me say, I have never considered myself particularly a partisan person. I come from a part of the world, the beautiful Northwest where we have a history of fresh and creative approaches to issues before the Government. Our citizens do not get up in the morning and say, "Well, whose got the partisan answer? Is it a Democratic answer? Is it a Republican answer?"

They get up and talk about tackling major issues in a way that is fair and responsible and meets the needs of the public.

So I have tried to take that kind of philosophy, first as a Member of the House and now as a new Senator, in terms of attacking the need to address the concerns of the public.

As the Senator from North Dakota said very clearly, it is obvious that is how the Senate has made progress. Look at this minimum wage issue, for example. It seems to me when workers put out the maximum effort, they deserve a decent minimum wage. The Senate agreed and, fortunately, Senators of both parties came together,

and passed an important small business package. My State is just chock-full of small businesses. We have only a handful of big businesses in the State of Oregon. You can almost count the big businesses on one hand, so we are a small business State, and those tax incentives that were passed with bipartisan support are going to make a real difference at home in Oregon and on Main Street in our country.

The same kind of bipartisan approach was used in the Kennedy-Kassebaum bill. I think that the health insurance system in our country needs to work for more than the healthy and the wealthy, and yet, so often, when somebody gets sick, the whole system falls apart. For a lot of families, you can only get coverage when you really do not need it, which is when you are well.

So the Senate came together, a bipartisan bill was passed, and it is going to make a real difference, because, for the first time, when citizens are trying to get ahead, when they work hard and play by the rules, they will not be limited in terms of their job advancement because they cannot get health insurance as they try to climb up the ladder in the free enterprise system.

So there have been real successes since I have been here, when Democrats and Republicans worked together on issues like health and the minimum wage. I am very hopeful that over the next 7 or 8 weeks of the session—and I just remind again our colleagues and our friends that there are only a handful of weeks left in the session. To get real results on issues like welfare and crime and aviation reforms—many of us are concerned about the situation with aviation in this country and want to pass real changes to make sure that the Federal Aviation Administration's mandate is safety first; that there can be public disclosure of the safety records of airlines in our country. To get this kind of work done on crime and welfare and transportation, we are going to have to have a bipartisan kind of approach, once again, in the Senate.

I think it has been very unfortunate. I have seen it over the last couple of weeks and hope that it will not be the practice in the last few weeks in the session that as soon as a bill is essentially introduced—and my friends from North Dakota, Senator DORGAN and Senator CONRAD, are very right to say, let's get away from some of these arcane, technical terms—"cloture" and the like.

What the bottom line is all about is that for the last few weeks, as soon as a major bill has been introduced, there has been an effort to immediately cut off the debate. That bars the minority, especially, but certainly Members of the majority may have differing views on some of these issues, and debate, reasonable debate, is what the Senate is supposed to be all about.

The Senator from North Dakota [Mr. DORGAN] and I both served in the House. One of the things that we thought was possible about service in the Senate was to have a bit more time, a reasonable amount of time, for all sides to have a fair airing of an issue. Sometimes that time is not available in the House, and sometimes the public's business suffers as a result of it. So I think this practice of, in effect, trying to shut off debate, almost as soon as it starts, is something that is especially unfortunate and is going to make it tougher to get the public's business done in the last few weeks of this session.

Mr. President, I say to my colleagues, let me reiterate my interest and desire in looking at these issues in a bipartisan way. I think, for example, there are a variety of procedural reforms that would be very helpful in terms of the work of the Senate.

We know, again, for the last few weeks of the session, one of the practices that is often abused is a Senator puts a hold on a bill and does it all in secret. I think the Senator's procedural rights ought to be protected, but I think there ought to be public disclosure. The hold is not the problem, but I think secrecy is. So what I have been trying to do is work with Senators on both sides of the aisle, Democrats and Republicans, to try to make a change, to try to get public disclosure when there is a hold that will make the Senate more open, more accountable and more efficient and be in the interest of the public, so that the public's right to know is protected.

I am not trying to do that in a partisan kind of way. I am talking to Senators on both sides of the aisle, because I think that is the way we have to do the public's business.

(Mr. STEVENS assumed the chair.)

Mr. WYDEN. So, Mr. President, I say to my colleagues, I come to take the floor today to say that in these last 7 or 8 weeks of the session, when there is so much important work to be done, let us make sure that the procedural rights of the minority are protected, let us get away from this unfortunate practice we have seen in the last few weeks of literally cutting off the debate almost as soon as it starts, and let's take the kind of approach that folks in my home region, the Pacific Northwest, take, and that is a bipartisan one.

I believe that it is possible to get some important work done in these next 7 weeks, to get a welfare reform bill. We have done that in Oregon. Senator HATFIELD, my senior colleague, has done yeoman work in terms of our jobs plus program. It has a tough work requirement, but we are also helping with child care and medical care. That kind of bipartisan approach can be an ideal model for helping the Senate to come together, Democrats and Republicans, to reform the welfare system in the last few weeks of this session.

But to reform welfare, to get a good crime bill, to have an important transportation bill—the Presiding Officer, Mr. STEVENS, for so many years has done outstanding work on these aviation issues. He knows I am anxious to work with him in the days ahead—to really have progress in these last few weeks of the session, we are going to have to protect the rights of the minority; we are going to have to work in a bipartisan way. That is how we best address the public's needs.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the comments by the Senator from Oregon. We are delighted he is in the Senate. I expect he expected to come to the Senate from the House of Representatives where they have substantially different rules and be in a body where there is substantial debate. Probably a surprising discovery for him is a new trend here in the Senate of filing cloture motions on amendable issues in order to prevent amendments and shut off debate on the same day that a bill is filed in the Senate for debate.

I echo the sentiments of the Senator from Oregon [Senator WYDEN]. We have heard a good many Members come to the floor earlier this morning describing all the ills of the Senate to be laid at the feet of the President or the Democrats in the Congress.

Frankly, it is not our interest, it is not my interest, I think it is not Senator WYDEN's interest to impede the progress of the Senate in addressing the real issues that people want addressed. We are not going to roll over and play dead when we have people coming to the Senate saying to us, "Here's our agenda. If you don't like it, tough luck. We're going to ram it down your throat and send it to the White House and demand the President sign it."

There was a complaint this morning about President Clinton's veto of some bills. Well, let me say as well, I am glad he vetoed the piece of legislation that says, by the way, let us take $270 billion out of what is needed to fund Medicare, and let us use the funds we get by taking that out of what is needed for the Medicare Program and use it to give tax cuts, the majority of which will go to the wealthiest Americans. I am glad the President said, "Not on my life you are going to do that." He vetoed that. He vetoed that. So a whole series of overreaching and ill-proposed issues that came to the floor of the Senate last year the President had to veto.

Now the question is, are we going to do this in a serious way? I noticed in the paper the other day, "GOP To Press Missile Defense as Clinton Test." They are going to load the defense bill

down with hundreds of millions of dollars extra for national missile defense, demanding that money be spent on the system the Pentagon says it does not want and the defense community says this country does not need, demanding it be done in order to confront the President with a defense issue so they can say the President is weak on defense. That is not from people who are serious about wanting to balance the budget. It is from people who want to use these issues as a political wedge.

My own interest is that we address the central questions facing American families. Are there good jobs available for them and for their children? Is there some security with those jobs? Do they pay well? What about the schools you send your kids to? Are they doing well? Do we have enough money for the Head Start Program, enough money for the WIC Program? Are we able to take care of the children in our country? What about welfare in this country? Are we going to get able-bodied people off welfare and to work?

I am proud to have helped construct something called the Work First Program. It does help enable people to go to work, but not injure the children. Do not say to a 10-year-old or 8-year-old, get off your behind and go to work. Two-thirds of those who are on welfare are under 16 years of age. I do not think anyone is suggesting we shove them out the door and say, "Get a job." Let us take care of the children in this country, but let us insist able-bodied people go to work.

Let us reform the welfare system. There ought to be enough agreement on both sides of the aisle to do this in a way that is not politically gamed so they can construct it and have a veto at the White House, but in a way that really does reform the welfare system and in a thoughtful, sensible way.

Health care. I have said before, let us just pass the bill. Let us pass it through the House and the Senate that has already been passed. It passed the Senate 100 to 0 dealing with the Kennedy-Kassebaum bill.

Portability, preexisting condition, so many things the American family needs. Pass it. Be done with it. Get the President to sign it. He will. We will significantly advance the health care that the families need in this country in the right way.

There are other things that I want to see done. I am sure the Senator from Oregon shares that.

Crime. I tell you, I very much want to see us do another initiative on crime in the right way. I want everyone on parole and probation in this country to be drug tested, period. End of story. Everyone on parole and probation in America ought to be drug tested while they are on parole and probation. If they fail their drug test, it ought to be revoked.

I also want to change the system so that in every circumstance in this country, if you are convicted of a violent crime, if you are a violent criminal and convicted of a violent crime, you spend all of your time in jail, you do not get good time off for good behavior. No good time off for people who commit violent crimes. If you go to jail, you stay in jail and do not get out until the end of your term. Very simple. If you commit a violent crime, you go to jail. There is no good time off for good behavior. I would very much like to see us do that.

I would like to see us advance the proposition of victims' rights. Frankly, there is now a law, which I authored, dealing with, at least in the Federal court system, if you are a victim in the Federal court system you have a right to be in court and testify at the sentencing investigation. The victim has the right to come and say, "Here is what this crime meant to me."

What happens? The criminal comes in, the person that has been convicted comes in. They get them a new blue suit and haircut and they bring the minister and the neighbors in and say what a quiet young boy this was, what a wonderful young person. And you have this story about what the criminal is about. I want the victim to say, "Here is what this person did to me and my family," or the victim's family to say, "Here is what this meant to me."

I am pleased to tell you that is now in Federal law because I wrote that provision in the last crime bill. But as you know, the Federal system only deals with less than 10 percent of the criminal justice system. I would like to see that in every State and local jurisdiction, in criminal justice all across America—victims' rights.

The issue of jobs.

Mr. WYDEN. Will the Senator yield on that point?

Mr. DORGAN. Yes.

Mr. WYDEN. This crime issue is so important. I share the Senator's view. I just add, this question of violent juvenile crime is especially important. Again, you see Senators of both parties who have done excellent work on this, Senators HATCH and THOMPSON—I have watched Senator BIDEN—all of whom have been very helpful to me and my staff in my early days as a Senator. I think they can help us put together a package dealing with violent juvenile crime.

In a lot of communities—the adult crime rate is still too high but has sort of leveled off—but the rate of violent juvenile crime has just gone through the stratosphere. In fact, the Justice Department had a study recently that showed, particularly between 3 and 7 o'clock, 3 in the afternoon and 7 in the evening, when you have these at-risk kids, that is when you really have a great portion of the violent crime in America.

There is nothing partisan about tackling violent juvenile crime. There are Senators of both political parties that have dealt with it and come up with innovative ideas. There are people like the criminologist, James Q. Wilson, who are advancing approaches that could be backed by both political parties to try to particularly make sure that these violent juvenile offenders are accountable.

But we are not going to get the important work done that the Senator from North Dakota is talking about without thoughtful debate that ensures that both sides have a reasonable opportunity. I hope the Senator from North Dakota takes the lead on this crime issue as a Member of leadership, and the kind of bipartisan approach the Senator is talking about will prevail, because issues like violent juvenile crime are issues that we can bring this body together on in a bipartisan way to deal with. I thank the Senator for yielding.

Mr. DORGAN. The fastest growing area of crime in this country is juvenile crime, especially violent juvenile crime. I find it interesting that if you access the NCIC or the III, the Interstate Identification Index, to find out who is on there, who committed crimes in this country, what you find is some of the most violent crimes committed are not in those records because they are committed by a juvenile. You will not have access, as a judge or a police officer, by accessing the identification index.

One of the things we worked on for years is very simple, and we are not there yet. It requires a lot of attention by Congress. That is having a computer system, so that on a computer in this country we have the records of every convicted felon in America.

If the Senator from Oregon would go to a department store this afternoon to buy a shirt and use a credit card to buy a shirt, they will take that credit card and run it through a little machine that is an imager that determines the magnetic strip on the card, and then in 20 seconds they will tell the Senator from Oregon whether his credit card is good or not. Let us assume the Senator from Oregon has a credit card that is good. But immediately they will tell everyone, is this a good credit card or is it not? Twenty seconds.

They can keep track of 200 million credit cards—more than 200 million credit cards—that way, and access in 20 seconds the credit status of someone going to buy a shirt. The question is this: Why do we not have access, for the several millions of people who have committed violent crimes in this country, to every criminal record that exists in America for judges when they sentence, for law enforcement officials when they pick someone up on the streets, to determine, after a crime, is this a suspect? Is this someone who has committed three other violent crimes?

The fact is, we have a system now in which about 80 percent of the available

criminal records are not available in the one criminal justice record system we have. I know the FBI and others will say, "Gee, this is a wonderful system. It works well." The fact is, a whole lot of States do not participate in it or do not participate fully in it, and the system does not have a lot of the criminal records we need.

To start addressing the crime issues, one of the first things we need to do is make sure we have a computer record of all convicted felons in this country, know who they are, what they have done and where they have done it, so that everyone—judges, law enforcement people and others—will have access to it instantly, in a complete manner.

The other thing I say to the Senator from Oregon on other issues, the central issues for most families is, are we going to have a decent job? Will our kids have opportunities to get a decent job after they have had an opportunity to go to a good school? Schools and jobs and your kids—that is what this is all about.

One of the things I would like to pass on the floor of the Senate is shutting down this insidious provision that says, "Move your jobs and your plants overseas. We will give you a tax break." I tried last year to do that. They turned it down. I was promised they would hold hearings. They have not, but we will do it again this year. If you cannot take the first baby step of shutting down the tax incentive that says "ship your jobs overseas and the American taxpayer will reward you to the extent of $2.2 billion"—$2.2 billion—"reward those who ship their jobs overseas," if we cannot shut that down, then, thinking has stopped in the U.S. Congress, in my judgment.

Finally, I do not want to hold the Senator from Oregon up, but one of the things I think is interesting, which this Congress ought to deal with, is not just the trade deficit—which I will talk about next week with some of my colleagues; I will introduce a piece of legislation on the trade deficit—but the trade deficit, merchandise trade deficit enjoyed in this country is higher than the fiscal policy, different by a substantial margin, and there is not a whisper of attention to it. But you can only repay the trade deficit with a lower standard of living in our country.

It is a threat to this country, and we must deal with it, not by shutting our borders, but by dealing with those countries with whom we have large trade deficits, dealing with those circumstances where it is resulting in a substantial export of American jobs. We have a $170 billion merchandise trade deficit, and this country has to begin to confront the question of why do we have that and what do we do about it.

I wanted to mention one additional item today on the floor of the Senate. There was a story in the Washington Post this week that says, "Federal Reserve policymakers are watching wages for clues to whether they need to raise interest rates again." Now, the point of this is that Federal Reserve policymakers are watching wages. What is the message there? The message is that we better not see an increase in wages, we better not see something that is good for American families, or we will clamp down. That is the message.

Now, what does this mean? It is because the financial markets took it on the chin last week. They said, "A key factor was the report from the Labor Department that average hourly earnings jumped .8 of a percent last month, the largest increase since 1982."

What John Berry, the reporter, does not say, and they never say, is that the increase in wages last month, which was a large jump, only takes wages back to where they were last December. You do not get a report in the Washington Post by Mr. Berry, month after month, that talks about how far wages have come down, and if you take a look at the drop of American wages month after month after month in real purchasing power, you do not see many stories or much in the headlines about that. But have a spike up in wages in 1 month, only to take us back to where it was in December of last year, and all of a sudden the market and all those who write about the market have an apoplectic seizure.

Every time you get a bit of good news for the family that maybe wages are stabilizing or going to start to come up just a little bit, what happens? Wall Street does a somersault. Wall Street looks for a window to jump out of. The unemployment rate drops to its lowest level in 6 years, a July 6 headline, "Stocks, Bonds, Plunge on Jobs Report." Unemployment goes down, more people are working, it means the economy is better, and Wall Street says, "Oh, my God, look what is happening to America. Woe are us. What on Earth is going to happen to our country? More people are working, and they are getting higher wages. America must be going to hell in a handbasket. What on Earth is going to happen to our economy next?"

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. WYDEN. This issue is really an interesting issue. I say, it seems to me, in today's economy we can have more noninflationary economic growth than you could in the past. You look at technology, for example, and technology is driving so much of today's economy. I think the Senator is making a very important point with respect to the role of growth and the Fed and the issues that, frankly, are not getting the kind of attention they ought to receive.

My sense has been the Government does not even really measure today's modern economy in an accurate kind of way. I served on the Joint Economic Committee for a period of time, and I was concerned that the Bureau of Labor Statistics was not in a position to have the resources, it was not in a position to have the tools to really measure the modern economy.

This whole idea about the relationship of inflation and growth, I think, really needs a fresh look. My sense is that because of technology, we can have a higher degree of noninflationary economic growth than we could in the past. I look forward to working with the Senator on these issues.

I also say, once again, we are talking about something that is not a partisan kind of issue. Everybody in this body wants to make sure that we grow the economy, that we incent the private sector in a way to have good-paying jobs, and we do not want to fan the fires of inflation.

These are not partisan kinds of issues. The Senator, talking about wages and the Fed, he did not mention Democrats, he did not mention Republicans. We are talking about kinds of approaches this body ought to be looking at in terms of the modern economy.

When I talk about noninflationary economic growth, I submit that what is driving it is the technological revolution, which, again, is not the special prerogative of Democrats or Republicans.

I thank the Senator for yielding.

Mr. DORGAN. I agree. There are two things that drive it. One is the technological revolution and the second is the global economy. Two or 3 billion new workers in the world are now eligible and able to compete in an open market, especially with the lower skilled American workers, the bottom two-thirds of the American work force, and those 2 or 3 billion people living elsewhere can make 10 cents an hour, 20 cents an hour, or 60 cents an hour. In many cases, what you have is 12-year-olds making 12 cents an hour, working 12 hours a day, competing against American workers, which drives down American wages. When American wages start to firm up a little bit, we simply climb back out of the hole to where we were last December, the stock market has a heart attack.

Let me go through a couple other headlines: "Job and Wage Data Put Pressure on Fed," July 8; "Unemployment Rate Hits 6-Year Level While Pay Posts Big Monthly Gains." Again, it just crawled back up to where it was the previous December. If you read this all in the Wall Street Journal, it would give you great cause for alarm if you are on Wall Street and have another agenda. So what happens is the stock market and the bond market has a seizure.

July 8, "Jobs Data Sparks 115-Point Plunge." You would think maybe the jobs data was that it showed America

was in deep trouble, deep unemployment, headed toward a massive recession. That is not what the jobs data was. The jobs data showed that fewer people were unemployed, more people were employed and the economy was getting better. What happens? A deep plunge in the stock market. News that even unemployment is at a 6-year low is not good news for Wall Street. NBC nightly news lead: "The Economy Is Too Good for Markets."

The data in February and March. "Employment revealed increases in jobs prompting steep sell-offs on Wall Street."

"Economy Surge Hailed by President, but Markets Fall."

"Wall Street plummeted Friday"—this is March—"and major sell-off triggered by what seemed to be splendid economic news, a drop in unemployment, and the biggest jobs gain in more than a decade."

February. "When Federal Reserve Board Chairman Alan Greenspan hinted in testimony that the economy could grow at a 2.5 percent rate this year, the market gulped. The ensuing speculation sent the Dow Jones down 45 points."

Just to show that it is not all irrational, some of it is politics, this says, "GINGRICH blames White House for stock market plunge." But that is an aberration.

"U.S. Stocks Make Steep One-Day Drop." This is October of last year, on good economic news. But it is not all clearly irrational on that side. You get good economic news, and Wall Street looks for a window to jump out of. It happens the other way as well. "Last year, bonds rose after the Labor Department said Friday morning that unemployment claims had risen by 5,000 last week." So you had some bad economic news, and Wall Street goes, "Thank God, we got some bad economic news. That is good news for us on Wall Street."

What kind of twisted logic is this? Felix Rohatyn wrote a piece that I will send to my colleagues, in which he said that many corporate leaders agree and believe that it is a false choice in this country now. Wall Street and the Fed, especially, have led us to believe that it is a false choice that we must choose between economic growth and inflation—a fundamentally false choice. But those who believe we must choose between either growing as a country or inflation are the ones who are causing us to drop anchor at the first hint of wind that gets in the sales of this economy. The first time the economy starts moving a bit, it is time to drop anchor.

What does all that mean? It means that the ups and downs—this casino in which there is daily betting with trillions of dollars, where people make money going up and make money going down, and people buy what they will never get from people who never had it, and they make money on both sides of the transaction—is all at the expense of working families, who sit around eating supper asking themselves: Well, what is our life like? What about us? What is the situation in my job? Am I being paid more or less? Am I making progress or falling behind? Is my wage up, or is it deteriorating? Is my job more or less secure? What about my child, who is ready to go to college? Is the economy expanding sufficiently so that that child is going to have an opportunity to get some interviews and maybe have a choice of a job or two?

That is the central question. Those who believe they should scare this country into accepting a rate of economic growth of 2 or 2.5 percent, and decide that the standard practice in this country is to revel in bad economic news and despair in good economic news, have done a real disservice to the potential of this country's economy. Felix Rohatyn is fundamentally right. It is a false choice for us now in the global economy when wages have been going down, not up, to say that we must choose between economic growth or more inflation.

I do not want more inflation. I do not think it serves this country's interest. Inflation has been coming down for 5 years in a row. If you believe Alan Greenspan, that the consumer price index overstates inflation by a percent and a half, we have almost no inflation in America today. Yet, we have all these micromanagers who see themselves in the hold or the engine room of a ship of state, operating the controls to try to slow the ship down. My Uncle Joe could slow the ship down. If that is the job description of the Fed for serving on Wall Street, my Uncle Joe can do that job. I want this country to have an economy that expands and produces more jobs and better wages.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WYDEN. I share the Senator's interest in this Rohatyn analysis. What is interesting is that there really is a link between the growth issue and those concerns of working families that the Senator from North Dakota is right to zero in on.

There was a study a couple of weeks ago, a Census Bureau study, that showed that the gap between those at the very top and those at the bottom is widening again and, well, it confirms what a lot of us suspected. But there was also another study that did not get the attention, frankly, it should have, which said that the education gap is widening between folks at the top and folks at the bottom.

So there really is a link, a kind of interdependence between the issues that the Senator is talking about. We ought to be looking at a noninflationary economic growth rate that I think is increased beyond where we are today. I think we can get it if Democrats and Republicans in this body come together and pass the kind of policies that will complement that.

For example, if you want to attack that education gap, which was the study I mentioned last week, which complemented what the Census Department said, education is really the key. A lot of us here have said that what we ought to do, on a bipartisan basis, is say that when working families are making payments for college or vocational education, let us make that tax deductible. Let us let them write that off, so that we have a tax cut geared directly toward working families trying to deal with that wage crunch that the Senator from North Dakota is talking about. It gives us an opportunity to have the kind of growth that Felix Rohatyn and others are talking about.

I think the Senator is very much on target in bringing these issues up. There certainly is not anything partisan about these kinds of questions. I hope that as we go into the last few weeks of the session, this is the kind of approach we should take. I thank the Senator for letting me work with him on this morning's discussion.

Mr. DORGAN. Mr. President, I thank the Senator from Oregon, Senator WYDEN, for coming this morning, as well as Senator CONRAD and Senator FORD. Again, what he said last is, I think, most important. The Senate will work its will on issues. But we cannot have a circumstance where we are told we have made the decision in some room someplace, and we are bringing it to the floor, and we are cutting off your right to debate it and accept it, or else. That is not the way the Senate can work.

Most of us are anxious to work with the majority to get things done. I say that, despite the anxiety of the end of the week on the legislation that was pending, this was actually a pretty productive week in the Senate. We passed some very substantial pieces of legislation dealing with the minimum wage, with small business regulatory issues, and tax issues that will be very helpful to small business. The Defense authorization bill was passed on final passage. This was actually a productive week. I hope future weeks will be as productive. Our intention is to work, in a serious and conscientious way, with the majority. But we will not be rolled over by people who insist on doing things that prevent us from being part of the debate. That is a message that they need to understand, and I hope they will understand.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

IN REMEMBRANCE OF LEE SCHOENHARD

Mr. DASCHLE. Mr. President, I rise today to honor the memory of Leland "Lee" Schoenhard, a good friend and one of the most charitable men South Dakota has ever known.

At the age of 4, Lee Schoenhard moved with his family to South Dakota in 1924. At the young age of 17, he moved to Chamberlain, SD, to begin a career in farming. He would change careers often in life. At different times, he made a living in the construction, trucking, and the lumber businesses. In 1965, he built and opened Lee's Motor Inn, a 60-unit motel that is still one of the finest places to stay in Central South Dakota. From 1973 to 1977, he owned and operated the Missouri Valley Grain Co. as well as a feed lot in central South Dakota that fed over 80,000 cattle. Lee's hard work and keen sense of business turned almost every opportunity he encountered into a success. Despite having attained only a sixth grade education, he became one of the most successful and wealthy businessmen in the State of South Dakota.

But, Lee Schoenhard's wealth extended far beyond his earnings.

After he passed away last month, Lee was remembered, not as a man of riches but rather as a man of compassion, and the fond recollections of the people he helped will forever remain the most powerful public statement that can be made about his life. People will remember him driving over 18,000 miles in 4 months to raise money for a hospital in Lyman County. They will remember the 22 carloads of scrap iron and the 500 carloads of wheat straw that he bought and delivered to the Army for material purposes in World War II. They will remember the $9,000 he gave every year in scholarships for area school children, and the $1 million foundation he created to fund community projects in his hometown and surrounding areas. Through these and other numerous gifts, his wealth will continue to help South Dakotans into the next century, and it is in these acts of kindness that the memory of Lee Schoenhard will continue to live.

I will remember Lee Schoenhard as a dear friend, and can truly say he was among the wisest and most caring men I have known. He embodied the South Dakota spirit with a kind and honest heart, and we will all miss him greatly.

SAUDI ARABIA BOMBING

Mr. KERREY. Mr. President, I rise to comment on a disturbing trend I see arising in the aftermath of the terrorist killing of our military personnel in Saudi Arabia. I am concerned because I believe we may be developing a response that plays right into the terrorists' hands.

I frankly question some of the responses coming out of the Congress. Some of these responses neglect answering the fundamental question: Why did the terrorists choose to kill Americans in Dhahran on June 25, 1996? This question is fundamental because if you answer it, you will immediately reach some conclusions about the right and wrong response to the bombing.

I say to my colleagues, in order to understand the next steps we should be taking as a nation, you must try to put yourself in the mind of the terrorists to determine what they want. Based on all of the rhetoric and the history of terrorism in this region, there are, in my view, as least three things the terrorists want to have happen as a result of their attacks. First, they want to divide Saudi Arabia from the United States. Second, they want to force the United States out of Saudi Arabia. Third, they want to make it more difficult for the United States to deploy its forces overseas.

If these are in fact the goals of the terrorists, and I believe they are, some reactions in Congress and the media are playing right into the terrorists' hands. I have heard implications that cast doubt on the competence of the military chain of command to protect the troops. I have heard doubt cast on the sincerity and willingness of an important ally to cooperate with the United States. I have heard speculation about the stability of the government of that important ally. If I were the terrorist, I'd be pleased at these reactions and be confident that one more spectacular attack might just be good enough to finish the job and drive the Americans out of the region.

I say to my colleagues, these are not the appropriate responses when we are at war. And believe me, whoever they may be, the terrorists have declared war on the United States. And I think we can all agree, when we are at war, the appropriate response is not to do what your enemy wants.

The appropriate response is to support our military and its commanders. The appropriate response is to praise the airmen at Al Khobar Towers for the dedication and alertness which prevented greater casualties in the attack. The appropriate response is to pile on all of the intelligence and war-fighting resources we can marshal so as to put the perpetrators out of business and to punish their state sponsor, if we find one. The appropriate response is to be sure our troops enjoy the maximum protection consistent with the mission. The appropriate response is to continue with our vital mission in Saudi Arabia.

Mr. President, we should be making it clear, right now, the United States is angry. But we are not angry because a barrier was too close to a building. We should be making it very clear we are angry because someone attacked us. That someone should understand they are the focus of our anger, not our military commanders. We should be confirming our commitment the United States will not leave Saudi Arabia. We should make sure our enemy understands they will be punished and their organization will be destroyed. And this will happen to them no matter how far we have to go our how long it takes.

We Americans proved during Desert Storm that we will support a 72-hour war. We now need to prove we will support a war that lasts 72 weeks—or however long it takes to defeat this enemy.

The nervousness over vulnerabilities, the second-guessing of the chain of command, the search for an exit strategy should be going on in the terrorists' lair—not in the United States. Let's focus the anger where it belongs.

FLAWED ELECTIONS IN NIGER

Mrs. KASSEBAUM. Mr. President, early this week, the people of the Republic of Niger were denied their right to choose their own leadership and control their destiny. I want to express my deep disappointment in the Nigerian elections and in the military regime that chose to retain power through fraud and intimidation rather than honor its word to hold free and fair elections.

In January, immediately after Gen. Ibrahim Barre Mainassara deposed Niger's democratically elected president in a military coup, he pledged to return the country to democracy as soon as possible. At that time, the United States rejected the use of military solutions for political problems by suspending bilateral development and military assistance, as well as support for Niger in multilateral financial institutions. We urged Barre to keep his word and encouraged the military government to reestablish democracy quickly and transparently.

Balloting started on Sunday, despite the fact that the Independent Electoral Commission had twice requested a postponement in order to ensure that accurate voter lists and voter cares were in place. General Barre rejected these requests and, instead, extended the voting through Monday. On this second day of balloting, the general deployed security forces to the homes of his opponents, shut down private radio stations—including the Voice of America affiliate—and dissolved the Independent Electoral Commission.

Barre appointed a new commission which declared him the winner only hours later. Quickly after that declaration all demonstrations and public assemblies were banned. Political leaders are under house arrest, and political activists are being detained.

Mr. President, I join with the administration and other members of the international community in condemning these recent events. The age of accepting military coups and authoritarian regimes in Africa is over. France, with its unique influence in Niger, can have an especially powerful voice in articulating this message. For this reason, it is particularly disturbing that the bilateral French delegation on the ground claimed that, by Nigerian standards, this weekend's election was a sound one.

In this era of change and growth throughout much of the African Continent, Niger now stands out as a country moving against the tide of openness and progress. Development and economic growth cannot be achieved in a climate of instability, and human potential cannot be realized in an atmosphere of fear. If the people of Niger are to find their much-deserved place among the emerging markets and developing nations of Africa, Niger must return to democracy.

REPUBLICAN BUDGET SUPPORTS STUDENT AID

Mr. PRESSLER. Mr. President, today I would like to express my continued support for Federal student financial aid programs. I relied on student loans to fund my college education at the University of South Dakota, so I understand the importance of these loans for students and families. Low income levels should not deny young people the opportunity to achieve their dream of a college education. Programs such as Stafford loans, Pell Grants, and work study programs enable young people to fulfill that dream and pursue their ultimate dreams of personal and professional success.

One of the great challenges for American families is the rising cost of a college education. For the past two decades, tuition costs have risen twice as fast as inflation. Financial aid has not kept pace with these soaring price increases. The result? More and more students and their families are struggling to pay for college today. In my home State of South Dakota, 83 percent of students attending public colleges receive some type of Federal financial aid. As the number of students receiving loans continues to grow, the overall student aid debt accumulates along with it. Even more of a concern, the rising cost of tuition increases the size of the debt students pay off after college. South Dakota students now graduate with an average debt of more than $10,000. This means that college graduates are forced to divert a higher share of their earnings in order to pay off their student debts.

Students struggle to find ways to pay off these huge debts. Increasingly, they work while attending school. This trend tends to deflate the student's educational experience.

I am pleased the Republican budget that passed Congress earlier this year would respond to these trends. The budget includes responsible, cost-efficient reforms to student financial aid programs. These programs can be improved without harming the actual aid levels that students depend on. Reform can be achieved by eliminating small, specialized scholarship programs and Federal bureaucracy.

Unfortunately, liberal interests have tried to use the issue of student financial aid to their benefit. They have used false propaganda to scare young people and their parents. I urge Americans to look at the facts, not the falsehoods. The Republican plan for student aid would increase the amount of aid available to students, while downsizing inefficient Federal bureaucracy.

The Republican budget for student financial aid would do three things. First, it would increase the maximum Pell Grant level to $2,470—the highest level ever. Second, it would maintain current funding levels for the Federal Work-Study Program and the supplemental education opportunity grants. Lastly, it would maintain the in-school interest subsidy and postgraduation grace period for all students. I am proud we were able to maintain this funding during these tough budget times. Student aid is a priority in this Congress.

We could provide more for student aid if we abolished the Clinton administration's wasteful, expensive direct lending program. The Congressional Budget Office estimates that taxpayers would save more than $1.5 billion over 7 years if the direct lending program were abolished.

Faceless bureaucrats in Washington are not able to provide students and families in South Dakota with the same personal service offered by hometown banks and credit unions. This is just common sense. The people of South Dakota greatly prefer one-on-one consultation with a small bank or credit union in their hometown, not the endless maze of redtape that accompanies the direct-lending program. This is another example of how the Clinton administration believes big government is the answer and should be involved in our daily lives.

Frankly the single best way to show our support for student financial aid programs and most importantly, for our children, is to balance the budget and reduce the massive national debt. These issues are entwined. Young people today stand to inherit the responsibility of the national debt, which now totals $5 trillion. Interest payments on the debt alone are a considerable burden—more than $200 billion each year and rising. As the interest grows, it diverts Federal resources from programs like student financial aid. A balanced budget would protect worthwhile Government programs, reduce the debt and the size of interest payments. Just as important, it would lower overall interest rates, and increase more jobs. This means college graduates would have an easier time to find that first job, buy that first home, pay off their student loans, and provide for their children.

I believe the continuation of student financial aid programs is vital. These programs not only give students the opportunity to receive an education that is essential in today's society, but they also allow America to keep a competitive edge in competition in our increasingly global economy. It is essential that the U.S. work force be an educated one that is ready to compete with other countries of the world. Providing adequate financial support for students will achieve this essential goal. Young people should have the opportunity to fulfill their potential and achieve their dreams.

I will continue fighting for affordable, accessible student financial aid programs and to secure a better future for the young people of South Dakota.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 11, 1996, the Federal debt stood at $5,152,639,995,932.57.

On a per capita basis, every man, woman, and child in America owes $19,423.80 as his or her share of that debt.

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 Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3755. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes.

At 12:44 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1861. An act to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; to the Committee on the Judiciary.

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-3341. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Capitol Preservation Fund; to the Committee on Rules and Administration.

EC-3342. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries of the Northeastern United States," (RIN0648-AI21) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3343. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the interstate average schedules; to the Committee on Commerce, Science, and Transportation.

EC-3344. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Bering Sea and Aleutian Islands Area," received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3345. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap; to the Committee on Commerce, Science, and Transportation.

EC-3346. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the growth of the Univeral Service Fund; to the Committee on Commerce, Science, and Transportation.

EC-3347. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

EC-3348. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

EC-3349. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Reestablishing Rulemaking Procedures," (RIN2900-AI32) received on June 27, 1996; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-652. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

"LEGISLATIVE RESOLVE NO. 54

"Whereas the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

"Whereas the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and the federal territories, possessions, and protectorates in the Pacific; and

"Whereas United States Representatives Bunn and White of Oregon, Representative Dunn of Washington, and Representative Young of Alaska have introduced H.R. 2935, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of Appeals Reorganization Act of 1996"; and

"Whereas H.R. 2935 proposes to remove the states of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon; and

"Whereas H.R. 2935 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

"Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

"Whereas the Court of Appeals for the Ninth Circuit's case filings are greater than any other federal circuit; and

"Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

"Whereas, in the so-called "Katie John" subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth Circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; this expedited decision is now under reconsideration by the court; and

"Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

"Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth Circuit exist in regard to those states; and

"Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington have endorsed S. 956, the United States Senate counterpart to H.R. 2935; and

"Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington by H.R. 2935 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region;

"*Be it Resolved*, That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner."

POM-653. A joint resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION

"Whereas, Improving patient access to qualify health care is a paramount national goal; and

"Whereas, The key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

"Whereas, Minimizing the delay between discovery and eventual approval of a new drug, biological produce, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

"Whereas, Current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

"Whereas, The current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

"*Resolved*, That this general assembly of the state of Rhode Island and Providence Plantations hereby respectfully urges the President and the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness;

"*Resolved*, That the secretary of state be and he hereby is authorized and directed to

transmit duly certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Rhode Island delegation in Congress.

POM-654. A resolution adopted by the Council of the City and County of Honolulu, Hawaii relative to the draft of proposed legislation entitled "Private Storage Facility Authorization Act of 1996"; to the Committee on Energy and Natural Resources.

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. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. BIDEN):

S. 1952. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 278. A resolution to authorize testimony, production of documents, and representation of Senate employee in State of Florida v. Kathleen Bush; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

THE BEACHES ENVIRONMENT ASSESSMENT, CLOSURE AND HEALTH ACT OF 1996

Mr. LAUTENBERG. Mr. President, I rise to introduce the Beaches Environmental Assessment, Closure, and Health [BEACH] Act of 1996.

Mr. President, coastal tourism generates billions of dollars every year for local communities nationwide. Moreover, our coastal areas provide immeasurable benefits for millions of Americans who want to build sand castles, cool off in the water, take a walk with that special someone, or just relax. New Jersey's tourism sector is the second largest revenue-producing industry in the State. Without a doubt, the lure of my State's beaches generates most of this revenue—over $7 billion annually.

Mr. President, alarmingly, this heavily used natural resource can actually pose a threat to human health if it is not properly managed. Studies conducted during the past two decades show a definite relationship between the amount of indicator bacteria in coastal waters and the incidence of swimming-associated illnesses.

Viruses are believed to be the major cause of swimming-associated diseases—gastroenteritis and hepatitis are the most common ones worldwide. And because an individual afflicted with these diseases is contagious to others in his or her household, the risk of sewage-borne illness does not end with the bather. Additional diseases that can be contracted by swimmers include an infection caused by the toxigenic bacteria E. coli—the bacteria found in Jack-in-the-Box hamburgers which caused an outbreak of illnesses a few years ago.

Yet many current, EPA approved techniques to measure marine water quality appear to underestimate the true number of viable pathogens that are entering the marine environment. Existing EPA guidelines allow States to decide whether their beach waters are safe for swimming based on monthly averages. Waters may appear safe in the long term, but short-term violations of the public health standard go unrecognized.

The existing EPA guidelines are not useful for decisionmakers, who need to decide whether they should allow people to swim at the beach tomorrow or during the coming weekend. Using monthly water quality averages to determine if the beach is safe for swimming is like taking a patient's temperature average over a week to see if the patient is sick. The patient's average temperature could be just about normal. But in the meantime, the patient could die. EPA must develop new standards because existing EPA guidelines simply fall short.

While some States use these inadequate EPA guidelines, others have no programs for regularly monitoring their beachwater for swimmer safety. In a report released today, Testing the Waters: Who Knows What You're Getting Into, the Natural Resources Defense Council [NRDC] found that only five States—New Jersey, Connecticut, Delaware, Illinois, and Indiana—comprehensively monitor their beaches, and a mere five States consistently close beaches every time bacteria water quality standards are violated. Additionally, NRDC found that a high-bacteria level can cause a beach closure in one State while in another State people may be allowed to swim in the water despite equal health risks. This discrepancy among coastal States threatens public health.

The NRDC report also found that high levels of bacteria in coastal waters—primarily from raw human sewage—are responsible for the overwhelming majority of beach closures and advisories in the United States. In 1995, U.S. ocean, bay, and Great Lakes beaches were closed, or advisories were issued against swimming, on more than 3,522 occasions.

New Jersey has been aggressive when it comes to protecting public health at the beach. New Jersey is the only State to have a mandatory beach protection program that includes a bacteria standard, a monitoring program, and mandatory beach closure requirements when the bacteria standard is exceeded. The program is designed to address water quality from both a health and an environmental perspective. Beaches are closed when bacteria levels exceed the standard regardless of the pollution source.

Ironically, New Jersey suffers because it does more to protect public health. In some years, annual losses from beach closures in New Jersey have ranged from $800 million to $1 billion.

The bill that I am introducing today will address the uneven coastal commitment to protect beach goers by establishing uniform testing and monitoring procedures for pathogens and floatables in marine recreation waters. This bill also requires EPA to establish a nationwide public health standard for determining when States should notify the public of health risks due to pathogen contaminated waters.

This bill requires the EPA to establish procedures to monitor coastal waters to detect short-term increases in pathogenicity and to set minimum standards to protect the public from pathogen contaminated beach waters. And it will assure that the public is notified when beach waters exceed the standards and public health may be at risk.

Whether they're in the Carolinas or in California, in New Jersey or New York, people across the country have a right to know when the water is and is not safe to swim in. Beach goers should be able to wade or swim in the surf without the fear of getting sick. Going to the beach should be a healthy and rejuvenating experience. A day at the beach shouldn't be followed by a day at the doctor.

Mr. President, I urge my colleagues to join me in recognizing the importance of protecting public health at our Nation's beaches by cosponsoring this legislation.

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. 1950

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 "Beaches Environmental Assessment, Closure, and Health Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Nation's beaches are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) each coastal State has its own method of testing the quality of its coastal recreation waters, providing varying degrees of protection to the public; and

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety.

(b) PURPOSE.—The purpose of this Act is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter, but in no event less than once every 5 years) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

"(i) be based on the best available scientific information;

"(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

"(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

"(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.".

(b) STANDARDS.—

(1) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)). A State shall incorporate such standards into all appropriate programs into which such State would incorporate other water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, the water quality criteria issued by the Administrator under such section shall become applicable as the water quality standards for coastal recreational waters for the State. The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end thereof the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

"(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(9), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

"(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

"(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

"(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

"(4) specify methods for detecting levels of pathogens and for identifying short-term increases in pathogens in coastal recreation waters; and

"(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

"(A) compliance with the applicable water quality standards for those waters; and

"(B) protection of the public safety.

"(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

"(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

"(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

"(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

"(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

"(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

"(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

"(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically, but in no event less than once every 5 years.

"(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.".

SEC. 5. STUDIES TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDIES.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct studies to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the studies under this section, including—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(3) an evaluation of State efforts to implement this Act, including the amendments made by this Act.

SEC. 6. GRANTS TO STATES.

(a) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to section 3 and 4.

(b) COST SHARING.—The total amount of grants to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to section 3 and 4.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term "coastal recreation waters" means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term "floatable materials" means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator—

(1) for use in making grants to States under section 6 not more than $4,000,000 for each of the fiscal years 1997 and 1998; and

(2) for carrying out the other provisions of this Act not more than $1,500,000 for each of the fiscal years 1997 and 1998.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

THE CUSTOMS ENFORCEMENT AND MARKET ACCESS ACT OF 1996

Mr. FORD. Mr. President, today I am introducing legislation that is badly needed by the American textile and apparel industry and its workers. It complements an effort in the other body spearheaded by JOHN SPRATT of South Carolina and supported by over 100 Members of the House. My legislation is aimed at opening markets around the world and at enforcing the rules of the road that govern trade in textile goods. Broadly speaking, it will do so in four ways.

First, by extending the same authority that now exists for enforcing intellectual property rights to opening markets for U.S. textile and apparel products. Second, by supporting U.S. textile and apparel producers in their ongoing efforts to modernize and become more internationally competitive. Third, by strengthening U.S. laws against illegal trading practices like piracy, undervaluation, and transshipment in the textile and apparel area. And lastly, by beefing up the ability of the U.S. Government to enforce its trade laws and trade agreements.

Mr. President, 2 years ago, Congress passed the GATT implementing bill which will end all limits on textile imports by the year 2005. Our textile and apparel industry, which argued for a longer phase-out period, very reluctantly accepted this outcome.

The industry accepted this outcome because it had already made a commitment to compete in the global economy. Our textile and apparel industry has invested billions of dollars in becoming more competitive—about $12 billion just since the GATT implementing bill was passed.

They've supported the aggressive efforts of the President and USTR to open markets to American products. And our industry has committed to exporting.

But what happens when American textile and apparel producers go to foreign markets to sell their products? Too often, they find a closed door. Worse still, those same countries that ship the most to the United States are often the ones whose markets are closed to U.S. products. China, for example, which is our No. 1 source of textile and apparel imports, shipped $6.6 billion worth of textile and apparel goods in 1995, but allowed the sale of only $63 million of United States goods. Likewise, our textile and apparel exports to India and Pakistan were just $19 million last year, while those two countries sent us $2.8 billion worth of textile goods.

Clearly, we can't tell our industry to sell its products overseas if overseas markets are closed to American goods. My bill will help by requiring that textile agreements include specific market-access commitments and by providing for a regular evaluation of the market access given to U.S. products.

Mr. President, nearly 1.5 million Americans are employed directly in the textile and apparel industries, about 40,000 of them in my State of Kentucky. American textile and apparel workers are among the most productive in the world and make some of the finest goods anywhere. Unfortunately, during 1995, 150,000 of those workers lost their jobs, due in large part to surging levels of textile imports. Most of these workers live in rural areas where jobs, particularly good jobs, are not always easy to come by. For those workers, when the local textile mill or apparel facility closes, there simply aren't other jobs.

Now, it's bad enough that many of those imports and lost jobs are due to trade agreements that we should not have passed, like the NAFTA. But what's much worse is the fact that thousands upon thousands of jobs are lost because of illegal textile imports. This bill will give the Customs Service badly needed tools to fight against textile and apparel transshipments and counterfeit textile goods. And, it will raise the penalty for those who break our laws in textile trade.

Mr. President, I want to thank those Senators who have agreed to join me in introducing this important legislation. I am particularly pleased that we have been able to work on this in a bipartisan fashion, as we have so many times in the past on the issues that affect our textile and apparel workers.

This bill is not about protectionism. It's not about special favors for a particular industry. It's about basic fairness in how we trade with other nations. It's about enforcing our trade laws and standing up for American textile and apparel workers.

Mr. President, my bill's message is a simple one: Our textile and apparel industry and its workers are ready to compete. We should pass the Customs Enforcement and Market Access Act this year to make sure they can compete, both here in the United States and in markets around the world.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this time, along with the cosponsorship of Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, Mr. COHEN, and Mr. BYRD, and that it be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open until the close of business today so that other Senators may add their names to the bill as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1951

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 "Customs Enforcement and Market Access Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the textile and apparel industry is a key part of the United States manufacturing base and the third largest manufacturing sector in the United States economy;

(2) textile and apparel facilities are often located in economically sensitive regions;

(3) the industry has demonstrated an ability to compete in the global economy where market access is available;

(4) the domestic textile and apparel industry has committed significant resources to be competitive and productive;

(5) workers in the industry make the highest quality textile and apparel goods in the world and are the world's most productive;

(6) the industry is preparing to compete in the world market without the protection of import quotas authorized by the Multifiber Arrangement; and

(7) United States trade policy should be oriented toward expanding exports and ensuring that United States trade laws are vigorously enforced.

(8) The Committee for the Implementation of Textile Agreements, the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce, and the Ambassador for Textiles and Apparel in the Office of the United States Trade Representative—

(A) play central and indispensable roles in administering the laws governing trade in textile and apparel goods;

(B) have diligently carried out laws enacted by the Congress and under powers delegated to them by the President; and

(C) have acted in accordance with United States and international law.

SEC. 3. MARKET ACCESS FOR UNITED STATES TEXTILE AND APPAREL PRODUCTS.

(a) ACCESSION PROTOCOLS.—In any case in which the United States negotiates a protocol for accession of a country to the World Trade Organization, the Trade Representative shall negotiate for inclusion in that protocol, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions allowing the suspension or revocation of the provisions of paragraph 14 (relating to increasing import levels based on growth rates) of the Agreement on Textiles and Clothing if the United States determines that the country has failed to enforce the provisions referred to in paragraph (1).

(b) BILATERAL AGREEMENTS WITH COUNTRIES THAT ARE NOT WTO MEMBERS.—In any case in which the United States negotiates a textile agreement with a country that is not a WTO member, including any agreement negotiated pursuant to section 5 of this Act, the Trade Representative shall negotiate for inclusion in that textile agreement, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions that recognize the right of the United States to pursue remedies under United States law, including section 301 of the Trade Act of 1974, to respond to the denial of market access described in paragraph (1).

(c) REVIEW OF TEXTILE AGREEMENTS.—The Trade Representative shall take into account the compliance of countries with the provisions negotiated under subsections (a) and (b) in identifying countries for purposes of section 183 of the Trade Act of 1974, as added by subsection (d) of this section.

(d) PRIORITY FOREIGN COUNTRIES.—

(1) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 and following) is amended by adding at the end the following new section:

"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR TEXTILE AND APPAREL PRODUCTS.

"(a) IN GENERAL.—By no later than the date that is 30 days after the date on which the annual report is submitted to congressional committees under section 181(b), the United States Trade Representative (hereafter referred to as the 'Trade Representative') shall identify—

"(1) those foreign countries that deny fair and equitable market access to United States persons that produce or sell textile or apparel products, and

"(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

"(b) SPECIAL RULES FOR IDENTIFICATIONS.—In identifying priority foreign countries under subsection (a), the following shall apply:

"(1) In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall identify only those foreign countries—

"(A) that have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States persons that sell or produce textile or apparel products,

"(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

"(C) that are not—

"(i) entering into good faith negotiations, or

"(ii) making significant progress in bilateral or multilateral negotiations,

to provide adequate and effective market access for textile and apparel products of the United States.

"(2) In identifying foreign countries under subsection (a)(2), the Trade Representative shall—

"(A) consult with the Chair of the Committee for the Implementation of Textile Agreements and other appropriate officers of the Federal Government, and

"(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative in reports submitted under section 181(b) and petitions submitted under section 302.

"(3) The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or an international agreement, or the existence of barriers referred to in subsection (d)(1).

"(4) In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

"(A) the history of market access laws and practices of the foreign country, including any previous identification under subsection (a)(2); and

"(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for textile and apparel products.

"(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

"(1) IN GENERAL.—The Trade Representative may at any time—

"(A) revoke the identification of any foreign country as a priority foreign country under this section, or

"(B) identify a foreign country as a priority foreign country under this section,

if information available to the Trade Representative indicates that such action is appropriate.

"(2) REPORTS TO CONGRESS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the identification of any foreign country as a priority foreign country under this section.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) a foreign country denies fair and equitable market access if the foreign country effectively denies access for textile or apparel products of the United States through the use of laws, procedures, practices, or regulations which—

"(A) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

"(B) constitute discriminatory nontariff trade barriers;

"(2) a foreign country may be determined to deny fair and equitable market access for textile or apparel products, notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act; and

"(3) fair and equitable market access is not demonstrated only by access for those textile and apparel products that are subsequently reexported to the United States as finished textile or apparel products.

In determining whether a foreign country denies fair and equitable market access, the Trade Representative shall consider whether the foreign country has enacted and is enforcing laws which prevent and punish the manufacture, sale, or exportation of counterfeit textile and apparel goods.

"(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of action under subsection (c).".

(2) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following new item:

"Sec. 183. Identification of countries that deny market access for textile and apparel products.".

(3) TITLE III ACTION.—Section 302(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(A)) is amended by inserting "or section 183(a)(2)" after "182(a)(2)".

SEC. 4. TEXTILE GLOBAL COMPETITIVENESS RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the United States Treasury a Textile Global Competitiveness Research Fund (hereafter in this Act referred to as the "Fund").

(b) USE OF FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, in accordance with subsection (c)—

(1) for programs aimed at enhancing the international competitiveness of the United States textile and apparel manufacturers; and

(2) to the Customs Service for the enforcement of laws governing trade in textile and apparel goods.

(c) FUNDING.—

(1) DEPOSITS.—There shall be deposited in the Fund in each fiscal year the amount, if any, by which—

(A) the amount collected in fines by virtue of the amendments made by section 9 exceed

(B) the total amount collected for violations involving textile and apparel goods during fiscal year 1996 under section 592 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act, adjusted in accordance with paragraph (2).

(2) ADJUSTMENT.—(A) The amount referred to in paragraph (1)(B) shall be increased in each fiscal year beginning in fiscal year 1998 by an amount equal to the amount described in paragraph (1)(B) multiplied by the cost-of-living adjustment.

(B) For purposes of subparagraph (A), the cost-of-living adjustment for any fiscal year is the percentage (if any) by which—

(i) the CPI for the preceding fiscal year, exceeds

(ii) the CPI for the fiscal year 1996.

(C) For purposes of subparagraph (B), the CPI for any fiscal year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such fiscal year.

(D) For purposes of subparagraph (C), the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(E) If any increase determined under this paragraph is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

(3) ALLOCATIONS.—(A) 25 percent of the amounts deposited in the Fund in each fiscal year shall be made available to the Customs Service under subsection (b)(2).

(B) 75 percent of the amounts deposited in the Fund in each fiscal year shall be made available for programs designated pursuant to subsection (b)(1).

(d) ANNUAL REPORT TO CONGRESS.—The Secretary of Commerce shall submit to the

Congress, not later than April 1 of each year, a report on the contribution to the United States economy of the domestic textile and apparel industry.

SEC. 5. TEXTILE AND APPAREL QUOTA LEVELS.

(a) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND DO NOT HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—

(1) IF EXPORTS TO THE UNITED STATES EXCEED $100,000,000 ANNUALLY OR ARE CREATING SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—The Trade Representative shall take the necessary steps to negotiate an agreement, in accordance with paragraph (2), between the United States and any country that—

(A) is not a WTO member and is not a country to which section 3(a) applies,

(B) is not a party to a textile agreement with the United States, and

(C) whose exports to the United States of textile and apparel goods—

(i) are valued at more than $100,000,000 in the most recent 12-month period ending on the last day of the preceding month; or

(ii) are creating serious damage or actual threat thereof to the domestic industry in the United States in any textile category established by CITA.

(2) CONTENTS OF AGREEMENTS.—It is the sense of the Congress that an agreement negotiated with a country under paragraph (1) should establish maximum amounts of textile and apparel products of that country that may be imported into the United States that do not exceed—

(A) in the first 12-month period that the agreement is in effect, an increase of more than 8 percent of the total volume in square meter equivalents of all textile and apparel products of that country imported in the 12-month period ending on the date the negotiations began; and

(B) in each subsequent 12-month period that the agreement is in effect, an increase of not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(3) INCLUSION OF OTHER PROVISIONS.—Those provisions required to be included in an agreement under section 3(b) may be included in the agreement negotiated under this subsection.

(4) DETERMINATIONS OF SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—CITA shall make the determinations of serious damage or actual threat thereof referred to in paragraph (2), using the criteria set forth in paragraph 3 of Article 6 of the Agreement on Textiles and Clothing.

(b) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—In the case of a country that is not a WTO member but is a party to a textile agreement with the United States, the Trade Representative shall take the necessary steps to negotiate a textile agreement to go into effect when the current agreement expires, that allows imports of textile and apparel products of that country, during each 12-month period that the agreement is in effect, to increase by not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(c) FOR COUNTRIES THAT ARE ACCEDING TO THE WTO.—In any case in which the United States negotiates a protocol for accession to the WTO under section 3(a), the Trade Representative shall negotiate for inclusion in that protocol provisions that require that the 10-year period provided in the Agreement on Textiles and Clothing for phasing out of quotas under that Agreement begin, with respect to that country, on the day on which that country accedes to the WTO.

SEC. 6. CIRCUMVENTION OF TEXTILE AGREEMENTS.

(a) POLICY FOR COUNTRIES THAT ARE NOT WTO MEMBERS.—In the case of any country that is not a WTO member and—

(1) is negotiating a protocol with the United States for that country's accession to the World Trade Organization,

(2) is a party to a bilateral agreement with the United States that governs imports into the United States of textile and apparel products of that country, or

(3) is a country with which the United States is negotiating an agreement under section 5(a),

the Trade Representative shall ensure that the protocol under paragraph (1), a subsequent agreement to replace the agreement under paragraph (2) when it expires, or the agreement described in paragraph (3), as the case may be, provides for a reduction in the quantity of textile and apparel goods of that country that may be imported into the United States if CITA determines that the agreement is being circumvented and that no, or inadequate measures, are being applied by that country to take action against such circumvention. Any determination by CITA under the preceding sentence shall be made in accordance with the standards set forth in section 8.

(b) DEFINITIONS.—For purposes of this section, a reduction in a country's textile and apparel quotas is a reduction in quantitative limitations otherwise applicable to imports into the United States of that country's textile and apparel products that is equal to—

(1) the quantity of the goods involved in the circumvention if the circumvention is the first within the most recent 36-month period;

(2) twice the quantity of goods involved in the circumvention if the circumvention is the second in the most recent 36-month period; or

(3) three times the quantity of goods involved in the circumvention if the circumvention is the third or more in the most recent 36-month period.

(c) POLICY FOR WTO MEMBERS.—In any case in which a WTO member is found by CITA to have circumvented the Agreement on Textiles and Clothing or any other textile agreement, CITA shall pursue the maximum penalty consistent with the WTO.

SEC. 7. CUSTOMS ENFORCEMENT ACTION.

(a) SHARING OF CUSTOMS INFORMATION WITH CITA.—The Customs Service shall, upon initiating an investigation relating to a violation of the laws of the United States governing international trade in textile and apparel goods, inform CITA of the investigation in any case in which the alleged violation, if true, would constitute a circumvention of any textile agreement. In any such case, the Customs Service shall provide to CITA—

(1) all information CITA requests that is relevant to the alleged violation and required in order for CITA to pursue a charge against the quotas on imports of textile and apparel products of that country as a result of the violation; and

(2) notification, at least every 30 days until the investigation is referred to the Department of Justice or the Customs Service closes the investigation, of the progress of the investigation.

(b) FACTORS IN PROCEEDING WITH CHARGES AGAINST QUOTAS.—In deciding whether to pursue a charge described in subsection (a) as a result of an alleged violation described in subsection (a), CITA, in addition to any other relevant factors which CITA may consider, shall weigh the impact of proceeding with such charge on potential prosecutions or civil penalties and future enforcement of textile agreements, and shall consider the amount of the alleged violation, the probability of successful criminal prosecution, the degree of compliance by the true country of origin with textile agreements, and the damage the alleged violation would inflict on the domestic textile and apparel industry.

(c) DECISION NOT TO PURSUE A CHARGE.—In any case in which CITA decides under subsection (b) not to pursue a charge, the Customs Service shall, as long as that decision is in effect, report to CITA, in lieu of the reports under subsection (a)(2)—

(1) at least once every 6 months from the date on which the Customs Service initiated the case, on the status of the investigation; and

(2) within 10 business days after the Customs Service obtains new information or evidence materially relevant to the alleged violation.

(d) STANDING NOT PROVIDED.—Nothing in this Act shall be construed to provide standing in any court or administrative proceeding for legal action against the United States arising from actions taken in carrying out the laws governing trade in textile or apparel goods.

(e) REFERRAL OF CASES TO DEPARTMENT OF JUSTICE.—In any case in which—

(1) the Customs Service refers an alleged violation described in subsection (a) to the Department of Justice for prosecution, and

(2) no indictment has been brought in the case within 6 months after the referral,

the Attorney General shall provide to CITA all information relevant to imposing a charge against the quotas on imports of textile and apparel products of the country concerned as a result of the violation. CITA may extend the 6-month period referred to in paragraph (2) if requested to do so by the Attorney General.

(f) DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION NOT REQUIRED.—Nothing in this section shall be construed to require the disclosure by the Customs Service or the Department of Justice of confidential information relevant to possible imposition of criminal or civil penalties when that information is not relevant to the imposition of a charge by CITA against the quotas on imports of textile and apparel products of a country.

(g) INITIATION OF INVESTIGATIONS.—

(1) BASIS FOR INITIATION.—Subject to paragraph (2), whenever the Customs Service receives credible evidence that circumvention of a textile agreement has occurred, the Customs Service shall initiate an investigation, to which a customs officer shall be assigned, to determine if such circumvention has occurred, unless such evidence is directly related to an open investigation commenced prior to the receipt of such evidence.

(2) WAIVER.—The head of the Division of Textile Enforcement established under section 10 may determine not to initiate an investigation under paragraph (1) if he or she transmits to CITA a report setting forth the reasons for that determination.

SEC. 8. STANDARDS OF PROOF.

(a) IN GENERAL.—CITA may determine that a country has circumvented a textile agreement if CITA determines, after consultations with the country concerned, that there is a substantial likelihood that the circumvention occurred.

(b) FAILURE OF COUNTRY TO COOPERATE.—

(1) RELIANCE ON BEST AVAILABLE INFORMATION.—If a country fails to cooperate with CITA in an investigation to determine if a textile agreement has been circumvented, CITA shall base its determination on the best available information.

(2) ACTS CONSTITUTING FAILURE TO COOPERATE.—Acts indicating failure of a country to cooperate under paragraph (1) include, but are not limited to—

(A) denying entry of officials of the Customs Service to investigate violations of, or promote compliance with, any textile agreement;

(B) providing appropriate United States officials with inaccurate or incomplete information, including information demonstrating compliance with United States rules of origin for textile and apparel products; and

(C) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers within the country.

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

"(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

"(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

"(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

"(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

"(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.".

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever", and

(2) by adding at the end the following new subsection:

"(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 involving textile or apparel goods only if—

"(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

"(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

"(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.".

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking "or" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (F) the following:

"(G) consists of textile or apparel goods introduced into the United States for entry, transit, or exportation, and

"(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise; or

"(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

"(I) circumventing any quota that applies to the merchandise, or

"(II) undervaluing the merchandise.".

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. DIVISION ON TEXTILE ENFORCEMENT.

(a) ESTABLISHMENT.—The Commissioner of Customs shall, not later than 6 months after the date of the enactment of this Act, establish in the Customs Service a Division on Textile Enforcement (hereafter in this section referred to as the "DTE"), using existing resources available to the Customs Service. The head of the DTE shall be an officer of the Customs Service in a position at the level of an Assistant Commissioner of Customs.

(b) FUNCTIONS.—The DTE shall be responsible for enforcing all laws of the United States, and all bilateral and multilateral treaties and agreements, governing the importation of textile and apparel goods, that the Customs Service is responsible for enforcing.

(c) PERSONNEL.—The Commissioner of Customs shall assign personnel to the DTE who have expertise in textile and apparel goods, including, but not limited to, import specialists, investigators, attorneys, accountants, laboratory technicians, and members of the textile production verification teams.

(d) SUBDIVISIONS.—The DTE shall establish a separate subdivision for each geographic region which is a major source of textile and apparel goods imported into the United States, including a subdivision for each of the following:

(1) The Far East.

(2) South Asia.

(3) South America.

(4) Central America and the Caribbean.

(5) The Middle East and Africa.

(e) ASSIGNMENTS ABROAD.—

(1) TO CERTAIN COUNTRIES.—If permitted by the host country, at least 1 customs officer shall be assigned in each country, other than Canada or Mexico, whose annual exports to the United States of textile and apparel goods equal or exceed 500,000,000 square meter equivalents. Each such customs officer shall be responsible only for matters relating to exports to the United States of textile and apparel goods.

(2) RESPONSIBILITY OF SECRETARY OF STATE.—The Secretary of State shall take the necessary steps to facilitate the assignment abroad of customs officers under paragraph (1), by seeking to obtain the approval of the foreign governments concerned for such assignments.

(f) REPORTS.—

(1) REPORTS BY CUSTOMS OFFICERS.—Each customs officer assigned under subsection (e)(1) shall prepare and submit to the Commissioner of Customs, at least monthly, reports summarizing his or her activities, assessing the compliance with applicable textile agreements by the country concerned, and assessing the intellectual property protection provided to textile and apparel goods in that country.

(2) REPORTS BY DTE.—The DTE shall prepare and submit to the Commissioner an annual report—

(A) evaluating the extent of circumvention of textile agreements with the United States, the extent of compliance with the rules of origin of the United States relating to textile and apparel goods, the extent to which countries act in compliance with Article XX of the GATT 1994 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) with respect to textile and apparel goods, and the adequacy of intellectual property protection provided to textile and apparel goods; and

(B) recommending new methods, if necessary, to address the matters evaluated under subparagraph (A).

(3) AVAILABILITY OF REPORTS.—Each report submitted under this subsection shall be made available to appropriate agencies of the executive branch, including the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce.

SEC. 11. WITHDRAWAL OF UNILATERAL TRADE CONCESSIONS.

(a) WITHDRAWAL OF CONCESSIONS.—In any case in which—

(1) CITA determines that a country—

(A) has demonstrated a consistent pattern of circumventing textile agreements with the United States,

(B) refuses to cooperate with investigations by the United States of any such alleged circumvention,

(C) fails to provide adequate enforcement of intellectual property rights with respect to textile and apparel goods, or

(D) fails to provide fair and equitable market access for textile and apparel products of the United States, and

(2) the United States extends to the products of that country preferential tariff or quota treatment other than pursuant to a bilateral or multilateral agreement,

then such preferential treatment shall be withdrawn from the textile and apparel goods that are products of that country for such period as shall be determined by the Trade Representative, in consultation with CITA.

(b) NATIONAL INTEREST WAIVER.—The President may waive the application of subsection (a) with respect to a country if the President determines that the waiver will allow the United States to secure effective commitments from that country to prevent future circumvention of textile agreements with the United States, or is otherwise in the national interest. The President shall publish any such waiver, and the reasons for the waiver, in the Federal Register.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CIRCUMVENT AND CIRCUMVENTION.—The terms "circumvent" and "circumvention" refer to a situation in which a country—

(A) takes no, or inadequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means; or

(B) takes no or inadequate measures to prevent being used as a transit point for the shipment of goods in violation of an applicable textile agreement.

(3) CITA.—The term "CITA" means the Committee for the Implementation of Textile Agreements established under Executive Order 11651 of March 3, 1972 (7 U.S.C. 1854 note), or any successor entity or officer performing functions of that committee after the date of the enactment of this Act.

(4) COUNTRY.—The term "country" includes a separate customs territory, within the meaning of Article XII of the WTO Agreement or other applicable international agreement.

(5) CUSTOMS SERVICE.—The term "Customs Service" means the United States Customs Service.

(6) MULTIFIBER ARRANGEMENT.—The term "Multifiber Arrangement" means the Arrangement Regarding International Trade in Textiles referred to in Article 1(3) of the Agreement on Textiles and Clothing.

(7) TEXTILE AGREEMENT; TEXTILE AGREEMENT WITH THE UNITED STATES.—The terms "textile agreement" and "textile agreement with the United States" mean an agreement relating to textile and apparel goods that is negotiated under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), including the Agreement on Textiles and Clothing.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) WORLD TRADE ORGANIZATION AND WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(10) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(11) WTO MEMBER.—The term "WTO member" means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1996.

Mr. HOLLINGS. Mr. President, I rise today to support the efforts of my good friend from Kentucky, Senator FORD, and the tireless efforts of my colleague in the House, Congressman JOHN SPRATT. Mr. President, in the last year alone we have lost over 150,000 jobs in the textile and apparel industry. Just last week, Springs Industries announced it would close several plants and lay off 850 employees.

Our trade deficit in textiles and apparel stands at an appalling $35 billion.

As bad as that number is, the sad fact is that $35 billion underestimates the true size of the trade deficit. Because of the massive amounts of transhipment that have flooded our shores, the actual trade deficit is some $6 billion larger. What is left of the quota system has become a porous sieve, subject to the manipulation of shady importers and retailers who look the other way at fraudulent schemes designed to evade our quota system, and steal jobs from the American worker.

The legislation being introduced will shut down the illegal evasion of our quotas. It slaps harsh penalties on customs offenders, and it provides customs with adequate resources to enforce our textile agreements.

Mr. President, the time has come for the administration to crack down on this lawless behavior and stand up for the American worker.

Mr. HELMS. Mr. President, this is important legislation that will be beneficial to an enormous number of Americans because it will open foreign markets to U.S. products and countries that engage in dishonest activities in international trade. Those that violate trade laws and trade agreements will pay for it. This bill establishes a level playing field for U.S. textile companies and takes an unmistakable stand for American workers. If foreign markets can be opened, and U.S. trade with countries overseas increased, it will be a tremendous boost for U.S. jobs.

Mr. President, the economic name of the game as we approach the 21st century lies in increasing our exports.

This bill addresses a pressing need. American workers, as matters now stand, are being squeezed from every direction. Many countries, especially Mainland China, are deliberately violating their trade agreements; they are transshipping their goods through other nations deliberately to circumvent United States textile import laws. American workers should not be forced to compete against foreign companies that deliberately engage in illegal and immoral trade practices.

Such countries—Communist China, India, Macau, Hong Kong, to name a few—pump billions of dollars of products into our markets, cheating every step of the way. The Winston-Salem Journal pointed out the other day that the United States Customs Service estimates that China alone illegally transships $4 to $6 billion per year. This banditry costs American businesses—and, therefore, consumers—up to $4 billion a year, not to mention the loss of countless thousands of American jobs.

Mr. President, S. 1951—the Textile and Apparel Global Competitiveness Act of 1996—will, when it becomes law, impose stiff sanctions on countries that transship textile products into the United States. Current penalties will be doubled—in some cases tripled—and more reliable proof of the country of origin will be required for textile imports entering the United States. S. 1951 enables the Customs Service to seize goods imported illegally by the use of false or misleading statements or acts.

So, Mr. President, this bill S. 1951, of which I am a principal cosponsor, is about fair trade and reciprocity. Since U.S. markets are open, it is only fair to demand that other countries open their markets. As matters now stand countless countries close their markets to American products while pouring their exports through our open doors. China, Pakistan, and India together ship 9.4 billion dollars' worth of goods to United States markets—more than 100 times the $92 million in United States goods that were, at last reports, allowed into their countries.

S. 1951, when enacted, will require United States negotiators to secure effective access to foreign markets for United States textile and apparel products; in other words, it will press open markets of countries that have shut their doors in Uncle Sam's face. If we are going to be hospitable to foreign imports, it's only fair to require the same of them. One specific benefit of this bill is that it will deny to China the free trade benefits of the World Trade Organization until China dismantles her iron fence against United

States textiles. China must not be permitted to hold membership in the WTO until China removes her arrogant trade barriers.

Moreover, Mr. President, Communist China competes with American workers with unspeakable use of slave labor and child labor. Chinese slave laborers are often political prisoners. Exploitation of children as workers is rampant, especially in Asia.

Mr. President, the United States must never forget that we become a part of what we condone. Therefore, the need for this bill is obvious in the light of the tremendous loss of U.S. jobs inflicted on American workers—particularly in North Carolina—by the illegal practices of foreign countries. The United States lost 53,000 textile jobs last year. North Carolina lost as many as in the 3 previous years combined, with plant shutdowns and layoffs costing 11,316 North Carolina jobs. Fruit of the Loom alone was forced to abolish 3,200 jobs in 1995, and a Fruit of the Loom spokesman blamed it on "the cumulative impact of NAFTA and GATT" trade agreements.

Headline after headline has announced major company shutdowns or job layoffs. An eye-popping review article in the Winston-Salem Journal provided a long list of companies—including, among others, Sara Lee, Fieldcrest Cannon, Dupont, and Tultex—that have closed plants and laid off workers in North Carolina in the first part of this year. Overall, 2,918 layoffs in 26 North Carolina cities and towns were announced in the first 4 months of 1996.

Mr. President, I ask unanimous consent that the aforementioned Winston-Salem Journal article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, while foreign imports are pouring in like a tidal wave, North Carolina workers are being forced onto the unemployment lines. This obviously is having a devastating impact on families and communities across America. Mr. President, this bill isn't "protectionism," it's "survivalism." United States business should—and must—demand access to the international market so that American workers can have a fair shot in world competition.

EXHIBIT 1

[From Winston-Salem Journal, July 7, 1996]

SOCK IT TO 'EM?

CONGRESS TAKES AIM AT ASIA IN TEXTILE BILL

(By John Hoeffel)

WASHINGTON.—Stories of textile plants closing and laid-off workers scrambling to find scarce low-skilled jobs in this high-tech world have been commonplace for at least 20 years. The number of textile employees has been in a steady slide.

But the news appears to be getting worse.

Last year, North Carolina lost as many textile jobs as in the previous three years combined. Plant closing and layoffs cost the state 11,316 jobs.

In the first four months of this year, 22 companies announced 2,918 layoffs in 26 North Carolina cities and towns.

North Carolina is the nation's No. 1 textile-producing state, and it has almost a third of the employees.

Nationwide, 53,500 textile jobs were lost in 1995.

Even with those stunning losses, textiles and apparel are still the top manufacturing industry in North Carolina, with annual sales averaging about $25 billion. Three of the state's top five employers are textile companies, including Sara Lee Corp., which has several divisions based in Winston-Salem.

At the end of last year, 261,641 North Carolinians still worked in the industry, which is concentrated in the Piedmont. Forsyth, Guilford and Surry counties all rank in the top 10 counties for textile and apparel employment.

The politically powerful companies have a long record of looking to Washington for help, and the South's congressmen have an equally long record of hastening to erect barriers to cheap imports.

But this is a new economic era.

Free trade is now the mantra of centrists in both the Republican and Democratic parties. The North American Free Trade Agreement and the General Agreement on Tariffs and Trade dismantled many trade barriers, including protectionist textile quotas that will be completely eliminated by 2005.

Faced with mounting job losses, congressmen from the South cast about for another avenue and found it with a bill that was introduced last month.

That bill, called the Textile and Apparel Global Competitiveness Act, aims not at keeping imports out, but at cracking open foreign markets that are closed to American exports. "We expect their door to be more than slightly ajar," said Rep. Howard Coble, the 6th District Republican who is the chairman of the House textile caucus and an original co-sponsor of the bill. "We're not building a wall around ourselves and trying to block imports."

The bill also aims at ending transshipments, the illegal practice of sneaking textiles from one country into the United States under another country's quota by diverting them through that third country. The bill is targeted at Asia in general and China in particular.

The United States exported $1.96 billion in textiles to the top 14 textile producing countries in Asia. Those countries exported $24.79 billion in textiles to the United States.

A source with the U.S. Customs Service says that China transships $4 billion to $6 billion through such places as Hong Kong and Macau, where the products are relabeled "Made in Hong Kong" or "Made in Macau."

Sen. Jesse Helms, R-N.C., who is no fan of China and has railed against transshipping, plans to sponsor a version of the bill in the Senate. "It requires retaliation against countries that just flout honest and decency in international trade and countries that are closed to us and do business in our country," he said. "It's time for us to stand up for American workers."

The bill strengthens the roles of the U.S. trade representative in negotiating agreements and the Customs Service in investigating illegal shipments. It establishes steep penalties for violations. It doubles some fines and reduces quotas by an amount equal to three times the volume of transshipped goods when a country is caught transshipping for the third time.

Textile importers, who could be socked with stiff penalties for importing illegal products, oppose the bill.

"It's the same industry coming back after many, many years of protection wanting more special favors from government," said Laura E. Jones, the executive director of the U.S. Association of Importers of Textiles and Apparel. "They still don't want to compete."

The bill's supporters, sensitive about their protectionist past, react defensively, bringing up the subject of protectionism on their own. "We're going to have to do a good marketing job in making it clear that this is not a protectionist proposal," Coble said.

But Jones said that the bill amounts to back-door protectionism, making it easier for a select industry to pursue sanctions against importers and foreign countries. "They do not need to have standards lowered for them so they can go around harassing our industry," she said.

As with the old protectionist legislation, Jones said, the consumers lose. "I just think the consumers end up paying more in the end," she said.

She also charged that Customs has not discovered massive transshipment because they don't exist. "The Customs Service can find cocaine and heroin, but they can't find bras and underpants," she said sarcastically. "If they can't find it now, this isn't going to be an incentive to them to find it later."

The bill is not expected to pass this session because the schedule is too crowded.

"We just don't want this shoved off the table," Coble said.

Rep. John Spratt, D-S.C., was the main author and introduced the bill. But in an election-year press release, Rep. Richard Burr, the 5th District Republican and an original co-sponsor, claimed credit for introducing it.

By all accounts, Burr worked hard to collect co-sponsors to help demonstrate wide support for the bill. It has more than 100.

Some in the industry have criticized the Clinton administration, arguing that it has done little to enforce textile treaties. Helms, though, was more expansive in directing his criticism. "I have got to be honest and say that previous administrations and the present administration have not done enough. It's a bipartisan folly," he said.

Work on the bill seemed to rattle the administration's cage.

Customs announced last month that it was taking measures designed to stem Chinese transhipments through Macau and Hong Kong, requiring greater verification that textiles shipped from those countries were made there. Customs just this month received the power to block shipments from factories that won't allow Customs investigators inside.

Whether the bill and this Customs effort, will half the job losses is unclear. Burr said that it is imperative to introduced the bill because of continuing plant closings, citing the two that Sara Lee Knit Products announced in Sparta, costing 250 jobs, and in Jefferson, costing 589.

But Sara Lee officials said that both plants closed because of weak domestic sales and that opening foreign markets would not have prevented the move. "It's really completely unrelated," Nancy Young said.

Textile and apparel companies are suffering through an extended retail slowdown. But the companies are also cutting jobs, as Gordon A. Berkstresser III notes, because of continuing automation and other efficiencies.

And Berkstresser, a professor of textile and apparel management at N.C. State University, also questioned whether the companies are prepared to sell in Indonesia or Malaysia.

"We haven't gone over and done the kind of market research to see what kind of products we can sell in Asia," he said.

But Dennis M. Julian the executive vice president of the N.C. Textile Manufacturers Association, said he thinks that the bill would help stabilize the industry.

Jerry Cook, the director of international trade for Sara Lee Knit Products, said: "Anything that helps open market access, I think we'd be really supportive of. It's a tough market out there."

TEXTILE TRADE WITH ASIA

[In millions of dollars]

U.S. Exports to:	
Bangladesh	
China	63.0
Taiwan	93.5
Hong Kong	268.3
India	14.9
Indonesia	21.4
Japan	145.6
South Korea	136.7
Macau	
Malaysia	23.0
Pakistan	
Philippines	53.1
Singapore	103.6
Thailand	41.3
Total	1,964.4
U.S. Imports from:	
Bangladesh	1,114.5
China	4,802.5
Taiwan	2,757.8
Hong Kong	4,390.8
India	1,614.9
Indonesia	1,336.2
Japan	481.1
South Korea	2,271.1
Macau	764.3
Malaysia	745.2
Pakistan	964.8
Philippines	1,704.0
Singapore	425.5
Thailand	1,419.8
Total	24,792.5

TEXTILE AND APPAREL PLANT CLOSINGS AND LAYOFFS IN NORTH CAROLINA—ANNOUNCED IN THE FIRST FOUR MONTHS OF THIS YEAR

Company	Location	Jobs lost	Reason given
Champion Products	Weaverville	200	Cutting costs
CMI Industries	Elkin, Boonville	100	Slow sales
Comar industries	Monroe	105	Decreased demand
Dupont	Kinston	200	Cutting costs
	Wilmington	50	Cutting costs
Fieldcrest Cannon	Concord	150	Relocating operations
Ithaca Industries	Gastonia	70	Reduction in force
	Wilkesboro	50	Reduction in force
Jaspar Textiles	Angler	75	Consolidation
Jonbil	Henderson	62	Import competition
Lucia	Winston-Salem	55	Restructuring
	Elkin	13	Restructuring
N.C. Garment Co.	High Point	32	Import competition
Oxford industries	Burgaw	90	Import competition
Rocky Mount Mills	Monroe	320	Competition
Royals	Skyland	50	Import competition
Sarah Lee Hosiery	Winston-Salem	45	Slow sales
Sare Lee Knit Products	Lumberton	370	Cutting costs
SCT Yarns	Cherryville	180	Foreign competition
SOft Care Apparel Co.	Fuquay-Varina	100	Economics
Southern Apparel Co.	Robersonville	80	Lost contract
The Bibb Co.	Rockingham	250	Downsizing
Tultex	Marion	141	Production moved overseas
U.S. Colors	Rocky Mount	50	Ceased product line
Whisper Soft Mills	Kenansville	80	Decreased profits
Total jobs lost to closings and layoffs		2,918	

Source: Newspaper articles supplied to the N.C. Employment Security Commission.

Mr. BYRD. Mr. President, I wholeheartedly support the bill that the Senator from Kentucky [Mr. FORD] has just introduced. The Textile and Apparel Global Competitiveness Act of 1996 will provide needed protections for struggling U.S. textile and apparel producers from unfair competition caused by overseas producers who seek to exceed U.S. quotas. These overseas producers ship excess goods through circuitous routes so that they appear to originate in third countries whose U.S. import quotas have not been met. The Customs Service and industry estimates put the cost of this practice to American industry and its workers at $2 to $4 billion.

The Textile and Apparel Global Competitiveness Act requires more equitable trade negotiations on textile and apparel goods, with greater access to foreign markets for U.S.-produced textile and apparel goods. It also provides for increased enforcement of existing trade laws, with higher fines providing additional trade adjustment assistance to U.S. textile and apparel producers.

In West Virginia, two companies that sew clothing proudly bearing "Made in the USA" labels, Hodges Apparel and Safety Stitch, have been feeling the squeeze created by that kind of overseas competition. This spring, both manufacturers were notified that their major supplier would be forced to move its work offshore in order to regain profitability. Unless these West Virginia firms can garner other orders, the last 200 talented and dedicated garment workers in Harrisville will be out of work. In this economically challenged area, job losses on this scale constitute more than a minor unravelling of the economic fabric of Ritchie County—they are a tear in the very fabric of American society.

Mr. President, these potential job losses are not occurring because the quality of clothing produced in the United States is poor; quite the contrary. U.S.-made clothing and textiles are competitive with their overseas competitors on the basis of design, quality, and any standard other than cost. But U.S. production costs must include pension and health care payments for workers, and costs to meet workplace safety and environmental standards. Overseas producers are not required to cover these costs and meet these standards. They may overwork and underpay their workers, forcing them to labor in unsafe factories that pollute the air and water around them.

The United States is proud of its laws protecting workers and the environment. The Senate this week voted to increase the minimum wage, so that working men and women can provide an adequate standard of living for their families. None of us wants to reduce that standard of living, or give up workplace safety or clean air and water in order to "compete" with inexpensive goods produced by workers paid just pennies a day before they return to squalid homes under skies laden with pollutants. But if we are to preserve our jobs in the face of such undercutting competition, we must ensure that U.S. producers are needed in order to meet the demand for clothing and textile goods. That is, in part, why quotas exist—to prevent overseas producers from saturating the market for U.S. goods, undercutting U.S. products produced at higher cost.

Attempts by these overseas producers to evade U.S. import quotas, or to evade other U.S. trade laws and treaties, must be firmly and effectively halted. Enforcement, fines and other remedies must be sufficient to deter this kind of behavior. The bill introduced by the Senator from Kentucky accurately targets these problems. It also provides a source of additional

revenue for trade adjustment assistance for U.S. textile and apparel producers, helping them to modernize and more effectively compete on a cost basis with overseas competitors, both here and in foreign markets. I am proud to be a cosponsor, and I thank Senator FORD for his leadership in introducing this bill.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague from Kentucky and others in introducing the Textile and Apparel Global Competitiveness Act. This important legislation addresses a problem of grave consequence in my State and others where the textile and apparel industry has been hurt dramatically in recent years due to job relocation and factors resulting from the enactment of NAFTA and GATT. This bill does nothing to undo these agreements, but it does go a long way toward strengthening protections for the textile and wearing apparel sector of the economy and the millions of workers affected by the changes which are occurring.

This legislation requires the U.S. Trade Representative, when negotiating textile agreements with nations who are not members of the World Trade Organization to secure effective market access for American textile and apparel producers. It includes provisions allowing penalties for noncompliance with these market-access agreements under WTO rules and U.S. law. Furthermore, it creates a special 301 list for market access for these products and requires the Secretary of Commerce to issue a report to Congress each year that outlines the economic contribution of the American textile and apparel industries.

While the industry enjoys broad support in Congress and in the administration, it has been the target of aggressive attacks during the last several years. Most of these attacks have been thwarted, but they have come at a time when the textile and apparel industry is undergoing major transformation as it pushes to increase productivity and to become more global in its perspective and methods of operation.

The American textile and apparel industry is seeking to make a successful transition to a quota-free environment within a 10-year timeframe. This transition must have the safeguards provided by this measure in order to allow the industry to realize that success.

I congratulate Senator FORD for his leadership on this issue and urge my colleagues to join us in supporting the Textile and Apparel Global Competitiveness Act.

Mr. THURMOND. Mr. President, I rise today to join with several of my colleagues to sponsor the Customs Enforcement Act of 1996. This legislation is designed to strengthen our laws which fight illegal trade in textile and apparel items and open foreign markets to more American products. A companion measure, H.R. 3654, was recently introduced in the House of Representatives.

Mr. President, I have often stated that trade with other countries should be fair, as opposed to free. This means that when exporters from another country seek unlimited access to our markets, then our U.S. producers should likewise have open access to their country's markets. Many examples exist where the United States has given another country access to our marketplace, only to have our access limited in their country. The legislation we are introducing today attempts to mitigate this practice. This measure will require the USTR to secure effective market access for U.S. produced textile and apparel products. Further, if these markets are not opened, the USTR has the ability to impose penalties in an attempt to force these markets open.

Mr. President, another major concern this legislation attempts to address is transshipping. This is a practice where an exporter ships goods through a third country to avoid U.S. import quotas. The worst offenders in the area of transshipment countries are China, India, and Pakistan. It is estimated that transshipments account for at to least 4 billion dollars' worth of the textile and apparel items shipped into the United States in a year and this figure could be as high as $8 billion. This bill, Mr. President, tightens the requirements for importing items into this country and provides for better documentation so that transshipping can be more easily traced. Further, penalties are increased for each transshipping violation.

Mr. President, this is not a protectionist bill. Nor does it limit textile imports. This measure attempts to level the playing field for the domestic textile and apparel industry. I hope my colleagues will support this measure and move it expeditiously through the legislative process.

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1868

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1868, a bill to amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

S. 1938

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1938, a bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes.

S. 1943

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1943, a bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes.

SENATE RESOLUTION 278—TO AUTHORIZE TESTIMONY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96-6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush*.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

NUNN (AND OTHERS) AMENDMENT NO. 4453

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, and Mr. DOMENICI) submitted an

amendment intended to be proposed by them to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be $2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000.

NUNN AMENDMENTS NOS. 4454–4459

(Ordered to lie on the table.)

Mr. NUNN submitted six amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4454

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000: *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000.

AMENDMENT NO. 4455

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000: *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4456

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amounts appropriated under the heading "Operation and Maintenance, Defense-Wide", $150,000,000 is available only for matters related to defense against weapons of mass destruction: *Provided*, That the total amount available for other purposes under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4457

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000.

AMENDMENT NO. 4458

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by $150,000,000.

AMENDMENT NO. 4459

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

DORGAN AMENDMENT NO. 4460

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, strike lines 12 through 13 and insert in lieu thereof: "$8,890,092,000, to remain available for obligation until September 30, 1998: *Provided*, That, of the amount appropriated under this heading, not more than $508,437,000 shall be available for national missile defense."

FEINSTEIN AMENDMENTS NOS. 4461–4462

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4461

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this paragraph, $18,000,000 shall be available for the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.".

AMENDMENT NO. 4462

On page 29, line 10, strike out "1998." and insert in lieu thereof "1998: *Provided further*, That of the funds available under this paragraph, $4,000,000 shall be available for the procurement of a real-time, automatic cargo tracking and control system.".

GRASSLEY AMENDMENT NO. 4463

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps.

PELL AMENDMENT NO. 4464

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the amount appropriated or otherwise made available for the Department of Defense under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for the National Oceanographic Partnership Program, there shall be available such funds as the Secretary of the Navy shall require for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.

GRASSLEY AMENDMENT NO. 4465

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps until—

(1) the Inspector General of the Department of Defense—

(A) has conducted a comprehensive review of all headquarters within the department and all general and flag officer positions that involves—

(i) an evaluation of the structure of headquarters within the department and the general and flag officer positions in relation to past, current, and future changes in the force structure of the Armed Forces, including consideration of the increasing importance of joint headquarters since enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the roles and missions of the headquarters in the headquarters structure; and

(ii) a determination of the adjustments in such headquarters and positions that are necessary to provide an appropriate relationship between the headquarters structure and the force structure and between the number of general and flag officer positions and the force structure; and

(B) has submitted to the Secretary of Defense a report on the results of the review, including the Inspector General's recommendations for eliminating any headquarters and general and flag officer positions that the Inspector General considers redundant or otherwise unnecessary;

(2) the Secretary of Defense—

(A) after considering the Inspector General's report (including the recommendations), has developed a plan, including a schedule, for a phased elimination of excess headquarters and general and flag officer positions; and

(B) has submitted the plan to Congress; and

(3) Congress has enacted a joint resolution the matter after the enacting clause states only the following: "Congress approves the plan for elimination of headquarters and general and flag officer positions in the Armed Forces that was submitted to Congress by the Secretary of Defense on .", the blank being filled in with the date on which the Secretary submits the report to Congress.

INOUYE AMENDMENT NO. 4466

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, on line 15 after the words "Transaction Fund" insert the following:

"*Provided*, That from funds available for the Asia-Pacific Center for Security Studies, such sums as may be necessary may be made available to reimburse the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian official of foreign nations if the Secretary of Defense determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States".

STEVENS AMENDMENTS NOS. 4467–4477

(Ordered to lie on the table.)

Mr. STEVENS submitted 11 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4467

On page 8, line 1, strike the number "$17,700,859,000" and insert in lieu thereof "$17,696,659,000".

AMENDMENT NO. 4468

On page 9, line 11, strike the number "$9,953,142,000" and insert in lieu thereof "$9,887,142,000".

AMENDMENT NO. 4469

On page 12, line 22, strike the number "$1,069,957,000" and insert in lieu thereof "$1,140,157,000".

AMENDMENT NO. 4470

On page 32, line 18, strike the number "$10,256,108,000" and insert in lieu thereof "$10,251,208,000".

AMENDMENT NO. 4471

On page 32, line 19, strike the number "$9,936,638,000" and insert in lieu thereof "$9,931,738,000".

AMENDMENT NO. 4472

On page 9, line 4, strike the number "$17,331,309,000" and insert in lieu thereof "$17,326,909,000".

AMENDMENT NO. 4473

On page 4, line 3, strike the number "$17,021,810,000" and insert in lieu thereof "$17,026,210,000".

AMENDMENT NO. 4474

On page 3, line 3, strike the number "$16,943,581,000" and insert in lieu thereof "$16,948,481,000".

AMENDMENT NO. 4475

On page 32, line 18, strike the number "$10,256,108,000" and insert in lieu thereof "$10,251,208,000";

On page 32, line 19, strike the number "$9,936,638,000" and insert in lieu thereof "$9,931,738,000";

On page 9, line 4, strike the number "$17,331,309,000" and insert in lieu thereof "$17,326,909,000";

On page 3, line 3, strike the number "$16,943,581,000" and insert in lieu thereof "$16,948,481,000";

On page 4, line 3, strike the number "$17,021,810,000" and insert in lieu thereof "$17,026,210,000".

AMENDMENT NO. 4476

On page 26, line 11, before the period, insert:

": *Provided*, That of the funds appropriated under this heading, $11,500,000 shall be made available only for modifications to B–52 bomber aircraft".

AMENDMENT NO. 4477

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lakeland Air Force Base, Texas.

(b) Subject to subsection (c), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c)(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

CRAIG (AND KEMPTHORNE) AMENDMENT NO. 4478

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CRAIG, for himself, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

Before the period on page 20, line 29, insert: ": *Provided further*, That of the funds appropriated under this heading, $2,000,000 shall be available for titanium processing technology".

HELMS AMENDMENT NO. 4479

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina".

SPECTER AMENDMENT NO. 4480

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 29, line 20, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading $46,600,000 shall be made available only for the Intercooled Recuperated Gas Turbine Engine program".

STEVENS AMENDMENT NO. 4481

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, line 15, before the period, insert: ": *Provided*, That advance billing for services provided or work performed by the Navy's defense business operating funds activities is prohibited; *Provided further*, That of the funds appropriated under this heading, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities".

LIEBERMAN AMENDMENT NO. 4482

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, line 13, before the period, insert: ": *Provided*, That of the funds appropriated under this heading, $56,200,000 shall be available for the Corps Surface-to-Air Missile (CORPS SAM) program and $515,743,000 shall be available for the Other Theater Missile Defense/Follow-On TMD Activities program".

KEMPTHORNE (AND CRAIG) AMENDMENT NO. 4483

(Ordered to lie on the table.)

Mr. SEVENS (for Mr. KEMPTHORNE, for himself, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: ": *Provided*, That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System".

STEVENS AMENDMENTS NOS. 4484–4488

(Ordered to lie on the table.)

Mr. STEVENS submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4484

On page 8, line 3 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4485

On page 8, line 15 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4486

On page 8, line 19 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4487

On page 9, line 6 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4488

At an appropriate place in the bill, insert:

SEC. . Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house government costs.

BINGAMAN AMENDMENT NO. 4489

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 70, line 8, strike out "$1,218,000,000" and insert in lieu thereof "$1,118,000,000".

BINGAMAN (AND OTHERS) AMENDMENT NO. 4490

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 30, line 13, insert before the period the following: ": *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program".

HARKIN AMENDMENTS NOS. 4491–4492

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4491

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

AMENDMENT NO. 4492

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than February 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense and the Director of the Office of Management and Budget, submit to Congress a report which shall set forth recommendations regarding the revisions of statute or regulation necessary—

(A) to assure that the amount paid by the Department of Defense for restructuring costs associated with a business combination does not exceed the expected net financial benefit to the Federal Government of the business combination;

(B) to assure that such expected net financial benefit accrues to the Federal Government; and

(C) in the event that the amount paid exceeds the actual net financial benefit, to permit the Federal Government to recoup the difference between the amount paid and the actual net financial benefit.

(2) For purposes of determining the net financial benefit to the Federal Government of a business combination under this subsection, the Comptroller General shall utilize a 5-year time period and take into account all costs anticipated to be incurred by the Federal Government as a result of the business combination, including costs associated with the payment of unemployment compensation and costs associated with the retraining of workers.

(b) No funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to process or pay any claim for restructuring costs associated with a business combination under the following:

(1) Any contract, advance agreement, or novation agreement entered into on or after July 12, 1996.

(2) Any contract, advance agreement, or novation agreement entered into before that date unless the contract or agreement specifies that payment for costs associated with a business combination shall be made under the contract using funds appropriated or otherwise made available for the Department by this Act.

HELMS AMENDMENT NO. 4493

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina".

SIMON AMENDMENT NO. 4494

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 35, line 18, before the period, insert the following: ": *Provided*, That any individual accepting a scholarship or fellowship from this program agrees to work for and make their language skills available to any agency or office of the Federal Government having national security responsibilities, unless the award recipient demonstrates, in accordance with guidelines developed by the Secretary, that no such position is available in which case the recipient may work in the field of higher education in a discipline relating to the foreign country, foreign language, area study or international field of study for which the scholarship or fellowship was awarded, for a period specified by the Secretary".

BRYAN AMENDMENTS NOS. 4495–4508

(Ordered to lie on the table.)

Mr. BRYAN submitted 14 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4495

On page 30, line 1, strike "$14,778,540,000" and insert "$10,778,540,000".

AMENDMENT NO. 4496

On page 29, line 16, strike "$8,067,543,000" and insert "$6,067,543,000".

AMENDMENT NO. 4497

On page 30, line 1, strike "$14,778,540,000" and insert "$11,778,540,000".

AMENDMENT NO. 4498

On page 29, line 16, strike "$8,067,543,000" and insert "$7,067,543,000".

AMENDMENT NO. 4499

On page 21, line 10, strike "$3,295,486,000" and insert "$2,295,486,000".

AMENDMENT NO. 4500

On page 21, line 10, strike "$3,295,486,000" and insert "$2,795,486,000".

AMENDMENT NO. 4501

On page 22, line 3, strike "$7,239,704,000" and insert "$5,239,704,000".

AMENDMENT NO. 4502

On page 22, line 3, strike "$7,239,704,000" and insert "$6,239,704,000".

AMENDMENT NO. 4503

On page 26, line 10, strike "$6,630,370,000" and insert "$4,630,370,000".

AMENDMENT NO. 4504

On page 27, line 19, strike "$5,577,787,000" and insert "$3,577,787,000".

AMENDMENT NO. 4505

On page 27, line 19, strike "$5,577,787,000" and insert "$4,577,787,000".

AMENDMENT NO. 4506

On page 23, line 19, strike "$3,909,072,000" and insert "$2,509,072,000".

AMENDMENT NO. 4507

On page 23, line 19, strike "$3,909,072,000" and insert "$2,909,072,000".

AMENDMENT NO. 4508

On page 26, line 10, strike "$6,630,370,000" and insert "$5,630,370,000".

GRAMM AMENDMENTS NOS. 4509–4510

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4509

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 12, 1996, the Secretary of defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the TRICARE program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) As assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 10, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

AMENDMENT NO. 4510

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 6, 1996, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the Tricare program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) An assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

CHAFEE AMENDMENT NO. 4511

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program".

NUNN (AND OTHERS) AMENDMENTS NOS. 4512–4513

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, Mr. DOMENICI, and Mr. HARKIN) submitted two amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4512

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be $2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000.

AMENDMENT NO. 4513

On page 17, line 24, strike out "$327,900,000" and insert in lieu thereof "$477,900,000".

On page 9, line 11, strike out $9,953,142,000" and insert in lieu thereof "$9,815,142,000".

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,178,092,000".

NUNN AMENDMENTS NOS. 4514–4522

(Ordered to lie on the table.)

Mr. NUNN submitted nine amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4514

On page 17, line 24, strike out "$327,900,000" and insert in lieu thereof "$477,900,000".

AMENDMENT NO. 4515

On page 9, line 11, strike out "$9,953,142,000" and insert in lieu thereof "$9,815,142,000".

AMENDMENT NO. 4516

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,178,092,000".

AMENDMENT NO. 4517

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Treat Reduction" is hereby increased by $150,000,000; *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000; *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000.

AMENDMENT NO. 4518

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000; *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4519

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amounts appropriated under the heading "Operation and Maintenance, Defense-Wide", $150,000,000 is available only for matters related to defense against weapons of mass destruction; *Provided*, That the total amount available for other purposes under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4520

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000.

AMENDMENT NO. 4521

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by $150,000,000.

AMENDMENT NO. 4522

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

D'AMATO AMENDMENT NO. 4523

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the unobligated funds made available before the date of enactment of this Act for activities under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) may be expended until all such funds available on the day before the date of enactment of this Act to carry out the aluminum metal matrix composite program (approved as recorded in the purchases, purchase commitments, and cost sharing letter and notification of the President dated October 5, 1995) are fully obligated for such purchases, purchase commitments, and cost sharing arrangement for discontinuously reinforced aluminum.

BUMPERS (AND OTHERS) AMENDMENTS NOS. 4524–4526

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4524

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$5,394,948,000, to remain available for obligation until September 30, 1999: *Provided*, That no funds provided under this heading shall be expended or obligated for F/A-18E/F aircraft."

AMENDMENT NO. 4525

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$6,372,948,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds made available under this heading $1,467,000,000 shall be made available for procurement of 36 F/A-18C/D aircraft, and no funds shall be expended or obligated for F/A-18E/F aircraft."

AMENDMENT NO. 4526

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$7,005,704,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds made available under this heading, no more than $255,000,000 shall be expended or obligated for F/A-18C/D aircraft."

KEMPTHORNE AMENDMENT NO. 4527

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. KEMPTHORNE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: ": *Provided*, That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System".

FRAHM AMENDMENT NO. 4528

(Ordered to lie on the table.)

Mrs. FRAHM submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following:

None of the funds provided for the purchase of the T-39N may be obligated until the Under Secretary of Defense for Acquisition certifies to the defense committees that the contract was awarded on the basis of and following a full and open competition consistent with current federal acquisition statutes.

WELLSTONE AMENDMENTS NOS. 4529–4530

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4529

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

AMENDMENT NO. 4530

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

(b) The Secretary of Defense shall allocate reductions in appropriations under subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

LEVIN AMENDMENTS NOS. 4531–4533

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4531

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,238,092,000".

AMENDMENT NO. 4532

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

AMENDMENT NO. 4533

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,238,092,000".

On page 88, between lines 6 and 7, insert the following:

"SEC. 8099. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F–16 aircraft.

MURKOWSKI AMENDMENT NO. 4534

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Not later than six months after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites.

REID AMENDMENTS NOS. 4535–4544

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4535

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,226,014,000".

AMENDMENT NO. 4536

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,287,014,000".

AMENDMENT NO. 4537

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,322,514,000".

AMENDMENT NO. 4538

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,342,514,000".

AMENDMENT NO. 4539

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,392,514,000".

AMENDMENT NO. 4540

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$565,507,000".

AMENDMENT NO. 4541

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$590,507,000".

AMENDMENT NO. 4542

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$630,507,000".

AMENDMENT NO. 4543

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$650,507,000".

AMENDMENT NO. 4544

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$655,507,000".

FEINGOLD (AND OTHERS) AMENDMENTS NOS. 4545–4547

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. BUMPERS, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4545

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(2) The report shall contain the following:

(A) A review of the F/A–18E/F aircraft program.

(B) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

(C) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(b)(1) None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

(2) If the Secretary of Defense has not submitted the report required by subsection (a) by the end of the period referred to in paragraph (1), not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft after the period until the date that is 45 days after the date on which the congressional defense committees receive the report.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

(d) Not later than 30 days after the Secretary of Defense has submitted the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an analysis of the report submitted by the Secretary.

(e) None of the funds appropriated or otherwise made available by this Act for the procurement of the F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft if the Congress within the forty-five calendar days after receiving the report required by subsection (a) enacts a joint resolution prohibiting the obligation or expenditure of funds for such purpose.

AMENDMENT NO. 4546

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

AMENDMENT NO. 4547

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until 30 days after the Secretary of Defense has submitted to the congressional defense committees a report on the F/A–18E/F aircraft which contains the following:

(A) A review of the F/A–18E/F aircraft program.

(B) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

(C) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(b) In this section, the term "congressional defense committees" means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

BINGAMAN AMENDMENTS NOS. 4548–4549

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4548

On page 70, line 8, strike out "$1,218,000,000" and insert in lieu thereof "$1,118,000,000".

AMENDMENT NO. 4549

On page 30, line 13, insert before the period the following: ": *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program".

LAUTENBERG AMENDMENT NO. 4550

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the Defense Committees a report on Department of Defense procurements of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-operated facilities, contractor-owned and -operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor-owned and -operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulose in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense than such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

REID AMENDMENTS NOS. 4551–4560

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4551

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,897,119,000".

AMENDMENT NO. 4552

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,909,619,000".

AMENDMENT NO. 4553

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,917,619,000".

AMENDMENT NO. 4554

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,934,519,000".

AMENDMENT NO. 4555

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$5,955,132,000".

AMENDMENT NO. 4556

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,027,132,000".

AMENDMENT NO. 4557

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,237,132,000".

AMENDMENT NO. 4558

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,441,632,000".

AMENDMENT NO. 4559

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,522,970,000".

AMENDMENT NO. 4560

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,888,119,000".

GREGG AMENDMENT NO. 4561

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

"(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).".

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B).".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.".

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved

August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2), each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

"(C) the offense is punishable by imprisonment for more than 1 year.".

GREGG AMENDMENT NO. 4562

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to proposed by him to the bill, S. 1894, supra; as follows:

In the pending amendment, strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation of Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).".

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesigning subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B).".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(3) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) if the individual was convicted of an offense named by section 8312(d) of this title for the period after the conviction of the violation.".

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2) each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

"(C) the offense is punishable by imprisonment for more than 1 year.".

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4563

On page 30, line 2, before the period, insert: ": *Provided*, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F–22B two-seat training variant of the F–22 advanced tactical fighter: *Provided further*, That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the Congressional defense committees not later than February 15, 1997".

AMENDMENT NO. 4564

At the appropriate place in the bill, add the following general provision:

SEC. . (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

CHAFEE AMENDMENT NO. 4565

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be

proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program".

LOTT AMENDMENT NO. 4566

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $50,000,000 shall be available for the Maritime Technology program and $3,580,000 shall be available for the Focused Research Initiatives program".

PELL AMENDMENT NO. 4567

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. PELL) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following: "*Provided further*, That of the funds appropriated under this heading, $4,000,000 of the available funds shall be available only for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997."

MOSELEY-BRAUN AMENDMENT NO. 4568

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following: Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

BRADLEY AMENDMENT NO. 4569

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combination since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

HEFLIN (AND SHELBY) AMENDMENTS NO. 4570–4572

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4570

On page 23, between lines 21 and 22, insert the following:

Procurement of new main feed pump turbines for the Constellation (CV–64), $4,200,000;

AMENDMENT NO. 4571

On page 31, line 5, strike "$21,968,000" and insert "$31,218,000".

AMENDMENT NO. 4572

On page 88, lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantages businesses, and women owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

SIMON AMENDMENT NO. 4573

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

(b) A debarment, as described in subsection (a), may apply to any person or entity, or to a subsidiary or division thereof, that has engaged in a clear pattern and practice of violating the provisions of the National Labor Relations Act.

(c) A debarment, as described in subsections (a) and (b), may be waived or removed by the Secretary of Defense upon the submission of an application to the Secretary of Defense that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment waiver or removal, including reasons such as compliance with the final orders that are found to have been willfully violated, a bona fide change of ownership or management, or fraud or misrepresentation by the charging party. The Secretary of Defense may also waive or remove an order of debarment for reasons of national security, or if alternative and timely sources of procurement are not available.

SIMON AMENDMENT NO. 4574

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

SPECTER (AND JOHNSTON) AMENDMENT NO. 4575

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 19, line 7, insert the following: "; *Provided*, That of the funds provided in this paragraph and not withstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $25,000,000 is appropriated for the benefit of the Army National Guard to complete the remaining design and development of the upgrade and to increase gunner survivability, range, accuracy, and lethality for the fully modernized Super Dragon Missile System, including pre-production engineering and systems qualification."

STEVENS AMENDMENT NO. 4576

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number for Military Personnel, Navy in shall be $16,948,481,000, the number for Military Personnel, Air Force shall be $17,026,210,000, the number for Operation and Maintenance, Army shall be $17,696,659,000, the number for Operation and Maintenance, Air Force shall be $17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be $9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be $1,140,157,000, the number for Defense Health Program shall be $10,251,208,000, and the number for Defense Health Program Operation and maintenance shall be $9,931,738,000.

(b) Advanced billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated for Operation and Maintenance, Navy, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities.

(c) Of the funds appropriated in this Act, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and

employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina.

(d) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this subsection, supervision and administration costs includes all in-house government costs.

(e) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States: *Provided*, That the report required by this subsection shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

LEVIN AMENDMENT NO. 4577

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof $6,582,370,000".

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and research, development, test, and evaluation: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. The Secretary of Defense shall establish, beginning in fiscal year 1997, a program element in the Office of the Secretary of Defense, for the purposes of funding emergency anti-terrorism activities. The fund shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the Commanders, of the Unified Combatant Commands or Joint Task Force Commanders that arise in response to a change in threat level.

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

LEVIN AMENDMENT NO. 4578

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 34, between lines 14 and 20 insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000, for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. It is the sense of the Congress that (1) the Secretary of Defense should establish, beginning in fiscal year 1997, program element in the Office of the Secretary of Defense for the purposes of funding emergency anti-terrorism activities, (2) funds appropriated for the program element should be in addition to other funds available under this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the commanders of the unified combatant commands or Joint Task Force Commanders that arise in response to a change in threat level."

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. THOMAS J. BALSHI

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to a constituent and fellow Pennsylvanian, Dr. Thomas J. Balshi. For almost a quarter of a century, Thomas J. Balshi, a fellow of the American College of Prosthodontists, has enhanced the health of thousands of individuals worldwide by contributions to research, education, and the clinical practice of prosthetic dentistry.

Dr. Balshi is a pioneer in the field of implant prosthodontics and operates a state-of-the-art dental clinic in Fort Washington, PA. Dr. Balshi and his staff of 23 have touched the lives of many, replacing countless lost, damaged, or diseased teeth with secure, permanent prosthetic smiles. Dr. Balshi specializes in saving dental cases diagnosed as hopeless and has renewed dental health, nutritional health, and self-confidence for many.

Dr. Balshi is a recent recipient of the prestigious George Washington Medal of Honor from the National Freedoms Foundation at Valley Forge, PA. This award was bestowed to honor Dr. Balshi's contributions to dental science through education. The Freedoms Foundation honors Americans whose lives reinforce and exhibit the patriotic values of our country's Founding Fathers.

In his youth, Thomas Balshi was an Eagle Scout. He later graduated from the Villanova University in 1968, and, following graduation from Temple University School of Dentistry in 1972, became a fellow of the American College of Prosthodontists [FACP] in 1976.

A former captain in the U.S. Army, Dr. Balshi was chief, Department of Fixed Prosthetics, Mills Army Dental Clinic, Fort Dix, NJ. He received the Army Commendation Medal for Extraordinary Service.

Today, he is a clinician, teacher, mentor, researcher, public educator, and devotee of health care. He welcomes students from around the world to his clinic, teaching them not only his clinical skills, but also his business skills as well. He is committed to making the public aware of quality dental care.

Dr. Balshi has trained a specialist from Bosnia-Herzogovina to bring healing and restoration to the war-torn population where United States military service personnel are now keeping the peace. He has championed the benefits of prosthetic care throughout India, Uruguay, and Colombia, and has spoken before the Royal Society of Medicine in London.

Serving as editor of the International College of Prosthodontists Newsletter for its inaugural 10 years, Dr. Balshi actively participated in establishing worldwide communication among practitioners of his specialty. He recently published a cookbook for dental patients entitled "From Soup to Nuts." The book offers soft and nutritious gourmet recipes for healing patients, as well as keys to returning to dental fitness and the recipes that accompany that opportunity.

Dr. Balshi continues a very giving and philanthropic presence in the community awarding scholarships as the chair of educational foundations as well as giving countless time and dental care resources to charity.

Mr. President, I wanted to share Dr. Balshi's background and experiences with my Senate colleagues today. I hope you will all join me in honoring and recognizing his presence and contributions.•

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted

earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 278) to authorize testimony, production of documents and representation of Senate employee in State of Florida versus Kathleen Bush.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of State of Florida versus Kathleen Bush is a criminal prosecution brought by the State attorney for Broward County, FL, alleging aggravated child abuse and organized fraud. The case, which has received significant publicity, presents allegations that the defendant deliberately made her child ill to obtain attention from medical personnel, the media, and others. The State asserts that the defendant engaged in a letter-writing campaign to numerous government officials as part of her fraudulent and abusive activities. Indeed, the public record reflects that, through the defendant's efforts, the defendant and her daughter had personal meetings with Mrs. Clinton and Senator GRAHAM, among others.

The State intends to introduce into evidence at trial the letters that the defendant wrote to government officials about her daughter. The prosecutor has requested that Senator GRAHAM's office provide testimony to authenticate the correspondence between the defendant and the office. This resolution would authorize an employee on Senator GRAHAM's staff to testify and produce documents in this case, with representation from the Senate Legal Counsel.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 278) and its preamble are as follows:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96-6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush*.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 248 received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 248) to amend the Public Health Service Act to provide for the conduct, expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 248) was deemed to have been read three times and passed.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS

Mr. GORTON. I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1757 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1757) to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1757) was deemed to have been read three times and passed, as follows:

S. 1757

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 "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996".

SEC. 2. REAUTHORIZATION OF ALLOTMENTS FOR STATES.

Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 3. REAUTHORIZATION OF AUTHORITIES RELATING TO PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 4. REAUTHORIZATION OF AUTHORITIES RELATING TO UNIVERSITY AFFILIATED PROGRAM.

Section 156(a) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6066(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 5. REAUTHORIZATION OF AUTHORITIES RELATING TO PROJECTS OF NATIONAL SIGNIFICANCE.

Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 590, the nomination of W. Craig Broadwater, of West Virginia, to be U.S. district judge for the Northern District of West Virginia; No. 681, Andrew Effron, to be a judge of the U.S. Court of Appeals for the Armed Forces.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the

table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

W. Craig Broadwater, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

STATEMENT ON NOMINATION OF CRAIG BROADWATER

Mr. BYRD. Mr. President, during my years as a United States Senator, I have had the opportunity to speak in support of the confirmation of many outstanding West Virginians who have sought to serve on our Federal judiciary. On this occasion, I am pleased to urge my colleagues to swiftly confirm W. Craig Broadwater to serve as a Federal District Judge for the Northern District of West Virginia.

Since 1983, Craig Broadwater has served on the First Judicial Circuit of West Virginia, most recently as Chief Judge. His path to the state judiciary included experience with a general law practice, service as a special prosecuting attorney, and a stint as a hearing examiner for state government.

Craig Broadwater has also demonstrated a special concern for children and families in distress. He chaired the Committee formed to develop child abuse and neglect rules for the West Virginia Supreme Court of Appeals, as well as guidelines for family law masters in West Virginia. He has written articles and taught on the subject of domestic violence and prevention, and he is widely regarded and respected for the expertise and sensitivity he has demonstrated in this particularly poignant area of the law.

After graduating Phi Beta Kappa from West Virginia University in 1972, Craig Broadwater entered the United States Army and even today continues to serve his country as a Lieutenant Colonel in the West Virginia Army National Guard.

Mr. President, I am proud to lend my support to this exceptional West Virginian. I believe Craig Broadwater's experience, keen legal mind, and personal integrity embody the qualities envisioned by the first Senate when the Judiciary Act created the third branch of Government. I am confident these talents will serve him well on the Federal bench.

Mr. ROCKEFELLER. Mr. President, I am proud to recommend a very distinguished West Virginian be confirmed today to the post of Federal district judge for northern West Virginia. I'm honored to have joined with my senior colleague, Senator BYRD, in recommending that the President present this nomination.

Senator BYRD and I have recommended Judge Craig Broadwater to this important post because he represents the very best of our State. He is the perfect blend of talent, energy, strength, and commitment to his fellow human beings—and, Mr. President, his life and his career are evidence of this fact.

I had the privilege of appointing Judge Broadwater to the West Virginia First Judicial Circuit in 1993, when I was Governor. He was thereafter elected to the post in 1984. Since then, he was rated by the West Virginia State Bar as the No. 1 judge in the circuit, became chairman of the West Virginia Judicial Investigation Commission, and then chief judge for the first circuit in 1987, 1988, and 1995. To fully appreciate this remarkable man, you need to understand that Judge Broadwater is only 45 years old, and he has already had a outstanding judicial career.

Craig's career is rooted in a lifetime of incredible service to this country and his community. Craig was born and raised in Paden City, WV, along the Ohio River. He graduated magna cum laude, Phi Beta Kappa, and was a Distinguished Military Graduate, Army ROTC, from West Virginia University in 1972. He received his law degree from West Virginia University in 1977.

He served in the U.S. Army as a second lieutenant, from 1972 to 1974, and is still an active reservist in the West Virginia Army National Guard. He has been awarded a Special Forces tab, master parachutist badge, Meritorious Service Medal, Army Commendation Medal, Armed Forces Expeditionary Medal for Korea in 1973 and 1974, the Humanitarian Service Medal, and the West Virginia Emergency Service Medal.

Yet, I also know that Judge Brodwater may be most proud of his outstanding record on behalf of West Virginia's children. He has been a great leader in our State in the area of child abuse and neglect laws and has been a longtime member of the executive board of the Boy Scouts of America.

I am also fortunate to know Craig's family—his wife, Chong, two beautiful daughters, Chandra and Taeja, and son, Shane. They, too, are testament to his deep commitment and values.

Everywhere you turn in our State's northern panhandle, you see the imprint of Judge Broadwater's intellect and commitment. He knows the importance of family. A close examination of his record as a judge will reveal a very tough, yet fair man, whose life experience have prepared him to sit on the Federal bench as a judge before his fellow citizens.

Mr. President, Senator J. William Fulbright said in 1961:

> It is not our affluence, or our plumbing, or our clogged freeways that grip the imagination of others. Rather, it is the values upon which our system is built. These values imply our adherence not only to liberty and individual freedom, but also to international peace, law and order and constructive social purpose. When we depart from these values, we do so at our own peril.

Every American, and certainly every West Virginia, should be comfortable knowing that Craig Broadwater and the values upon which his life has been built will be a part of our judicial system. As his U.S. Senator and his friend, I'm proud to recommend his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. GORTON. I ask unanimous consent that notwithstanding the adjournment of the Senate today, Senators have until the hour of 1 p.m. in order to file first-degree amendments to the defense appropriations bill. I further ask that the RECORD remain open until 1 p.m. to allow Senators to submit statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will shortly adjourn over until 9 a.m. on Tuesday, July 16. There will be no session of the Senate on Monday. When the Senate reconvenes on Tuesday, in accordance with the provisions of rule XXII, a live quorum will begin at 10, and upon the establishment of the quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect a rollcall vote to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate would be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill.

I announce to all of my colleagues that I hope next week we will receive the cooperation of all Members in allowing the Senate to move forward with both of these issues.

ADJOURNMENT UNTIL 9 A.M., TUESDAY, JULY 16, 1996

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:48 p.m., adjourned until Tuesday, July 16, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1996:

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE.

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2001, VICE IVAN SELIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 1996:

THE JUDICIARY

ANDREW S. EFFRON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

W. CRAIG BROADWATER, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

HOUSE OF REPRESENTATIVES—*Friday, July 12, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 1996.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

O gracious God, from whom has come all the gifts that make us whole and make us human, we pray that Your Spirit will so live in our spirits that our thoughts and vision, our words and deeds will be strengthened and made right by Your blessings to us. For all Your good gifts that come to us and grace our lives with cleansing and new life, that point us on the way and accompany us along the path, for these gifts and all the wonders of Your Spirit, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON 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.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Thursday, July 11, 1996, I move to suspend the rules and pass the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Donation Act the full force and effect of law, as amended.

The Clerk read as follows:

H.R. 2428

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

SECTION 1. CONVERSION TO PERMANENT LAW OF MODEL GOOD SAMARITAN FOOD DONATION ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.

(a) CONVERSION TO PERMANENT LAW.—Title IV of the National and Community Service Act of 1990 is amended—

(1) by striking sections 401 and 403 (42 U.S.C. 12671 and 12673); and

(2) in section 402 (42 U.S.C. 12672)—

(A) in the section heading, by striking "**MODEL**" and inserting "**BILL EMERSON**";

(B) in subsection (a), by striking "Good Samaritan" and inserting "Bill Emerson Good Samaritan"; and

(C) in subsection (c)—

(i) by striking "A person or gleaner" and inserting the following:

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner";

(ii) by striking "needy individuals," and inserting "needy individuals.";

(iii) by inserting after "needy individuals." (as added by clause (ii)) the following:

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals."; and

(iv) by striking "except that this paragraph" and inserting the following:

"(3) EXCEPTION.—Paragraphs (1) and (2)".

(b) TRANSFER TO CHILD NUTRITION ACT OF 1966.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) (as amended by subsection (a))—

(1) is transferred from the National and Community Service Act of 1990 to the Child Nutrition Act of 1966;

(2) is redesignated as section 22 of the Child Nutrition Act of 1966; and

(3) is added at the end of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

Mr. Speaker, today we are considering legislation which will have the effect of increasing the donation of food products to needy individuals and their families and paying tribute to one of the finest Members of this body, with whom I have had the privilege to serve, Bill Emerson.

Many times individuals and corporations are interested in donating food to feed the needy. However, the fear of liability prevents them from doing so. According to the executive director of the South Central Pennsylvania Food Bank, "We need to mitigate the risk and liability so this nutritious food can go to those in great need."

H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, would encourage the donation of food products by freeing those who, in good faith, donate such products from the threat of civil and criminal liability should such products cause harm to the recipients of their generosity. It does not, however, in any way free such individuals from liability in cases of gross negligence or intentional harm.

Mr. Speaker, I am a strong supporter of our Federal nutrition programs and believe they go a long way toward providing the nutritional needs to low-income families. This legislation encourages communities to get involved in efforts to feed the hungry and improves our ability to ensure that citizens of this country do not go to bed hungry.

Since this bill is all about bringing people together to promote the greater good for their communities, it is only fitting that we name it in honor of Bill Emerson. This is exactly what the career of our late beloved colleague Bill Emerson was all about. That is why we have named this legislation the Bill Emerson Good Samaritan Food Donation Act as a tribute to this fine man and his commitment to improving our Nation's nutrition programs.

Bill Emerson was a true patriot and great Member of Congress. He was a Member of the highest character, who devoted himself to the cause of reducing hunger and to making this country and this House a better place. I know I speak for all of the members of this committee in expressing our sadness over his loss and express our heartfelt sympathy to his family.

While we are renaming this bill for Bill Emerson, I would like to point out that the gentlewoman from Missouri, Ms. PAT DANNER, the key sponsor of H.R. 2428, deserves an enormous amount of credit for introducing this legislation and championing this cause. Despite all the time and effort she has personally invested in this effort, she has graciously given her support for our effort to rename this bill to recognize Bill Emerson.

In summary, I urge my colleagues to support this important piece of legislation, which will go a long way toward ensuring that our Nation's low-income families will receive the nutrition they require to lead healthy, productive lives.

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

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

Mr. Speaker, I rise to support H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act. The purpose of this bill is to encourage the donation of wholesome, surplus food to nonprofit organizations, who in turn, distribute the food to our Nation's poor and hungry.

Last year the Food Research and Action Center [FRAC] reported that 13.6 million children in America below the age of 12 go hungry each month. Similarly, the Administration on Aging estimates that hunger plagues hundreds of thousands of our elderly each year.

My late colleague, Bill Emerson, was alarmed by the prevalence of hunger in a nation that throws away 20 percent of the food it produces each year. Bill Emerson considered it his mission to search for ways to combat hunger, and so he enthusiastically became a cosponsor of the Good Samaritan Food Donation Act introduced by my colleague from Missouri, Congresswoman PAT DANNER. We all owe a great deal of gratitude to Representative DANNER for her vision and compassion in developing this legislation.

By establishing national liability standards, this bill will encourage and enable restaurants, grocers, and other donors to feed the hungry. In urging support for this bill, Congressman Emerson stated:

> Private companies are too often faced with different State laws governing food donations. These differences can stand between a willing donor and a needy family.

Bill Emerson's efforts to fight hunger throughout his career in Congress make passage of this bill a fitting tribute to his legacy.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the State of Missouri, Ms. PAT DANNER.

Ms. DANNER. Mr. Speaker, often, we hear about the importance of timeliness of legislation.

As we discuss today's bill, the Bill Emerson Good Samaritan Food Donation Act, I will be constantly mindful of the article that appeared only yesterday in the Kansas City Star—my hometown newspaper. The Star carried the article that I have had partially reproduced and which is behind me.

For the first time ever, Project Hunger, the annual summer food drive, ran out of supplies while people still waited in line to secure food. This year, the contributions were only one-third of the amount collected last year.

Mr. Speaker, this is but a single chapter in a much larger story. The U.S. Conference of Mayors has reported that 18 percent of all requests for food assistance went unmet last year in the Nation's cities.

And the Federal Government has estimated that some 14 billion pounds of food are discarded by businesses each year.

These incredible figures were troubling for Bill Emerson, they are troubling for me—and I'm confident that other Members of the House will agree that we must act now to address this issue.

Mr. Speaker, the Biblical passage from Leviticus reminds us that: "When you reap the harvest of your land, do not reap the corners of your field, and do not glean the fallen ears of your crop * * * you must leave them for the poor and the stranger."

Bill Emerson, as a student of the Scriptures and a tireless advocate in the war against hunger, brought both life and meaning to that verse.

Bill heard those words in Leviticus and at the same time he heard the voices of the hungry—not only in our Nation—but around the world.

He knew that the rich gift of fertile soil in his beloved Missouri carried with it a great responsibility, a responsibility to produce, provide, and share. Bill embraced that challenge in the way he did so much else in life—with an unrelenting desire to help others.

Bill Emerson was an important voice for countless noble causes in Congress and this body is immeasurably better today because of his service.

As his funeral procession moved from Cape Girardeau to Hillsboro, a most heartfelt scene unfolded as men, women, and children, with American flags held high, lined the road—in honor of Bill's service to them—and to our Nation.

And it is a most impressive record of service, indeed.

Bill had moved through the ranks—from congressional page at the age of 15 to chief of staff for Congressman Bob Ellsworth of Kansas and later Senator Bob Mathias of Maryland. In 1980, Bill was elected to Congress from Missouri's 8th District, where he soon became one of the most influential Members of Congress.

But as Bill gained new, more significant responsibilities he always remained, first and foremost, true to himself. He was universally regarded as a man of the people who never strayed from public-minded service to our country.

Three of the most important interests in Bill Emerson's life were—family, religion, and feeding the hungry.

He was a devoted family man, the leader of a prayer breakfast group, and a giant on the Agriculture Committee when it came to hunger issues, whether at home or abroad.

In fact, he served as chair of the Select Committee on Hunger, and in that capacity he traveled worldwide in his effort to fight hunger and improve nutrition.

I know that all here will agree with me that there is no more fitting tribute to Bill's memory than the passage of this legislation that will provide, by some estimates, 50 million additional pounds of food annually to the hungry.

Today, as the House of Representatives considers the Bill Emerson Good Samaritan Food Donation Act, we are, in effect, saying: "Bill, your voice will not be forgotten, the course you charted will be followed and your legacy will endure."

I might also mention that although this legislation is first and foremost a fitting testament to a wonderful man, it is also a testament to another man who has made feeding the hungry his No. 1 priority.

May I, briefly, tell the story of how the Good Samaritan bill evolved from a local concern in St. Joseph, MO, to legislation in the U.S. Congress.

As an aside, I think if we had more such stories, it would restore the American people's faith that their concerns really can make a difference.

Last summer, Herald Martin—an active community volunteer who for 20 years has gleaned food for the Patee Park Baptist Church Pantry and others in St. Joseph—contacted me.

Mr. Martin had worked tirelessly—at his own expense, I might add—to pick up and distribute leftover food.

He was understandably frustrated because a major national corporation in St. Joseph, which had made food donations in the past, had changed its policy and decided to dispose of its day-old bread and other foods rather than donate them.

The corporation had explained to Mr. Martin, and others, that there were just too many different State laws governing food donations.

After speaking with Mr. Martin and doing some research, I learned that the current patchwork of State laws has been cited by many potential donors as the principal reason so much food is thrown away rather than given to food banks and food pantries for distribution to the hungry.

Quite literally, Mr. Martin proved that a single voice that is heard can make a difference for the millions of voices that are not heard.

It is, as a result of that research, that I decided to introduce the Good Samaritan Food Donation Act.

Recognizing Bill Emerson's longstanding support of issues relating to the hungry I sought and received his enthusiastic support for the legislation.

It was Bill's tireless effort in talking to members of the leadership, committee and subcommittee chairmen, and other members of the Republican Party that made this legislation a reality. Once again, as so often in the past, Bill

Emerson would be responsible for seeing that additional food would be made available to the hungry.

What started with but a single voice almost a year ago has now grown into a chorus of support for the legislation—from organizations such as Second Harvest, Foodchain, and Forgotten Harvest.

Simply put, we need a reasonable nationwide law that eliminates confusion and forges a stronger alliance between the public and private sectors in this Nation. That is exactly what this bill delivers.

The Bill Emerson Good Samaritan Food Donation Act will establish a uniform national law to protect organizations and individuals when they donate food in good faith.

A business should not have to hire a legal team to interpret numerous State laws so that it feels comfortable in contributing food to the hungry.

In the final analysis, perhaps the ultimate tragedy of hunger is that it is preventable. There is simply no excuse for any man, woman, or child in our country to suffer the pangs of hunger.

Toward that end, this legislation will bring some long overdue common sense into the system of laws governing food donations.

I think we all agree, we can provide a better tribute to our dear, departed friend and colleague, Bill Emerson than to pass, in his memory, the Bill Emerson Good Samaritan Food Donation Act.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the Bill Emerson Good Samaritan Food Donation Act. I want to commend our chairman, the gentleman from Pennsylvania [Mr. GOODLING], and I want to commend our ranking member, the gentleman from Missouri [Mr. CLAY], and I certainly want to commend our colleague and Bill's colleague, the gentlewoman from Missouri [Ms. DANNER], for the leadership all three of them have shown in bringing this bill before us today.

This bill epitomizes the life and the service and the philosophy of Bill Emerson. This bill encourages charity with a touch of common sense. We too often in this House divide ourselves into deep political and ideological conflicts. On some things there cannot or at least there ought to be any partisan debate. The facts of poverty are one of those.

Some 38 million Americans lived in poverty in 1995. Half of those are children or senior citizens. One out of every four children in American society today lives in poverty. The United States ranks 24th among all nations in infant mortality.

Bill Emerson was a conservative, but Bill Emerson did not believe that conservatives ought to be insensitive to the pain, the reality, and the needs of the less fortunate among us. As a result, Bill Emerson has had a history during his 16-year service in the U.S. Congress of pushing programs to deal with hunger and to deal with poverty. Whether it be the oceanic shores of Africa or it be the river of Cape Girardeau, Bill Emerson pursued the fight to end hunger wherever he saw it.

Many of us will know him as one of the ardent warriors on behalf of commodity donation programs. As he sat next to me on the House Committee on Agriculture, he would often lean over to his left, because that is the side I sat on, and say, "GUNDERSON, can't you get the Education and Labor Committee to just agree with us Agies on this commodity issue?"

And of course when it came time to reauthorize the Emergency Food Assistance Program, Bill Emerson was the leader in seeing that it was there. When it came time to deal with food stamps, and many of us remember in the debate last year on welfare reform and on the budget reconciliation when we talked about sending everything back home, Bill Emerson said, "I am for sending it home, but there are certain places where there has to be a national safety net." Because of Bill Emerson, there is no partisan debate anymore about sending food stamps back home.

Now, one of Bill Emerson's last fights is the legislation in front of us that he introduced with his colleague. The Food Donation Act, as all of us know and as we have heard, is intended to encourage the donation of food from grocery stores, catering companies, or food distributors to whatever food pantries, soup kitchens, or other food service community organizations that might be there.

□ 1020

Bill, because of his health, was unable to testify at that hearing we held on this legislation. That did not stop him from submitting testimony to the committee.

And so today, even in his death, the life and the legacy of Bill Emerson lives on as we pass this important piece of legislation. I commend it to all of my colleagues. I thank my colleagues here for their leadership, and I thank Bill Emerson for giving all of us a touch of sensitivity of the heart to those in America and around the world who are hungry.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

This is an important piece of legislation and so appropriately named for our dear friend, Bill Emerson.

H.R. 2428 is designed to encourage the donation of food and grocery products to nonprofit organizations engaged in distribution of such items to the needy. The bill will relieve concerns over liability that currently exist and that deter companies and individuals from donating as freely as they would like.

Bill Emerson had a keen interest in nutrition programs and spent a considerable amount of time focusing and working to improve nutrition programs during his congressional career. The Bill Emerson Good Samaritan Food Donation Act compliments the existing programs nicely by encouraging community involvement in the effort to feed those in need.

Again, this bill is a fitting tribute to Bill Emerson who is already greatly missed by this body. Enactment of this legislation will ensure that his work will continue to be recognized, especially by those involved in efforts to feed the needy, for many, many years to come.

Mr. Speaker, I urge support for H.R. 2428, the Bill Emerson Good Samaritan Act.

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

Mr. GOODLING. Mr. Speaker, again, I commend the gracious gentlewoman from Missouri [Mr. DANNER] not only for offering this legislation, but also for honoring Bill Emerson and for her very moving message this morning, not only in memory of Bill, but I think a very moving message for the American people. I ask all to support the legislation.

Mr. CONYERS. Mr. Speaker, I have a number of serious reservations concerning H.R. 2428. Although I am supportive of the impetus behind the legislation—encouraging private entities to donate food to nonprofit organizations who distribute food to the needy—I question whether preempting traditional State law prerogatives in this area is desirable.

For more than 200 years tort law has been considered to be a State law prerogative. The States are in the best position to weigh competing considerations and adopt negligence laws which best protect their citizens from harm. The area of food donations is a good illustration of this dynamic. According to the Congressional Research Service's American Law Division, all 50 States have enacted special statutory rights concerning food donations. Not surprisingly, the States have crafted a variety of liability rules—ranging from those who subject all negligent parties to liability, to those who limit liability only to grossly negligent or intentional acts.

Unfortunately, with adoption of this bill, the House will be seeking to impose a one-size-fists-all legal standard for food donors based on the Model Good Samaritan Food Donation Act, 42 U.S.C. Secs. 12671–12673, despite the fact that since its enaction in 1990, only one State has adopted the Model Act's language. This is exactly the type of reckless federalism so many in Congress purport to oppose. Worse yet, in federalizing this standard,

Congress will be selecting the most lenient possible standard of negligence. In particular, I would note that the term "gross negligence" is so narrowly defined that it may not include a failure to act which one should have known would be harmful. I believe a standard so loosely drawn constitutes an open invitation to harm to our poorest citizens.

I would also note that Congress is acting on this measure at a time when there has been no demonstrated legal problem. There is no outbreak in frivolous litigation. The proponents arguments for a uniform Federal standard are more based on anecdote than fact.

I am also concerned that to date the legislative process has completely bypassed the Judiciary Committee, which traditionally has had primary jurisdiction for any tort law matters. We should not be in such a rush to pass legislation that we fail to consider the opinions of those Members with relevant expertise.

It is because of concerns such as these that the conference committee on H.R. 2854, the Federal Agriculture Improvement and Reform Act of 1996, determined to reject adopting legislation similar to that before us today. The managers' statement to that legislation wrote:

[t]he Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law. . . . While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. See House Report 104-94 at 405.

It is my hope that as the process moves forward these and other problems can be addressed.

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

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 2428, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina) at 11 o'clock and 12 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. LUNDREGAN, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

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

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3230) "An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs. HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1004) "An Act to authorize appropriations for the United States Coast Guard, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, and Mr. WYDEN; and from the Committee on Environment and Public Works for consideration of Oil Pollution Act issues: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

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

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 1745. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1762. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1763. An act to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes; and

S. 1764. An act to authorize appropriations for fiscal year 1997 for military construction and for other purposes.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, 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. 3396.

□ 1113

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. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, July 11, 1996, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3396 is as follows:

H.R. 3396

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 "Defense of Marriage Act".

SEC. 2. POWERS RESERVED TO THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"§ 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of

title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1748C. Certain acts, records, and proceedings and the effect thereof.".

SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'.".

The CHAIRMAN. No amendments shall be in order except those specified in House Report 140–666, which shall be considered in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 104–666.

□ 1115

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts: Strike section 3 (page 3, line 9 and all that follows through the matter following line 24).

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] each shall control 37½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Hawaii [Mrs. MINK] because this amendment deals with the section of the bill which would have a particularly negative impact on the State of Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to state that I believe that the word marriage should be reserved to man and woman. But I rise to state my unequivocal opposition to H.R. 3396. It goes far beyond the defense of the institution of marriage. It attacks the U.S. Constitution by allowing States to ignore the "full faith and credit" clause. If same sex marriages are to be excluded from this protection it must be done by a constitutional amendment. It cannot be done by statute.

First, I would like to point out that marriage is not only a religious ceremony. A marriage is also a ceremony presided over by a judge or a justice of the peace. After the marriage ceremony in a church the minister has the married couple sign a marriage certificate in order to have it registered in the State Bureau of Registrations. A marriage therefor is a State recognized decree. A duly valid marriage in any State is a marriage that is duly recognized in every other State. And despite the minister's statement during the wedding that this union is "until death do us part," marriages are broken by the court, not by a church ceremony. Marriage is an instrument of the State. It may be ordained by the church, but it is a decree of the State, and it is dissolved by the State.

If in Hawaii the Hawaii Supreme Court decrees that the State of Hawaii Constitution requires that gays and lesbians be allowed to have a marriage recorded as a State decree, because to do otherwise constitutes discrimination, then same sex marriage will be the law of the State of Hawaii.

Under the U.S. Constitution, laws of one State must be given "full faith and credit" by every other State. Congress should not be enacting any bill to declare otherwise. If a State decides not to honor the Hawaii Supreme Court decision it must justify its decision before a court of law. This congressional bill can not answer questions as to whether this refusal by one State violates the "full faith and credit" of the U.S. Constitution. Congress can not pass a generic law to declare that every State may chose to ignore a duly decreed State court ordered decision.

We all know that Congress cannot amend the U.S. Constitution. It is a sham to pass a bill that purports to amend the Constitution. When we took our oath of office here in the well of the House, we swore to defend the Constitution from all enemies.

The full faith and credit clause of the U.S. Constitution was written by the framers of the Constitution explicitly to prevent the 50 States from acting as "independent sovereign States" and instead require that they recognize each other's laws particularly as they set up contractual obligations and to act as a nation.

If the State of Hawaii Supreme Court decrees that same sex marriages must be registered in the State, then, notwithstanding my contrary view, I shall defend it as the law.

I would have preferred the enactment of a domestic partner law. It would have provided all the protections that gays and lesbians have been seeking over the years. Failure of the State to assure gays and lesbians all the protections under the law require that we pass a domestic partner law. Unfortunately the State of Hawaii Legislature chose not to pass a domestic partner law and in doing so left this matter for the courts to decide.

Under this bill, H.R. 3396, same sex marriages, if and when allowed in Hawaii, will be denied equal protection of the laws insofar as the Federal Government is concerned. Even though it is a valid marriage in Hawaii as decided by the Hawaii Supreme Court, these couples will not be allowed to be considered as "spouses" when deciding such things as Federal retirement benefits, health benefits under Federal programs, Federal housing benefits, burial rights, privilege against testifying against partner in Federal trials, visitation rights at hospitals by partners, rights to family and medical leave to care for a partner, and many more programs which allow special rights to spouses. This exclusion would be extremely destructive of the principle of States rights in determining status.

Mr. Chairman, it is my regret that this issue has had to be raised before this body. It seems to me quite apparent that our court system is going to yield a decision which will validate same-sex marriages. It may take several years. It may require several more legislative sessions in orders to define this issue. But the court, in its previous decisions, said to the Attorney General of my State unless there is a compelling State interest to rule otherwise, this is what they intended to do.

Now, this is not a debate about religion. It is a debate about a State process which has been in place in all of the 50 States, granting to the States the right to issue licenses. It is not a matter of invasion of the prerogatives of religion or the churches because long ago judges and justices of the peace were granted the power to also ordain a marriage.

What happens after the marriage ceremony is that all parties must sign a marriage certificate application which is then certified by the State. So it has become a matter which is implicitly and explicitly a matter of interpretation under our Constitution, and our Constitution accords the rights of civil rights to all parties. Under that interpretation, our State undoubtedly in several years will find itself having to issue a ruling which authenticates same-sex marriages.

What is an affront by this legislation is an effort to try to clarify and declare by edict what the other 49 States shall or shall not do under the full faith and credit clues. I believe that that is an invasion of the Constitution, if not an outright effort to amend the constitutional guarantees of full faith and credit, which was an effort by our Founding Fathers to do away with this idea of 50 sovereign States and try to develop a concept of a Nation.

Mr. Chairman, what we are doing today is to nullify that full faith and credit clause to allow the State in its own deliberations how it is to deal with this issue once it is determined by my State.

But the further gravity of this situation is that this body, is being asked, beyond that, this body is being asked to take away rights that are accorded every other citizen by Federal law in determining retirement benefits, health benefits, the rights to burial in a Federal cemetery, the rights to privilege in a Federal trial which is accorded married couples not to have to

provide testimony against each other. It is defining in a way contrary to the citizens of my State rights that will be accorded to every other citizen in this country. It is a deprivation of the concept of equal protection.

We hear constantly in this body the need for States to be left alone to determine the rights of their citizens and the programs that they are is to endure. Here we have legislation, before anything is done in my State, that will deliberately deny all of these rights that are characterized by Federal law by determining that what my courts have decided does not apply under Federal legislation, and that is an extreme travesty against the whole principle of equal protection.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as Rome burned, Nero fiddled, and that is exactly what the gentlewoman and others on her side who spoke yesterday and last night would have us do. Mr. Chairman, we ain't going to be fooled.

The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit.

The courts in Hawaii have rendered a decision loud and clear. They have told the lower court: You shall recognize same-sex marriages. What more does it take, America? What more does it take, my colleagues, to wake up and see that this is an issue being shouted at us by extremists intent, bent on forcing a tortured view of morality on the rest of the country?

Yet, I suppose only in the Congress would we have people take the well and say that a provision that guarantees by law that each State retains its right to decide this issue is taking something away from the States. I suppose only in the Congress would we have people take the well and say that a law that simply guarantees the status quo in terms of the definition of marriage for Federal purposes is taking something away from somebody.

Yet here we have it. The red herrings are flying. Yet we must be resolute. This is an issue of fundamental importance to this country, to our families, to our children, and I would strongly urge all of our colleagues to reject this killer amendment which guts a very important piece of legislation.

We all must stand up and say we support this. Enough is enough. We must maintain a moral foundation, an ethical foundation for our families and ultimately for the United States of America.

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

Mr. Chairman, first a word on this amendment. What this amendment aims at is the anti-States' rights portion of this bill. This bill has been grossly misadvertised in several ways. One, it says that it is a defense of marriage, and I will return to that. But it is a defense against a nonattack.

Nothing in what Hawaii is about to say, namely probably sometime late next year or early in 1998 allowing same-sex marriages, nothing in that by any rational explanation would impinge on marriages between men and women. Nothing whatsoever.

The factors that erode marriages, the factors that lead to divorce, the factors that lead to abandonment and spousal abuse, none of them have ever been attributed to, in any significant degree, same-sex marriage.

But there is another misadvertisement. Proponents of the bill say it is necessary to keep other States from having to do what Hawaii does. Now we should make clear that none of them think that is true. None of them believe that, absent this bill, any other State would be compelled to do what Hawaii does. I stress that again. Every single sponsor of this bill believes as I do that the States already have the right that this bill gives them.

Mr. Chairman, this is a bill which conveys on the press the right to write articles. This is a bill which conveys on individuals the right to go to synagogues on Saturday, church on Sunday, mosques on Friday. This is a bill to do what the people in charge of the bill think is already there. That is why we understand it to be purely political. That is why a Supreme Court decision in Hawaii from 1993 which will not be made final probably until 1998 comes up in 1996. It is a declaration that the States have the rights that they already have coming a few months before the Presidential election.

But there is another place of it. They say this is a States' rights bill and it is to prevent another State from having to do what Hawaii does. It has a second and only operative section, and that section says if Hawaii or any other State decides to allow same-sex marriage by whatever means, whether they do it by court decision or by popular referendum or whether they do it by legislation, the Federal Government will say to the State: Wrong, you cannot do that as far as we are concerned. We, the Federal Government, will disallow that. While you can make a decision for your State's processes to allow same-sex marriage, we, the Federal Government, will substantially overrule that because we will say that is not a marriage as far as Federal law is concerned.

As people understand, given today's rule, Federal law has a lot to do with their lives, so as far as Federal income tax is concerned and Social Security and pensions and other things, they will not be covered.

Now, let me talk a little bit personally. We have had some personal talks. I would feel uncomfortable if I thought I was up here advocating something that I thought would be directly benefitting me.

I should say that Herb Moses, the man I live with, already has my pension rights. He has exactly the same pension rights I have. Zero. I do not pay into the pension. I am not a member of the congressional pension system, so Herb already has those pension rights.

That is not what I am talking about. I am talking about people less well favored in society than I and other Members. I am talking about working people, people who are working together, pooling their incomes as many Americans do that today in difficult situations and economic circumstances, trying to get back, and feeling a strong emotional bond to each other, deciding they would like to pool their resources in a binding legal way. Hawaii says: We allow you to do that. This bill says: We overrule Hawaii. This bill says there will be no States' rights here.

Mr. Chairman, what the other side of the aisle believes on the whole is the right of the States to follow what they think is correct. There is nothing new about this. When it comes to tort reform, they will tell the States what to do. When it comes to a whole range of areas, they will tell the States what to do.

I do not think there is any principle I have ever seen more frequently enunciated and less frequently followed than States' rights from the Republicans. What they mean is that the States will do whatever they tell them to do.

Mr. Chairman, I do not claim to be a States' rights advocate. I think there are times, given a national economy, when a national uniform solution is the only sensible one, but this is not one of them. I want to be particularly clear now. People talk about their marriages being threatened. I find it implausible that two men deciding to commit themselves to each other threatens the marriage of people a couple of blocks away. I find it bizarre, even by the standards that my Republican colleagues are using for this political argument here, to tell me that two women falling in love in Hawaii, as far away as you can get and still be within the United States, threatens the marriage of people in other States.

That is what this bill says: Do not worry, you people in Massachusetts and Nebraska and Wyoming and Texas and California. The Federal Government is running to the rescue. You say your marriage is in trouble? You say there are problems with divorce?

It would seem to be clear that divorce does more to dissolve marriages

than gay marriages. It is extraordinary to have people talking about how marriage is in peril. When the gentlewoman from Colorado [Mrs. SCHROEDER] wanted to offer amendments dealing with divorce, she was ruled out of order.

The gentleman from Oklahoma said the Bible speaks ill of homosexuality, and it does. There are also strong passages in the Bible that say if couples get a divorce and remarry, they have violated the rules. There are religions that do not allow people who have been divorced to remarry. There are religions that make divorce very, very difficult: Roman Catholics, Orthodox Jews, and others.

I believe that those religions have every right to say if couples get divorced, if they take this oath and say it is a lifetime solemn oath and then they dissolve, for whatever reason, they find someone else more attractive, they get tired of each other, we will make it difficult for them to dissolve those bonds as we put them on and we will not allow them to remarry.

That is a right we should fight for every religion to have, but there are clearly Members in this Chamber, supporters of this bill, who do not think that biblical injunction should be civil law. There are people who believe that that biblical injunction that says if couples divorce, they shall not remarry, should be disregarded by those who wish to disregard it; that the religion should not have the right to enforce them, but individuals should have the right under civil law to make alternate choices. That is all we are talking about here.

People say, well, we do not want to have State sanctions. Let me talk about that. I am very puzzled by the antilimited Government notion that brings out.

□ 1130

I have not had people come to me and say, I am in love with another woman, I want to get married because I really want to have State sanction. I want to know that the gentleman from Florida, the gentleman from Georgia, that they really like me. No one has come forward and said, can you please arrange so that the Republican Party and the House of Representatives will express their approval of my lifestyle. That is not a request I have ever gotten nor expect to get.

What people have said is, can I regularize this relationship so we are legally responsible for each other. Can I get to the point where if one of us gets very ill we will be protected in our ability to undertake financial responsibilities? Can we buy property jointly? Can we do the other things that people do? Can we decide that one will work and one might be in child rearing, there are people who have children in these relationships. That is what they are asking for.

What kind of an almost totalitarian notion is it to say that whatever the Government permits, it sanctions and approves? That is what is clear. Yes, there is a role for morality in Government. Of course there is. The Government has an absolute overriding duty to enforce morality in interpersonal relations. We have a moral duty to protect innocent people from those who would impose on them. That is a very important moral duty.

But is it the Government's duty to say, divorce is wrong and there are strong biblical arguments that say if you are divorced, you should not remarry. And should the Government then put obstacles in the way? No. What we say in this society is, religion has its place. If you want a religious ceremony, if you want to be married as Roman Catholic, if you want to be married by orthodox Jewish rabbis, if you want to be married by other groups, you better abide by their rules. But if you as an individual say, I do not love that person anymore, I am walking out, I am tired, I want a new husband, I want a new wife and, therefore, I dissolve it, no fault divorce, leave me out, and I want to remarry, civil law allows you to do that.

Does civil law say that is a good thing? Does civil law, by allowing you to divorce and remarry, say, good, we approve of that, we sanction your walking out on that marriage and starting a new one? No, what civil law says is, in a free society that is a choice you can make. We will require, I hope, that you pay up any obligation you have to the children who were the product of the first marriage. We do not do that well enough.

But beyond that we leave that choice. And that is all we are talking about. No one is asking for sanctioning. In particular, what we are saying is, if the State of Hawaii and, by the way, if you were going to pick a State less likely to infect others, I am still trying to understand, I said, what is it about two men living together that threatens marriage? The people who denigrate marriage are the people who argue that marital bonds are so fragile between man and woman that knowing that two men can marry each other will somehow erode them. How could that be?

We heard one argument about it yesterday. He said, well, it might lead to polygamy. I am a student of legislative debate. Let me make one very clear point. When people get off the subject, allowing Hawaii to have gay marriages without penalizing them federally, and on to something wholly unrelated, polygamy, and attack the unrelated one, it is because they cannot think of any arguments to attack the first one.

Yes, it is true polygamy as an option for heterosexuals would weaken the current option of monogamous heterosexual marriage. That is why I do not know anyone who is advocating polygamy. Why are they then debating polygamy? Because they are cannot argue over here.

There is a story about a guy who is on his hands and knees under the streetlight, and he is walking around, looking around. Somebody stops to help him, says, what is the matter. He said, I lost my watch. He said, I will help you. After 5 minutes, he said, gee, I do not think your watch is here. He said, I know, I did not lose it over here.

He said, why are we looking here under the streetlight. He said, well, the light is better. They want to debate polygamy because the argument is better. But there are no arguments about same-sex marriage.

I have asked Member after Member who is an advocate of this bill, how does the fact that two men live together in a loving relationship and commit themselves in Hawaii threaten your marriage in Florida or Georgia or wherever? And the answer is always, well, it does not threaten my marriage, it threatens the institution of marriage. That, of course, baffles me some. Institutions do not marry. They may merge, but they do not marry. People marry, human beings. Men and women who love each other marry. And no one who understands human nature thinks that allowing two other people who love each other interferes.

Is there some emanation that is given off that ruins it for you? Gee, Hawaii is pretty far away. Will not the ocean stop it? Are those waves that undercut your marriages? People who are divorced, I had one of my colleagues say to me, I have been divorced a couple of times. I was feeling guilty about it, but now I know it was your fault, he told me. He said, the Republicans have explained it to me. That is why I have been married three times. You did it to me.

He said, the next time I have an argument with my wife, I am going to blame you. And I guess that is what we do because it has got to be some mysterious emanation. And apparently it is such a powerful emanation that it crosses oceans.

Hawaii, let me ask my friend, how many miles, 3,000? How many miles is Hawaii from here? It is 5,000 from here, 5,000 miles away. My friend, the gentleman from Hawaii, my friend, the gentlewoman from Hawaii, what power they have. They allow same sex marriage in Hawaii and 5,000 miles away, marital bonds will crumble. That seems pretty silly, but that is what the bill says.

All I am saying here is, and by the way, I agree each State ought to be able to decide for itself. That is not what this amendment is about. I believe the States already have that right. I am not even touching in this amendment the part of the bill that does it.

This amendment says, if the State of Hawaii by any reason whatsoever decides to allow gay marriage, we, the Federal Government, will treat marriages that Hawaii validates the same as we treat others. The answer is, that will be sanctioning gay marriage, as if the Federal Government sanctions, what, many divorces and remarriages. We have no-fault divorces. People walk out for no good reason. That is an unfortunate trend. We ought to try and change it. But scapegoating gay men and lesbians for the failure of marriages in this society is very good politics but very terrible social analysis. That is what we are talking about.

I am simply saying here, I do not know of another State that is even close to Hawaii in doing this. Hawaii will probably do it in about a year. No other State is doing it. Are you that desperate for a political issue that you reach out this far? We have in the law something called long-arm statutes. This is a real long-arm statute. This reaches from the politics of Washington, DC, 5,000 miles out to Hawaii, and says, how dare you let two women express the love they feel for each other in a legally binding way because that is all we are talking about. We are talking about nothing that undercuts heterosexual marriage. We are talking about nothing that promotes divorce, nothing that would encourage spousal abuse, nothing that would encourage neglect of children. None of that.

We are talking about an entirely unrelated subject. The arguments are, therefore, so weak that, as I said, we get into polygamy and other unrelated issues.

If Members are really telling me they do not understand the difference between a polygamous heterosexual relationship and a monogamous homosexual relationship, then they are confessing a degree of confusion that I guess I would be embarrassed to confess.

All this amendment says is, and let us be clear on this amendment, no argument about protecting one State from another State is relevant. To the extent that this bill has any role in protecting one State from another State, this amendment leaves it detached.

What this says is simply, if Hawaii does it, we will recognize what Hawaii does. And we will not falsely claim that multiple divorces and remarriages, spousal abuse, child neglect, all of those problems, and economic stress and others things that cause stress in marriages, nobody will argue that letting two women love each other in Hawaii in any way, shape, or form threatens that. That is the vote I will be asking Members to take.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts, [Mr. FRANK]. This is not a States rights amendment. This amendment would allow the will of Congress to be usurped by three justices on a divided Hawaii Supreme Court.

In rebuttal to the argument made by the gentlewoman from Hawaii [Mrs. MINK], the Justice Department, headed by Janet Reno, not one of ours but one of yours, has twice said that the Defense of Marriage Act is constitutional. It is time for the Congress to define the full faith and credit clause, what the Constitution allows us to do, and that is what this bill proposes.

As was stated several times during the debate yesterday, this act is necessary because of a concerted effort on the part of homosexual activities to win the Hawaii case and then to impose the decision on every other State by a lawsuit invoking the full faith and credit clause. My colleagues do not have to take my word for it. I would like to reiterate the words from a memo written by the director of the Marriage Project of the Lambda Legal Defense and Education fund, a gay rights group. This memo is entitled, "Winning and Keeping Equal Marriage Rights: What will Follow Victory in Baehr v. Levin," unquote. On page 2 of this memorandum it is written, "Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full recognition of their unions."

It is important to remember that this gay activist scheme may not only affect every other State but the Federal Government as well. The Federal Government currently extends benefits, rights, obligations and privileges on the basis of marital status. These include Social Security survivor and Medicare benefits, veterans' benefits, Federal health, life insurance and pension benefits and immigration privileges.

In fact, the word marriage appears more than 800 times in Federal statutes and regulations, and the word spouse appears over 3,100 times. However, these terms are never defined in the statutes and regulations. This bill proposes to do so.

Because this United States Code does not contain a definition of marriage, a State's definition of marriage is regularly utilized in the implementation of Federal laws and regulations. Such deference is possible now because of the differences, because the difference in State marriage laws, although numerous, are relatively minor. Every State concurs in the most basic marital qualification, that a valid marriage must be between one man and one woman. There never has been any reason to make this implicit understanding explicit until now. If Hawaii legalizes same-sex marriage, which the gentlewoman from Hawaii [Mrs. MINK], says is going to happen, then the basic qualification is altered.

Consequently, section 3 of the Defense of Marriage Act amends the United States Code to make it clear for purposes of Federal law marriage means what Congress intended it to mean, that is, a legal union between one man and one woman as husband and wife.

Congress certainly has the authority to define qualifications, conditions and obligations surrounding the application of Federal law and the disbursement of Federal benefits. Exercising such authority is not uncommon. When Congress voted on Federal laws that conferred benefits on married persons, I do not think that Congress ever contemplated their application to same-sex couples. I do not think the American people did either. Should we not let the American people and their elected Representatives, as opposed to a sharply divided Hawaii court, decide whether we should alter the fundamental definition of marriage recognized by civilizations for thousands of years and always presumed by the U.S. Congress?

Gay rights groups are scheming to manipulate the full faith and credit clause to achieve through the judicial system what they cannot obtain through the democratic process. I do not think that Congress should be forced by Hawaii's State court to recognize a marriage between two males or between two females. Congress did not pick that fight. The groups that filed suit in Hawaii did.

We are simply responding to an unprecedented overt effort to impose one State's marital rules on the rest of the Nation.

We have enough problems financing our Social Security trust funds. If the amendment of the gentleman from Massachusetts [Mr. FRANK] is adopted, there will be a huge expansion of the number of people eligible to receive Medicare survivor benefits. We should decide that by ourselves, not by Hawaii court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to address one point on what the gentleman from Wisconsin said. He made a point a couple of times to the effect that this is a Hawaii Supreme Court decision. He said it should be elected representatives.

The second version of this amendment says that we will recognize marriages so declared by States if they are done democratically by legislation or by referenda.

I would yield to the gentleman. Would that make any difference in his argument?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, at least in terms of Federal benefits, to me, no.

Mr. FRANK of Massachusetts. Mr. Chairman, I thought so.

Mr. SENSENBRENNER. I think Congress should decide whether the domestic spouses of gays and lesbians should get Social Security survivor benefits.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, one point on legislative debate, when people use arguments they do not really mean, that is an indicator. The gentleman from Wisconsin made a big point of saying, we cannot do it if Hawaii does it by court, if they do not do it democratically.

□ 1145

When I mentioned an amendment that would allow that, it is, oh, never mind. Do not use arguments you do not mean. Do not make up arguments. That does not help the debate.

Mr. SENSENBRENNER. Mr. Chairman, I demand the gentleman's words be taken down. He has impugned my motives.

The CHAIRMAN. The gentleman from Massachusetts will be seated.

□ 1152

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, in a spirit of conciliation, even though my plane is not until Sunday, but I know others have quicker ones, I would make it clear that my point was that I believe when Members are debating, they should be careful to use arguments which are genuinely central to their point. And I was admonishing people about what I think is the tendency to use arguments that are not central, and particularly, I think it is a mistake for people to use an argument and then, when that argument is met by a change in the legislation, disregard it. That is what I was intending to imply

I believe that the second amendment that I have offered meets part of the argument that was made, and I always find it frustrating when people make an argument and an amendment is then offered which meets that argument and that is disregarded.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. SENSENBRENNER] seek recognition?

Mr. SENSENBRENNER. With that explanation, Mr. Chairman, I withdraw my demand that the gentleman's words be taken down.

The CHAIRMAN. The gentleman withdraws his demand.

The gentleman from Massachusetts may proceed in order.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I realize that my views are likely to be in the minority, as well as unpopular, but this is not the first time I have come to the well to stand up for what I believe in, and it will not be the last.

Mr. Chairman, our Nation faces many pressing and critical problems: The size of the Federal deficit and its effect on our international competitiveness; threats from rogue nations and terrorists armed with chemical, biological, and small nuclear weapons; a deteriorating public infrastructure; the decline in the quality of public education, to name just a few. Yet, this body is embarked today on an extended debate of a nonproblem, an issue which the States themselves are fully capable of handling without the interjection of the views of Congress.

In fact, this issue already has been carefully considered by the legislatures, the legislatures of 34 States. Today, we debate legislation of questionable constitutionality, legislation in which we "authorize" the States to ignore the dictates of the full faith and credit clause of the Constitution. Yet what is clear from the sparse history on the full faith and credit clause is that whatever powers the States have to have to reject the decision by another State are directly derived from the Constitution. Nothing Congress can do by statute either adds to or detracts from that power. Congress cannot grant a power to the States which, under the Constitution, the Congress itself does not have or control.

In addition, Mr. Chairman, today, we debate legislation designed to divide and ostracize individuals and to advance or protect interests which are hardly threatened. As some of my colleagues have already said, what is by far the weakest part of this bill is its title. But that is not accidental. This bill reflects a calculated political judgment that wedge issues can be used to paint individuals in our society, as well as Members of this Chamber. This bill's accelerated consideration in this House was, unfortunately, part of that political agenda. Whatever Hawaii finally decides will be years off, so what is the rush?

This is a sad day when partisan political considerations once again upstage careful deliberations designed to address the Nation's important challenges.

I urge my colleagues to stand up and reject this divisive, untimely, and possibly unconstitutional bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Defense of Marriage Act. As a cosponsor of this bill, I believe it reinforces the traditional definition of marriage without subjecting same-sex couples to bias or harassment. It is our duty in this Congress to affirm what is good in our society. We need this so much. As special interest pressure increasingly demands a tolerant and fluid definition of marriage, we progressively attempt to redefine marriage to fit social trends.

Traditional marriage, however, is a house built on a rock. As shifting sands of public opinion and prevailing winds of compromise damage other institutions, marriage endures, and so must its historically legal definition. This bill will fortify marriage against the storm of revisionism, so I urge all of my colleagues to support this very good bill, the defense of marriage act.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to batten down, because I yield 4 minutes and 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE], and we all know what power Hawaii has, so get ready.

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as long as Hawaii has this incredible power to be able to mandate whatever it decides on the rest of the Nation, I wan thinking that perhaps we could mandate the Hawaii health care system for the other 49 States, so that we would not have to worry about national health care, and we would mandate the weather, if we could, but I think that is even beyond our powers.

There is a serious note to be engaged in here, because the amendment offered by the gentleman from Massachusetts [Mr. FRANK] has to do with the definition. If Members are in fact intending to define marriage nationally in the terms that have been related in the debate so far, they have indicated it is an institution in which we have a secular, sacred duty to maintain the union between a man and a woman.

If that is the case, and Members really intend to do this, and we are sincere about covering this as a national definition of marriage, then why do Members not have a national divorce clause in here as well, forbidding it? Where are the criminal penalties associated with adultery? I have heard a continuous drumbeat from some Members here about this union of a man and a woman. If that is the case, I presume, then, Members are going to forbid divorce and most certainly impose penalties with adultery. But I do not see it in here.

There appear to be circumstances in which this union of a man and woman

can take place in the context of marriage again and again and again. I am not quite sure how the transition is made in Members' definitions, but that is what takes place, all of this within the context that this deficition has to be made in a national context, because of what may or may not happen in Hawaii.

But what is left out of this is that the Federal law over and over again, as stated as recently as 1992, and I am quoting the Supreme Court, "Without exceptions, domestic relations have been a matter of State, not Federal, concern and control since the founding of the Republic."

In this particular instance, it is the State constitution in Hawaii that is the grounds for the suit in Hawaii. The State constitution in Hawaii has particular references to the right of privacy and equal protection that are not found in other constitutions in other States. Therefore, it does not apply.

Members should vote for the amendment offered by the gentleman from Massachusetts [Mr. FRANK] because even if there is a ruling in Hawaii, it does not therefore follow that Pennsylvania or Florida or Illinois or any of the other States have to follow it at all, unless there are similar provisions, and there are judges that would make decisions based on similar interpretations of similar provisions in Members' own State constitutions.

The attorneys for the couples that came into court in Hawaii have stated again and again that it is the particular provisions of the Hawaii State Constitution that they are refering to, so it is disingenuous at best for those who want to maintain that this amendment is something that should be voted for to indicate that unless we have this bill today, and unless we defeat the amendment of the gentleman from Massachusetts [Mr. FRANK], Members are going to be forced to accept what was a result of a court decision in Hawaii, if it happens to go that way.

The State is disputing this at the present time, and may prevail. So unless someone who is in favor of the bill can tell me how the U.S. Constitution reflects the specific provisions in the Hawaii State Constitution, which extend beyond the Federal Constitution the right of privacy and the equal protection based on gender, unless they can explain that, I do not see how Members can deny the validity of the amendment offered by the gentleman from Massachusetts.

I would yield to anybody who can explain to me how the U.S. Constitution, which only deals by implication with the Hawaii State Constitution, will somebody please tell me how the U.S. Constitution and the Hawaii State Constitution are comparable in these two respects, which is the basis for the suit in Hawaii?

There are constitutional experts. Do not look puzzled. Members know perfectly well what I am talking about. There is a right to privacy in Hawaii, there is no discrimination based on gender in the Hawaii State Constitution, which does not appear in the U.S. Constitution except by implication, if Members make the argument. In other words, I get no response.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, permit me to be theological and philosophical, for a moment. I believe that as a people, as a people, as a God-fearing people, at times, that there are what are viewed, what I believe are called depraved judgments by people in our society. They come in all forms of sin. We learn that early on.

I believe that the first creature of God and the words of the first days was the light of sense. We refer to it as God-given common sense. The last, perhaps, was the light of reason. His Sabbath work ever since has been the illumination of his spirit, the Holy Spirit.

Above me it reads, "In God we trust." It says, "In God we trust." I believe that God breatheth light into the face of chaos and into the face of mankind to deliver his word to others who do not see the light of day, who do not follow the word of God.

Mr. Chairman, we are a nation of people, a society based upon very strong Biblical principles. To lead a Nation at moments of chaos through the storm, you rely on God-given principles for that. He shineth the light into our face.

We as legislators and leaders for the country are in the midst of a chaos, an attack upon God's principles. God laid down that one man and one woman is a legal union. That is marriage, known for thousands of years. That God-given principle is under attack. It is under attack. There are those in our society that try to shift us away from a society based on religious principles to humanistic principles; that the human being can do whatever they want, as long as it feels good and does not hurt others.

When one State wants to move towards the recognition of same-sex marriages, it is wrong. The full faith and credit of the Constitution would force States like Indiana to abide by it. We as a Federal Government have a responsibility to act, and we will act.

□ 1205

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

The CHAIRMAN. I might advise the Members, the gentleman from Massachusetts [Mr. FRANK] has 11 minutes remaining and the gentleman from Florida [Mr. CANADY] has 27 minutes remaining.

Mr. MEEHAN. Mr. Chairman, today we are debating a bill that purports to defend marriage. I have been thinking a lot about this legislation this week because tomorrow, I am getting married. My finance and I are going to vow to spend the rest of our lives together—no matter what lies ahead. For that commitment, we will enjoy all the rights and privileges the Government bestows on married couples—from tax breaks to Social Security benefits.

I can't imagine that my fiance and I could make such a momentous decision to wed—and then have the Government step in and say no, you can't do that. I can't imagine that two people who simply want to exercise a basic human right to marry, a right our society encourages could be denied. I can't imagine that two people could make a commitment to spend the rest of their lives together—and never be allowed to have that commitment recognized under the law.

Because, you see, for many years, gay couples have made a commitment to spend their lives together. They have spent years building a life together, through good times and bad. Yet, if a gay man becomes gravely ill, his partner is not allowed to visit him in the hospital. A gay couple can share houses, cars, bank accounts, yet one partner cannot inherit a single thing if the other dies without a will. Furthermore, no matter how long they are together, a gay couple cannot share medical and pension benefits.

This bill denies a group of Americans a basic right because they lead a different lifestyle. We must be careful when we make legislative determinations on who is different. If gay people are considered "different" today, who is to say your lifestyle or my lifestyle will not be considered different tomorrow?

This bill also challenges one of the most basic tenets of the Constitution: the "full faith and credit" clause. This country is great because people take for granted that the laws of one State are honored by the other States—regardless of whether or not one State likes another State's laws. We have not been able to pick and choose for the past two centuries and now is not the time to start.

Our society encourages and values a commitment to long-term monogamous relationships—and we honor those commitments by creating the legal institution of marriage.

If we then deny the right of marriage to a segment of our population, we devalue their commitment without compelling reasons but simply because we don't like their choice of partners. We can't have it both ways.

Protecting everyone's right to make a legal commitment to another is a defense of marriage. This bill denies certain persons that right. It is an attack on gay men and women. Therefore, I urge my colleagues to vote against it.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I want to offer my congratulations to the gentleman from Massachusetts on his upcoming wedding tomorrow. I did not know he was getting married tomorrow. I think that is wonderful. I wish him all the best and a wonderful future.

Mr. Chairman, I think this piece of legislation is very timely and very important, and I commend the gentleman from Florida [Mr. CANADY] and the gentleman from Georgia [Mr. BARR] for bringing it to the floor.

Many people are questioning why we are bringing it to the floor today but, Mr. Chairman, to me the answer is very clear. Polls in Hawaii and across this country show that the majority of the people of this country do not support legalizing same-sex marriage. However, despite the will of the legislature in Hawaii, three judges are about to rule otherwise. Now the Lambda Legal Defense Fund, an organization that is pushing very hard for the legalization of gay and lesbian marriage, is advertising their intent to use the Hawaiian Supreme Court ruling to force other States to recognize gay and lesbian marriages.

I would just like to read the quote, and this is from a publication of Lambda Legal Defense Fund:

> Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their home in the rest of the country expecting full legal recognition of their union.

This is not a partisan issue, Mr. Chairman. The threat posed by the ruling in Hawaii is recognized by Members of both sides of the aisle.

The bill before us is very simple. First it honors the State's right to decide its own position on the legalization of same-sex marriage. Second, it says that for Federal purposes, marriage is the legal union between one man and one woman. The Frank amendment strikes that. This bill does not tell people what they can or cannot do in the privacy of their own homes. It simply says it is not right to ask the American people to condone it.

As a father and an observer of this culture, I look ahead to the future of my daughter and wonder what building a family will be like for her. We saw startling statistics in 1992 that told us that Dan Quayle was right. Children do best in a family with a mom and a dad. We need to protect our social and moral foundations.

We should not be forced to send a message to our children that undermines the definition of marriage as the union between one man and one woman. Such attacks on the institution of marriage will only take us further down the road of social deterioration. Vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds. I do this with trepidation because I underestimated to some extent the sensitivity on the other side when I point this out, but the gentleman from Texas made a point of the fact that three judges did this in Hawaii, and not the legislature and not a referendum.

I have a subsequent amendment which would allow a State to get Federal recognition of marriages only when it is done by the legislature or by referendum or in other ways by the people, and it will probably make no difference. But I just want to say that that argument that this is only the judges in Hawaii does not appear to me to be one that the Members who make it attach a great deal of weight to because when I offer an amendment which obviates it, it would not make any difference.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, there were times and there may still be times in this country today where there are States where you can get married if you are 14 or 15. In my State that is statutory rape. There were times in this country where in many States it took years to get a divorce, sometimes almost impossible. People could fly to I think Las Vegas and other places and get a divorce almost overnight. We did not rush to the floor to ban those actions, to make them not apply to the State where the individual is a resident.

What we face here is a challenge of the majority party, the Republicans, and the failure of their entire agenda, and they need a new scapegoat. To try to salvage their political tailspin, we are here on the floor today trying to pick on the powerless. The politics works very well. It is not popular out in the countryside. It is a difficult issue for most Americans to deal with.

But if we want to protect families, then we ought to give families health care. If we want to protect families, we need to protect their pensions. If we want to protect families, we ought not be raiding Medicare to give tax breaks to billionaires. If we want to protect families, we need to protect their pensions, not to come here today with a show-stopper that does very little to protect families and I doubt will get the political gain that many are seeking in this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Chairman, the overwhelming majority of my constituents favor the bill that we are presenting to the Congress today, and for concomitant reasons oppose the amendment offered by the gentleman from Massachusetts.

If I were not sure of a numerical count of my constituents to determine what I have just said, that the majority opposes the Frank amendment and supports the underlying bill, I would now have the action of the Pennsylvania House of Representatives to bolster that count on my part. Recently the Pennsylvania House, only about 2 weeks ago, supported a similar bill by a tune of 177–16. In it they endorsed and reendorsed, both in the speeches on the floor and the matters of record that were included finally in their legislative record, the notion that marriage has to be, for the sake of family values, marriage between members of the opposite sex.

So, with all of that, I am guided by the frank expression of the Pennsylvania legislature rather than the Frank amendment. I oppose the amendment and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, people in my district in North Carolina are outraged by the possibility that our State might be forced to recognize same sex marriages performed in other States. They are outraged that their tax money could be spent paying veteran's benefits or Social Security based on the recognition of same-sex marriages. Homosexuals have been saying they only want tolerance—now it is clear they have been less than honest. They already have tolerance but are aiming for government and corporate mandated acceptance. The Boy Scouts of America are under legal attack in the States which have special rights for sexual orientation. The Scouts, a private group, are being told to abandon their moral code of 80 years and to place young boys under homosexual men on camping trips—or face financial ruin. If homosexuals achieve the power to pretend that their unions are marriages, then people of conscience will be told to ignore their God-given beliefs and support what they regard as immoral and destructive.

As the Family Research Council points out: Homosexuality has been discouraged in all cultures because it is inherently wrong and harmful to individuals, families, and societies. The only reason it has been able to gain such prominence in America today is the near blackout on information about homosexual behavior itself. We are being treated to a steady drumbeat of propaganda echoing the stolen rhetoric of the black civil rights movement and misrepresenting science. Now activists are demanding that society elevate homosexuality to the moral level

of marriage. If you are a devout Christian or Jew, or merely someone who believes homosexuality is immoral and harmful, and the law declares homosexuality a protected status, then your personal beliefs are now outside civil law. This has very serious implications, for if the law declares opposition to homosexuality as bigotry, then the entire power of the civil rights apparatus can be brought against you. Businessmen would have to subsidize homosexuality or face legal sanctions; schoolchildren will have to be taught that homosexuality is the equivalent of marital love; and religious people will be told their beliefs are no longer valid.

Mr. Chairman, let's do what is right and good for America today. Let's pass the Defense of Marriage Act and turn down both Frank amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just want to read the portion of the bill that is being stricken by this amendment. It is called definition of "marriage" and "spouse."

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

The proponents of the amendment before the House now want to strike that provision of the bill. They do not agree with that definition of marriage. That is what is at issue here. I think the Members need to focus on that. Is this House unwilling to take a stand in defining marriage in this way?

We are talking about for purposes of the Federal statute. We have a responsibility as the Congress to make a determination on this matter. We have a responsibility as the elected representatives of the various States to take a stand against what one State is attempting to do.

This bill does that, as has been discussed and debated at great length, and there is nothing offensive about this definition. It has been described in many ways, this bill has been described in many ways, I will talk about that somewhat later. But if the Members would focus on what is in this amendment, I think they will have to come to the conclusion that all we are doing in this amendment is reaffirming what everyone has always understood by marriage, what everyone has always understood by the term "spouse," and we are simply resisting a change which is being advanced by a small minority in this country.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I am not going to stand here and take up a minute to tell people on the floor how to vote. I think and I hope earnestly that this debate will result in a positive picture for the values of all Americans. But what I want to do is quote from two historical figures to show that none of us, none of us, have all the right answers to all the questions.

The first one is a figure that changed Catholicism and evolved it into the Protestant movement, Martin Luther, in which he said, "We are all weak and ignorant creatures trying to probe and understand the incomprehensible majesty of the unfathomable light of the wonder of God." He was saying each of us do not have all the answers.

The second historical figure gave a sermon on the side of a mountain. He said, and I cannot repeat all of that sermon because there is not enough time, but I encourage people in the room and my colleagues to read the Sermon on the Mount and especially chapter 7 in Matthew which starts off, "Judge not lest ye be judged."

□ 1223

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to address all of our colleagues here in the House, those listening as well as those that are on the floor, on both sides of the aisle, because this clearly is a nonpartisan matter. One merely has to look at the long list of cosponsors from both sides of the aisle. One has to look no further than the thousands of communications to Members of Congress on this legislation and recognize it is very much bipartisan.

The issue is clear and not even remotely complex. With this amendment, with the Frank amendment, if Members believe that one State can now define "spouse" or "marriage" for all Federal purposes, if you believe that it is fiscally responsible to throw open the doors of the U.S. Treasury, and if you believe that the will of the vast majority of the American citizens has no meaning, no importance whatsoever, then vote for the Frank amendment because it represents and does all three of those things.

But if Members believe that the views of a vast majority of American citizens are important, do have meaning and ought to be listened to, and if Members believe that the Congress of the United States of America and not an individual State has the authority and the sole jurisdiction and responsibility to decide the use of Federal taxpayer benefits, and if you do not believe it is fiscally responsible to throw open the doors of the U.S. Treasury to be raided by the homosexual movement, then the choice is very clear, oppose the Frank amendment.

It is a gutting amendment. It is a killing amendment. That is why this opponent of the bill is proposing it. It is not complex. It is crystal clear. This amendment must be defeated so that the underlying bill can go forward, as we believe it will, through both Houses of Congress and get to the President's desk so that he, as he has said, will sign this important piece of legislation. Let us give him that opportunity and not deny him that opportunity by supporting the Frank amendment. I urge my colleagues to vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining, and the gentleman from Florida [Mr. CANADY] has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would like to say to my colleagues in the House, this is a defining issue. I believe it even goes further than what we have talked about. It is defining in terms of Republicans and Democrats. On this side of the aisle so many people have lined up to speak, so many people feel so passionately about this, we do not even have enough time.

But you know, one thing I would like to talk about just to be clear and not emotional about this, the gentleman from Massachusetts [Mr. FRANK] mentions the fact that, he mentions that the Defense of Marriage Act preempts States' rights. This is wrong. This is not correct. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State, nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States.

This legislation merely provides that States who do not sanction this distortion of marriage do not have to recognize it. Sixty-seven percent of the people in America agree with this legislation.

I would like to respond to what I think are Mr. FRANK'S main arguments against the Defense of Marriage Act.

Mr. FRANK says by abandoning the true definition of marriage, traditional marriages are not threatened. You are right, Mr. FRANK, you are not threatening my marriage. You do not threaten my marriage but you do threaten the moral fiber that keeps this Nation together. You threaten the future of families which have traditional marriage at their very heart. If traditional marriage is thrown by the wayside,

brought down by your manipulation of the definition that has been accepted since the beginning of civilized society, children will suffer because family will lose its very essence. Instead of trying to ruin families we should be preserving them for future generations.

You say if we pass the Defense of Marriage Act we are preempting States rights. You are wrong, Mr. FRANK. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State; nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States. This legislation merely provides States who do not sanction this distortion of marriage do not have to recognize it. With at least 67 percent of people polled opposing the legalization of same-sex marriages, we are doing the right thing.

Mr. FRANK may not agree with this also but he is here today pushing a definition of marriage which the majority of Americans don't agree with. He may use debaters' techniques to divert our attention on this matter, but the facts remain.

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

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

Mr. DORNAN. Mr. Chairman, I wanted to point out to the Members that the reason I have not asked for time during this debate is that I will be doing an hour this afternoon following an hour by Mr. FRANK, be plenty of time for me to discuss that midafternoon, morning in Hawaii.

This is a defining issue. I did not believe when I came here 20 years ago we would ever be discussing homosexuals have the same rights as the sacrament of holy matrimony, and I predict, that within 3 or 4 years we are going to be discussing pedophilia only for males and that will be the subject of my discussion this afternoon.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 45 seconds to say first, if people on the other side are content to have the last comment stand as representative of their viewpoint, so am I. I would say to the gentleman from Florida, he totally misstated this amendment. We are on an amendment that appears to have escaped him. He said I said it preempts States' rights and then talked about the section of the bill not relevant to the amendment. He just got it totally wrong. Yes, there is a section that purports to give the States rights that I believe the States already have. But there is another section which is what this amendment was about, and this second section says that if a State does allow such a marriage, the Federal Government would recognize it.

So he was talking about the first section, not about the second section. The second section is the subject of the amendment, and I did want to point out that he was, therefore, totally inaccurate in his representation of what I had said.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, 220 years of history in this Nation where we have not had to define what marriage is. It has been pretty common knowledge and it has been understood by most people. But now we have reached a period in our history when we are going to have to define what marriage actually is. We have to allow the States to define and Hawaii is going to be making that decision and I think in order to allow the other States to have that opportunity, then we must proceed with this Defense of Marriage Act to make sure that they are not bound by the full faith and credit clause to accept something that would not be acceptable to the majority of the people in those particular States, or in this Nation for that matter. But again, I think it is a sad day that we have to stand here in the Capitol of the United States and define what marriage actually is.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

I was looking for that long list of Republicans, which has apparently dwindled, that the gentleman was talking about.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, I rise in support of this amendment because I support the U.S. Constitution and particularly the 10th amendment to the Constitution.

As you know, the 10th amendment was designed to prevent us from preempting States' right. Yet for this purpose, we are willing to federalize the one area of law that has been under State control for the last 200 years. What is worse is that it is the Subcommittee on the Constitution of our full Committee on the Judiciary that is willing to limit for the first time in history the full faith and credit clause of the Constitution. The term that the Subcommittee on the Constitution uses is that it wants "to free the States from a constitutional compulsion."

If we want "to free the States from a constitutional compulsion," we ought to do it with a constitutional amendment, not through this kind of a statute.

This bill in fact is both unnecessary and premature. The Hawaii appeals court is not expected to reach a final decision until 1997. There is no reason to act before that. But by rushing to judgment, Congress is preventing the States from free and open deliberation and failing to allow them to come to their own determinations.

States already have the power to refuse to honor same-sex marriages conducted in other States under the public policy exemption to the full faith and credit clause. This is the law right now. So why are we debating an unnecessary bill? I am afraid that the real answer is that it is political exploitation of prejudicial attitudes.

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

Mr. MORAN. I yield to the gentleman from Illinois.

Mr. HYDE. The Chairman, I would just like to ask the gentleman from Virginia [Mr. MORAN], what effect on your last statement that the States have the power to do this, what effect does the Romer versus Evans case, decided May 20 of this year, have on that power of the States, or are you aware of that case?

Mr. MORAN. Mr. Chairman, reclaiming my time, I would submit to the gentleman from Illinois [Mr. HYDE] that any State can pass a law now under the public policy exemption that makes it clear that whatever Hawaii's decision might be, they do not have to recognize it. They have that right.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, does the gentleman know the Romer case? Because the Romer case directly vitiates what the gentleman just said.

Mr. MORAN. The gentleman and I have a difference of opinion.

Mr. HYDE. Mr. Chairman, is the gentleman familiar with the case?

Mr. MORAN. Mr. Chairman, I do not perceive it in the same way the gentleman does. If the gentleman would like to explain why it does, then I would be happy to yield the time that I have. I do not interpret it as accomplishing what the gentleman said.

Mr. HYDE. Mr. Chairman, I will send the gentleman a copy of the opinion and dissent by Justice Scalia.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard quite a bit about the full faith and credit clause, I think it might be helpful to read it. It is contained in article IV, section 1 of the Constitution, and I will read it in its entirety.

Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State, and the Congress may by general laws prescribe the manner in which such Act, Records and Proceedings shall be approved and the effect thereof.

The full faith and credit clause, which I have just read, recognizes a role for the Congress to play in circumstances just such as those that are now before us arising from the situation in Hawaii.

Now, that is one element of this bill. On the other hand, there is an element

in this bill which deals with Federal law, Federal benefits, and the interpretation of the Federal statutes and regulations that use the terms "marriage" and "spouse."

We have a responsibility as the Congress to determine how Federal funds will be spent, and I believe that it is certainly within our prerogative to determine that those funds will not be used to support an institution which is rejected by the vast majority of the American people. We, as their representatives, can take that position. That is not in derogation of States' rights. That is simply in fulfillment of our responsibilities, and that is what we are doing through this bill.

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

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I simply want to point out with respect to the constant allusions to other States being forced to do what may be decided in Hawaii that the case in Hawaii is based on the Hawaii State Constitution, which has an expansive provision for the right of privacy and a provision against sex discrimination, which by definition of the attorneys in the case is stated as only being implied at best in the Constitution of the United States. Therefore, they are not making any such claim.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman has made his point. With all due respect to the gentleman from Hawaii, the gentleman has not gotten the point here.

I would point out to the gentleman that there is available for him and all the other Members a memorandum prepared by the Lambda Legal Defense Fund which indicates the clear strategy that is being pursued here. The idea of the gay rights legal advocacy community is that they will have same-sex marriages recognized in the State of Hawaii, and then folks will go there from around the country, be married under the laws of the State of Hawaii, and then go back to where they came from and attempt to use the full faith and credit clause to force those States to which they have returned to recognize the legality of that same-sex union contracted in the State of Hawaii.

That is what is at stake in that part of the bill. That is very clear. That is why we are here. How Hawaii happens to get to the point of deciding that is a subsidiary issue.

Now, do I think the courts around the country should be required to recognize those same-sex marriages that may be contracted in Hawaii? No, I do not think they should be required to. But I do believe that there is substantial doubt about that question, and I am concerned that there is uncertainty, and this bill is motivated by that uncertainty. We are trying to do what we can to put that uncertainty to rest, to bring more certainty to the issue. That is the motivation here. That is not hard to discern.

Mr. Chairman, I understand and I respect those people who say, "We think same-sex marriage is a good thing and we think that they should be able to go there and then have it recognized elsewhere." That is a principle position. I disagree with the principle. I vehemently disagree with it. We have heard that expressed. But you know, it is clear what is going on here. There is a real issue that we are trying to deal with.

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

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, that is not the position of the State of Hawaii, that this is a good thing. What is trying to be determined now is what is imperative based on the Hawaii State Constitution. As for the recitation about the Lambda Defense Fund, the Lambda Defense Fund turned down the people in Hawaii. They did not want to participate in this.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman will have to continue that on his own time. I would suggest to the gentleman that the documents provided by the Lambda Legal Defense Fund are very clear, and I do not think there is much mistaking what the objective is behind this whole effort.

It may not turn out that way, even in the absence of this bill, but there is a risk that it would and we are trying to address that risk. That is very clear. There is no reason to be confused about it. We are trying to deal with that uncertainty.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in support of the Frank amendment and in opposition to this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I rise in support of the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I rise in opposition to the bill and in support of this particular amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Frank amendment and oppose this bill.

Mr. Chairman, once again, the Republican leadership is seeking to divide the American people by appealing to our emotions and fears.

Rather than working to protect middle-class families in this changing economy, the GOP prefers to divert everyone's attention from Republican efforts to cripple Medicare and cut taxes for the rich.

Why, Mr. Chairman, are we targeting gays and lesbians, blacks, and immigrants this year, now, today? The answer, pure and simple, is politics—election year politics. The Republicans will stop at nothing to win the White House and the Congress. They will fan the flames of intolerance and bigotry right up to November. And if the result is an election won—at the expense of national unity—their attitude is, so be it.

By the time my Republican colleagues are done, this country will be a boiling cauldron. This bill doesn't prevent a single divorce, a single case of spousal abuse, or protect the institution of marriage.

Mr. Chairman, America was settled by people fleeing the intolerance and bigotry prevalent in Europe. Our Nation has always been a haven for those seeking peace, tolerance, and justice.

The real issues are extremist Republican values versus American values. Health care for the elderly and needy versus tax breaks for the wealthy. Money for children and education versus money for corporate welfare. More police on the streets versus assault weapons in the hands of dope dealers.

In short, the real issue is the kind of America we want—one of hope and fairness, or one of division and hate.

□ 1241

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 3¼ minutes remaining and the gentleman from Florida [Mr. CANADY] has 6 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in support of this bill.

Obviously, as one of the original cosponsors of this bill, I feel like it is a bill that we ought to pass and I would oppose, as such, any amendment to it.

I think it is very important that we remember much of our history lessons, that I am sure have already been discussed here before. Without our action, this would be the first time that any religious or civil marriage ceremony recognized this type of marriage. It

would be against the traditional marriage of husband and wife. At some point I think this bill recognizes, the underlying bill recognizes the need to make this distinction, to draw this line, to clarify it, for it, unfortunately at this time, appears to be necessary in this country.

It is important we accomplish the two things that are contained in this bill. First of all, again for the purposes of Federal law, Social Security, tax and so forth, it clarifies what the definition of a marriage is. A marriage is between one man and one woman. Not more, not less, not anything else out there, but, clearly, for the first time, it defines for the purposes of Federal law only.

Certainly we should not allow one State, whether it be Hawaii or any other State, to, in effect, establish what the Federal law will be in regards to what a marriage is.

Second, as we discussed already today, it gives the States the right to recognize or not to recognize these types of marriages. it does not prohibit marriages of same sex but it gives the States those rights to do it. And once again it would not be appropriate and it would not be fair and it would not be right to those other States out there to have their laws controlled in this type of very nontraditional sense by one small State, whichever it might be.

Again I urge my colleagues to vote against this and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Massachusetts [Mr. STUDDS].

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] is recognized for 3¼ minutes.

Mr. STUDDS. Mr. Chairman, earlier this morning, I think somewhere around a quarter of two, I observed with some sadness that there was an imbalance between the two aisles in this debate.

Words have been thrown around. Although they have not been taken down or requested to be taken down, today I wrote down so far promiscuity, perversion, hedonism, narcissism, well, that may be in this House, depravity and sin. All, I regret to say, from the same side of the aisle.

I also thought for a moment I was in some kind of a revival meeting and was about to be preached at from Leviticus. The particular chapter which was implicitly cited from Leviticus is not very popular in my district because the next verse forbids the eating of shellfish, and I would caution people in citing that.

Let me also just ask my Republican colleagues. One of them even boasted a moment ago and asked people to notice the partisan divisions here. If ever there was a nonpartisan issue here, this is it. Sexual orientation is the same in Republican families as in Democratic families, in Republican Members as in Democratic Members, as in the general population. It is a sad and tragic political mistake, never mind a moral mistake, for a party to do this. I think that lesson should have been learned 4 years ago.

I observed last night, Mr. Chairman, that it is a mistake sometimes to say this is the way things have always been and, therefore, that is good and they should always be that way. When this country was founded our revered Constitution was written in part by men who owned slaves. Women themselves were, in most of these States of ours, were virtually chattel. They did not have the right to own property. People of color were property for many years after this country was founded. And even thereafter, for many years, the different races were not allowed to marry.

I wish Members were here last night to hear our distinguished colleague from Georgia, Mr. LEWIS, because through him came the words and the spirit of a very great American, Dr. King. And this is, whether Members like to hear it or not, the last unfinished chapter of civil rights in this country.

Although I have no doubt, I do not think anybody in this room has any doubt, about the outcome of the vote today, I have equally no doubt about the final resolution of this chapter. We are going to prevail, Mr. Chairman. And we are going to prevail just as every other component of the civil rights movement in this country has prevailed. In the words of the great Dr. King, as echoed so eloquently last night by the distinguished gentleman from Georgia, this country is going to rise up and live out the true meaning of its creed.

There is nothing any of us can do today to stop that. We can embrace it warmly, as some of us do; we can resist it bitterly, as some of us do; but there is no power on earth that can stop it.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

In the course of the debate last evening and today we have heard many things from the opponents of the Defense of Marriage Act. They have said much about those who support this bill and those who oppose same-sex marriage. They have described opposition to same-sex marriage and support for this bill as laughable, prejudiced, mean spirited, cruel, bigoted, despicable, hateful, disgusting, and ignorant.

One of the leading opponents of the bill has described opposition to same-sex marriage as being based on the morality of the club. In the course of this debate those making these assertions have congratulated themselves on the quality of the debate they have engaged in.

In my view, all of this is an insult to the American people, 70 percent of whom oppose same-sex marriages. Seventy percent of the American people are not bigots, 70 percent of the American people are not prejudiced, 70 percent of the American people are not mean spirited, cruel, and hateful. It is a slander against the American people themselves to assert that opposition to same-sex marriage is immoral.

All of this rhetoric is simply designed to divert attention from what is really at stake here. It is designed to obscure the fundamental question that is raised by this bill. It is calculated as a distraction. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here.

Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman?

Should this Congress tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should this Congress tell the children of America that we as a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Should this Congress tell the children of America that in the eyes of the law the parties to a homosexual union are entitled to all the rights and privileges that have always been reserved for a man and woman united in marriage?

To all these questions the opponents of this bill say yes. They say a resounding yes. They support homosexual marriage. They believe that it is a good thing. They believe that opposition to same-sex marriage is immoral. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex; that the law of this land is indifferent to such matters.

Those of us who support this bill reject the view that such choices are a matter of indifference. We reject the view that the law should be indifferent on such matters, and in doing so I think it is unquestionable that we have the overwhelming support of the American people.

I would urge my colleagues to listen to the American people, defeat this amendment and pass this bill.

Mr. SKAGGS. Mr. Chairman, first, let me say that this has been one of the toughest votes I've had to cast in Congress. I fully embrace the idea that marriage is an institution

that historically, culturally, and morally is set aside to recognize and respect the union of a man and a woman. If this bill were a resolution affirming that proposition, I'd gladly have voted for it.

Unfortunately, this bill went far beyond that simple affirmation, entering uncharted and very troubling constitutional territory, as well as being motivated on the part of some of its advocates by a gratuitous hostility toward gays and lesbians. At best, it is unnecessary—for reasons I'll explain; at worst, it is dangerous—for reasons I'll explain.

Much has been made of the argument that Hawaii is about to legalize same-sex marriage. The truth is, nobody knows what decision the courts in Hawaii may make or when they will make it. The Hawaii Supreme Court has remanded to a trial court, for a trial on the merits, a case brought asserting the claim that the Hawaii State Constitution requires recognition of same-sex marriage because that Constitution prohibits gender discrimination. That trial is scheduled for later this year; with inevitable appeals, no final, appellate decision is likely before late 1997 or early 1998. In other words, there's no crisis; no imminent threat of same-sex couples from Hawaii presenting themselves as married in other States. And so, there's nothing that demands precipitous action by Congress on this question.

In addition to borrowing trouble in assuming the Hawaii case may turn out adversely with respect to the traditional view of marriage—a view I share—this legislation is most likely completely unnecessary insofar as it purports to grant States powers the States already possess to reject recognition of same-sex marriages. This point involves an examination of an obscure provision of the U.S. Constitution, article IV, section 1, known as the full faith and credit clause. That provision reads as follows:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effects thereof.

The Framers included this clause, borrowed from the Articles of Confederation and then expanded significantly, to make sure these States were truly united, and not a mere legal patchwork. The gist of the clause is that each State must honor the official acts and judicial proceedings of the others.

However, there soon grew up, in judicial interpretation of this clause, what's known as the public policy exception. Related primarily to the very question of the circumstances under which one State must recognize a marriage performed in another State, the courts have held that a State can assert its own overriding public policy in refusing to recognize an out-of-State marriage that runs counter to its public policy. The cases here have dealt with such factors as under-age marriages, incestuous marriages, and polygamous marriages. But the principle is well established and can certainly be extended by any State to the matter of same-sex marriages. In fact, some 14 States have already acted to assert such a public-policy position, in anticipation of the possibility that they'll face the question.

There is broad consensus among constitutional scholars that the full faith and credit clause already permits such State initiative in behalf of protecting the supremacy of one State's public policy as against another's attempt to legalize same-sex marriage. Therefore, no need exists for Congress to enact a law granting States the power or discretion they already enjoy under the public-policy exception to the full faith and credit clause. Or, put differently, this legislation is unnecessary. Certainly, we've got enough legitimate work to do around here without passing laws telling the States they have powers that they are already known to have.

But wait a minute. Perhaps, the States don't have quite all the powers this bill would give them, because it also apparently would grant States the power to ignore certain final judicial proceedings concluded in another State. The public-policy exception has not previously been construed to go that far.

What does that really mean? Where does it come from? I believe that dimension of this legislation can only be rationalized constitutionally as falling under the scope of the last three words of the full faith and credit clause, which provide that "Congress may by general Laws prescribe * * * *the Effect thereof.*" (Emphasis added.)

We have no explicit Supreme Court interpretation of these words to rely on. One possibility is a fairly limited meaning, consistent with the notion that Congress can figure out how best to implement and give effect to the interstate rights and responsibilities already prescribed by the earlier words in the clause. If this is correct, "the effect thereof" can't be the basis for expanding the public-policy exception beyond the bounds that already exist. And, if that's the case, then again, this legislation is merely redundant and unnecessary.

The other possible reading of these words, and the one evidently asserted by the proponents of this legislation, is that they provide back-door authority for Congress by law to greatly expand the now very-limited public-policy exception to full faith and credit. But think about that.

If you can believe it, we have here an allegedly State's-rights-minded Congress offering up new constitutional theory to justify a whole new basis on which to nationalize and centralize vast areas of law heretofore left to the States. If this rational is sound in this instance as to same-sex marriages—and I don't believe it is—then what are the bounds of this new Congressional power to preempt State law under the guise of "by general Laws prescrib[ing] * * * the Effect thereof"? I this legislation permits State A to ignore the final judgment of the courts of State B as to any claim derived from a same-sex marriage, then there is no constitutional bar to our passing a law authorizing State A to ignore State B's no-fault divorce decrees, or anything else.

It should be self-evident that this is an extraordinarily dangerous constitutional precedent. It takes the objective of the full faith and credit clause in unifying the States and assuring interstate comity, and turns it on its head. The potential for mischief and invidious intrusion of the Federal Government into State affairs boggles the mind.

I wish to preserve the institution of marriage for the honorable and traditional relationship between a man and women. But reserving that word for that institution means just that.

I also recognize that gay and lesbian couples seek legal recognition and permanence for their relationships and the rights and responsibilities that flow from those relationships. I hope this society, and its political and legal institutions, can move to accommodate the legitimate needs of gay and lesbian citizens in this respect. No one, I believe, would want, for example, to deny a claim of inheritance, or of participation in terminal health care decisions, for the life-long partner of a gay man or lesbian woman. Yet, by refusing as part of this legislation even to permit a formal study of disparate treatment of domestic partnerships in these areas, the proponents of this legislation may reveal their real motivation.

Because there is no imminent problem of same-sex marriage-being legalized, because, even if there were, the full faith and credit clause's public-policy exception already gives States the power not to recognize such a marriage, because this legislation is therefore unnecessary, because in its insinuation of new and constitutionally suspect congressional power under "the Effects thereof" phrase this legislation is unwise, and because so many advocates of the legislation, by their approach, seem primarily moved to demonstrate a gratuitous disrespect for some citizens based on their sexual orientation, I cannot support it and will vote against it.

My faith in the fair-mindedness of the American people is unshakable. This legislation is not true to that wonderful American virtue.

Mr. GUNDERSON. Mr. Chairman, I am a traditionalist. My entire life's environment and upbringing have created within me a respect for traditional values. Theology interprets marriage as a union between one man and one woman. Random House Dictionary defines marriage as a union between man and woman.

Accordingly, tho I am a gay man in a 13-year relationship, I was fully prepared to reach out to my colleagues in reaffirming the institution of marriage as we know and understand it. Throughout these discussions, I have suggested to my gay and lesbian friends that we should not resort to some semantic debate about the word "marriage."

As this issue evolved, I went to Chairman HYDE and to Speaker GINGRICH. I said to them, "I am willing to join with you in reaffirming the definition of marriage, tho I am a gay man. All I ask in return is that you remove the 'meanness, prejudice, and hatred' surrounding this issue."

I went further.

The debate fails to recognize the painful reality thrown on many innocent people who happen to be in long-term relationships outside of marriage. For example, if I should get sick, should not my partner have automatic visitation rights? Should he not have automatic consultation rights with the attending physician? I think most would say "yes." But I have letters from many people in my office indicating that from cancer to AIDS, they have been denied this basic right.

Second, a close friend of ours recently lost his partner of 16 years to AIDS. While the hospital in Washington respected the relationship and gave him visitation—something

worse happened after his partner's death. The funeral home would not allow him to sign any of the documents or arrangement forms.

Third, I have a 13-year relationship with my partner. Yet, while some of my congressional colleagues are in their second or third marriage—their spouse receives the benefits of their health insurance, and automatically receives their survivor benefits should that occur. Why should they be given these benefits, when my partner—in a relationship much longer than theirs—is denied the same?

Many corporations would like to extend such benefits to the domestic partners of their employees. The problem is that there is no agreement on a civil process to recognize legitimate long-term relationships from those who would simple seek to fraud the system.

These are just some of the basic questions that our society must and should ask. If we seek civility, mutual respect, and the promotion of long-term relationships—in marriage or otherwise—then we have no choice. Accordingly, I asked my leadership to accept an amendment I or others would offer creating a commission to look at such questions.

Chairman HYDE responded that while he could not support a commission, he would support a GAO study of such questions. Based upon this act of goodwill, I developed an amendment to accomplish this goal. We created an amendment which would call upon GAO to look at the question of the differences in benefits, rights, and privileges available to persons in marriage versus those in a domestic partnership. The study would look at State laws on these questions, Federal differences in benefits, and even how other nations responded to such relationships. The study would be complete by October 1997. It would not change any policy. Rather, it would simply provide the basis of information necessary for rational discussions in the future.

To their credit, both Mr. HYDE and Speaker GINGRICH told me personally they believed there was merit in my proposal. However, when this amendment was offered to the Rules Committee for consideration—it was denied recognition before the full House.

Unfortunately, this action exposes those who advance this legislation for their real goals. There is no sincere attempt to simply reaffirm marriage. There is certainly no attempt to respond to legitimate and real issues facing many Americans in 1996. There is, unfortunately, every attempt to pursue a mean, political-wedge issue at the expense of the gay and lesbian community in this country. And it hurts me deeply to say that about my own party.

This legislation will do nothing to defend marriage. May I suggest that no gay man is after your wives, and no lesbian is after your husbands. If marriage is at risk in this country, and it may be—there are other more real factors at the heart of this problem. May I suggest that alcohol abuse, spousal abuse, and even Sunday football are far more likely to destroy marriage. Perhaps if people really meant it when they said their marital vows, marriage would be more stable. Perhaps if people were more willing to pursue marriage counseling, when necessary, the institution of marriage would be better off. There may be a problem, but we ought to go after the legitimate cause of that problem, not some scapegoat for political gain.

Is this legislation necessary? No. There is not a single State in the Union today where gay and lesbian marriages are legal. There exists only one State in the Nation that even is debating such an issue in the courts—and that State's court will not decide the issue for at least 2 years.

Is this legislation constitutional? I am not a lawyer, but the constitutional scholars I have spoken with and whose opinions I have read say that, ultimately, it will be declared unconstitutional. Simply stated, the second sentence of the full faith and credit clause of the Constitution permits Congress only to specify the conditions under which one State must recognize the public acts and records of another State. Congress is not given the authority to override the mandate of the first sentence which requires one State to give full faith and credit to the laws of another State. Similarly, to the extent that the legislation creates a status-based classification of persons for its own sake, it violates the recently articulated principle in the landmark case of Romer versus Evans which was decided on May 20 of this year.

Is this legislation morally principled? Perhaps, more than anything else, my colleagues advancing this legislation believe they are advancing the basic Judeo-Christian ethics of our Nation. I would encourage them to pursue a closer analysis of the Bible. No where in the Bible does Jesus condemn homosexuality. There are many places where Jesus condemns divorce. How can people, who have been divorced, suggest that they can defend marriage by condemning hoe involved in single-sex relationships?

Mr. Chairman, this legislation before us it not a priority in the eyes of the American people. We are not responding to some public demand or crisis. Rather, this legislation was designed, pure and simple, to drive some political wedge for political gain. The first hope, was that the President would veto this legislation—and it would be used against him. When the President announced that he would sign the bill, the focus then was directed on finding some Democrat in a marginal district that would vote against the bill on principle, only to then lose the political debate back home.

If there was a legitimate desire to reaffirm marriage in a civil, respectful, and realistic way that recognized the reality of long-term relationships in America today. I reached out to my leadership to find a common middle ground—achieving their goals, without the hatred, prejudice, meanness, and insensitivity directed to those who happen to be gay or lesbian. That good faith effort was intentionally rejected.

I am willing to reach out, listen to, and work with all elements of society to find common ground upon which we as a diverse nation might go forward. I am not willing, however, to participate in a blatant attempt to score political points at the expense of those in our society who might be gay or lesbian. Therefore, I must oppose this bill.

Mr. WELDON of Florida. Mr. Chairman, as a cosponsor of H.R. 3396, the Defense of Marriage Act, I rise in strong support of the bill. We must work to strengthen the American family, which is the bedrock of our society. And, marriage of a man and woman is the foundation of the family. The marriage relationship provides children with the best environment in which to grow and learn. We need to work to restore marriage, and it is vital that we protect marriage against attempts to redefine it in a way that causes the family to lose its special meaning. In the 1885 case of Murphy v. Ramsey, the U.S. Supreme Court defined marriage as the "union for life of one man and one woman in the holy estate of matrimony."

Unfortunately, the courts of Hawaii are in the process of deciding if the State is going to sanction marriages between people of the same sex despite the Hawaiian people's clear rejection of such a policy change. The repercussions could be felt by the Federal Government and the other 49 States almost immediately. The full faith and credit provisions of the Constitution, article IV, require recognition of the "public Acts, Records, and judicial Proceedings" of each State. However, Congress has the authority to prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Federal policies could be dramatically affected by the Hawaii decision since the Federal Government generally recognizes State documents in granting benefits and privileges to married individuals. Veterans' benefits, labor policies, Federal health and pension benefits, and Social Security benefits are just a few of the areas that would be subjected to substantive revision if Congress does not act soon. I think it would be wrong to take money out of the pockets of working families across America and use those tax dollars to give Federal acceptance and financial support to same sex-marriages. Without the passage of the Defense of Marriage Act, this would be the case.

The American people clearly recognize the importance of protecting the sanctity of marriage. We should not be forced to give public sanction to relationships that clearly fall outside the scope of our Nation's traditional understanding of marriage as the legal union between one man and one woman as husband and wife. This act will protect the institution of marriage which has been and will remain the foundation of Western civilization.

Mr. COYNE. Mr. Chairman, H.R. 3396, the Defense of Marriage Act, presently before the House is unnecessary, untimely, purports to solve a problem that does not exist, professes to defend an institution—marriage—that is not under attack in the manner suggested by the legislation, and violates the full faith and credit clause of the Constitution. This legislation is before us as part of a political agenda and for no other reason. It is a proposed solution looking for a problem.

This legislation is simply yet another attempt by the Republican majority to shift the Nation's attention away from their extreme agenda that hurts children, the elderly, and the poor. Under current law, States will continue to be free to decline to recognize same-sex marriages if they choose. To date, nearly 80 percent of the States—37—have already addressed the issue of same-sex marriages in their legislatures. Eighteen States thus far have had legislation banning same-sex marriages either fail

or die in the legislative process and 13 States have passed legislation that would deny recognition to same-sex marriages. In fact, the House of Representatives in my State of Pennsylvania voted on June 28th of this year to prohibit same-sex marriages. These statistics hardly present a compelling mandate for the Federal Government to step in and rescue the States.

Unlike the future solvency of the Medicare Program or the problems associated with ensuring that all Americans have the opportunity to earn a living wage and enjoy a decent retirement, establishing a Federal definition of marriage, when every State has already addressed this issue, is not the most pressing item of business before Congress. There is no clear and compelling reason to address this issue at this time.

I oppose this legislation because I believe that States should continue to have the freedom to define their own policies toward marriage as they have had for the past 220 years.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, the Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that State. According to the full faith and credit clause of the Constitution, unless Congress says otherwise, the other 49 States in the Union would be required to abide by the Hawaii decision. Requiring the entire Nation to discard the will of the clear majority of Americans undermines our democracy and would deny other States the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that States should determine their own policy and that the Federal Government has a right to define who is entitled to benefits as a spouse. This legislation is consistent with the need to return power and decisionmaking to the States where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all States must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two-parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task of raising their children.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of H.R. 3396, the "Defense of Marriage Act."

Many of my colleagues today will give eloquent legal arguments in favor of this legislation. Rather than focus on the legal need for this legislation, I would like to discuss some of the reasons why I feel it is morally necessary.

Same-sex "marriages" demean the fundamental institution of marriage. They legitimize unnatural and immoral behavior. And they trivialize marriage as a mere "lifestyle choice."

The institution of marriage sets a necessary and high standard. Anything that lowers this standard, as same-sex "marriages" do, inevitably belittles marriage.

Traditional marriage has served across the majority of cultures as a foundation for a stable society. Undermining traditional marriage by forcing States to legalize same-sex "marriages" will have far-reaching social consequences. The attempt to legitimize same-sex "marriages" threatens our cultural values that have proved their worth down the centuries.

Those who seek to overturn our system of values are attempting to achieve not just toleration of their behavior, but full social acceptance as well. We should not undermine the standards that elevate civilization.

We must act now to preserve traditional marriage as the foundation of American society. I urge my colleagues to defend the institution of marriage by voting "yes" on H.R. 3396.

[From the National Review, June 3, 1996]

THE MISANTHROPE'S CORNER

(By Florence King)

Gay marriage is a consummation devoutly to be missed, but it's a dead cert. If you doubt it, try to remember the last time America turned down a vocal minority. In the Sixties we were the Girl Who Can't Say No, but she was a font of virtue compared to what we are now. Overcome by miasmic gases of diversity and inclusion wafting from the Nineties swamp, we have turned into the Punchdrunk Kid, a twitching lummox with cauliflower ears who mumbles "Sure, Jake, sure" to everybody.

The preliminary stage of brainwashing is already underway. "Husband" and "wife" are yielding to "spouse," a vague usage that benefits no one but gays. Gov. Roy Romer recently vetoed Colorado's proposed anti-gay marriage law, calling it "mean-spirited," a word that functions in America like the bell in Pavlov's laboratory. And now Bill Clinton has announced, through his gay-liaison office, that he is "personally opposed" to homosexual marriage. This phraseology, a staple of the abortion debate, is a reminder not to let our premises stand in the way of our conclusions.

The major brainwashing, soon to begin, will proceed as follows.

Magazines will run cover stories that thinking Americans—all 17 of us—recognize as that brand of persuasion called "nibbled to death by a duck." Time does "Debating Same-Sex Marriage" and Newsweek does "Rethinking Gay Marriage." Lofty opinion journals weight in with "A Symposium on," "In Defense of," and "Voices from," while Parade does "If They Say I do' . . . Will We Say 'You Can't'" Cover art consists of a pair of wedding rings sporting identical biological signs: two arrow-shooting circles for men, two mirror-handle circles for women. We will start seeing these logos in our sleep.

Next, the pundits. Molly Ivins writes "Bubba, Hold Yore Peace." Ellen Goodman waxes earnest about tradition *versus* change in "Something Old, Something New," Ruth Shalit writes something borrowed, and Richard Cohen, Victim America's identifier-in-chief, does a column called "We're All Single."

Arianna Huffington will figure out a compassionate way to be against gay marriage, but most conservatives stand to fare badly in this debate. Will Durant wrote, "When religion submits to reason it begins to die." In a media-saturated society teeming with talk-show producers casting dragnets over think tanks, proponents of gay marriage, win merely by being scheduled. By contrast, the conservative instinctively recoils from analyzing eternal verities. He may know the words to legal arguments such as "the need to show a compelling state interest, etc," but he doesn't know the tune. In the final analysis he believes in the sanctity of marriage "just because."

To liberals, the just-because mindset betokens racism. Therefore, anyone who opposes gay marriage must hate blacks. Anti-gay marriage laws will be equated with the old anti-miscegenation laws, producing tortured sophistry about "the difference between race and sex." The liberal will claim that all differences are the same, forcing the conservative to claim that some differences are more different than others. Caught in an Orwellian trap, terrified of being called a racist, he will seek safety in a soundbite of chortling folksiness.

"When a baby is born, people don't say 'it's white' or 'it's black,' they say 'it's boy' or 'it's girl.'"

Because this makes no sense, it becomes instantly popular. Repeated incessantly on talk shows, it starts running through our heads like the beat-beat-beat of the tom-toms in "Begin the Beguine," intensifying when Bob Dole soundbites it into a back-to-basics vision of blood and sex and whatever in a prime-time press conference.

Then Jesse Jackson and the feminists change the word order, ostentatiously placing "black" before "white" and "girl" before "boy". Remembering to say it the PC way becomes such an overriding obsession that we forget what it has to do with gay marriage, especially after Clarence Page points out that in slave days the color of a baby was indeed the first thing people noticed.

Soon, Republicans panicked by mounting accusations of racism suggest that gay couples be allowed to register their unions and establish common-law marriages based on seven years of cohabitation. But gays reject these half measures, comparing them to the irregular marriages of slavery, when couples "jumped over the broom."

All attempts at compromise elicit cries of "Second-class marriage!" and lead to lawsuits under the Americans with Disabilities Act. Calling themselves "connubially challenged," gays will sue the Christian Coalition for forcing them to lead immoral lives. Arguing that marriage will keep them from promiscuity, which will keep them from getting AIDS, they will equate prohibition of same-sex marriage with capital punishment. A Clinton judicial appointee will find the "right" to gay marriage lurking under a constitutional penumbra, and CNN will give a

900 number so viewers can vote yes to prove they aren't racists.

I find it ironic that gays are now singing the praises of wedded bliss in terms that were the bane of my existence forty years ago, when "settling down" proved you were "mature and responsible." If they keep it up, they will corroborate the English prostitute who plied her trade in the States and wound up in a book about American sexual attitudes. A great many of her clients, she said, showed her photos of their wives and children. Clearly bemused, her sign almost audible on the page, she added: "Yanks are born married."

My personal opinion of marriage reflects my status as a pariah in the Fifties snuggery of joined-at-the-hip Togetherness. "Rather a beggar woman and single be, than Queen and married," said Elizabeth I, and so say I. My objective opinion, however, conforms with Timothy Dwight: "It is incomparably better that individuals should suffer than that an institution, which is the basis of all human good, should be shaken or endangered."

[From the Washington Post, May 21, 1996]

NOT A VERY GOOD IDEA

(By William J. Bennett)

We are engaged in a debate which, in a less confused time, would be considered pointless and even oxymoronic: the question of same-sex marriage.

But we are where we are. The Hawaii Supreme Court has discovered a new state constitutional "right"—the legal union of same-sex couples. Unless a "compelling state interest" can be shown against them, Hawaii will become the first state to sanction such unions. And if Hawaii legalizes same-sex marriages, other states might well have to recognize them because of the Constitution's Full Faith and Credit Clause. Some in Congress recently introduced legislation to prevent this from happening.

Now, anyone who has known someone who has struggled with his homosexuality can appreciate the poignancy, human pain and sense of exclusion that are often involved. One can therefore understand the effort to achieve for homosexual unions both legal recognition and social acceptance. Advocates of homosexual marriages even make what appears to be a sound conservative argument: Allow marriage in order to promote faithfulness and monogamy. This is an intelligent and politically shrewd argument. One can even concede that it might benefit some people. But I believe that overall, allowing same-sex marriages would do significant, long-term social damage.

Recognizing the legal union of gay and lesbian couples would represent a profound change in the meaning and definition of marriage. Indeed, it would be the most radical step ever taken in the deconstruction of society's most important institution. It is not a step we ought to take.

The function of marriage is not elastic; the institution is already fragile enough. Broadening its definition to include same-sex marriages would stretch it almost beyond recognition—and new attempts to broaden the definition still further would surely follow. On what principled grounds could the advocates of same-sex marriage oppose the marriage of two consenting brothers? How could they explain why we ought to deny a marriage license to a bisexual who wants to marry two people? After all, doing so would be a denial of that person's sexuality. In our time, there are more (not fewer) reasons than ever to preserve the essence of marriage.

Marriage is not an arbitrary constrict; it is an "honorable estate" based on the different, complementary nature of men and women—and how they refine, support, encourage and complete one another. To insist that we maintain this traditional understanding of marriage is not an attempt to put others down. It is simply an acknowledgment and celebration of our most precious and important social act.

Nor is this view arbitrary or idiosyncratic. It mirrors the accumulated wisdom of millennia and the teaching of every major religion. Among worldwide cultures, where there are so few common threads, it is not a coincidence that marriage is almost universally recognized as an act meant to unite a man and a woman.

To say that same-sex unions are not comparable to heterosexual marriages is not an argument for intolerance, bigotry or lack of compassion (although I am fully aware that it will be considered so by some). But it is an argument for making distinctions in law about relationships that are themselves distinct. Even Andrew Sullivan, among the most intelligent advocates of same-sex marriage, has admitted that a homosexual marriage contract will entail a greater understanding of the need for "extramarital outlets." He argues that gay male relationships are served by the "openness of the contract," and he has written that homosexuals should resist allowing their "varied and complicated lives" to be flattened into a "single, moralistic model."

But this "single, moralistic model" is precisely the point. The marriage commitment between a man and a woman does not—it cannot—countenance extramarital outlets. By definition it is not an open contract; its essential idea is fidelity. Obviously that is not always honored in practice. But it is normative, the ideal to which we aspire precisely because we believe some things are right (faithfulness in marriage) and others are wrong (adultery). In insisting that marriage accommodate the less restrained sexual practices of homosexuals, Sullivan and his allies destroy the very thing that supposedly has drawn them to marriage in the first place.

There are other arguments to consider against same-sex marriage—for example, the signals it would send, and the impact of such signals on the shaping of human sexuality, particularly among the young. Former Harvard professor E.L. Pattullo has written that "a very substantial number of people are born with the potential to live either straight or gay lives." Societal indifference about heterosexuality and homosexuality would cause a lot of confusion. A remarkable 1993 article in The Post supports this point. Fifty teenagers and dozens of school counselors and parents from the local area were interviewed. According to the article, teenagers said it has become "cool" for students to proclaim they are gay or bisexual—even for some who are not. Not surprisingly, the caseload of teenagers in "sexual identity crisis" doubled in one year. "Everything is front page, gay and homosexual," according to one psychologist who works with the schools. "Kids are jumping on it . . . [counselors] are saying, 'What are we going to do with all these kids proclaiming they are bisexual or homosexual when we know they are not?'"

If the law recognizes homosexual marriages as the legal equivalent of heterosexual marriages, it will have enormous repercussions in many areas. Consider just two: sex education in the school and adoption. The sex education curriculum of public schools would have to teach that heterosexual and homosexual marriage are equivalent. "Heather Has Two Mommies" would no longer be regarded as an anomaly; it would more likely become a staple of sex education curriculum. Parents who want their children to be taught (for both moral and utilitarian reasons) the privileged status of heterosexual marriage will be portrayed as intolerant bigots; they will necessarily be at odds with the new law of matrimony and its derivative curriculum.

Homosexual couples will also have equal claim with heterosexual couples in adopting children, forcing us (in law at least) to deny what we know to be true: that it is far better for a child to be raised by a mother and a father than by, say, two male homosexuals.

The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested and inherently flawed social experiment on an institution that is the keystone in the arch of civilization. That we have to debate this issue at all tells us that the arch has slipped. Getting it firmly back in place is, as the lawyers say, a "compelling state interest."

Mr. LIPINSKI. Mr. Chairman, I rise today to express my full support of the Defense of Marriage Act. The issue of homosexual marriage is a major concern to many Americans, and I feel that the time has come for Congress to take a stand. What we say today and how we vote on this bill have both legal and moral ramifications for years to come. We cannot sit by and do nothing.

Legally, the Defense of Marriage Act is what its title states. It will define the act of marriage for Federal purposes and preserve its sanctity. Currently, Federal law has no definition of the words "marriage" or "spouse," even though the Federal Government uses those terms frequently. Traditionally, it has relied upon the relevant State's law when applying those terms. However, today we are at a crossroads with this practice, and it is time to make a choice. Right now a lawsuit in Hawaii may lead to the legalization of homosexual marriages in that State. The repercussions of such a decision would legally affect us all. The full faith and credit clause of the Constitution requires that every State honor the "Public Acts, Records and Judicial Proceedings of [every other] State unless specified by Congress." By this clause, all 49 other States would then be required by law to recognize a marriage between members of the same sex as legal for all State purposes. Further, because we currently have no definition of marriage on the rule books, the Federal Government would be forced to recognize such homosexual marriages for Federal benefit purposes.

The Defense of Marriage Act would safeguard the rest of the country from the decision made by one State. The American people might be surprised to learn that this bill would not outlaw homosexual marriages; although I believe it should—it would simply exempt a State from legally recognizing a marriage that did not fit it's own definition of marriage. States would still be free to recognize gay marriages if they so choose. However, and most importantly, this act would define "marriage" as "only a legal union between one

man and one woman as husband and wife" at the Federal level. This Federal definition would ensure that a State could not define a "marriage" that the Federal Government would have to recognize. If the Federal Government does not act now, and Hawaii legalizes homosexual marriage, the Federal Government would then be obliged to provide the same benefits that heterosexual marriages currently receive. Unless this bill is passed establishing a Federal definition of marriage, all Americans will then be paying for benefits for homosexual marriages.

Yes, we must put our foot down. Unless we pass the Defense of Marriage Act, we will putting our stamp of approval on gay marriages, forcing the rest of the Nation to follow the whim of one State. This bill simply preserves the sanctity of the act of marriage between a man and a woman. It is a bill which will ensure that each State will not have to follow the lead of another on this issue. This bill will give each State the leverage it deserves to decide for itself whether or not to legalize gay marriages.

However, as we all know, this is more than just a legal discussion. We are here because the issue of gay marriages is a moral one. Marriage, no matter what your religious belief, is a sacred act. It is the joining of a man and a woman in a unity that is officially recognized by the State. Marriage is the foundation of our society; families are built on it and values are passed on through it. In our current age, where the sanctity of marriage is constantly being compromised, I feel that we must seize this rare opportunity to strengthen it. Homosexual marriages are not necessary; gays can legally achieve the same legal ends as marriage through draft wills, medical powers of attorney, and contractual agreements in the event that the relationship should end. Therefore, asking the rest of the country to recognize such marriages does nothing that the law cannot currently do, it is simply asking for special privileges.

I feel that marriage is not an area where the law should bend. Our Nation's moral fabric is based on this sacred institution. Homosexual marriages would destroy thousands of years of tradition which has upheld our society. Marriage has already been undermined by no-fault divorce, pregnancies out of wedlock, and sexual promiscuity. Allowing for gay marriages would be the final straw, it would devalue the love between a man and a woman and weaken us as a Nation. I have received numerous letters and calls from constituents asking me to vote for this legislation. Literally thousands of churches across the country have asked us for our support. The American people have spoken, and now we have the responsibility to answer them. My fellow Congressmen and Congresswomen, I hope that you have the moral strength to vote with me for this bill so that it may be passed. Our country's moral future depends on it.

Mr. JACKSON of Illinois. Thank you, Mr. Chairman, for the opportunity to address what I fear to be the serious constitutional implications implicit in H.R. 3396, "Defense of Marriage Act." Specifically, I am concerned that this bill poses serious constitutional questions on two grounds: First, the full faith and credit clause of the U.S. Constitution, and second, the equal protection clause of the U.S. Constitution.

Upon hearing proponents of this bill argue that this bill does not violate the full faith and credit clause of the U.S. Constitution, and after studying the analysis of constitutional experts, and in particular, Prof. Chai Feldblum of the Georgetown University Law Center, I feel compelled to express my serious concerns on this point.

IMPLICATIONS FOR THE FULL FAITH AND CREDIT CLAUSE

While the Supreme Court has not specifically applied the full faith and credit clause to the status of marriage, we do know that there is absolutely no legal precedent for Congress to invite some States to ignore the official acts of others. Mr. Chairman, section 2 of this bill adds a section to the Federal full faith and credit statute, which is no doubt an unconstitutional attempt to do just this.

The full faith and credit clause of the U.S. Constitution, article IV, clause 1, provides, and I quote:

Sentence One:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

Sentence Two:

And the Congress may by general Laws prescribe the manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

In other words, each State must give "full faith and credit" to other State laws, and must fully recognize the acts and proceedings of other States. For example, in the case of *Williams* v. *North Carolina,* 317 U.S. 287, 295 (1942), the Supreme Court interpreted the clause as serving the purpose of "alter[ing] the status of the several states as independent foreign sovereignties, each free to ignore the obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation."

Never once has Congress implemented laws allowing States not to recognize certain "Acts, Records, and judicial Proceedings" of another State. In fact, Congress has heightened each State's recognition responsibilities under the clause by enacting the following pieces of legislation:

First, the Parental Kidnapping Prevention Act of 1990 requires States to enforce, not ignore, other States' child custody determinations;

Second, the Full Faith and Credit for Child Support Orders of 1994 requires that other States enforce, not ignore, child support determinations of other States; and

Third, the Safe Homes of Women Act of 1994 requires that States recognize, not ignore, the protective orders of other States to protect victims of domestic violence.

Thus, Congress has only passed legislation strengthening, not weakening, requirements on States to recognize the "Acts, Records and judicial Proceedings" of another. Therefore, it is undoubtedly clear why many constitutional scholars have concluded that Congress would go beyond the scope of its legislative powers under the Constitution in passing H.R. 3396.

It is noteworthy that during the subcommittee consideration of this bill, Representative SENSENBRENNER stated that Utah's admission to the Union was delayed for several years because of "the fear of the Congress over a hundred years ago was that polygamous marriages that were polemized in Utah would have to be recognized in the other States." This statement suggests that Congress contemplated over one hundred years ago that the drafters of the Constitution intended that all States, not only those which choose to, must give "full faith and credit" to the "Acts, Records and judicial Proceedings" of all other States, including the recognition of out-of-State marriage, and interpreted that requirement to its most literal meaning.

Proponents of this bill argue that allowing States to not recognize the public acts of another is a constitutional exercise of Congress' power under sentence two of the clause. Mr. Chairman, How can this be if this bill directly contravenes sentence one's mandate that every State is required to recognize the official public acts and judicial proceedings of other States?

If we are to follow the flawed logic of this argument, it would follow that sentence two of the clause must be read to say that States must recognize the official acts of other States except when Congress passes a law that says they don't have to. Mr. Chairman, this not only flies in the face of every States rights argument I have heard from the majority since I began serving in this body, but it also has the unconstitutional effect of amending the full faith and credit clause of the Constitution without actually going through the very cumbersome and challenging process of amending the Constitution through a two-thirds majority vote in both houses of Congress and ratification by the States.

IMPLICATIONS FOR THE EQUAL PROTECTION CLAUSE

Additionally, H.R. 3396 could engender equal protection challenges because the law may not survive the rational basis test adopted by the Supreme Court with respect to legislation establishing certain types of classifications. H.R. 3396 would allow a State not to recognize same-sex marriages legalized in other States if it so chooses. Therefore, it is necessary to determine whether there is rational connection between this law and the intended governmental purpose it seeks to further.

In the case of *Baehr* v. *Lewin,* 852 P. 2d 44 (Haw. 1993) the Hawaii State Supreme Court rejected the arguments made to deny the right of two individuals of the same sex to marry on the basis that Hawaii's State Constitution considers classifications on the basis of sex to be suspect in nature and subject to strict scrutiny analysis. However, for purposes of Federal constitutional challenge, legal experts have come to the conclusion that the rational basis test would probably be used to consider the constitutionality of the H.R. 3396.

The authors content that H.R. 3396 is necessary for the preservation of the institution of marriage, hence the title of the bill. However, would H.R. 3396 in fact allow the United States to further its interest in the preservation of the institution of marriage? Or put differently, I have not yet heard of any empirical data which may even mildly suggest the rational and logical connection between H.R. 3396 and its intended governmental purpose.

Considering that one in two marriages result in divorce in the U.S., and that many children

of heterosexual marriages are suffering from family-unit-debacle, it is safe to conclude that H.R. 3396 is by far not the most appropriate form of legislation with respect to achieving the perceived governmental purpose of "protect[ing] the institution of marriage" by defining a marriage only as "a legal union between one man and one woman as husband and wife." It thus follows that there does not seem to be a rational basis between H.R. 3396 and the intended governmental purpose.

Moreover, the Supreme Court this term in the case of *Romer* v. *Evans* 64 U.S.L.W. 4353 (1996) rejected amendment No. 2 of the Colorado State Constitution on the grounds that there was no rational basis between amendment No. 2's repudiation of special protection for homosexuals and the State's articulated governmental purpose.

Approximately 17 areas of federally enacted legislation and programs would be affected if this bill were to become law, specifically banking; bankruptcy; civil service; consumer credit; copyright; education' Federal lands and resources; housing; immigration; judiciary; labor; military; social security; taxation; veterans; the Soldiers' and Civil Relief Act; and, welfare.

In effect, this bill would deny gay men and women hospital visitation rights, health coverage, and other forms of insurance, inheritance and taxation rights, government benefits for spouses, immigration rights for spouses, and other rights. Just as the States should not interfere in any way with religious ceremonies, religious groups may not govern who receives a civil marriage license. This would in fact pose serious problems for the fundamental principle of the separation of church and state implicitly established in the first amendment of the U.S. Constitution.

Mr. Chairman, when I came to Congress, I placed my hand on the Bible and swore to uphold the Constitution; now, I am being asked to place my hand on the Constitution and uphold the Bible, the Koran, the Torah, and other religious doctrine. The U.S. Constitution must remain the supreme law of the land. This document protects the rights of all to believe and worship as they choose.

I swore to uphold the Constitution against enemies foreign and domestic, to protect minorities and minority viewpoints from the tyranny of the majority, to protect African-Americans from racism, Jews from anti-Semitism, Arabs from anti-Arabism, women from sexism, and gays and lesbians from homophobia and discrimination.

With this vote, I am sending a message to all coalitions that those who have sworn to protect the Constitution will do just that. We will protect their rights.

If defense of marriage meant a job in every household and adequate education for all children; if defense of marriage meant a single-family home for all Americans; if defense of marriage meant universal health care for all Americans, then we would be truly addressing the moral crisis confronting the institution of marriage.

We know, however, that the Defense of Marriage Act compels this Congress to exceed the boundaries of its constitutional authority. This bill offends the Constitution, by violating both the full faith and credit and equal protection clauses of this sacred document.

Whether churches choose to perform ceremonies is within the domain of the churches to decide. Under the Constitution, our national government must uphold the wall between church and state. We know that we cannot dictate the churches' activities.

It is also clear that the church cannot instruct the government to restrict the rights of the church, their followers, or their faith; nor can the church call upon Congress to contravene or undermine the Constitution.

Both the Bible and the Constitution have a role, but they are different roles. The Bible did not free African-Americans, it saved African-Americans and it saved me. The Emancipation Proclamation and the 13th amendment did not save me, but it did outlaw slavery. I am saved today because of the Bible, but I am in Congress today because of the 14th amendment and the Constitution as amended.

Mr. Chairman, in light of the foregoing, I caution my colleagues to look closely at these issues before supporting this bill.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to what I view as an unfair, unnecessary and unconstitutional bill. This measure will federally codify discrimination against a group of Americans striking a blow to justice and equal treatment for all people.

Mr. Chairman, less than 30 years ago many in this Nation believed that allowing interracial couples to marry would seriously denigrate American society, and many State laws reflected that. The U.S. Supreme Court invalidated these laws, recognizing the freedom to marry as "one of the vital personal rights essential to the orderly pursuit of happiness by free men." Should the Federal Government step in and dictate to States, it would be an abrogation of States' rights.

Currently, no State permits same-sex marriages. Hawaii is debating the issue, but the final decision is not expected for another 2 years. Furthermore, States already have the capacity to determine whether they will recognize marriages performed in other States. Most importantly, in the entire history of this Nation—for over 200 years—never has the Federal Government intervened in the State regulation of marriage. Never. The 10th amendment to our Constitution—which we are sworn to uphold—states that powers not enumerated to the Federal Government are reserved to the States. So, I ask my colleagues, why are we getting involved?

This brings me to my final point. This measure is unconstitutional. Article four, section one of the U.S. Constitution states that the "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." We cannot alter the U.S. Constitution with a simple act of Congress. In addition, the 14th amendment provides for "equal protection of the laws" for all citizens. Clearly the rights of gay and lesbian citizens would be abridged by this bill. Just as the Supreme Court found in 1967 that racial distinctions between citizens are "odious to a free people whose institutions are founded upon the doctrine of equality," the Court would again, I believe, invalidate this bill. The Court most recently ruled that targeting a segment of society with animus must be unconstitutional.

Lastly, there is clearly a political agenda driving this legislation. Barely 30 legislative days remain before the election and we have yet to complete our constitutionally mandated responsibility of funding the government. Yet we are debating this election-year ploy by a party attempting to divide the Nation. We are not debating the granting of a sacrament of marriage: Congress can't do that. We are debating States' rights and the rights of privacy. I recognize the general, pervasive discrimination gay men and lesbians face in society and in this House. I also recognize that many will disagree with me, but by advocating discrimination, we're breaking down the bonds which hold this Nation together when we should be strengthening them. I urge all my colleagues to oppose this unfair, unnecessary and unconstitutional legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the gentleman from Massachusetts' amendment that suspends the definition of marriage for any State that adopts a different definition through its normal democratic process.

Mr. Chairman, the so-called Defense of Marriage Act should really be called the Republican Offense on People Who are Different Act because it is nothing more than blatant homophobic gay-bashing.

The conservative elements of our American society have often discriminated against and tried to prevent whatever they didn't like or didn't understand. It hasn't been so long ago that blacks and whites weren't allowed to marry in any State. So, devoted couples pledged their commitment to caring for each other in private ceremonies, their children were considered illegitimate, and the spouses were not legally entitled to inherit from their partners, nor share in any public benefits.

And, not so long ago, 50 States and the District of Columbia had very different laws about who could marry, the age the partners had to be, the length of the waiting period between applying for a marriage license and the ceremony—and they still do. Even now there are different laws about divorce, about residency requirements to obtain a divorce, about the kind of alimony or support one spouse has to pay to another, and many other differences. The Federal Government sorts out who is eligible to benefit from public support from these spouses and former spouses, even as people move from one State to another; and the Federal Government can and will continue to sort these issues out as they become timely, which this Offense on Marriage Act is not.

The issue of who should marry within a State are the proper jurisdiction of the individual States. My grandmother probably couldn't envision a time when interracial marriages would be legal in America, but today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States rights.

This bill should be defeated and I urge my colleagues to use their common sense and

leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Frank amendments to H.R. 3396, the Defense of Marriage Act.

This has been a Congress that has repeatedly talked about sending power back to the States.

But now, all of a sudden, the Federal Government must step in on the issue of marriage, an issue which has always been decided by the States.

Hawaii is now examining this issue, but the court case is not expected to be settled for about 2 more years.

From a legal perspective, because same-sex marriage is not legal, this bill is not necessary except as a direct attack on gays and lesbians.

Constitutionally, this bill is also not necessary. According to the "full faith and credit" provision of the Constitution, States already have the power not to recognize same-sex marriages.

There is no clear, compelling reason for the Federal Government to step in now—except a purely political one.

But this issue is more than a legal one—it is about civil rights, it is about fairness, and it is about equal rights for all citizens.

Despite the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking lesbian and gay people or their relationships.

This issue is important to me because it is important to my constituents.

Over 1,000 of my constituents have contacted me to express their opposition to this blatant form of discrimination.

I agree with one writer who said—this legislation is "nothing more than an attempt to divide the country by beating up on gay men and lesbians."

Another constituent added, "Congress should be attending to the business of the country, not attacking American citizens."

I couldn't have said it better.

This bill is about discrimination, pure and simple.

I urge my colleagues to support the Frank amendments.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was rejected.

PREFERENTIAL MOTION

Mr. GUNDERSON. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. GUNDERSON moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 5 minutes in support of his motion.

Mr. GUNDERSON. Mr. Chairman, I offer this motion today so that I might ask a question.

Why are we so mean? Why are we so motivated by prejudice, intolerance and, unfortunately in some cases, bigotry? Why must we attack one element of our society for some cheap political gain? Why must we pursue the politics of division, of fear, and of hate?

Yes, marriage is under attack in our society today, but may I suggest to my colleagues it is not because of same-sex relationships. In all due respect, lesbians have no interest in making anyone their husband and gay men have no interest in pursuing anyone's wife. Rather, marriage might be under attack because of alcohol abuse, because of spousal abuse and, might I suggest, even Sunday afternoon football.

Like most of my colleagues, I too grew up with basical traditional values. My religion and my heritage also define marriage as a union between one man and one woman. So I went to my party's leadership and I went to the distinguished gentleman from Illinois, Chairman HYDE, and I went to Speaker GINGRICH, and I said I am willing, as a gay man, to support your efforts to reaffirm that the word marriage represents a union between a man and a woman. All I ask in return is that we take the meanness out of this legislative initiative.

I ask my leadership to recognize that those of us who happen to be in long-term loving relationships also might be considered or at least studied for the potential of legitimate benefits and privileges. For example, if I were to get sick, why should my partner not have automatic visitation rights and automatic consultation with the doctor?

I have letters in my office of people from cancer to AIDS who have been denied that basic privilege. When a friend of mine died last year of AIDS, his partner of 16 years could not sign the documents at the funeral home. Must we impose such indignities upon people even upon the death of their very best friend in life?

And frankly, I want to ask my colleagues, why should my partner of 13 years not be entitled to the same health insurance and survivor benefits that individuals around here, my colleagues with second and third wives, are able to give to them?

So I asked my leadership, can we at least put together a commission to compare the privileges, rights and benefits given to those in marriage but denied to those in long-term relationships? We will not change any policy; we will not change anything in the bill, rather we would seek simply to look at Federal, State and international law so that we might have a body of accurate information upon which to deliberate in the future.

□ 1256

In so doing, we would not only reaffirm the traditional definition of marriage, but we would also send the signal of our sensitivity and respect to those who happen to be gay or lesbian.

The gentleman from Illinois [Mr. HYDE] and I want to thank him for his decency and sensitivity in discussing this with me, suggested that while he could not support a commission he could support a GAO study. So I drafted an amendment which calls for such a GAO study to be a part of this bill, and I shared it with the gentleman from Illinois and Chairman GINGRICH. Unfortunately, others in my party insisted that this small step of basic decency and respect not be included in this bill.

Unfortunately such action, I think, exposes this legislative initiative for the mean political game it is. And I am truly sorry about that.

I stand here today with respect and with love for each of you as fellow Members of the human race. All I ask in return is that you do not intentionally make me any less worthy than you.

Mr. Chairman, I ask unanimous consent that the motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. GUNDERSON]?

There was no objection.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts: Page 3, after line 20, insert:

(b) APPLICATION.—

(1) Subsection (a) shall not apply if the State in which the persons affected by such application of subsection (a) has determined that the definition of "marriage" or "spouse", or both, shall be different than that in subsection (a), provided such State determination is in the form of—

(A) legislation; or

(B) citizen initiative or referendum.

(2) In the case where such a determination is made by judicial decision interpreting a State constitution, subsection (a) shall cease to apply if the minimum time necessary in that State for an amendment to the State constitution elapses and the State's determination remains in effect.

(3) In the case where such a determination is made by judicial decision interpreting a State statute, subsection (a) shall cease to apply with the adjournment of the next session of the State legislature.

Page 3, line 21, strike "(b)" and insert "(c)".

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from

Massachusetts [Mr. FRANK] and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, let me reassure those Members with "rollcall envy" that they can have one on this one.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I rise in support of the amendment and in opposition to the bill.

Mr. Chairman, I rise in opposition to H.R. 3396, the Defense of Marriage Act. This bill is unnecessary, discriminatory and possibly unconstitutional. There is no question that we have real problems with family disintegration in this country, but this legislation is not intended to defend or improve the success of marriage, rather it is intended to further divide the country over the issue of gay rights.

I'm saddened that, at a time when so many important issues face this country we are taking up valuable time discussing a bill that truly is a solution in search of a problem.

Same sex marriage is not currently legal anywhere in the United States. And in over 200 years, the Federal Government has never attempted to develop a Federal definition of marriage. That right and responsibility has been left to the States.

The Federal Government recognizes any State sanctioned marriage. However, States do not have to give full faith and credit to marriages sanctioned in other States. For instance, my home State of Oregon does not recognize marriages of 12-year-olds, but the State of Massachusetts allows 12-year-old females to marry, and the State of Alabama allows 14-year-olds to marry. In fact, several States even allow first cousins to marry.

So if States can already refuse to recognize certain kinds of marriages performed in other States, what is the point of this legislation?

If, as the proponents of this legislation claim, States do not have the authority to claim exemption from the full faith and credit clause, then a simple statue is not adequate to circumvent the Constitution's full faith and credit clause—we would need to pass a constitutional amendment.

So, again, what is the point of this legislation?

And where would this type of legislation lead us? We risk setting a dangerous precedent by crossing the threshold of preempting States by establishing a Federal definition of marriage. Once we cross that threshold, what is to prevent the Federal Government from setting a national age of majority for marriage and preempting all States as in China where the legal marriage age has been set as high as 28 years old, and changes almost annually. Furthermore, what is to prevent the Federal Government from setting new and rigorous standards for divorces preempting all State laws?

I have long supported the ability of long-term committed domestic partners to receive some sort of legal recognition. There are a host of areas where family members need legal standing—hospital visitations when someone is critically ill or injured, to be at a loved one's side when they die, decisions about medical care and guardianship for someone who is ill or incapacitated, and the authority to carry out someone's last wishes, to name a few.

A number of local jurisdictions around the country have extended legal rights to domestic partners. That is exactly where these types of decisions should be made—by local communities and States, not by the Federal Government dictating and mandating these issues for them.

This is not serious legislation to address a real need in this country. It is a cynical political gesture, which has more to do with Presidential election year politics than addressing the needs of the American people.

I urge my colleagues to oppose this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I rise in support of this slimmed-down revision of section 3 to allow the States, which enact their own same-sex marriage laws, to have those marriages respected by the Federal Government. Surely, Members on the other side of the aisle can support this amendment. I hope they can.

Mr. Chairman, I hope that the excellent job of whipping up the populace into a frenzy will subside somewhat and we can consider what we are dealing with.

For my good friend, the gentleman from Florida [Mr. CANADY], the subcommittee chairman who keeps laying this 70-percent population figure on us, may I remind the gentleman that 70 percent of the population was against ending segregation when the civil rights laws passed in the United States of America in the sixties. The gentleman shakes his head negatively, but he is incorrect.

Now, I wish my good friend from Wisconsin who made his very impassioned remarks would have included in the reasons for marriage being in trouble in America, if it is, that it is because of joblessness. I do not know what is going on between all the spouses, but joblessness is a huge driving force.

And finally, for ex-Senator Bob Dole, who I give advice on occasion, why is he so angry that President Clinton agrees with him on this issue? What is the beef, Bob? I mean, after all, you forced him to do this.

Mr. Chairman, we are going to stick with the gentleman from Georgia [Mr. LEWIS]. Eventually we will all come around and realize where this is going. I thank the Members for their kind attention.

I rise in strong support of the gentleman's amendment revising section 3 of the bill to allow States, which enact their own same sex marriage laws, to have those marriages respected by the Federal Government.

Around this body we hear a lot of talk about States rights. Well this amendment gives all of the Members a chance to back up their rhetoric. For more than 200 years Congress has allowed determinations of marriage status to be a purely State matter. Yet, unless this amendment is adopted, we in the Congress will be telling the States how to run their business. We will be saying a marriage that they have blessed is not good enough for Federal recognition.

This amendment serves to illustrate the blatant hypocrisy which characterizes the entire legislation. The entire matter has very little to do with the Federal Government. It is black-letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will, by implication, be limiting the States authority to reject other types of marriage which may be contrary to public policy.

It seems clear to me that the only reason we are here even debating this issue is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract With America has been a flop, the Repubican Party is behind in the polls, and their leadership is desperately trying to manufacture widge political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunatley, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. We can begin doing so by voting for this amendment and returning power back to the States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would note that remarks in debate should be addressed to the chair.

Mr. CANADY of Florida. Mr. Chairman, I rise to claim the time in opposition to the Frank amendment.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] is recognized for 7½ minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I deeply regret that my colleague from Wisconsin, Mr. GUNDERSON, left before we could respond to his remarks. And I regret that he was not here when I made my remarks on why this legislation is in front of us.

Mr. Chairman, this legislation is not mean-spirited. It is not divisive. It is not cynical. It is a legitimate response to a well-publicized legal move to try to expand a decision in Hawaii to the rest of the country and to Federal law.

Now, the question is not whether or not we are compassionate. I think we

all are compassionate because uncompassionate people do not get elected to Congress. But the question is how these issues should be debated and how the decision should be made.

I believe in the power of the people and the power of the Congress to make the right decisions and to do the right thing. And we ought to have an open debate on the issue of whether Federal benefits should be expanded to couples who get involved in gay marriages. The place for that debate, I would submit, is in the forum of public opinion, and the greatest deliberative legislative body in the world, the Congress of the United States, rather than having judges that are not elected and judges that are not responsible to the people bootstrap a decision in one State to national policy.

Mr. Chairman, I am sorry the gentleman from Wisconsin does not understand that. I think the rest of the House does.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the consummate cleverness of the amendment's proponent is obvious once again. His first amendment was a killer amendment, pure and simple. It trained its cross hairs on the heart of the bill and made no bones about it. This one is a little bit different. It trains its cross hairs on the heart of the bill, but it kills it with a silencer. Yet the result would be the same.

The fact of the matter is, Mr. Chairman, it is the prerogative, the authority, the responsibility, and the sole jurisdictional power of the Congress of the United States to determine the reach of Federal laws, Federal benefits, Federal regulations.

I matters not whether that power is attempted to be usurped by a State court, a State legislature, or the citizens of a State by referendum. The fact of the matter is they cannot do so. They should not be allowed to do so. And for any Member of this body to stand up and say on behalf of my 20 constituents, I am going to abrogate that responsibility to the citizens of a State, is an absolute outrage and an irresponsibility. It is a derogation of their duty as a representative of the people to protect the integrity of Federal powers, Federal jurisdiction, Federal laws, benefits and responsibilities.

This amendment is a killer amendment. It may be sugar coated, it may have a silencer on it, but the effect is just as deadly. This amendment deserves to be defeated because if it is not, the underlying bill will not be enacted into law, and I urge my colleagues to defeat this second Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, so much for block grants. We heard the gentleman from Georgia. How dare we think that those State-elected officials ought to decide how to spend Federal money. Do not let them usurp and preempt. I could not have heard a better denunciation of block grants from the staunchest federalizing liberal around, because that is what is at issue.

Mr. Chairman, I do appreciate the reference of the gentleman from Georgia [Mr. BARR] to my consummate cleverness. There are circles in which I will have to explain away having received that compliment from him, but I am willing to take on that burden.

Mr. Chairman, the point is that the gentleman is upset because the amendment is not stupid. And I apologize. There is nothing in the rules that says our amendments have to be stupid. I anticipated some of their arguments.

They have been arguing, and let us be clear what this amendment says. This amendment leaves alone that part of the bill that purports to protect other States from having to do what Hawaii does. I do not think they have to anyway, but this double protects them. That is not an issue.

This amendment says, and it says it clearly. Indeed, let me say immodestly, citing as authority the gentleman from Georgia, it says it "consummately cleverly" or "cleverly consummately," that if a State by democratic procedures, by involvement of its electorate, either directly in a referendum or through its legislature or by decision to allow a court decision to stand after the time has gone by, if a State makes a democratic decision that says if two men in this State are in love or two women in this State are in love and they are prepared to undertake the obligations of marriage, they are prepared to live together and commit to each other, they are prepared to make legal, binding representations to each other, the Federal Government will treat them in that State as it treats anybody else. The Federal Government will treat them as the beneficiaries of that democratic decision.

Mr. Chairman, what the bill says is if there is a referendum in a State, if there is a unanimous vote in the legislature to allow two people to love each other, we the Federal Government will say no. Why? We heard the gentleman from Georgia. Because we, the Federal Government, will decide.

Again, let us not have any of this block grant nonsense. Let us not talk about State autonomy. We will sit here in Washington and tell Hawaii who can love each other and who cannot. Of course, they can make a law in Hawaii, but it will not be a real marriage. It will not have Federal tax benefits; it will not have pension benefits; it will not have testimonial privilege.

Let us be very clear, Mr. Chairman. I appreciate the candor of the gentleman. Let us not have any of this nonsense about State autonomy. That is what this amendment says. It says if the Hawaii Supreme Court does it, it still would not take effect. But if the Hawaii Supreme Court makes a decision and enough time goes by under the Hawaii constitution, the legislature let it stand, there was a referendum in favor of it, we will then allow it.

So here is what we are being told. Do not let the democratic processes of a single State allow same-sex marriage in that State to be a federally valid marriage, even though it means it will have no effect on any other State. We are not attacking that point.

If my amendment passes, the bill will say what one State does has no effect on any other State. Another State does not have to have it. If a State makes a democratic decision to let two women love each other in a loving relationship, that cannot be because it will dissolve marriage, and we get back to that.

There are people in this society, heterosexuals who are married, who have been accused of spousal abuse; who have been accused of and have acknowledged not supporting their children; who have had multiple divorces and remarriages. Those are serious problems. We need to help people with that.

But implicitly to blame those on the fact that two men love each other is extraordinarily unfair and that is why we heard the eloquent, passionate statement of the gentleman from Wisconsin who proceeded me. He and I and others are willing to take on the burden of working out the difficulties of two human beings becoming mutually committed.

Mr. Chairman, we are talking about two human beings. And for those who pretend not to know the difference between a monogamous relationship between two human beings and polygamy, I must say that I think they debase and debate when they use that kind of analogy. Everyone knows the real difference.

We are talking about mutuality; about two people loving each other and committing to each other. Do Members know what they are saying if they vote down this amendment? "No, you cannot do that. How dare you have a democratic vote in a State to allow two people to show love and commitment and affection. We cannot allow that, because it threatens our marriages."

Mr. Chairman, I do not believe anyone really thinks it threatens their marriages. I do not understand what motivates them. In one case someone said: Do not allow them the sacrament of matrimony. We have no power to give anyone any sacraments. We are not in the business of dispensing sacraments, and I hope we never get there.

Mr. Chairman, we are creating an institution called civil marriage. People

in this Chamber have taken full advantage of their right legally to divorce. People have had several divorces. That is not a sacrament. We did not create the sacrament of "holy divorce." We allow this, in society, in a sensible society with personal freedom, individuals to make choices in a civil society. Those who find that religiously offensive are free to do nothing about it. They are free not to participate in it.

We are talking here about creating an institution of civil society. In fact we are not talking about creating it. We are saying if the Federal Government sees a State by democratic means in this amendment create an institution of civil society that allows two people to love each other, the Federal Government will do what it can to stop it. Why? My colleagues heard the gentleman from Georgia. Because how dare they preempt and usurp the State.

Who is preempting and usurping? The legislature. How dare the legislature of Hawaii preempt our imperial right to decide who is married and who is not married. How dare the people of Hawaii presume to think that they can define love in an effective way.

Mr. Chairman, I hope the amendment is adopted.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman from Florida [Mr. CANADY] and my colleagues.

Mr. Chairman, I can tell you this is one of the most uncomfortable issues I can think of to debate. It is something I really shrink from because there is no gentle easy way, if we are to be honest and candid, to discuss the objections to same-sex marriage, the disapprobation of homosexual conduct, without offending and affronting an ever-widening group of people who have come to accept homosexual conduct.

But, Mr. Chairman, we are driven to this debate. We are driven to this debate by the courts. The Romer versus Evans case which was decided May 20 of this year is a fascinating case, and it provides really a preferred status for homosexual people, and may very well invalidate a State's heretofore unquestioned power to reject the conduct in another State on public policy grounds.

If a marriage was incestuous and it was celebrated in one State, another State did not have to accept that on public policy grounds. Now, there is a real question because of Romer versus Evans, a Supreme Court case.

The fascinating thing is that the Bowers versus Hardwick case was not even discussed in Romer versus Evans. Bowers versus Hardwick is a 1986 case which said a State may criminalize the act of sodomy. Twenty-five States have laws criminalizing homosexual conduct. The defining act of homosexuality is a crime in 25 States. It used to be in all the States, but many of the States have reversed their laws because they cannot enforce them. There is no way to enforce them.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. If the gentleman's interpretation, I mean this seriously, if the gentleman's interpretation of Romer versus Evans is correct, and we do not know whether it is or not, would that not also apply then to the section here? In other words, if the court were to hold under Romer versus Evans——

Mr. HYDE. Yes, it could.

Mr. FRANK of Massachusetts. So that this could also apply to this section equally.

Mr. HYDE. It could. But that is why we need this statute in my judgment, to give a little more leverage to the States.

Mr. FRANK of Massachusetts. If the gentleman would continue to yield for 10 seconds, if in fact it is unconstitutional because of an interpretation of parts of the Constitution, no statute would hold against that.

□ 1315

Mr. HYDE. Well, maybe, maybe not. Maybe, maybe not is all. You cannot speculate about the court.

The gentleman from Massachusetts [Mr. STUDDS] said that the unfinished business of the civil rights movement is homosexual acceptability. There is no power on Earth to stop it. Maybe and maybe not. He has something, when I look around and see the entertainment stars in our country are Michael Jackson and Madonna, he could be right. The homosexual movement has been very successful in intimidating the psychiatric profession. Now people who object to sodomy, to two men penetrating each other are homophobic. They have the phobia, not the people doing this act. That is a magnificent accomplishment for public relations.

Let us talk about this bill. This is the most delicate and limited measure that Congress could possibly produce on this subject. First of all, as to defining marriage in the Federal code, who else should define it except this Congress, the Federal legislature. Not the courts, the courts are usurping legislative functions. It is appropriate that Congress define marriage. You may not like the definition the majority of us want, but most people do not approve of homosexual conduct. They do not approve of incest. They do not approve of polygamy, and they express their disapprobation through the law. It is that simple. It is not mean spirited. It is not bigoted. It is the way it is, the only way possible to express this disapprobation.

Now, two men loving each other does not hurt anybody else's marriage, but it demeans, it lowers the concept of marriage by making it something that it should not be and is not, celebrating conduct that is not approved by the majority of the people.

Defeat the amendment. Vote for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 311, not voting 19, as follows:

[Roll No. 314]

AYES—103

Abercrombie	Gunderson	Neal
Ackerman	Gutierrez	Olver
Barrett (WI)	Harman	Owens
Becerra	Hastings (FL)	Pallone
Beilenson	Hilliard	Payne (NJ)
Berman	Hinchey	Pelosi
Blumenauer	Horn	Rangel
Bonior	Jackson (IL)	Reed
Brown (CA)	Jackson-Lee (TX)	Richardson
Brown (FL)	Jefferson	Rivers
Brown (OH)	Johnson, E. B.	Rose
Campbell	Kennedy (MA)	Roybal-Allard
Clay	Kennedy (RI)	Rush
Clayton	Kennelly	Sabo
Clyburn	Lantos	Sanders
Coleman	Lewis (GA)	Sawyer
Collins (IL)	Lofgren	Schroeder
Collins (MI)	Lowey	Schumer
Conyers	Maloney	Scott
Coyne	Markey	Serrano
DeFazio	Martinez	Skaggs
Dellums	Matsui	Slaughter
Dingell	McCarthy	Stark
Dixon	McDermott	Stokes
Engel	McKinney	Studds
Eshoo	Meehan	Torres
Farr	Meek	Torricelli
Fattah	Millender-McDonald	Towns
Fazio	Miller (CA)	Velazquez
Filner	Mink	Vento
Frank (MA)	Moakley	Ward
Furse	Moran	Waters
Gejdenson	Nadler	Waxman
Gephardt		Woolsey
Gonzalez		Yates

NOES—311

Allard	Boehlert	Chenoweth
Andrews	Boehner	Christensen
Archer	Bonilla	Chrysler
Armey	Bono	Clement
Bachus	Borski	Clinger
Baesler	Boucher	Coble
Baker (CA)	Brewster	Coburn
Baker (LA)	Browder	Collins (GA)
Baldacci	Brownback	Combest
Ballenger	Bryant (TN)	Condit
Barcia	Bryant (TX)	Cooley
Barr	Bunn	Costello
Barrett (NE)	Bunning	Cox
Bartlett	Burr	Cramer
Barton	Burton	Crane
Bass	Buyer	Crapo
Bateman	Callahan	Cremeans
Bentsen	Calvert	Cubin
Bereuter	Camp	Cummings
Bevill	Canady	Cunningham
Bilbray	Cardin	Danner
Bilirakis	Castle	Davis
Bishop	Chabot	de la Garza
Bliley	Chambliss	Deal
Blute	Chapman	DeLauro

DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fields (TX)
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—19

Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Morella
Roberts
Thompson
Thornton
Watt (NC)
Wilson
Young (FL)

□ 1335

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

Messrs. ALLARD, SMITH of New Jersey, and GENE GREEN of Texas changed their vote from "aye" to "no."

Mrs. KENNELLY and Mr. RUSH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Ms. GREENE of Utah) having assumed the chair, Mr. GILLMOR, Chairman 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. 3396) to define and protect the institution of marriage, pursuant to House Resolution 474, he reported the bill back to the House.

The SPEAKER pro tempore (Ms. GREENE of Utah). Under the rule, the previous question is ordered.

The question is on 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.

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. Yes, I am, Madam Speaker, in its present form.

Mr. CANADY of Florida. Madam Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. CANADY] reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new sections to the legislation:

SEC. 4. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1996".

SEC. 5. DISCRIMINATION PROHIBITED.

A covered entity, in connection with employment or employment opportunities, shall not—

(1) subject an individual to different standards or treatment on the basis of sexual orientation,

(2) discriminate against an individual based on the sexual orientation of persons with whom such individual is believed to associate or to have associated, or

(3) otherwise discriminate against an individual on the basis of sexual orientation.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of his or her partner.

SEC. 7. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(A) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to religious organizations.

(b) FOR-PROFIT ACTIVITIES.—This Act shall apply with respect to employment and employment opportunities that relate to any employment position that pertains solely to a religious organization's for-profit activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—(1) For purposes of this Act, the term "employment or employment opportunities" does not apply to the relationship between the United States and members of the Armed Forces.

(2) As used in paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating special rights or preferences for veterans.

SEC. 11. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204), in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively,

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act,

(4) the Attorney General of the United States shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204),

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively, and

(5) the courts of the United States shall have the same jurisdiction and powers as such courts have to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act, and

(C) the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section, and

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to claims alleged by covered employees (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3)) for violations of this Act, title III of the Congressional Accountability Act of 1995 shall apply in the same manner as such title applies with respect to a claims alleged by such covered employees for violations of section 201(a)(1) of such Act.

SEC. 12. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the eleventh article of amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this Act. In an action against a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) LIABILITY OF THE UNITED STATES.—The United States shall be liable for all remedies (excluding punitive damages) under this Act to the same extent as a private person and shall be liable to the same extent as a nonpublic party for interest to compensate for delay in payment.

SEC. 13. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this Act, the court or the Commission, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the foregoing the same as a private person.

SEC. 14. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this Act or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e—10).

SEC. 16. REGULATIONS.

The Commission shall have authority to issue regulations to carry out this Act.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 19. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act and shall not apply to conduct occurring before such effective date.

SEC. 20. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Equal Employment Opportunity Commission.

(2) The term "covered entity" means an employer, employment agency, labor organization, joint labor management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing authority to which section 201(a) of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat.3) applies.

(3) The term "employer" has the meaning given such term in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)).

(4) The term "employment agency" has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) The term "employment or employment opportunities" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment.

(6) The term "labor organization" has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) The term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) The term "religious organization" means—

(A) a religious corporation, association, or society, or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(i) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society, or

(ii) its curriculum is directed toward the propagation of a particular religion.

(9) The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.

(10) The term "State" has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(ii)).

Ms. JACKSON-LEE of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes in support of her motion to recommit.

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask for the attention of the House because, as many of us have entered houses of worship, this debate has been wrapped more in whether one's belief in the Scriptures and Bible will carry the day.

Let me say, Madam Speaker, that I am a Bible believer and a Bible reader, but all of God's children have rights. I believe that we have over these last 24 hours lifted up and increased discrimination as opposed to decreasing discrimination. The Employment Nondiscrimination Act is biblical in nature as well, for it gives human dignity to all of God's children.

I will speak to the issue of germaneness, and I appreciate the gentleman from Florida, but in fact this amendment and motion to recommit is germane. It increases the opportunity for all citizens to be treated equally. It takes away the sting of denying people their rights. This subject matter is, in fact, appropriate, for it seems that the legislation that is now on the floor deals with gays and lesbians and separates them out from the Constitution of the United States. This Employment Nondiscrimination Act says that we will not be a gestapo, that we will respect and we will lift up the rights of all citizens.

□ 1345

Yes, the Committee on the Judiciary, from which this bill has come out, also has jurisdiction over the Employment Nondiscrimination Act of 1996. Therefore, Madam Speaker, I am not running away from germaneness, but I do understand that we have been discussing over these last 2 days legislation that is to respond and control perversion that characterizes many individuals.

I would simply say that this is the appropriate way for a nation like ours to go, one that embodies in this House the word "union," stick together; the word "justice," justice for all; the word "tolerance," to tolerate those citizens who have given their lives for this flag and this country; and yes, the word

"liberty," liberty for all; and yes, the word "peace." We should go in peace and harmony.

So I believe that the subject matter that deals with gay and lesbian rights in the workplace is more than appropriate for a motion to recommit, for this body to stand equal with America in responding to the good aspects, to the goodness of what this country stands for; for the reason we have lost men and women overseas, for liberty and equality for all. How can we not today stand with America and the flag and acknowledge the human dignity of all of god's children? How can we not?

So I ask my colleagues if they would accept this motion to recommit so we do not leave this place this day; so we, like Esther, will acknowledge that if I perish, I perish, for I must stand for what is right.

It is important that we allow this legislation, the Employment Nondiscrimination Act of 1996, to give human dignity to all of our citizens. It is important, it is germane. It provides the criteria of germaneness, for it deals, as I said, with increasing the opportunities and decreasing discrimination.

Likewise, it deals with gays and lesbians, and yes, the subject matter is relevant. I would hope the subject matter of equality and the dignity of all and the respect for the words of this Chamber of justice and tolerance and peace and liberty is the way that we should go.

Madam Speaker, I would ask my colleagues, can we not, can we not, can we not acknowledge freedom in America goes to all of our citizens, all of our citizens?

POINT OF ORDER

The SPEAKER pro tempore. (Ms. GREENE of Utah). Does the gentleman from Florida [Mr. CANADY] insist on his point of order?

Mr. CANADY of Florida. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CANADY of Florida. the motion to recommit is not germane to the bill. The bill relates solely to the subject of marriage. The motion to recommit seeks to add language which relates to employment discrimination to a bill dealing with marriage. Clearly, this is a proposition on a subject different from that under consideration, in violation of clause 7 of rule XVI, and I ask the chair to rule the motion to recommit out of order.

Ms. JACKSON-LEE of Texas. Madam Speaker, with great pain in my heart, I would maintain that we are germane, and it is with deepest regrets and great pain that I hear that human dignity is not germane. But at this point, Madam Speaker, with this pain and this disappointment, I will not contest the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained.

The motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. BERMAN

Mr. BERMAN. Madam Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BERMAN. I am in its present form, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BERMAN of California moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new section to the legislation:

"SEC. 4. STUDY OF THE DIFFERENCES IN BENEFITS, RIGHTS AND PRIVILEGES AVAILABLE TO PERSONS IN A MARRIAGE AND TO PERSONS IN A DOMESTIC PARTNERSHIP.

"(a) GENERAL ACCOUNTING OFFICE STUDY.—The General Accounting Office shall undertake a study of the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in a domestic partnership resulting from the nonrecognition of domestic partnerships as legal unions by State and Federal laws.

"(b) REQUIREMENTS OF STUDY.—The General Accounting Office shall—

"(1) conduct a comprehensive review of Federal statutes and administrative regulations, rulings, and determinations to compile an inventory of Federal benefits, rights and privileges available to persons in a marriage and to determine whether such Federal benefits, rights, and privileges are also available to persons in a domestic partnership;

"(2) analyze the impact of Federal statutes and administrative regulations, rulings, and determinations on the private sector to determine whether those statutes, rules, regulations, and determinations influence the private sector to make benefits, rights, and privileges available to persons in a marriage which are not available to persons in a domestic partnership;

"(3) survey State property, testamentary, probate, insurance, credit, and contract laws to determine whether a difference exists in their usefulness to address the legal needs of persons in a marriage and their usefulness to address the legal needs of persons in a domestic partnership;

"(4) survey the laws of other major industrialized countries to determine whether there is a difference in those countries between the government benefits, rights and privileges available to persons in a marriage and the governmental benefits, rights and privileges available to persons in a domestic partnership; and

"(5) conduct such further investigation and analysis as it deems necessary to study the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in domestic partnerships resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

"(c) REPORT.—Not later than October 1, 1997, the General Accounting Office shall submit to the President and to the Congress a report of its findings pursuant to the study conducted under this section.

"(d) ASSISTANCE IN COMPLETING THE STUDY AND REPORT.—

"(1) ASSISTANCE FROM OTHER AGENCIES.—The General Accounting Office may secure directly from any Federal department or agency such information as may be necessary to complete the study and report required by this section.

"(2) DETAILED PERSONNEL.—On the request of the Comptroller General, the head of any Federal department or agency is authorized to detail, without reimbursement, any personnel of that department or agency to the General Accounting Office to assist it in carrying out its duties under this section. The detail of any individual may not result in the interruption or loss of civil services status or other privilege of the individual.

"(3) ASSISTANCE FROM ATTORNEY GENERAL.—The Attorney General of the United States shall provide the General Accounting Office with such administrative and support services as the Comptroller General may request to complete the study and report required by this section.

"(e) DEFINITION.—For the purposes of this section, the term 'domestic partnership' means two persons committed to an interpersonal relationship with each other, other than marriage, which has been acknowledged through a publicly established governmental procedure, through a privately enforceable written agreement, or through other documents executed by those persons which evidence their intention to commit to an interpersonal relationship with each other.".

Mr. BERMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. BERMAN. Madam Speaker, this is a motion to recommit with instructions. This motion to recommit is simply adding an amendment to the bill and asking that the bill be reported back forthwith. If this motion to recommit passes, the body will still be voting on the bill immediately after the vote on the motion to recommit.

The motion to recommit is very simple: It simply asks for a GAO study to look at the differences in benefits, rights, and privileges available to persons in a marriage and to persons in a domestic partnership resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

Once again, the passage of this motion to recommit will not send the bill to a committee, it will not bury this bill. The bill will come back immediately for a vote on final passage.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in support of this motion to recommit. Clearly there is a need to understand how we enable people who are committed to one another to have appropriate legal rights and responsibilities with regard to each other. All this study does is to ask the GAO to look at the rights and responsibilities one has under a marriage contract and the rights and responsibilities that domestic partners have under current State and Federal law. We simply need to know this information.

Without question, marriage has been the pillar of social organization over time in every society, because marriage helps to sustain the development of love, loyalty, commitment, and responsibility. Domestic partner relationships are not marriage, and that is what this bill says. But domestic partner relationships do encourage commitment, responsibility, love, and loyalty, and I think it is important that our society rise to the challenge of finding what legal entitles we need to develop to allow people who want to take responsibility for one another, who want to, over time, legally share responsibilities for health care, share responsibilities for planning funerals and so on and so forth, how we help them do that. This is just a study to get the information. We are proposing it in a legal form because we want to acknowledge that this information is important to us as a society; that all relationships of commitment are important to a stable society. And in the passage of this bill, which I intend to support, we do not intend to denigrate other relationships of integrity.

Mr. UPTON. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. UPTON. Madam Speaker, I support the base bill, and I would say that I also support this motion to recommit, which does not delete, eliminate, or change anything in the present bill, as we will vote on final passage on this measure whether or not this motion to recommit passes or fails.

If Members are like me, a very happily married man with two wonderful kids, this issue does not come up a lot in my household. But what this motion to recommit does is it simply adds a section calling upon the GAO to conduct a study determining the benefits, rights, and privileges given to those in marriage but not those in long-term domestic partnerships. As part of the study it will also look at how other countries have legally dealt with the long-term relationships outside of marriage.

It changes no law. It only asks the GAO to give us the information requested by October 1, 1997. Then we are free to use such information to decide what if any policy changes we want to make. Let us affirm our commitment to traditional marriage, but let us do so in a way that respects and is sensitive to those in long-term domestic partnerships.

For example, if our colleague, the gentleman from Wisconsin, STEVE GUNDERSON, were sick or injured, why should his partner not have automatic visitation privileges or automatic doctoral consultations, which many today have been denied?

Madam Speaker, when the former committee staff director, Matt Fletcher, of the gentleman from Pennsylvania, BILL CLINGER, lost his partner of 16 years to AIDS, Matt could not sign the documents at the funeral home. All this motion to recommit does is ask for a study, ask for a study, so when the study is completed in 1½ years from now or so, we can have better information with which to deal with this issue.

I ask Members to vote to recommit the bill, and I also ask that Members vote for final passage, whether or not the motion to recommit passes.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the motion to recommit with instructions.

Madam Speaker, the purpose of the instruction is to require by statute that which the chairman of the Committee on the Judiciary has the authority to do by letter. The chairman of the committee, the gentleman from Illinois [Mr. HYDE], during the Committee on Rules meeting when this issue came up offered to write to the GAO for the study requested by the proposed instruction.

This motion represents a transparent attempt to give some statutory recognition to domestic partnerships. I do not think this is necessary to encumber the statute with language which is superfluous outside. Therefore, I oppose the motion to recommit with instructions.

Mr. HYDE. Madam Speaker, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Speaker, really, this request for a GAO study does not belong in the statute. I agreed a long time ago to request it as chairman of the Committee on the Judiciary. We should go forward with that. I pledge to do so. I have assured the gentleman that I will ask for a study of the instances in which the inability of domestic partners to form a legal union causes a disparity of entitlement to Federal benefits, rights, or privileges. So to amend this bill is not necessary.

The study mandated by the Gunderson amendment is overly broad. It includes all State laws, it includes other majority industrialized countries, in addition to the Federal law. We think our interest should be limited to the benefits conferred under Federal law, and it should be tailored to that interest.

There are other objections to it, but suffice it to say putting it in the statute gives it an equivalence to the marriage institution that we do not think is appropriate now. I will write the letter, I will do it Monday, I will request the study, and that should suffice. I would ask that this motion to recommit be defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Chair announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 164, nays 249, not voting 20, as follows:

[Roll No. 315]

YEAS—164

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Foglietta
Foley
Forbes
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pryce
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thomas
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Ward
Waters
Waxman
Williams
Wilson
Woolsey
Wynn
Yates
Zimmer

NAYS—249

Allard
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fields (TX)
Flake
Fowler
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Zeliff

NOT VOTING—20

Archer
Brewster
Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Meehan
Roberts
Thompson
Thornton
Watt (NC)
Young (FL)

□ 1414

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. GREENE of Utah). 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.

Mr. CANADY of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 342, nays 67, answered "present" 2, not voting 22, as follows:

[Roll No. 316]

YEAS—342

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—67

Abercrombie
Ackerman
Becerra
Beilenson
Berman
Brown (CA)
Brown (OH)
Collins (MI)
Conyers
Coyne
DeFazio
Dellums
Dixon
Engel
Eshoo
Farr
Fattah
Foglietta
Frank (MA)
Gejdenson
Gunderson
Gutierrez
Harman
Hastings (FL)
Hinchey
Jackson (IL)
Kennedy (MA)
Kennedy (RI)
Lantos
Lewis (GA)
Lofgren
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Millender-McDonald
Miller (CA)
Mink
Moran
Nadler
Olver
Pallone
Payne (NJ)
Pelosi
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Torres
Towns
Velazquez
Waters
Waxman
Williams
Woolsey

ANSWERED "PRESENT"—2

Jackson-Lee (TX)
Owens

NOT VOTING—22

Brewster
Clay
Dickey
Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Greenwood
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Meehan
Roberts
Thompson
Thornton
Watt (NC)
Young (FL)

□ 1421

The Clerk announced the following pairs:

On this vote:

Mr. Flanagan for, with Mr. Clay against.

Mr. Longley for, with Mr. Johnston of Florida against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. CLAY. Madam Speaker, I missed the last rollcall vote, rollcall 316, because I was trapped in the elevator. Had I been here I would have voted "no."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, my present vote on H.R. 3396, the Defense of Marriage Act, respects the rights of all of my constituents. Those constituents who are members of the vast, believing and proud religious community along with those constituents who simply seek human dignity. This vote fulfills my commitment on behalf of my constituents to be accessible, accountable and responsible.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall No. 316 on H.R. 3396, the Defense of Marriage Act, which the House passed on July 12, 1996, I had intended to vote "no" and thought that I had voted "no." I found out later that I am recorded as having voted "aye."

Mr. Speaker, I would like the RECORD to show that I had intended to vote "no" on the bill.

DEFENSE OF MARRIAGE ACT—PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, on July 12, 1996, there was a vote for final passage of H.R. 3396, the Defense of Marriage Act. On rollcall vote No. 316, as you can see from my statement on this issue, which is attached, I intended to vote against that bill, but in my haste to get to the airport so that I could get my plane to Chicago and my district, I inadvertently pushed the green button and was, therefore, recorded as having voted for the bill.

I want my constituents to know I intended to vote against that bill:

Mr. Chairman, I rise in support of the gentleman from Massachusetts' amendment that suspends the definition of marriage for any State that adopts a different definition through its normal democratic process.

Mr. Chairman, the so-called Defense of Marriage Act should really be called the Republican Offense on People Who are Different Act because it is nothing more than blatant homophobic gay-bashing.

The conservative elements of our American society have often discriminated against and tried to prevent whatever they didn't like or didn't understand, it hasn't been so long ago that blacks and whites weren't allowed to marry in any State. So, devoted couples pledged their commitment to caring for each other in private ceremonies, their children were considered illegitimate, and the spouses were not legally entitled to inherit from their partners, nor share in any public benefits.

And, not so long ago, 50 States and the District of Columbia had very different laws about who could marry, the age the partners had to be, the length of the waiting period between applying for a marriage license and the ceremony—and they still do. Even now there are different laws about divorce, about residency requirements to obtain a divorce, about the kind of alimony or support one spouse has to pay to another, and many other differences. The Federal Government sorts out who is eligible to benefit from public support from these spouses and former spouses, even as people move from one State to another; and the Federal Government can and will continue to sort these issues out as they become timely, which this Offense on Marriage Act is not.

The issue of who should marry within a State are the proper jurisdiction of the individual States. My grandmother probably couldn't envision a time when interracial marriages would be legal in America, but today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States' rights.

This bill should be defeated and I urge my colleagues to use their common sense and leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Madam Speaker, I ask for this time for the purpose of asking the distinguished majority whip the schedule for the remainder of the week and next week.

Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, I thank the distinguished minority whip for yielding.

Madam Speaker, I am pleased to announce that the House has concluded its legislative business for the week. We will next meet on Tuesday, July 16, at 10:30 a.m. for morning hour and 12 noon for legislative business. Members should note that the House will postpone recorded votes until 5 p.m. in accordance with an agreement with the minority to voice vote the rule on Treasury, Postal appropriations bill.

On Tuesday, Madam Speaker, the House will consider the following seven bills under suspension of the rules: H.R. 3166, The Government Accountability Act of 1996; H.R. 3458, the Veterans' Compensation Cost-of-Living Adjustment Act of 1996; H.R. 3643, Extending Benefits to Veterans Exposed to Agent Orange; H.R. 3673, The Veterans' Compensation and Readjustment Benefits Amendments of 1996; H.R. 3674, The Veterans' Education and Compensation Benefits Amendments of 1996; H.R. 361, The Omnibus Export Administration Act of 1995; and H.R. 3161, Extending Most-Favored-Nation Status to Romania.

After suspensions, we will take up under an open rule H.R. 3756, the Treasury, Postal Service and General Government appropriations bill.

On Wednesday, July 17, the House will turn to the Commerce, Justice, State and Judiciary appropriations bill, also subject to a rule.

On Thursday, July 18, we will consider H.R. 3760, Campaign Finance Reform and H.R. 3734, the Balanced Budget Reconciliation Act. Both bills, of course, will be subject to rules.

Members should note that next week will be a very busy week. We have a lot of important business to cover and it will probably be necessary to work very late on Tuesday and Wednesday evenings. However, we will finish legislative business by 6 p.m. on Thursday, July 18.

Mr. BONIOR. Madam Speaker, I thank my colleague for his information, and I would ask my friend a couple of questions here. Will the welfare reform proposal be considered separately from Medicaid or will they be considered together as my colleague previously had planned?

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DELAY. We anticipate bringing welfare reform to the floor as a free-standing bill separate from Medicaid.

Mr. BONIOR. Reclaiming my time, I thank the gentleman for that answer.

The second question I have is on the rule and on debate time. Can my colleague or the gentleman from New York [Mr. SOLOMON], if he is here, give us any indication on how long we will have for debate in this particular rule or any information about the rule itself?

Mr. DELAY. If the gentleman will continue to yield, the Committee on Rules has not met yet on the welfare reform bill. We certainly want to work with the minority to make sure ample amount of debate time on this very important piece of legislation will be

held, plus the fact that we want to make sure that every opportunity for the minority to have a substitute will be available to the minority.

Mr. BONIOR. Well, I thank my colleague for that assurance, because as we know, there are Members, most of the Members on our side, in fact, all the Members on our side have been deeply interested in the principle of getting people off welfare and into work. We are very much interested in assurance from my colleague, which I would believe we have just received, that we will have the opportunity to present a Democratic alternative to this body when the bill comes to the floor.

Mr. DELAY. If the gentleman would yield, I appreciate it, and I concur with the distinguished whip. I do point out that under the budget resolution, though, any substitute that would be allowed on the floor must conform to the budget resolution and therefore have to conform to the savings outlined in the budget resolution in the underlying bill.

Mr. BONIOR. I would ask my colleague from Texas about the reform week that was announced earlier in the summer by the majority. Several press reports have outlined six or seven reform bills which would be considered, and I am wondering what happened to that list of reforms. Are we going to have just the campaign finance reform bill next week? Is the majority going to have some additional suspension bills that were not listed in those that he read to us just a few minutes ago? What does the gentleman have in store beyond the campaign finance piece next week in terms of reform?

□ 1430

Mr. DELAY. If the gentleman will continue yielding, I appreciate the whip asking the question because it allows me the opportunity to point out that this is the reform Congress; that on the first day of this Congress we went until 1:30 the next day reforming this House, reforms that we are all very proud of and voted for, to open this House and give it back, and finished the day with the Congressional Accountability Act that is now law that makes all of us live under the same laws that we have passed. We have passed the gift ban and lobby reforms, and many reforms over the course of the year.

Because of the problem of floor time, what we are bringing next week is the campaign finance reform, and I believe one other on suspension. Well, just campaign finance reform next week, to continue the efforts and the accomplishments of this reform Congress, the 104th Congress.

Mr. BONIOR. Madam Speaker, I thank my colleague. I do not intend to debate, at 2:30 on Friday, how much reform this Congress has achieved. We will have a good go at that for I suspect about 3 hours next week, and we obviously have a different point of view than my friend from Texas on this issue.

But I thank him for his information and we wish him a good weekend.

Mr. DELAY. Madam Speaker, if the gentleman would yield further, I also wish everyone a good weekend and urge them to get rest, because of the short week and an intense week. And I wish my friend a good weekend also.

ADJOURNMENT TO TUESDAY, JULY 16, 1996

Mr. DELAY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, July 16, 1996, for morning hour debates.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR FIRST ANNUAL CONGRESSIONAL FAMILY PICNIC

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that the House be considered to have agreed to the concurrent resolution (H. Con. Res. 198), authorizing the use of the Capitol Grounds for the first annual Congressional Family Picnic.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of House Concurrent Resolution 198 is as follows:

H. CON. RES. 198

Whereas the Member's and Family Room is an official entity of the House of Representatives, administratively under the Office of the Clerk of the House;

Whereas the purpose of the Member's and Family Room is to facilitate family life in congressional families, and to promote collegial relationships among the sitting Members of Congress; and

Whereas a family picnic on the Capitol grounds would promote the purposes of the Member's and Family Room: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF FIRST ANNUAL CONGRESSIONAL FAMILY PICNIC ON CAPITOL GROUNDS.

The Advisory Board of the Member's and Family Room (in this resolution referred to as the "Advisory Board") shall be permitted to sponsor an event, the first annual Congressional Family Picnic, on the Capitol grounds on July 30, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be arranged under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Advisory Board is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such structures and equipment (including cooking equipment) as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MINIMUM WAGE BILL HELD HOSTAGE IN SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Madam Speaker, it is day 3 and the Republican Senate continues to hold the minimum wage hostage. Does this make any sense? The Senate passed an increase in the minimum wage by a vote of 74 to 24, and yet this legislation is not on its way to the President for signature.

Why? Because Senate Republicans are holding the minimum wage hostage to special interests. In exchange for releasing their hold on the minimum wage, Republican Senators want medical savings accounts added to health care reform as a ransom for its release.

MSAs, the Republican payoff to special interests and big donor insurance companies. The same MSAs that Consumers Union, Consumers Union is the group that puts out Consumer Report that tells you what kind of a car it makes sense to buy, what kind of an appliance so that you do not buy a lemon. The same MSAs Consumers Union called a time bomb that will make health insurance less accessible

and less affordable for many Americans; the same MSAs that will make us take a step backward in our quest for health care coverage for the majority of Americans.

This is an outrage. Over 80 percent of the American people support a minimum wage increase. Let me repeat that. Over 80 percent of the American people support a minimum wage increase. The Republican leadership understands that figure. In fact, the Senate Republican aide told the New York Times that "Republicans do not believe in raising the minimum wage. We voted for it because it was killing us."

Talk about political expediency. And because they truly believe that they do not believe in raising that minimum wage and they do not believe in helping American families by increasing their economic earning power, and because they were forced to vote for it, they are now holding the minimum wage increase hostage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that under the rules and precedence of the House it is not in order to cast reflections on the Senate or its Members, either individually or collectively.

Ms. DELAURO. Madam Speaker, a 90-cent increase is all that we are asking for, 90-cent increase. But the Republicans are firm in their opposition. The Republican whip, the gentleman from Texas, TOM DELAY, who was well compensated as a Member of Congress, as we all are, to the tune of $133,600 a year, he has said that "Families trying to get by on $4.25 an hour do not really exist."

He should get out of Washington more and meet the 12 million Americans, most of them, by the way, who are women, who would benefit from the wage increase.

This extra pay may seem small but would mean 7 months of groceries, a year of health care costs, 9 months of utility bills or 4 months of housing.

In the State of Connecticut, 87,158 hardworking people earn between $4.25 and $5.14 an hour. Each one of those people would benefit by passing a minimum wage increase.

In the Republican Whip TOM DELAY's State of Texas, 1.1 million people would benefit. That is 14.7 percent of the Texas work force, not an insignificant number.

But these hardworking Americans in Connecticut and Texas and their 12 million fellow Americans continue to wait for a boost in their wages because the Republican Party continues to find new ways to block the increase.

This is legislation that has passed both the House and the Senate and is now being held hostage by extremists, people who would rather protect special interests than to help ordinary working Americans. All the while, America's workers struggle and they scramble to pay their bills, to put food on their tables, to clothe their kids, to get them to school and to maintain their standard of living.

A minimum wage worker makes about $8,500 a year. That is it. Two-thirds of these workers are adults and almost 60 percent are women. Over 40 percent are the sole breadwinners in their family. The Department of Health and Human Services estimates that the minimum wage increase could lift 300,000 families out of poverty, including 100,000 children.

A great American once said, and I quote:

> No man can be a good citizen unless he has a living wage more than sufficient to cover the bare cost of living * * * so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.

Which great American said that? Theodore Roosevelt. A Republican President of the United States. Unlike the Republicans in the Senate, President Roosevelt understood that Americans deserve to be treated fairly and to be honored for their work.

Day 3 of the Republicans holding hostage the minimum wage. Day 3, and the American people continue to wait for something they support overwhelmingly. Day 3, and the special interests continue to control the Republican agenda. It is time to free the minimum wage.

DOMESTIC VIOLENCE/WELFARE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, we are all aware of the fact that domestic violence is at epidemic levels and rising.

What was not known until recently however, is the relationship between domestic violence and welfare dependency: namely, that for victims of abuse, the welfare system is often the only hope they have for escape and survival.

A recent study by the Taylor Institute of Chicago offers insights as to why so many women become trapped in the cycle of violence and dependency. The study found that 50 percent to 80 percent of women on AFDC are current or past victims of domestic violence.

It also documents how abusers keep women financially and psychologically dependent by deliberately sabotaging their efforts to succeed in education and job training programs. For example, the study found that abusers have been known to destroy their victims' books and homework, hide their clothing, inflict visible and embarrassing injuries, and engage in abusive behavior before important events such as high school equivalency examinations and job interviews.

These findings underscore the importance of ensuring that any welfare reform legislation enacted by Congress maintains this critical safety net.

Toward this end, Senator WELLSTONE and I have introduced resolutions expressing the sense of Congress that any welfare reform proposals shall not further endanger women and children who are victims of domestic abuse by denying them access to their last source of support and means of escape.

I urge all of my colleagues to support this important resolution.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. GUTKNECHT. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana [Mr. MCINTOSH].

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

There was no objection.

MESSAGE FROM THE VOTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I am one of those Members of the freshman class in the 104th Congress, and I do believe that 2 years ago the American people sent a very clear message and they sent 73 new Members to this Congress for a very important reason. In fact, I think there were three or four major things they wanted us to do.

First of all, I think they wanted us to put the Federal Government on a diet. Second, I think they really wanted us to pass term limits. Third, I think they want commonsense regulatory reform. And finally, and perhaps most importantly, I think the American people want us to change the way Washington does business.

Well, Madam Speaker, I think we have made real progress. As a matter of fact, we passed the balanced budget amendment out of this House. Unfortunately, it failed by one vote over in the Senate. We went on to pass the first balanced budget plan in over 25 years. We have eliminated over 270 programs and, as a matter of fact, we have saved the taxpayers, this Congress, over $43 billion.

The budget is moving in the right direction, and we are moving towards balancing the people's books. On the very first day we began to change the way Washington does business, the way we work. We passed the Shays Act.

We said that Congress is going to have to live by the same laws as everybody else. That was a very important

change. For many years Congress would pass new rules and new laws that everybody else had to live by, but at the bottom of that bill it would say something to the effect that nothing in this enactment requires the Congress or the Federal Government to live by the same rules.

□ 1445

Also, on the first day we opened the committee meetings to the public for the first time. We ended proxy voting, and this Congress passed the toughest gift ban in the history of the United States.

Madam Speaker, there was one area where this Congress failed, and that is on the very important issue of term limits. We can dress it any way we want, but I think that is one thing the American people want from this Congress, and that is to limit our own terms. They have been too long where Members who have served for years and years and years are no longer accountable to them and they begin to believe that all wisdom emanates from here in Washington, rather than from back in the districts which they are supposed to serve.

Madam Speaker, I have held over 75 town meet meetings in my district. Frankly, at virtually every one of them the issue of term limits has come up.

Another issue that people are concerned about is the whole concern about congressional pensions. As a matter of fact, almost monthly we read about some Member of Congress who is receiving a six-figure income after they retire from this body. We have read recently, just in the last year, that a former Speaker, and I will not mention names, but a former Speaker is getting $123,804 per year; that a former minority leader of this body is getting $110,538 per year; and another gentleman who served as the Chair of one of the more powerful committees, who will soon become a constituent of mine, will receive a pension of $96,462 per year.

The public is saying enough is enough. They did not get term limits. There is one way that we can perhaps kill two birds with one stone. That is by passing a bill that would limit pension accrual for Members to 12 years. If we cannot force Members to retire after 12 years, at least we can take some of the money out of it.

To that end, I have introduced H.R. 1618, and we have a companion bill which is much easier to remember in the Senate. It is Senate bill 1776. So Members watching on TV and those on C-SPAN, if they remember Senate bill 1776, they can remember the bill.

What this bill says is that Members would limit their pensions accrual. After they had served for 12 years, their pensions would stop adding up. What that would mean is that at the current level of salary for a Member of Congress, the maximum level of pension that a Member of Congress could get would be $27,254.

Now, under this plan, if this bill were in law today, the total savings to the taxpayer per year would be $7,892,140. But, more importantly, we would take some of the incentive away for Members staying years and years and literally beginning to grow roots here in Washington.

I think the American people are speaking loudly and clearly that they support this basic notion. There was some polling done recently by the Luntz Research Company, and what it demonstrates is this: Would you be more or less likely to vote for a Member who voted to reduce the growth in congressional pension? Sixty-five percent of the people in the United States said they would be more likely to vote for those candidates.

I think the American people are speaking loudly and clearly. They would like to see term limits and they would like to see limits on the amount of pensions that Members of Congress can collect.

I think the bill that we have introduced, and my sponsor over in the Senate is Senator JIM INHOFE from Oklahoma, I think we have introduced a bill that makes sense. It is fair. It is reasonable. It is responsible, and it is long overdue.

Madam Speaker, everywhere I go, and as I say, I have had 75 town meetings, people ask me, "GIL, why are you not doing more in terms of reform of Washington?" And they ask me, "GIL, are you going to pass term limits? When are you going to pass congressional pension limits, so that we do not see Members retiring with six-figure parachutes?"

We did not get term limits through, but saying "Sorry, we tried" is not good enough. Working families in America want us to change the way Washington does business. They want Congressional reform. I hope we can get it in the next several weeks.

VETERANS ARE AT A CROSSROADS

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, there are two issues I wish to talk about today. First of all is veterans.

Madam Speaker, I think it is important that we recognize that veterans are at a crossroads right now and this Congress is at a crossroads, and it is important to reestablish that commitment and to reaffirm commitment to our veterans.

The budget plan that was proposed in this House just last year would have cut veterans' programs, VA programs, by $6.4 billion to the year 2002, and yet at the same time there would have been over $2 billion in tax cuts, many of which went to the wealthiest individuals.

This proposal, had it gone through, would have meant the VA medical system would have had to reduce employment by 9,500 employees, denying care to 165,000 veterans that it was planning to take care of. This also means that they would have had to have reduced their workforce by the year 2002 by 61,000 workers or about 30 percent of their work force.

I am happy to say that we beat this back, Madam Speaker, but yet even under the appropriation bills veterans were going to be asked to increase prescription copayments, to double the copayment that veterans pay for prescription drugs, and to deny 150,000 veterans Medicaid coverage in 2002, most of whom could not afford private insurance and would have been ineligible for VA medical care.

We were able to beat that back, as well, and I am happy to say that I supported on the floor recently the Stump amendment, a bipartisan amendment to increase VA medical care by $40 million over both the President's request and the committee bill. Indeed, there was almost $1 billion of increased funding for veterans health care in that bill. I also supported permitting Medicare to reimburse for veterans' care, particularly in military hospitals. I am sorry that that was defeated, but we will be back again.

CAMPAIGN REFORM

Madam Speaker, I also want to talk about campaign reform, because next week is billed as reform week by the Republican leadership in this House. What kind of reform are we looking at for campaign reform? It is interesting. My constituents tell me, "BOB, the problem is there in too much money in politics, and you ought to get it out."

What does this campaign reform bill that the Speaker is bringing to the floor do? It does not take money out. It puts more money into campaigns. In fact, the Speaker himself said in November, and I quote, "One of the greatest myths of modern politics is that campaigns are too expensive. The political process in fact is underfunded. It is not overfunded." That is not what my constituents are telling me.

First of all, this bill would reduce political action committees, what they can contribute, by one-half, perhaps worthwhile. But it would permit individual contributions to go up from $1,000 to $2,500, what an individual can give to a candidate. That does not sound like reform to me.

Whereas the bill that has been talked about for the Democratic side would limit political action committee contributions to one-third of what a candidate could receive, this would increase and take the limits off what

PAC's could contribute. There would be no limitation in the Speaker's bill on soft money, which is one of the most egregious offenses that either party can commit, funneling large amounts of money into State parties without any accounting.

Also, this bill does nothing to take on the recent Supreme Court decision that in effect says a political party, Republican or Democrat, can make an unlimited independent expenditure in behalf of a candidate, one of the greatest loopholes going.

So what this bill does that they are going to bring to the floor does not begin to cut down to the flow of money going into campaigns. It only takes the limits off and makes the situation far worse than it is.

What we need, in order to deal with the Supreme Court decisions as well as other actions, we are going to have a constitutional amendment that says that free speech and expenditure of money are not the same thing; that simply because we can spend more money, that is not equated to free speech.

I am greatly concerned because I see the cost of campaigns going up, I see outside groups coming in, I see independent expenditures steadily rising, all of which is taking control farther and farther away from the everyday voter and constituent. Yet this bill, branded as reform, only takes us further in that direction. It does not take money out of the electoral system, it puts more money in, and it makes candidates more responsive to large individual contributors.

The interesting thing is, a family of four could contribute up to $2.4 million. If they have got it, folks could contribute up to $2.4 million under this bill. That is not campaign reform, and I do not think anybody in my district thinks that it is.

Another interesting provision in this bill is that it was suggested no money could be raised within 50 miles of Washington. I ought to be happy with that provision because the eastern Panhandle, which is just 50 to 60 miles from West Virginia, could become the mecca. This could become a boon to the hotel and catering industries. But the reality is that this bill is not good for West Virginia and it is not good for voters across the country. This is not reform.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. ROHRABACHER. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Virginia [Mr. WOLF].

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

There was no objection.

ATTACK ON THE AMERICAN PATENT SYSTEM

The SPEAKER pro tempre. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognize for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, during election years we hear a lot of people who are steamed on this issue or that issue. They are very upset about it. The fact is that many times it is just because it is an election year, and we have to remember that.

For example, the other party did control both Houses of Congress and the Presidency for 2 years just prior to when Republicans took control of both Houses of Congress. During that 2-year time period, if indeed it had been important for the Democratic Party to pass an increase in the minimum wage, they would have passed that increase in the minimum wage because they had control of both Houses of Congress and the Presidency, but they did not.

If, indeed, there is something where Republicans in the Senate are holding back on an increase in minimum wage in order to get something else that they want, I think we have to remember that if we call that holding it hostage, the liberal Democrats who controlled both Houses of Congress and the Presidency must have held the minimum wage hostage for 2 years because they had all the power in the world to do what they wanted to do.

Also, when we hear about other apsects that seem to be important now to the people on the other side of the aisle, campaign reform, for example, it should not be any surprise to anyone who is really paying attention that they could have also passed any type of campaign reform they wanted. After all, they did control both Houses of Congress and the Presidency. But they did not do that. Maybe they are upset now because they are suggesting that they want to do something that they did not do when they had the power to do it. That is sort of confusion.

Well, I would like to talk about something that I talked about long before it was a political year, something that really does cross political boundaries, because on this particular issue there is widespread bipartisan support from people who are sincerely concerned about an attack on a fundamental building block of American prosperity.

Both Democrats and Republicans have signed on to a bill that I have to restore the guaranteed patent term to Americans. I know this sounds like a yawner of an issue. I mean, patent law, after all. But what is happening right now, and most Americans do not understand it, is that there is an absolutely despicable underhanded attack on the American patent system. We have multinational corporations that are engaged in an effort to change the fundamental law that has permitted America to be the No. 1 technological power in the world.

Yes, patent law is such a yawn. Who is concerned about patent law? Well, long ago our economic adversaries and, yes, our military adversaries figured out what America's greatest strength is. It is not that our people work so hard, because our people do work hard, but people all over the world work hard.

But our people when they work, or our defenders when they defend our country, have superior technology. That gives us our edge. It always has. We have the technological edge. That is what has secured our country's security and has secured us a standard of living that has been admired and envied all over the world.

Is it any surprise, then, that our economic adversaries and countries that do not like the United States would look for our Achilles heel? What is it that gives us that power? What gave Samson that strength but his long locks? Our secret is the fact that we have had the best technology, and we have had the best technology because we have had the strongest patent system in the world.

Now, there is an underhanded effort, an effort that has been going on for about 2 years to try to change the fundamental patent law of this country so that it will undermine America's ability 10 years down the road to outcompete our economic adversaries.

Some people, of course, who are supporting the patent changes are doing so perfectly well-intentioned, and perhaps they bought into this or that argument. The fact is, what is the driving force behind those who want to change our patent law? The driving force is an idea that we should globalize all patent law, so all of the laws should be the same, and Americans who have had the strongest guaranteed patent rights of any people in the world will just have to live with fewer rights because we need a global harmonization of law.

□ 1500

Well, that concept may appeal to some people. It certainly appeals to multinational corporations and big businessmen. But that is a threat to the American well-being. H.R. 3460 is about to be put to this floor, and it would steal America's technology. It should be defeated and the Rohrabacher amendment put in its place.

THE MINIMUM WAGE AND HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I am here today to talk for 5 minutes about 2 issues that I think are really crucial

to the American people and that have a real chance of passing in this House and in the Senate and be signed into law by the President, if only the Republican leadership would allow the legislation to be voted on in, to be brought to the floor and voted on in a fashion that most Members agree on, whether they happen to be Republican or Democrat.

One is the minimum wage increase and the other is health care reform legislation that was originally sponsored in the Senate by Senator KASSEBAUM and Senator KENNEDY, again on a bipartisan basis.

The minimum wage hike is long overdue. I know that my colleague from California on the other side said, well, why did not the Democrats do it 2 years ago or why did not such-and-such do it whenever. I am not really concerned about the past.

The reality is that we know there are an overwhelming majority in the House and in the Senate, both Democrats and Republicans, that would vote for this very simple minimum wage hike if they were given an opportunity to do so. And once again, this week in the other body, in fact, there was a vote, and efforts by the Republican leadership over there to try to put in what I would call poison-pill amendments that would have delayed implementation of the minimum wage hike or would have excluded small businesses so that half the people who now benefit from the minimum wage would not have gotten the increase. Those amendments were defeated overwhelmingly, again, on a bipartisan basis.

The only thing that is holding up this bill right now is because the Republican leadership in the other body has decided that they will not appoint conferees and links the appointment of conferees to conferees being appointed on the health care reform bill, the other bill I mentioned today.

Well, some of you may, my colleagues certainly know but I am not sure that the public knows what we mean when we talk about appointing conferees. This is when there is basically a meeting or negotiation between the two Houses on different bills. If you do not appoint the conferees and you do not bring the bill to the floor, the bill does not pass.

That is what we face now. A concerted effort on the part of the Republican leadership in the other body to not let these two bills come to the floor and be passed. It is a shame.

The American people, those who are on the minimum wage need a hike. They have not had one for a long time. Many people would benefit from the Kennedy-Kassebaum health insurance reform because it would provide portability, the ability to take your health insurance with you when you lose a job or when you transfer jobs.

It would also allow for people to buy health insurance who now cannot because they have a preexisting medical condition.

Now, it is time for this legislation to move and be passed and be sent to the President. We only have a short amount of time here. I do not know, there is maybe 25, 30, possibly fewer legislative days. If the Republican leadership continues to put a hold on these bills——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must interrupt to repeat her earlier admonition concerning reflections on the Senate.

Mr. PALLONE. Madam Speaker, I just wanted to, if I could, in the time that remains to me, point out that the minimum wage right now is $4.25 an hour, which adds up to about $8,800 a year. It is a disgrace that someone in America can work a 40-hour week for 52 weeks a year and only earn $8,800. How can we as a country that was founded on principles that we all have the same opportunity to improve our quality of life to pull ourselves up from bootstraps only to deny those dreams to our working poor.

Every day that the Republican majority delays the vote to increase the minimum wage, another American dream is essentially shattered. The Republican leadership has talked about family values for many years, but I think its mere rhetoric when it comes to minimum wage. Minimum wage workers are forced to leave their families far beyond the 8-hour day just to provide a balanced meal for their children.

If a minimum wage earner worked a 16-hour day, they would only earn $68 for that day. Under the Democratic proposal, which again is really a bipartisan proposal, they would take home over $82 a day for their efforts, an extra $14. That means that maybe they can go out and buy a meal for their children or a healthier meal.

Right now many who live on the minimum wage do not have health insurance. They do not have the ability, basically, to provide for their family. My point is that if we increase the minimum wage, we make it possible for a lot of these people to not be so dependent upon government subsidies.

Again, there is going to be a bill coming to the floor next week on welfare reform. I think most of us on a bipartisan basis would like to see some kind of welfare reform. How can you have welfare reform if you do not have an increase in the minimum wage? You have to provide an incentive for people to get off of welfare, for people to not need government assistance.

If they do not make a fair-share wage that will not be possible. I want to point out that in my own State, on a State level we passed a minimum wage increase a few years ago somewhat similar to the one proposed on the Federal level. The result was that more jobs were created.

There was a study done by two Princeton University economists recently for New Jersey and basically what it pointed out was the minimum wage workers take that extra money and they go out and buy things, whether it is food or whatever it is that they need as basic necessities of life. That creates more jobs. It actually helps the economy. I know some have suggested that raising the minimum wage is going to lose jobs, but that is not the case. It actually increases economic activity. I urge that this bill move in both Houses and go to the President.

TRAGEDY IN CHECHNYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, yesterday's headline was "Russia pounds Chechens as election truce unravels." Today's headline tells us the "Chechen war escalates once more." Report after report details a growing number of casualties. Many people, both military and civilian, are being killed each day. No one seems to know exactly how many but the total is growing. So is the number of refugees trying to stay one step ahead of the fighting and destruction; moving like the tide, first here, then there. Fleeing, leaving the fighting and danger behind only to reencounter it up ahead.

The Russian military has taken off the gloves now that Boris Yeltsin has been safely reelected. With tough talking ex-General Alexander Lebed in his corner, President Yeltsin has unleashed an awesome array of brutal military might on tiny independent-minded Chechnya. The apparent goal is to crush the life out of any desire for independence, no matter what the price. The most recent down payment was the death of Russian Maj. Gen. Nikolai Skripnik and a number of other soldiers on one side and guerrilla fighters and innocent civilians on the other. The numbers grown each day now. And no one seems to have the will to stop this carnage.

Certainly no one in our White House. This administration continues to sit on its hands regarding Chechnya. It has not spoken out to condemn the brutality and the havoc. The Clinton policy on Chechnya has been to remain silent. Deathly silent. Webster's defines genocide as "the deliberate, systematic destruction of a group." Chechnya is a textbook example of genocide and we say nothing.

This administration—this President—has walked away from human rights at every turn. China, for example, where President Clinton delinked human rights from MFN trading status. After resounding denouncements of President Bush's policy to elevate trade matters above concerns for human rights Bill Clinton advanced the identical notion to the point where there are no longer even discussions on human rights with the Chinese. National Security Adviser Anthony Lake just returned

from a round of high level talks with China. The topic of human rights was conspicuous by its absence from the agenda.

In Russia itself, anti-Semitism is cropping up more and more. Anti-Jewish rhetoric, if not commonplace, is at least being voiced by some mainstream officials. Presidents Carter, Reagan, and Bush condemned anti-Semitism and antihuman rights policies to every turn. Today's White House remains silent—to offend no one and thereby offend us all.

I visited Chechnya last year, met the people, Russian and Chechen, soldier and civilian, and saw first hand the results of this horror. I saw the burned out school of Shamanski. Heard about the grotesque and unspeakable acts drug-crazed soldiers committed on old men and women. Since returning, I have urged the President time and again to speak out against this war. I have asked him to offer to help by making available a high level person experienced and wise in diplomacy and negotiation to help both sides search for common ground. To search for a more humane way out. But this administration did nothing. This administration does nothing to advance human rights or to condemn the horrors taking place in Chechnya.

Here are copies of my exchanges of ideas with the President; with the administration. I insert these in the RECORD at this time.

My point in standing here is to advance the notion that America stands for something important. Like it or not we are the sole nation of sufficient stature, strength, and compassion which can, in the world court of public opinion, speak on the side of those with no voice. If we do not, they will not be heard. More will die and suffering will intensify.

But we remain silent. Mr. Speaker, we call on the President to condemn Russian brutality in Chechnya. Condemn those who ignore the basic human rights of others. And urge Vice President GORE to carry this important word to his Russian counterparts during his visit there next week.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 1996.

Hon. ALBERT GORE, Jr.,
The Vice President, The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: As you prepare for your meeting with Viktor Chernomyrdin this weekend in Moscow, I wanted to share with you the correspondence between the administration and myself on the brutal war in Chechnya. I also have enclosed an op-ed by Georgie Anne Geyer from the Washington Times with which I strongly agree.

It is time for the administration to publicly denounce the fighting in Chechnya and find a fair, honest mediator to help work out the differences between the two sides. The Russian people, the Chechens and, indeed, the world is waiting for a public statement of condemnation from the United States. While I believe it is way overdue, you now have the opportunity, at this, your first post-election meeting with your Russian counterpart, to make such a statement.

Mr. Vice President, this is your opportunity to publicly stand for human rights and peace in Chechnya. Please use the upcoming meeting to publicly, forcefully and unabashedly condemn the fighting in Russia and urge the Russian government to seek a peaceful settlement.

I also hope, now that the elections are over, that the administration will take a fresh look at offering the use of a tested and proven statesman to help resolve the conflict between the two sides. It would be a sign that the U.S. has advanced beyond a policy of watching the killing to actually doing something about it.

Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

THE WHITE HOUSE,
Washington, DC, June 25, 1996.

Hon. FRANK WOLF,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WOLF: I am writing in response to your letters regarding the appointment of a special American envoy to facilitate peace in Chechnya.

As I wrote to you previously, my Administration was prepared to consider a special American envoy had either the Russians or Chechens expressed an interest in such an intermediary; neither side did. In April, the Russians considered possible Russian mediators and expressed interest in the good offices of King Hassan II of Morocco. I spoke to the King about what role he might play.

Appointment of an unsolicited American mediator under such circumstances would have accomplished little for peace in Chechnya. Indeed, it might well have hindered and undercut the OSCE mission's efforts, which led to the May 27 meeting in Moscow between President Yeltsin and Chechen rebel leader Yandarbiyev. That meeting produced a cease-fire agreement and restarted direct Russian-Chechen negotiations. While tenuous, these negotiations appear to be making some progress toward resolving the Chechen situation.

I fully agree on the need to help bring peace to Chechnya. My Administration has pursued various means to promote a settlement in Chechnya and will continue to do so through every available path that does not interfere with or undermine a negotiating process that is ongoing.

I appreciate your concern about this issue.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a piece on Chechnya from today's Washington Times that I wanted you to see. With Russia's elections less than two weeks away, it may be too late to do anything about Chechnya. If it is not already midnight, we are dangerously close.

Mr. President, with all respect, I fear this country—your administration—has squandered a wonderful opportunity to cement tranquil relations with a Russia searching for peace and economic development. Rather we risk the emergence of a different Russia; a Russia not only disillusioned with unfulfilled promises of a more democratic form of government and a market based economy but now a Russia thoroughly embarrassed and angered by the inability of its military to quell the uprising of tiny Chechnya.

There is a saying about the devil you know being better than the devil you don't know. I sense the Russian people are approaching this point and a return to communism is looking better and better to them each day. Perhaps it is not too late. Perhaps there is still time for you to offer the services of an American statesman to help the warring parties in the search for common ground. Perhaps there is time to end the killing.

I urge you to try. What more is there to lose in this matter? At least let's get the bat off our shoulder and go down swinging. Mr. President, I do not mean to be disrespectful but this opportunity will not come again. Please.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Buried on page A-4 of this morning's New York Times was the enclosed article reporting 160 more killed in Chechnya. Dying there has, I suppose become so commonplace as to barely be newsworthy. Won't you at least consider appointing a special American envoy whose sole goal is to bring these two warring parties to the negotiating table to agree to stop shooting one another?

One can try to do good and fail or one can fail to try to do good. They are miles apart. I urge you, Mr. President, make this effort. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

---

160 REPORTEDLY KILLED IN CHECHNYA BATTLE

MOSCOW, May 22 (AP).—Up to 40 Russian troops and 120 separatists were killed today in a fierce battle near Bamut, in western Chechnya, the Itar-Tass news agency reported.

Up to 1,000 rebels have been defending the hills around he village, which lies in ruin, against Russian artillery, tanks and warplanes, a high-ranking Defense Ministry official said.

The Russians suspect that a large rebel weapons cache is hidden at Bamut, a former Soviet missile base 35 miles southwest of Grozny, the capital.

But Defense Minister Pavel S. Grachev still said today that Moscow would reduce the number of regular army troops in Chechnya as part of a peace plan offered recently by President Boris N. Yeltsin.

Speaking to army officers in Yekaterinburg, Mr. Grachev said the withdrawals would be finished by Aug. 1, but he did not say how many units would be pulled out. He has announced withdrawals before that turned out to be only troop rotations.

Tens of thousands of soldiers from the Interior Ministry and the regular Russian Army have been in Chechnya since December 1994 trying to defeat the outmanned separatists.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am, once again, writing to point out that conditions for the men, women and children in Chechnya continue to deteriorate as hopelessness and hatred battle one another. Did you see the enclosed Washington Times piece reporting the views of Duma Member, Mr. Aoushev, who is also the deputy chairman of their parliament's national security committee? He makes several thoughtful points which should give us pause about a "see nothing—do nothing" policy.

He notes:

. . . military action could spread from Chechnya to next door neighbor Ingushetia. Not only would this bring senseless killing, destruction, and misery to a new region that is, today, relatively tranquil, it would deny an existing haven to many Chechens who have fled from the daily terrors of their homeland. When I recently visited that region, I went to an Ingushetian refugee camp for Chechens, mostly women, children and the aged. They do not need another turn in a war zone.

. . . the conflict in Chechnya will not continue at its present level. It cannot get better so it will only become worse. Not only will pain an suffering intensify with continued fighting but the opportunity for reconciliation or consensual peace will recede further into the realm of the improbable.

. . . the Clinton Administration (Mr. Aoushev's term) is ignoring human rights violations by Russian military and has not done enough to use its influence to end the conflict.

I hope you will consider what Mr. Aoushev has to say and I reiterate my earlier and often made suggestion that you should offer to both sides an American negotiator of principle and stature whose task is to urge and prod the parties to this senseless conflict to stop it. How could it hurt? It might help. Continuing to do nothing is to accept or even to encourage more inhumane acts on helpless people.

Please work to stop this senselessness. Thank you for your time.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for your response to my last letter expressing concern over Chechnya. I have been in Chechnya, seen the results of the war, met with the people there and have a sense of their resolve, their bitterness and their anger. They are a hearty, robust and proud people. Chechens are good fighters and will not yield in this situation, not as long as even a few have the means to resist.

I believe more must be done and time is running out. Time has already run out for too many Chechen men, women and children as well as for too many Russian soldiers and their families. Though not intended, each time you meet with President Yeltsin or visit Russia . . . with the purpose of propping him up or lending stature to his presidency . . . the opposite and undesired outcome results. Before your meetings, he tries, once again, to clean up events in Chechnya with a renewed and vigorous military onslaught causing more Chechens and more Russian soldiers to die, and the two sides become even more deeply mired in the conflict. President Yeltsin's attempt to make Chechnya disappear from the radar screen before you meet has the opposite and unwanted result of more killing, more conflict and a diminished way out of this mess. He has apparently even found it necessary to lie to you. According to the enclosed Reuters report, the Russian military attacks which resulted in Dzhokhar Dudayev's death were occurring even as President Yeltsin assured you that he was pursuing a peaceful resolution in Chechnya.

President Yeltsin's history here is one of reacting badly in Chechnya each time you and he are to meet. The outcome inevitably is an even more difficult problem for him and may result in his downfall in the June elections. He may not win reelection without resolving this Chechnya situation.

I agree that our interests and Russia's as well are better served with Mr. Yeltsin as president when compared to other likely candidates. If he loses, Russia and their federation of states will take a giant stride backward. So I believe America must do all it can to bring resolution to the Chechen conflict, for them, certainly, but for us as well.

No one, least of all me, wants US involvement on the ground in that region. But America, as no other, is a respected and trusted force standing for freedom and justice. Our leadership alone can drive a peace solution. As I have asked before, and copies of all my earlier letters on this issue are enclosed to refresh your memory, please offer to President Yeltsin . . . and urge him to accept . . . the appointment of an American of considerable stature to negotiate and to search for a peaceful end to this tragedy in Chechnya. I know there are many good candidates, perhaps a retired flag or general officer or a statesman on the order of former Secretary Holbrooke.

Mr. President, when I first wrote on this issue, our interest was one of bringing a humanitarian end to a needless war in Chechnya. With the passing of time and evolving political fortunes in Russia, our own national interests could be also affected by fall-out from this matter, especially if it results in the return of communism to Russia. This would be bad for America and for the world.

I believe we must quickly do something here. I respectfully submit these recommendations and will do anything I can to help. If I can persuade you on this matter, I will come over on a moment's notice.

Please act, Mr. President. Thank you and best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From Reuters NewMedia, Apr. 25, 1996]

REPORT: RUSSIAN 'COPTERS ATTACK CHECHEN TOWN

MOSCOW (Reuter).—Russian helicopter gunships attacked rebel positions in the Chechen town of Shali on Thursday, a day after slain separatist leader Dzhokhar Dudayev was buried. General Vyacheslav Tikhomirov, commander of Russian forces in Chechnya, told Interfax news agency that the gunships had made two "pinpoint strikes" on guerrilla positions in Shali, about 25 miles southeast of the regional capital Grozny. The attacks were in response to rebel fighters firing on Wednesday at Russian helicopters which flew over Shali on a reconnaissance mission, he said.

Interfax said civilians had been killed and wounded in the attacks, though it gave no casualty figure. It said seven people were killed when Russian ground forces opened fire on a civilian convoy trying to flee the town which had been sealed off by Russian troops for six days. A Shali police official, quoted by Interfax, said the Russian attacks had caused considerable destruction. "People have been killed and wounded," he said.

The renewed Russian air raids followed the death of Dudayev last Sunday in a rocket attack from the air at Gekhi-Chu, about 20 miles south-west of Grozny, as he stood in an open field speaking by satellite telephone. Dudayev, 52, unchallenged leader of the rebellion against Russian rule, was buried on Wednesday at a secret location in the south of the territory. Russian military involvement in killing Dudayev, to whom President Boris Yeltsin had offered indirect talks to end the 16-month conflict, was mired in controversy.

Tikhomirov was quoted by Interfax as saying his troops had not conducted any special operation to assassinate Dudayev. But an Interior Ministry source said on Wednesday he had been killed in retribution for an ambush last week in which Chechen fighters killed up to 90 Russian soldiers.

In a more detailed report, Interfax quoted another source as saying Dudayev had been deliberately targeted by a rocket fired from the air which homed in on him by following the signal of his satellite telephone. This source said it was the fifth attempt in the past two or three months to destroy Dudayev by this means. The first four had failed, the source said, because the Chechen leader ended his telephone conversation before the rockets could target him.

Tikhomirov called the report of retribution "madness and an attempt to pass on to the federal troops the blame for a possible disruption of a peace settlement in Chechnya." He said his forces had stuck to Yeltsin's order to halt military operations and only responded to rebel attacks.

Yeltsin ordered troops into Chechnya in December 1994 to crush its independence drive. Over 30,000 people, mostly civilians, are believed to have died and Yeltsin is trying to end the conflict to boost his chances of winning a second term as president in a June poll. He unveiled a peace plan on March 31 which included a halt to Russia's military offensive, partial withdrawal of troops and indirect talks with Dudayev. But the plan allowed "special operations against terrorists."

It was not clear how the killing of Dudayev and his replacement by Zelimkhan Yandarbiyev, a hardline pro-independence ideologist, could affect peace efforts.

THE WHITE HOUSE,
Washington, May 11, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR FRANK WOLF: Thank you for sharing the article on Chechnya.

We have made our position on Chechnya clear to the Russians at the highest level. The President raised it with President Yeltsin in their April 21 bilateral in Moscow. He also addressed it in subsequent correspondence and in a May 7 phone conversation. In these exchanges, the President urged the Russians to seek a negotiated settlement and to restrain their military actions; he also made clear that we stand ready to do whatever we can to facilitate a settlement.

We have additionally approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution, and, in a demarche at the Russian Foreign Ministry, our Ambassador expressed in detail at the end of April our concern about ongoing Russian military actions.

President Yeltsin has indicated that he would like to get negotiations underway with the Chechens. Dudayev's death has changed the equation, but it is not yet clear whether this will facilitate or further complicate the search for peace.

I know you share our distress at the fighting. We will continue our strong advocacy for a peaceful end to this tragic conflict.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter on Chechnya. I fully share your concern about the Chechnya conflict.

I discussed the conflict with President Yeltsin on April 21 and urged, as I have in the past, that he seek a peaceful settlement. We have had other high-level communications regarding Chechnya with the Russian government since my return from Moscow and have urged a halt to Russian military actions. We have also approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution.

I have told President Yeltsin that the United States is prepared to do whatever it can to support a peaceful settlement. To date, neither side has asked for an American intermediary, but, if such a request were made, we would certainly consider it. As you know, the Organization on Security and Cooperation in Europe maintains a mission in Groznyy, which has in the past facilitated Russian-Chechen talks. And several prominent Russians, as well as King Hassan II of Morocco, have been approached by the Russian government to provide good offices.

We will continue to urge the Russians to seek a peaceful end to this tragic conflict. Thank you for your continued interest.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on the conflict in Chechnya. I share your concern; the fighting there has been a tragedy—for Chechens, for Russians and for friends of Russian democracy.

We do not believe that use of force can resolve this issue. I therefore welcomed the March 31 announcement by President Yeltsin of steps to halt the conflict and intensify the search for a negotiated solution. Unfortunately, fighting has continued. We have urged both the Russian and Chechen sides to seize the opportunity they now have to reach a peaceful resolution.

I have raised Chechnya regularly in my exchanges with President Yeltsin. I will do so again during my upcoming visit to Moscow, where I will continue to underscore the need for a negotiated settlement.

Thank you for your interest on this issue.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, April 20, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter concerning the conflict in Chechnya and my meeting with President Yeltsin. I also understand you have discussed this with Strobe Talbott and Sandy Berger, and I appreciate your views.

I accepted the invitation to participate in V-E Day ceremonies in Moscow and scheduled a bilateral meeting with President Yeltsin based on my conviction that continued engagement with Russia is vital to our own self-interest in seeing Moscow continue along the difficult transitional course it has charted. That engagement takes numerous forms, including the respect we convey to the Russian people by honoring their considerable sacrifices as our ally during the Second World War. As you have suggested, during my visit to Moscow, I plan to speak directly to the Russian people to underscore the long-term interest we share in building a stable and friendly relationship at all levels—and also to state what we expect from Russia if we are to achieve such a relationship. I also will meet with a range of Russian leaders.

Pragmatic engagement will be the theme of my meetings in Moscow with President Yeltsin and other Russian leaders. Russian and American interests coincide in a number of important areas: continuing the nuclear build-down, upgrading control and protection over fissile stockpiles, containing and resolving regional conflicts like the Middle East, and promoting Russia's integration into the global economic system. High-level meetings help advance our interests in these areas. It is equally important, at the same time, to remain engaged to work through areas where we and Moscow differ, such as European security, reactor sales to Iran, and Chechnya. I have stated my views on the Chechen conflict clearly, in public and in private contacts with Yeltsin: the humanitarian toll of the fighting is unacceptable and the search for a political solution must intensify, ideally through the good offices of the OSCE, with respect for Russia's territorial integrity. As you noted in your letter, continuation of the bloodshed threatens Russia's nascent democracy. However, it is my firm belief that rejecting dialogue with the Russian leadership to protest actions with which we disagree would minimize our chances of effecting a positive outcome, and would deal a serious blow to the forces of reform that find themselves increasingly challenged in Russia today.

I continue to view the maintenance of good relations with a stable, reforming Russia to be among my highest priorities as President. I genuinely value your perspectives on this question and thank you again for taking the time to share them with me and with my advisors.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, March 16, 1996.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on Chechnya. I know you have followed this issue closely, and I fully share your frustration at watching this conflict drag on; it is a tragedy for both the Chechens and Russians alike.

We have consistently encouraged the Russian government to end the cycle of violence and seek a peaceful solution to the conflict, including in my own conversations with President Yeltsin. President Yeltsin has said that he needs to end the conflict, and we have followed with interest reports that Moscow is developing a new peace plan. We will certainly do what we can to support such an effort.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, July 5, 1995.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the report of the House Subcommittee on Foreign Operations Appropriations suggesting that U.S. assistance to Chechnya be channeled through the OSCE and non-governmental organizations.

I understand from Tony Lake that you had a sobering visit to Chechnya several weeks ago. The conflict is a tragedy for all concerned. We hope the talks begun on June 19 under OSCE auspices succeed in bringing a political solution to the conflict and have urged all parties to take full advantage of the talks.

I also noted the report language on Fred Cuny. I raised our concern about him with President Yeltsin in Halifax; he assured me the Russians would do everything that they could.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, February 22, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the conflict in Chechnya. I agree that the violence in Chechnya is a tragedy for everyone involved.

While we have publicly stated that Chechnya is part of Russia, we have criticized the toll of death and suffering the military action has inflicted on innocent civilians. In our private discussions and in our public statements, we have strongly urged an end to the violence. We have also supported the positive role international organizations, such as the OSCE, can play in helping to bring about a lasting end to the bloodshed and in providing humanitarian assistance. I have been in close touch with President Yeltsin and am certain he understands these concerns.

The events in Chechnya are a reminder that the processes of reform and democratization underway in Russia—and throughout the former Soviet Union—will encounter setbacks. While no one can predict the final outcome, it is far too early to write off reform in Russia. Indeed, our policy seeks to maximize the chance that reform will be sustained and will succeed. It is important during these periods of uncertainty to recall the profound stake the United States has in promoting Russia's further progress on the path to reform.

Our assistance to Russia serves important U.S. interests: building democratic institutions, contributing to the safe dismantlement of the former Soviet nuclear arsenal, encouraging privatization and private enterprise and vastly broadening the access of the Russian people to Western ideas and methods. I hope I can count on your leadership in the new Congress to continue bipartisan support of the important interests.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 1996.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing to again raise the tragic situation in Chechnya. Some 40,000 civilians are dead, hundreds of thousands are homeless and, yet, this was not even a topic of discussion during your recent visit to Moscow. Why should the United States step in? Each time a high-level U.S. delegation has visited Moscow, President Yeltsin, seemingly in an attempt to put this issue aside, steps up the intensity of the military action and more Chechen civilians get pummeled.

President Yeltsin now seems to be making efforts to establish peace. He has called a cease-fire and the fighting has died down somewhat. We all hope his efforts are sincere, lasting and fruitful. But like a family trying to work out solutions to irreconcilable problems, sometimes the issues are too difficult to resolve alone. Feelings run too high and past wrongs have seared too vivid a memory to bring about resolution. Families often need to bring in outside help to provide counsel and objectivity, defuse tensions, arbitrate unresolvable differences and provide a fresh outlook. This is a mediation role only the United States can play in resolving this brutal conflict. I ask that you consider offering to both sides the use of a high-level negotiator of unquestionable stature: someone, perhaps, who has held at least a cabinet position in our government.

When I visited Grozny last May, there seemed little of the town left to destroy. Yet reports of death and destruction continue. What can we lose by offering to negotiate between the parties? Things could grow even worse after the June elections if the winner of the presidential race senses a mandate to end the conflict in Chechnya by any means.

I hope the U.S. will lend its weight to seek a speedy resolution. Please consider appointing a high-level negotiator to shuttle between the sides and push for peace. Our neutrality should cease to be indifference and we should use our voice, our experience and our economic power to stridently work for peace in Russia.

It's not too late. But too many have died. I urge you to take decisive action.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

It has been frustrating to see this conflict drag on for over a year and the fighting and hostage-taking flare up again in recent weeks. The Russians seem to be getting more militaristic, but I understand that President Yeltsin recently acknowledged the importance of dealing with the conflict before the elections. The U.S. should strongly support President Yeltsin in any of his efforts to bring peaceful resolution to the conflict and, if necessary, serve as the catalyst for peace in the region. Perhaps the U.S. could help bring the sides together or serve as a mediator.

The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1996.

Hon. ANTHONY LAKE,
National Security Advisor, National Security Council, The White House, Washington, DC.

DEAR TONY: I received the President's most recent letter outlining some actions he has taken to resolve the crisis in Chechnya.

I wanted to share a copy of a Special Order I gave on the House floor last week. We are really not doing enough over there. I think more could and should be done.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

It has been frustrating to see this conflict drag on for over a year and the fighting and hostage-taking flare up again in recent weeks. The Russians seem to be getting more militaristic, but I understand that President Yeltsin recently acknowledge the importance of dealing with the conflict before the elections. The U.S. should strongly support President Yeltsin in any of his efforts to bring peaceful resolution to the conflict and, if necessary, serve as the catalyst for peace in the region. Perhaps the U.S. could help bring the sides together or serve as a mediator.

The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1995.

Hon. WILLAIM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The brutal conflict in Chechnya is now in its second month. Gruesome images of the fighting emerge day after day. Thousands of Chechnyans have died in the fighting, including many innocent women and children.

While the U.S. position has been that this is an "internal Russian affair," the American people certainly have an interest in bringing an end to the fighting. Besides the obvious human tragedy occurring as men, women and children continue to die, Russia is a major recipient of U.S. foreign aid. This war is causing many in the Congress to consider whether Russia is deserving of such aid and whether the entire U.S.-Russian relationship should be re-examined, particularly our close ties to President Yeltsin. Continuation of this conflict will have major implications for the future of the Yeltsin government, the Russian economy and Russia's already fragile relationship with its neighbors. I believe our government should use its diplomatic leverage now to help bring peace to the region.

I am writing to propose that you appoint former President George Bush, or possibly former Secretary of State James Baker, as special emissary for this purpose: to go to Moscow, meet with President Yeltsin and other Russian leaders, and present your viewpoint on the importance of quickly ending the Chechnyan conflict. I believe President Bush could be very helpful in ending the fighting and stopping the killing.

Mr. President, I hope you will give careful consideration to this proposal and move quickly in sending an emissary to Russia. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CHECHNYA—TERROR IN PROGRESS

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1996.

DEAR COLLEAGUE: There is a country song in which the singer pleads for one more last chance. Perhaps that is where civilized and compassionate people are with regard to bringing to an end the killing and destruction that have rained down upon the Chechen people for the past several years. Please read David Hoffman's report for The Washington Post talking about the new direction and the new intensity this 19 month war is taking following Russian President Boris Yeltsin's re-election victory. It is printed on the reverse.

With leadership struggles behind them, there is little reason for the Russian government to pursue a lasting cease fire or even a peaceful end to the conflict. Rather, many would now predict an intensified effort to pound the Chechens into the ground and into total submission.

It didn't have to be this way. Our government has mostly sat on its diplomatic hands as this conflict has raged. At the outset, statements by our officials likening this clash to our own civil war and setting forth a "hands off" policy were ill advised, provided Russian hard-liners with more backbone and destroyed the hopes of Chechens.

Each time the President, Secretary of State or other high official scheduled a meeting with President Yeltsin or his leadership, the Russian military would renew the fighting in hopes of ending the war before the issue could be raised between our governments thereby having the unintended effect of killing more people and ratchetting up the pain and suffering of everyone in that terrible place. They were never successful in ending the war but levels of killing, destruction, pain and hatred soared.

We could have . . . we should have pressed Boris Yeltsin and his government to restore peace to Chechnya. We should have encouraged him to negotiate a resolution and offered to provide a high level person, experienced and wise in diplomacy and international affairs, to help the sides find a settlement and end the horrors of war. But we did not. And the hour grows late.

Now the killing and destruction have resumed. And President Yeltsin does not feel pressed to end it. If nothing is done, more will die. But we have one more last chance. Vice President Gore soon leaves for high level meetings in Moscow. He can speak out against the continuation of this senseless slaughter. He can label these acts for what they are: genocide. He can offer to help bring about a negotiated peace; provide a top level negotiator to help both sides search for common ground.

Congress should expect the administration to stand firm on ending this havoc. Please encourage President Clinton and Vice President Gore to put America on the just side of this matter. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the Washington Post]

RUSSIA POUNDS CHECHENS AS ELECTION TRUCE UNRAVELS

(By David Hoffman)

MOSCOW, July 10.—Russia's pre-election truce with Chechen separatists continued to unravel today as Russian helicopter gunships and ground troops pounded two Chechen villages in the heaviest fighting since cease-fire agreements were reached on May 28 and June 10.

The strikes came against rebel positions in the villages of Gekhi, 20 miles southwest of the capital, Grozny, and Mahkety, 22 miles south of Grozny. The Chechen rebel leader, Zelimkhan Yandarbiyev, reportedly has a headquarters in Mahkety, and several hundred of his fighters are in Gekhi, which was attacked Tuesday and today. Russian troops were reported pulling back from Gekhi tonight.

Casualties were reported among Chechen civilians and Russian soldiers. The Interfax news agency said 15 to 30 civilians were killed in the assault on Gekhi; the Russian military said 20 were killed. Hundreds of villagers fled the assault on foot. Russia lost eight servicemen, news agencies said, and television reports said another 20 had been captured by the rebels. There were no reports on rebel casualties.

Interfax quoted a Russian military spokesman, Maj. Igor Melnikov, as saying that Russian commanders have ordered the capture of Yandarbiyev, but the report was later denied. Melnikov said the strikes were in response to the rebels' ignoring an ultimatum by the Russian commander, Gen. Vyacheslav Tikhomirov, who threatened to wipe them out if they failed to release all soldiers held captive by Tuesday night.

The cease-fire agreement included a deadline for Russia to remove its checkpoints in Chechnya and for an exchange of prisoners. Each side has accused the other of failing to honor its commitment, and they have been in a war of words since late June. The Organization for Security and Cooperation in Europe (OSCE), which brokered the peace talks, issued a statement in Grozny today warning that fighting could spread.

According to Interfax, the OSCE statement said that despite the ceasefire agreements, the "political settlement in Chechnya has practically been suspended." However, the organization's chief representative in Chechnya, Tim Guldimann, said a new meeting between Chechen and Russian negotiators is still possible.

The cease-fire was an important factor in Russian President Boris Yeltsin's victory, since it pointed toward an end to the 19-month-old war, which has claimed at least 30,000 lives, most of them civilians. The swift degeneration of the truce into another armed confrontation raised hackles in the lower house of parliament, the State Duma, which voted today to ask Prime Minister Viktor Chernomyrdin to explain the surge in fighting.

Sergei Yushenkov, a member of the Duma's defense committee, called on Chernomyrdin, who is head of a special government commission on Chechnya, to explain why the government was making improper use of the army to punish the rebels.

"I have to think it over," Chernomyrdin said of the Duma's request. Chernomyrdin told reporters while touring an art exhibit in Moscow that the situation is "under control" and that "there will be no war in Chechnya." Chernomyrdin said the Russian offensive was a response to "insolent" rebel commanders.

Alexander Lebed, Yeltsin's new security chief and a longtime critic of the war, blamed the rebels for the latest surge in fighting. Interfax quoted him as saying the responsibility is that of "Yandarbiyev and other leaders of armed gangs." Lebed is expected to visit Chechnya but said he would not do so until next week at the earliest.

Meanwhile, Yeltsin delivered a nationally televised speech from the Kremlin today after being certified as the official winner of the presidential contest. His inauguration has been set for Aug. 9 in the Kremlin's Cathedral Square.

Although his aides have predicted an imminent government shakeup, Yeltsin's address offered few clues to his second-term plans. He said "the reform course will continue," but he also said economic policy "requires serious correctives."

He added, "The main thing now is to impart a second wind to [industrial] production, to place orders with the enterprises and to give jobs to people," He also promised "full and timely payment of everything the people have earned," a reference to months-overdue wages and pensions.

Yeltsin has not appeared in public since he became ill before the July 3 runoff election, but he spoke confidently and without any outward sign of illness.

In a separate address to ethnic Russians in former Soviet republics that are now independent, Yeltsin vowed to provide "permanent care and support from your homeland."

UNION MEMBERS DUES USED FOR POLITICAL PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I think it is interesting with respect to my good friend and colleague who just spoke that in addressing the question as to why when the Members of his party controlled the House, the Senate and the White House during the 103d Congress, which was 2 years ago, they did not, if this was such an important initiative, undertake to in fact raise the minimum wage at that time. He just dismisses it very quickly and briefly by saying: Well, I am not interested in the past; I am only interested in now. I think that is unfortunate and predictable.

I want to address my comments today to the very hard-working rank and file union members of America whose dues are being used for political purposes and activities that they are probably both not aware of an almost undoubtedly do not agree with. Those are dues that should be put to work for those Members in the negotiation of labor contracts, in getting better working conditions, in getting higher wages, in getting better benefits packages and vacation plans. But they are in fact being used to further the political agenda of their labor bosses who are located not, for example, in Cleveland, OH, which I have the privilege of representing, but in Washington, DC.

What is happening is that through a mandatory payroll deduction scheme, union members dues are being used to fund a defamatory and demagogic attack on Members who have one fundamental problem as far as the unions are concerned. That is, as far as the Washington-based union bosses are concerned, and that is that there is an R next to their name. In other words, what this is really about is partisan politics. It is not about principles and the principles which different people believe in.

Mr. Speaker, let me give an example. There was a poll that was taken of over 1,000 union members about 6 or 8 weeks ago. One of the questions that was asked was, do you believe that the budget of the United States should be balanced and that we should have an amendment to the Constitution requiring a balanced budget? About 80 percent of the union members responded positively that we should. That is not surprising.

About 80 percent of all Americans believe that we ought to have an amendment to the Constitution requiring a balanced budget. And yet the AFL–CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution. It is funny, I had union reps from Cleveland in my office yesterday. They were talking about the union bylaws. And one of the fellows said very clearly that the bylaws prohibit the union from spending more than it takes in. That is a perfectly reasonable policy which is obviously practiced by American families as well. Yet his leadership in Washington opposes a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL–CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL–CIO bosses in Washington are opposed to a $500 per child tax credit, and that would fall primarily to the benefit of working families, union families. And yet they are opposed to that $500 per child tax credit although in polling the AFL-CIO members, the rank and file members are clearly in favor of it.

So here we have got a very similar situation to what is happening right now in a larger sense in America. That is that what we are trying to do with this Congress is send power out of Washington and back to local communities, because the problem that we have got is this massive centralization,

bureaucratic centralization of power in Washington.

So one of the primary efforts besides reducing the size and scope of government as well as reducing the tax burden on the American people of this Congress has been to get more decisionmaking back to the local communities and the conviction that you are going to get better decisionmaking process about government.

The same needs to be done with respect to the unions as well. We need to get that power, the unions need to take that power out of Washington and back to their locals.

UNIONS AND POLITICAL ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Madam Speaker, I wanted to follow up on the gentleman from Ohio's comments. I think he makes a very, very important point regarding the unbelievably misleading tactics that are being used by the big labor bosses back here in Washington, DC, in what I think is a desperate and transparent attempt to help the Democratic minority in the Congress regain control of this institution. I think it is very telling and very significant because it is a clear indication of just how out of touch they are with average working Americans, the very people that they purport to represent.

Let me cite some basic statistical information at the beginning of my remarks. I think we know that the labor bosses here in Washington are opposed to fundamental reforms, the most significant changes that we have been trying to make back here in Washington over the last year and a half, since the Republican Party became the majority party in both the House of Representative and in the Senate.

These labor bosses, again, I am not talking about rank and file working men and women, but the labor bosses back here in Washington who have become the core constituency of the national Democratic Party and almost the campaign arm of the national Democratic Party. These labor bosses here in Washington are opposed to cutting spending to balance the Federal budget. We all know that we need to put our fiscal house in order. We all know that we need to balance the Federal budget to really preserve the future of our kids and our grandkids and to give them a future with more hope and opportunity than we have enjoyed.

I think it is important to remember the legacy that we do not inherit the world from our parents. We borrow it from our children. We are obligated to create a more promising future for our children and future generations. Yet those labor bosses are opposed to cutting Federal spending to balance the Federal budget, something that would, by virtue of simply bringing Federal revenues and expenditures into line, lower interest rates in this country and produce long-term economic benefits for every single American family and business.

□ 1515

Now, why are they opposed to cutting spending to balance the Federal budget? Well, because the only sector, the only segment, of the union activity that has been growing in recent years is Government employees. In fact, union membership in the public sector has been increasing while union membership in the private sector has been declining over the last several years. So they are opposed to cutting Federal spending to balance the budget because that means that we may have to eliminate a certain number of positions, governmental employee positions, as we go about the process of consolidating and streamlining the Federal Government and eliminating those agencies which are duplicative in nature or which duplicate a function better performed or currently performed by State or local government.

These labor bosses are also opposed to welfare reform. They are opposed to tax cuts for families with children. But what makes their opposition so, I think, significant is that they are opposing the very changes that their own members want.

A recent poll of union members in America indicated that 82 percent of union members support a balanced budget, 87 percent support welfare reform, and 78 percent support tax cuts for families with children, and those percentages are higher than the general public.

So union members on average support the fundamental reforms we have been trying to enact back here in Washington over the last year at a greater percentage than the rest of the American public.

So why are the labor bosses attacking incumbent Republicans? Why have they targeted incumbent Republicans for defeat as part of a concerted effort by the National Democratic Party to regain control of the House and Senate? Well, it is very simple. They have a vested interest here. They do not want to see government downsized because that would mean the waning or the loss of power and influence for those very same labor union bosses.

So I think it is very important for the average American working men and women to realize that we are doing our utter best back here in Washington to protect their interests and to create a better future for America's families because we are not working for the labor bosses, we are working for those American families, for those working men and women, and they are the people who are the bosses.

So with that, Madam Speaker, I appreciate the opportunity to stress that point and follow up on the comments made by the gentleman from Ohio [Mr. HOKE].

U.S.S. "GARY GORDON"

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Well, Madam Speaker, I guess it is clear for the whole world to see there will not be an hour special order by the Member from Massachusetts followed by my special order. Mr. FRANK told me earlier in the week that he was going to critique my point of personal privilege from this well on June 27, and I said, "Well good I'll be there to critique your hour with my hour," because I said I would keep focused on the truth and I was not going to let go of this crude attempt which we saw again last night late and on the floor this morning and early afternoon to brand anybody who thinks there is something wrong with homosexual behavior as a bigot, as a hater, and, as Mr. CANADY of Florida pointed out, they added about 15 more sleazy words that we could have spent all day long taking peoples' words down to contest.

I would like to tell any people that came to visit us in the gallery today, through the Chair, that I will return to this subject after I do something very positive and upbeat to relate what I was privileged to behold on the Fourth of July, and I would hope that people would reflect on the positives about the United States over this weekend, but spend a little time thinking about this amazing vote that we just had, our last vote today, on the 12th of July, defeating a phony recommit bill with instructions to study homosexual, quote, marriage, unquote, when that study is going ahead anyway. So 30 Republicans, kind of threw—well 29 threw a vote in this direction and joined Mr. GUNDERSON so that they will be able to have begging rights not to have Act Up and other radical homosexual groups try and wreck their town hall meetings with rude demonstrations, and the Democratic vote did not shift that much, 133 for the phony recommit and 118 to back up—or, excuse me, only 65—let me back up; 53 voted against Democrats, that phony motion to recommit, and that jumped up to 65 going the other way and saying that they will go out on a limb for homosexual marriage.

The final vote is, in this Chamber, 118 Democrats in spite of the 2-day debate going with Clinton, that they are not going to sign off on homosexuals getting married civilly, although a few renegade Christian denominations that are splitting in pieces will go ahead

and go through a mock marriage ceremony, but 118 Democrats joined Clinton and say no way. The one Independent from Vermont, 65 Democrats and only one Republican, Mr. GUNDERSON, that is 67 people today and 2 voting present, approve of homosexual marriage. There were 23 not voting; that is not unusual for a get-away Friday, although I noticed in the Democratic list here at least 3 Democrats that were participating in the debate right up through recommit and the final passage vote, which was only a 5-minute vote followed immediately thereafter, and they ditched, I will give them the benefit of the doubt, jump in a car and speed off to National Airport or Dulles to get out of town. But it looks very suspicious.

So there is the vote: 23 absent, 2 present, 67 with only one Republican, the sole Independent who usually votes in caucuses on the other side of the aisle, and 65 Democrats saying homosexual marriage is OK. On our side 224 Republicans out of 225 voting, and 118 Democrats, for a total of 342, say no way to homosexual marriage.

So, it looks like my opening remarks in the well June 27, when, as I recall, I said:

Mr. Speaker, I now move out into the evil mind fields of political correctness alone, but I pray and hope not alone on this uncomfortable issue of homosexuality. Well, it looks like I am not alone. Fifteen days later, on the 12th of July, 1996, 342 souls have joined me with varying degrees of commitment to principle and Judeo-Christian ethics.

Now to that positive note: On July 4, I had the honor of being invited by the families of Americans who lost their fighting men in the alleys of Mogadishu on October 3 and 4, 1993, not quite 3 years ago. It was the second ceremony, unprecedented, where a naval ship, a big naval ship, 956 feet of naval cargo ship, was being named after an army sergeant. The first one took place in San Diego where the U.S. Naval Ship *Randall Sugart* was named, with his mother and father and his wife presiding, and that was on May 13—excuse me, Jefferson's birthday, April 13—and then on July 4, the second commissioning of the U.S. Naval Ship *Gary Ivan Gordon*. Both of these army sergeants won the Medal of Honor, fulfilling to the letter of the scripture St. John 15:13, greater love than this no one has that he give his life for his friends. A biblical translation: that they lay down their life for another. They begged to have their helicopter crew get the authority to put them down at the crash site of CWO Michael Durant that ended up saving his life and giving up their own lives. On the night of October 3 the film was so brutal, a videotape on CNN, that they stopped running it by midnight because of people crying and calling in. The film, the videotape, was so brutal. These two Medal of Honor winners, the copilot and I got to meet his widow, Willie Frank, down there at Newport News at the commissioning of the *Gary Gordon*, the two door gunners, Tommy Fields and William David Cleveland. We saw their bodies being hacked apart by the crowds, desecrated, dragged through the streets, objects stuck in their gaping dead mouths. It was a pretty rough scene, the roughest Americans have seen since Vietnam, Korea, World War II, and now we have these 2 beautiful days, Jefferson's birthday and fourth of July, when as long as these ships are at sea and they have invited the families, the skippers of the two ships, they will be crewed by civilians, to come on board at any time.

I saw them invite Gary Gordon's two beautiful children, 8-year-old Ian and 5-year-old Brittany, to come on board any time to see this massive ship sitting next to our newest supercarrier, the U.S.S. *Stennis*, named after a U.S. Senator who was alive when the ship was commissioned, got to see a ship with his name on it when he is alive, the biggest moving object on the planet Earth.

These two big ships sat there, the *Stennis* and the *Gary Gordon*, and Golden Knight or Special Forces paratroopers came in, one from each service with American flags flying off their parachute gear, and landed. There was a small parade of World War II vehicles that went up the ramp onto the *Gary Gordon*, which will be a prepositioned ship with enough armored vehicles, backup vehicles, Humvees, trucks, tankers, supplies, ammunition to support a third of the division.

A full Army brigade will be ready to go at sea anywhere in the world to protect Americans or American interests, and M. Sgt. Gary Gordon's name; I visited his grave last November 5 or November 4, remember as the day Rabin was assassinated, and I stood at his grave with my son, Mark, and told Mark, beneath us are the remains torn apart of this handsome, tough, dedicated 33-year-old Army Delta Force sergeant, and I said, "And like Jesus at 33, he was torn apart giving his life for the literal life of Michael Durant and others."

Well, he has a wife about as beautiful as they come, reminded me of my own beautiful wife when she was a young Air Force wife, and I punched out of two jets, and she wondered if she was going to have a father for our five young kids.

But Carmen had such dignity. Before she broke the champagne bottle on this almost-thousand-foot ship named after her Gary, she said these words, and if she got through it, I get through it. July 4, Newport News, shipbuilding Newport News, Va, the naming ceremony for U.S. Naval Ship *Gordon*, T-A-K-R, 296; that is its formal number.

For you Navy buffs out there I found out what it means. Nobody knew. It took me all day. T means crewed by civilians, A means auxiliary, K means cargo because the C is used for cruisers, and R means rapid response.

□ 1530

Here are Carmen's beautiful words:

"Thank you for that kind introduction, and the opportunity to be with you today. I would like to tell you about Gary. Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him: The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, they are all there; the boots that took his dad through so many deserts, jungles, so many parachute jumps now lace up around Ian's small ankles. All these things are piled neatly together by a little boy's hands and sought out during quiet times.

"My daughter Brittany," and keep in mind they are both sitting in the front row, "My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of Gary smiling straight through to her. It is the first thing she packs whenever we leave home, and the first thing she unpacks when she arrives anywhere."

By the way, Gary Gordon's dad, who felt very uncomfortable receiving the Medal of Honor from Clinton, both he and Randy Shugert's father did not feel that Clinton had done right by these Medal of Honor-winning sons, that he did not understand the operation, did not back them up with armor to rescue the downed helicopters, did not back them up with enough wherewithal to capture the warlord that they were pursuing; warlords.

I have spoken to Gary's father, as I have spoken to Herb and Lois Shugert many times. Gary's dad died on the job the last day of June, 5 days before the naming ceremony for his son's ship. He died at the naming ceremony for his son's ship. He died at the mill where he had worked all his life, in Lincoln, Maine, unloading his truck, probably so proudly talking about how he was looking forward to going to Virginia to watch his daughter-in-law christen the Gary Gordon.

I looked up at the ship. I told this to Carmen later. I told her it was probably the Irish in me, but I looked up at the ship, its massive side, and at the railing, and I pictured Gary and his dad, with his armor, on it, the two of them looking down at Carmen so proudly, watching her deliver these stirring words.

Carmen says, "My daughter Brittany speaks of the photograph." Then she says, "These treasures are a comfort to my children and a source of pride, but more important, Gary's children can see and feel these reminders of their father to keep him close. In much the same way, the ship that we christen here today, the USNS *Gordon*, gives us

faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him, and the life he so willingly gave."

By the way, both the Medal of Honor winners were born in Lincoln; Lincoln, Nebraska, a little town, the very soul of America, that is Randy Shugert's birthplace; and Lincoln, Maine, where Gary's dad died a few days ago.

"The very first time I laid eyes on Gary Gordon was the second month of my 13th summer. I was staying with my grandparents in rural Maine, Lincoln. Every week we made a trip into town for supplies. One hot afternoon, in front of Newbury's department store," it is still there, and I saw it, madam Speaker, just in November when I went up to look at Gary's grave. By the way, there is a big monument at the end of the street, filled with dozens of names, I counted them all and recorded it for my record, from the Civil War, the War Between the States; a big memorial for World War I, my father's war; an even more massive memorial and placards in front of the little veterans' building for World War II.

Unlike a lot of wealthy American cities, my hometown of Beverly Hills has not one that I know of, certainly not a memorial; but killed in action fighting for freedom for strangers in Laos and Cambodia and Vietnam, dozens of names from this tiny little town, Lincoln, Maine. I will bet it is the same in Lincoln, Nebraska, which I will visit some day. There is that same Newbury store Carmen speaks of so movingly.

She says, "there, in front of Newbury's department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked up at me, and I knew this was no ordinary boy. This boy could win my heart. When he called my grandparents for permission to take me out, he was turned down flat. 'She is too young,' they told him. And so in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly.

"On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress."

You will recall when I read her beautiful letter to the editor of Newsweek magazine, she mentioned another vehicle of Gary's, how he was so proud of his red pickup down at Fort Bragg, where the Delta Force is headquartered; and when he would come home after a hard day of training he would pull into the driveway, and he and Ian, then 5, and Brittany, then 3, would run out to hug their handsome daddy.

Here he is on a motorcycle in Carmen's driveway. "A few hours of talk, a quick first kiss in the rec room, and Gary left to go back to his base many miles away. So began our slow dance of love, one that would give us so much in so short a time. We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time.

"On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee, folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups."

I watched my wife do that with our grandkids. She calls it "coffee talk."

"Gary's love for Brittany was just as strong. Every day when he arrived home from work Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice, and a timetable for leaving."

By the way, Madam Speaker, we never hear about the Delta Force successes, or how many tragedies have been averted over the years, terrorist tragedies, hostage takings that were thwarted before they took place. All that must remain secret in Gary's unit in Fort Bragg until some day, far in the future, 30, 40 years from now, when his grandchildren will probably learn of his courage.

Carmen continues: "I never worried when Gary left on a mission. As I cheerfully kissed him good-bye and waved confidently from my front porch, it never occurred to me to be afraid, because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of the fighting. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back safely. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, 'Carmen, don't worry about things we can't change.'

"I know that death often leaves us with the haunting question: Why? I know why Gary died. He died because he was true to his own code for living, trying to help someone else. Fear would not have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: I shall not fail those with whom I serve."

Greater love than this no man has, Carmen.

"Gary lies buried a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather, bordered by woods that change with the seasons. He is not alone now is that corner of the cemetery. His father, Dwayne, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the papermill where Dwayne gave so many years of hard work. A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there by Gary's military headstone," American Legion, Veterans of Foreign Wars, "below the chiseled words 'Beloved Husband and Father,' and the coin of his unit, the Delta Force coin, and his beret etched into the 39-inch beautiful alabaster marble.

"I hope that some gentle wind will always guide this ship to sea, and keep her on a safe, steady course. And when that wind strokes, the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS *Gordon* is striking under the stars, I can tell them, she is on the same course their father chose, headed for distant shores, answering the call of those in need."

Madam Speaker, a few years ago, September 1992 to be exact, when I was explaining why America should never elect a draft-dodger to be the Commander-in-Chief, I read a letter on this House floor of a young college professor from a sister New England State of Maine, the State of Rhode Island. His name was Sullivan Ballou. He was a major. He died just a few miles from here, due west out toward Dulles Airport, at the first Battle of Manassas, what the North called First Bull Run, or just Bull Run, then.

The letter was to his wife, Sarah. It was so beautiful I could hardly read it through. All of America became aware of it with the beautiful National Institutes of Heritage, the NIH TV series of the Civil War. When it was promoted on public broadcasting they would send to people the onionskin reprint of Major Sullivan Ballou's last letter to his wife, Sarah, and his two young boys. While Carmen was delivering here beautiful christening eulogy to Sergeant Gary Gordon, I thought of Sullivan Ballou's letter to his wife.

He died at First Manassas, and that was the last treasure his wife had of him. He talked about how dearly he wanted to see his two young sons rise up to manhood. He said, "But Sarah, I feel as though bound by chains to those who fought for our independence," referring to the Revolutionary War. "I cannot break faith with them and the lives and fortunes they gave up for our freedom. but I also feel so drawn to you."

And I do not know if Carmen Gordon has ever seen the exquisite letter from Sullivan Ballou, or how he talked about "some summer day, a cool breeze will touch your cheek, and oh, Sarah, Sarah, know that as I."

□ 1545

I meant to have Sullivan Ballou's letter here today and put them both in. So what I will do is put this again in the RECORD next week with Sullivan Ballou's letter next to it so young Americans like Ian and Brittany, and those a little older now, trying to decide what to do with their lives, will learn that in this big, wealthy, exuberant, wonderful country of ours, there are men—and now a lot of women—who put on a blue uniform, a khaki uniform, a firefighter's rugged clothing and give up their lives for us, and that there are people in the Transportation Department, called the U.S. Coast Guard under the Defense in wartime, they will die trying to rescue us in a hurricane like Hurricane Bertha, working her way up the coast, and that in my beloved Air Force, my dad's beloved Army—and he did love it—our incomparable Navy and their soldiers at sea, our unparalleled in the department of esprit and faithfulness, our U.S. Marine Corps, that there are young men—and now women—all around this world, from Arctic and Antarctic snows to still jungles, trying to feed people in oppressive heat of God-forsaken nations in Africa. God does not forsake anything. Forgive me that cliche term. And the 19 young men that died in the Khobar Barracks bombing or the 19 that died with Gary Gordon, if you include Sgt. Matt Rearson who was hit at the headquarters 3 days after Gary died, had been flying rescue missions in for hours. I met a helicopter pilot at the christening of the Gordon who flew 17½ hours nonstop. His wife came up to me proudly. She had seen me read the Sullivan Ballou. I had flown a flag for everyone in their unit who had been killed or injured on the roof of the Capitol. As a matter of fact, on July 4, 1994, and Veterans Day, November 11, 1993, I flew over 200 flags for everybody wounded or killed in Somalia. I will probably do the same next week for the 19 that died in Saudi Arabia.

Interesting. Nineteen killed in Khobar Barracks, 19 killed under Urgent Fury trying to rescue Grenada, and 19 killed on October 3 and 4 and October 6 in the filthy alleys of Mogadishu.

So young Americans do not have to be dispirited by tragic votes like the one that took place today, that cause a wonderful religious man like Rev. Billy Graham to say, in that rotunda, on May 2, just a few days before the commissioning of Medal of Honor winner Randy Shugart's ship in San Diego, in that rotunda, and I bet there is not one-fifth, one-tenth, one-twentieth of the people visiting with us in the gallery that know Billy Graham said this, Madam Speaker, because the major dominant liberal media culture blocked out his words. I happened to be watching ABC that night. A silent clip of him. Did not project his words across America. He said in this rotunda that this Nation is on the brink of self-destruction. The United States of America, that we love, is on the brink of self-destruction. No future for Ian or Brittany Gordon, because of discussions like this one today on sanctioning marriage for homosexuals. Unbelievable.

I hate to follow something so positive with something so negative, but I had a hard time getting time to speak this week, Madam Speaker. There are still mysteries around here in both parties that I am trying to figure out. But here is a column from a man whom God put in a wheelchair for the rest of his life with a civilian accident, brilliant psychiatrist, sorry he does not agree with me on people serving in the military with HIV, but you cannot get somebody to agree on everything and I still have not written to him and made my case. But Charles Krauthammer, handsome, vibrant, brilliant young student, I think at Yale, when he jumped in a swimming pool, which cost my brother his two front teeth and has cost a lot of people the rest of their lives in a wheelchair, a tragic accident all too common. In that wheelchair, most people who hear his brilliance, sitting in on Washington Week in Review and guesting sometimes on Nightline and other Sunday shows, unless a camera shot is very clear, you do not realize that his chair is a metal chair for life.

Charles Krauthammer gave up the practice of psychiatry, I guess temporarily, to be one of the better writers, one of the better sages, or what we sometimes say, disdainfully, pundits or talking heads in this country, and I want you to listen to this column.

Rush Limbaugh made reference to it the very same night that I told my wife that afternoon, or she told me, read this on the House floor, and unfortunately Rush Limbaugh only quoted a line from it. I think America should hear this July 5, Washington Post column. I think everyone should hear it.

Charles Krauthammer. A President for our time. The subheadline is a quote from the article. "A large number of Americans think their President crooked and yet ethically fit for the office."

"When the Gallup poll of June 18–19 asked whether the words "honest and trustworthy" apply to Bill Clinton, Clinton lost 49 percent to 46. Two weeks later in another national poll. same question, Clinton was losing 54 to 40. And when Gallup asked whether Clinton had the honesty and integrity to serve as President, Clinton won 62 to 36, a landslide bigger than Lyndon Johnson's 61" or, I might add, Nixon's 60, with even more people, a bigger plurality, more people voted in 1972 than in 1964.

"A milestone of sorts," Krauthammer says.

"A quarter century after Nixon, we have achieved the normalization of Nixonian ethics. A large number of Americans think their President crooked and yet ethically fit for the office.

"Whitewater gets worse. 49 to 42 think Clinton is not telling the truth about it. 46 to 44 percent think he did something illegal. Filegate grows. 50 to 36 percent think Clinton knew about it all along, something he has explicitly denied. All the while Clinton rides high in the polls with a strong 56 percent approval rating."

Is that not his highest ever, Madam Speaker?

"This is no Teflon presidency. This is Velcro. Everything sticks to this man. Gennifer Flowers, Paula Corbin Jones, Whitewater, Filegate, et cetera, et cetera, but it does not matter. Expectations of presidential character have fallen so low with Clinton that the people believe the worst about him and still want him right where he is."

"Republicans are at wits' end"—I admit it—"with frustration that as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle, 24 percent in California, claim it is a principle—they want clean government, but they obviously don't mean it."

"They don't mean it about character, either. And the ultimate Republican frustration is they don't mean it about policy, either."

Again, I tell my fellow Americans, you bet I am frustrated. I thought we were doing what you wanted us to do for a year and a half. I was not in on the decisions to close down the government. I knew that would backfire. Because I come out of the media. I won Emmys in my mid 30s. I know more about broadcasting, radio and television, than any member of my party and probably anybody on the other side. I knew how the media would spin this, with Smokey the Bear camp guards at Yellowstone and Yosemite, I predicted it, going to the little shops that sell beautiful little redwood and sequoia curios and saying to them, "What do you think about this?"

The whole Medicare thing. I could smell it coming, how this would be spun. You bet I am a frustrated Republican at the current polling. But I am an optimist. It is not going to last for long.

"On policy with few expectations, abortion being the most notable." This is one where I disagree with Mr. Krauthammer. He looks at the wrong polling. He is too smart, he should realize dirty-in/dirty-out. You ask phony polling questions: "Do you think a woman should have her choice to her own reproductive freedom in a free country?" Yeah, yeah, yeah.

Do you think a baby should be three-quarters delivered, its entire body out of the birth canal and scissors stuck

into the base of its skull and its little brain sucked out, do you think we should have that? Clinton just signed off on that. They say, "Oh no. That's up in the air."

The SPEAKER pro tempore (Ms. GREENE of Utah). The gentleman will suspend. The Chair needs to remind the gentleman that he must refrain from referring to the President's personal character.

Mr. DORNAN. Well, let us see how rough Mr. Krauthammer gets here.

I want the Chair to be advised, I am against rule XVIII applying to the executive branch. I am against Clinton and GORE getting the protection and violating the separation of powers, but I will respect it because we passed it here. But we did now know what we were passing on. It was not debated. That is for the decorum of this Chamber or so that this House naturally in combat, particularly in this current conference period, do not say disparaging things about the U.S. Senators in here, but I can tear the face off any Supreme Court Justice, or Mrs. Clinton, which I have chosen not to do, or any of the cabinet people who are running up $150,000 on travel cards flying all around the world with huge staff and getting massages in exotic hotels, I can tear up anybody except under rule XVIII in some strange flush of generosity, we added those two offices. It was never respected with George Bush, certainly Nixon was savaged in this well for most of his career, Barry Goldwater as a U.S. Senator received some rough moments here. But I will try and work my way through it and next year in January try and take that out. Even if my friend Bob Dole is elected President, I will try and take out that rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman's difference of opinion. However, both the Chair and the Speaker are constrained to follow the rules of the House as they have traditionally been and are currently interpreted.

Mr. DORNAN. You bet we are. And I will begin to redact this statement, because I think it does get tougher.

"On policy, with few exceptions, abortion being the most notable, the country is conservative." Is that not a given? Even Ross Perot agrees with that.

"The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails."

That is what you all want up there in the gallery. We know that, Madam Speaker. Anybody who visits in the gallery. Let me phrase that correctly. I am not allowed to refer to you directly in the gallery. Anybody who comes and joins us in the gallery, Madam Speaker, they know that that is what they want.

I will say it again: Smaller government. Clinton said that standing right up there at that beautiful lectern in front of you.

"Balanced budgets, less welfare, more jails. It is no accident that no one campaigns for national office as a liberal."

Not quite true, Charles. A lot of people over here, you can see it in the vote today, 65 of them and the 1 independent. Well, the Republican is a lame duck and about 5 of the Democrats are lame ducks, maybe 10. So about 50 people are willing to go home and campaign that they are a flaming liberal who wants homosexuals to have full marriage rights.

"Anyone who can get away with it campaigns as a conservative. Clinton is campaigning as a conservative. Clinton is proving that anyone with high intelligence—and blank blank—can get away with it."

"Clinton, whose major presidential initiatives were gays in the military"—Charles, that is an adjective. Homosexuals is a fine word to use, Mr. Krauthammer—"homosexuals in the military, a stimulus package of more Federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative."

"In one of the most cynical and successful acts of election year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and for victims' rights. He's for the constitutional amendment on victims' rights. He's for Megan's law, 'to not have sexual predators, way more than 50 percent of them homosexual, being turned loose in a neighborhood.'"

"He's against homosexual marriage. Having slashed the staff of the White House Office of Drug Abuse by 80 percent"—this is all policy, so this is OK, Madam Speaker—"by 80 percent, he's now talking tough on crime. Having submitted a fiscal year 1997 budget with $200 billion worth of deficits as far as the eye can see"—that is a Clintonian quote—"he's now for a balanced budget."

"Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical Republican welfare plan." I do not think it is so radical.

"Clinton aides have since been hard at work watering down what he said to co-opt Dole. No matter. That's for page 38, probably the B section. The Saturday speech of Clinton's was page 1. Of course everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that doesn't matter."

□ 1600

The polls show that with these deliberate rhetorical moves to the center, Clinton has risen significantly in the polls, 13 points on the question of whether he reflects the values of the American people. Reflect he does, like a mirror.

Now remember, these are Krauthammer's words. They are kind of cynical. I do not know if I go along with this, but he sure made me think. He says, "He reflects you like a mirror. The Republicans are confounded," yes. "They were elected in 1994 on a detailed conservative agenda that they then tried to enact an era of sincerity and zeal for which they have been ever paying in the polls."

Liberal networks taking these polls. Dirty in, dirty out.

Krauthammer continues, "Clinton's political genius," that is a compliment, "is discerning and then becoming whatever the American people want him to."

"They want tough welfare reform, but they do not want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget but will crucify the politician who tampers with Medicare," which is busting the budget.

In other words, Americans are not serious and neither is Clinton. On every great issue they say yes and no, Clinton, the man that smoked but did not inhale, lives and breathes, yes and no. He talks right and governs when he can to the left. He talks tough and governs soft. He is, in short, the perfect President for our time, and if he cuts a few blank-blank ethical corners, so what?

Well, Madam Speaker, how much time do I have left on this rainy hurricane Bertha Friday afternoon?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. DORNAN. First I would like to put in the RECORD as a follow-up to my June 27 point of personal privilege letters from conservative groups across this country. I have been around long enough that they are all close friends. The incomparable, steady as she goes, Dr. James C. Dobson, founder and president of Focus on the Family, on the homosexual battle in our country.

I am not alone any longer, Madam Speaker, for my long-time friend of 20 years, Phyllis Schlafly, speaking for her great Eagle Forum, and she is also the director of a coalition group to keep our pro-life values in the Republican platform, she sends a beautiful letter.

Beverly LaHaye, great husband Tim LaHaye, good friend of mine. Beverly LaHaye for the largest woman's organization in America, Concerned Women for America, sends a letter of support.

The conscience on Capitol Hill from a small building over in the northeast by Union Station. What a fighter, what a brave heart he has, Paul M. Weyrich. He sends me a letter.

All five of these letters I want to put in, as there are about 10 more, and they

are still coming in, that I want to put in next week.

One from Marc Morano of Electronic News Gathering, the reporter thanking me for doing the expose on Jefferson's birthday, interestingly, the same day we were commissioning one of those big ships for Medal of Honor winner Randy Shugart, 2,000 wild partying homosexuals, hundreds of them almost naked down here in our biggest, most beautiful taxpayer-owned and operated auditorium, the Andrew Mellon Auditorium, directly across the street from the actual star-spangled banner. The 30 by 40 foot flag that flew up at Fort McHenry up at Baltimore is on the north wall of the National Museum of American History, and directly across the street is this homosexual Cherry Jubilee. Unbelievable. He says I want to thank you for being the only Member of Congress with the courage to come forward.

No, no, no, I am not the only one now, Mr. Morano. Marc Morano says America needs new BOB DORNANS. Well, at least on the vote today there is 342 of us, including, that is, 118 Democrats. I am not alone on this any longer.

This marriage thing was a defining moment, as my pal CLIFF STEARNS from Florida called it today. He said my full uncensored report of the Cherry Jubilee weekend will appear, I did not know this, in the July 1996 issue of Chronicles Magazine, Madam Speaker, a solid mainstream Christian magazine under the title "Sex, Drugs and the Republican Party." Uh-oh. It will be available mid-month at newsstands or people can call their 800-number.

In my reply to Representative GUNDERSON I left out one point, and I did put Mr. Morano's reply in, I hope. Mr. GUNDERSON alleged that the security guards were stationed in the bathroom throughout the night. While it is true that guards periodically checked the bathrooms, they were not there until the lights kept repeatedly going out. Just made a correction.

I want to point out that I made my whole account of the Cherry Jubilee available to every major news outlet immediately following the so-called dance in April. I faxed CBS news, ABC news, UPI, the Washington Post, USA Today and many others, but no one even looked into it. If it were not for your efforts, courageous Armstrong Williams' efforts and talk show hosts and all the media, that is Rush and all the rest, this story would have faded away. Thank you for your efforts on this issue. Thank you. God bless you.

Put that in the RECORD, too.

ELECTRONIC NEWS GATHERING,
McLean, VA, June 11, 1996.

Memorandum for Congressman Robert K. Dornan.

From: Marc Morano.

I want to personally thank you for being the only member of Congress with the courage to come forth on the "Cherry Jubilee" events. America needs more Bob Dornans! Thank you for your eloquent defense of me and my reporting of the event.

My full, uncensored report of the "Cherry Jubilee" weekend will appear in the July 96 issue of Chronicles Magazine, under the title "Sex, Drugs, & A Republican Party." It will be available June 15 at newsstands or people can call 800-877-5459 for a copy.

In my reply to Rep. Gunderson, I left out one point. Rep. Gunderson alleged the security guards were stationed in the bathroom throughout the night. While it is true that the guards checked the bathrooms periodically, they were not permanently stationed in there until the lights kept repeatedly going out.

I also want to point out that I made my whole account of the "Cherry Jubilee" available to every major news outlet immediately following dance in April. I faxed CBS News, ABC News, UPI, Washington Post, Wall Street Journal, USA Today and many others, but not one outlet even looked into it. If it weren't for your efforts, Armstrong Williams, and the talk radio medium, this whole story would have faded away.

Once again, thank you for your crusade on this issue. May God bless you!

Sincerely,

MARC P. MORANO.

STATEMENT BY JAMES C. DOBSON, PH.D., FOUNDER AND PRESIDENT, FOCUS ON THE FAMILY

We feel strongly that as Christians, we are mandated to love and care for people from all walks of life, even those with whom we disagree or whose lifestyles we believe to be immoral. Thus, Focus on the Family has no interest in promoting "hatred" toward homosexuals or any other group of our fellow human beings. We have not supported, and will never support, legislation aimed at depriving gays and lesbians of their constitutional rights—rights they share with every citizen. More than that, we want to reach out to homosexuals whenever and wherever we can.

However, we do strongly disagree with the efforts of homosexual activists to redefine marriage and the family, qualify for adoption, and promote homosexual practices in the schools. We also oppose any attempts to equate a sexual lifestyle with immutable characteristics such as race in determining who is deserving of special legal protection.

We see no evidence that homosexuals as a class are oppressed and powerless today. According to recent surveys, the average homosexual earns $55,430 per year, compared to $32,144 for heterosexuals. Homosexuals are not only well-paid, but also highly educated: 59 percent of homosexuals hold college degrees, compared to just 18 percent among all Americans. If discrimination exists, it certainly doesn't appear to operate in education or employment.

And when it comes to political clout, how can homosexuals claim to be underrepresented? Virtually every political and cultural objective of the gay and lesbian community is being achieved today. Federal funding for AIDS research and treatment is only one example: The Department of Health and Human Services allocates 37 times more dollars per AIDS death than it does per heart-disease death. This is true despite the fact that heart disease kills more Americans than cancer, tuberculosis, strokes, diabetes and AIDS combined.

Even more illustrative, homosexual activists have distorted public-health law so that a woman who's been raped is not permitted to know the HIV status of the man who raped her.

My point is that the homosexual community is hardly a disadvantaged, powerless minority in need of special rights. Instead, it is rapidly becoming a privileged class that bitterly attacks those who dare criticize its political objectives. Our opposition to that community's political agenda is not an expression of hate toward homosexual individuals, but one of social justice and common sense.

Finally, homosexual promiscuity is a deadly practice, shortening life and creating painful psychological problems. We regret the political influences that would result in vulnerable children being taught to perceive this deviant behavior as just another equally healthy choice about one's sexuality. The Bible teaches us that all sin leads to death, and homosexuality, like heterosexual promiscuity, is an abomination in the eyes of God.

EAGLE FORUM,
Washington, DC.

DEAR BOB: As you prepare to respond to Representative Steve Gunderson's remarks through a point of personal privilege, I want to share with you several verses from the book of Ezekiel that I hope will give you encouragement and peace.

"The word of the Lord came to me: 'Son of man, speak to your countrymen and say to them. When I bring the sword against a land, and the people of the land choose one of their men and make him their watchman, and he sees the sword coming against the land and blows the trumpet to warn the people, then if anyone hears the trumpet but does not take warning and the sword comes and takes his life, his blood will be on his own head * * * If he had taken warning, he should have saved himself. But if the watchman sees the sword coming and does not blow the trumpet to warn the people and the sword comes and takes the life of one of them, that man will be taken away because of his sin, but I will hold the watchman accountable for his blood.

"Son of man, I have made you a watchman for the house of Israel; so hear the word I speak and give them warning from me. When I say to the wicked, 'O wicked man, you will surely die,' and you do not speak out to dissuade him from his ways, that wicked man will die for his sin, and I will hold you accountable for his blood. But if you do warn the wicked man to turn from his ways and he does not do so, he will die for his sin, but you will have saved yourself.

"Say to them, 'As surely as I live, declares the Sovereign Lord, I take no pleasure in the death of the wicked, but rather than they turn from their ways and live."—Ezekiel 33:1-11.

Bob, thank you for your commitment to the truth and your willingness to stand up for what is right. You are a real American hero!

Faithfully,

PHYLLIS SCHLAFLY.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, May 29, 1996.

Hon. ROBERT DORNAN,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DORNAN: The 600,000 members of Concerned Women for America want to thank you for your unfailing determination and leadership in protecting the traditional family against the assault of the homosexual agenda.

Over the last decade, we have see homosexual activism flood into mainstream society. No longer are homosexuals satisfied

with a "live and let live" philosophy. They want society to endorse and encourage their behavior—a behavior most Americans deem immoral.

A recent Wirthlin poll, commissioned by CWA, found that 66 percent of American women believe it's important for government officials to promote traditional family values over tolerance for "alternative lifestyles."

Ignoring what America wants, homosexual activists have pushed their agenda into our schools, our media, and our public policy. Sanctioned by the National Education Association, now many sex education classes include segments that portray homosexuality as a perfectly healthy, normal lifestyle. And mainstream TV sitcoms reinforce this view.

Gay activists call this "progress." But such "progress" takes a heavy toll on America's youth. One former homosexual, Michael Johnson, explained the effect it had on him. "One of the things that had an impact on me is those in our society who would tell me it's okay to be [homosexual]," he said. And what that did to me as a young person struggling with the issue was not only to confuse me, but also to ultimately lead me to pursue the desires that God would have me reject." Although Mr. Johnson has left the gay lifestyle and now runs an ex-gay ministry in Alaska, his years living as a homosexual have quite literally cost him his life. He has been diagnosed HIV positive.

America's youth deserve better than this, and they certainly deserve a better model than a congressional defense of the outrageous behavior that took place at the Cherry Jubilee. I urge you to keep fighting the good fight for the sake of the next generation.

Sincerely,

BEVERLY LAHAYE,
Chairman.

PAUL M. WEYRICH,
Washington, DC, May 23, 1996.

Congressman BOB DORNAN,
Longworth House Office Building,
Washington, DC.

DEAR BOB: I want to commend you for having the courage to stand to answer Congressman Steve Gunderson.

It has never been my view that it is our business what lifestyles people privately choose. That is between themselves and God.

But when individuals, especially elected officials, insist that their lifestyles be validated by society that is where I draw the line.

That Rep. Gunderson, who openly flaunts his homosexuality, would lend his name and office to any event where there is immoral behavior is outrageous. That Gunderson would be supported in this endeavor by elements of the Republican party is reprehensible.

When any society through its leadership gives its stamp of approval to actions which are biblically condemned, it has started down the road to perdition.

No so called good intentions (i.e. raising money for AIDS) can mask the blatant attempt by those in leadership positions who seek an imprimatur for their immoral behavior.

I stand with you as you call the nation's attention to actions which are self destructive.

You know well you will be condemned by those who condone immorality for what you do. So much the greater your eternal reward will be for standing with the truth.

Sincerely,

PAUL WEYRICH.

REMARKS BY MRS. CARMEN GORDON AT THE NAMING CEREMONY FOR USNS "GORDON", JULY 4, 1996

Thank you for that kind introduction and the opportunity to be here with you today.

I'd like to tell you about Gary.

Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him. The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, are there. The boots that took his dad through desert and jungle now lace up around Ian's small ankles. They are all piled neatly together by a little boy's hands and sought out during quiet times.

My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of him smiling straight through to her. It is the first thing she packs when leaving home, and the first thing she unpacks when she arrives anywhere.

There are comfort to my children. And a source of pride. But most important, Gary's children can see and feel these reminders of their father to keep him close.

In much the same way, the ship that we christen here today—the USNS Gordon—gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him and the life he so willingly gave.

The very first time I laid eyes on Gary Gordon was the second month of my thirteenth summer. I was staying with my grandparents in rural Maine. Every week we made a trip into town for supplies. One hot afternoon in front of Newberry's Department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked at me, and I knew this was no ordinary boy. This boy could win my heart.

When he called my grandparents for permission to take me out, he was turned down flat. She's too young, they told him. And so, in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly. On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress. A few hours of talk, a quick first kiss in the rec room, and Gary left to be back at his base, miles away. So began our slow dance of love, one that would give us so much in so short a time.

We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time. On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee. Folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups. Gary's love for Brittany was just as strong. Every day when he arrived home from work, Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice and a timetable for leaving.

I never worried when Gary left on a mission. As I cheerfully kissed him goodbye and waved confidently from our front porch, it never occurred to me to be afraid. Because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of it. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back, safe. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, "Carmen don't worry about things we can't change."

I know that death often leaves us with the haunting question "Why?" I know why Gary died. He died because he was true to his own code for living—trying to help someone else. Fear would have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: "I shall not fail those with whom I serve."

Gary lies buried only a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather and bordered by woods that change with the seasons. He is not alone now in that corner of the cemetery. His father Duane, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the paper mill where he gave so many years of hard work.

A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there on Gary's military headstone, below the chiseled words "Beloved Husband and Father," and the coin of his unit pressed into white stone. I hope that same gentle wind will always guide this ship to sea and keep her on a safe and steady course.

And when that wind strokes the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS Gordon is striking under the stars, I can tell them that she is on the same course their father chose: Headed for distant shores, answering the call of those in need.

[From the Washington Post, July 5, 1996]

A PRESIDENT FOR OUR TIME

(By Charles Krauthammer)

When the Gallup Poll (June 18–19) asked whether the words "honest and trustworthy" apply to Bill Clinton, Clinton lost 49 percent to 46 percent. (Two weeks later in another poll, same question, Clinton was losing 54–40.) And when Gallup asked whether Clinton has the honesty and integrity to serve as president, Clinton won 62–36, a landslide bigger than Lyndon Johnson's.

Expectations of presidential character have fallen so low with Clinton that the people can believe the worst about him and still want him where he is.

Republicans are at wits' end with frustration that, as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle—they want clean government, but they obviously don't mean it.

They don't mean it about character. And—the ultimate Republican frustration—they don't mean it about policy either.

On policy, with few exceptions (abortion being the most notable), the country is conservative. The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails, etc. It is no accident that no one campaigns for national office as a liberal. Anyone who can get away with it campaigns as a conservative. And Clinton is proving that anyone with high intelligence and no scruples can get away with it.

Clinton, whose major presidential initiatives were gays in the military, a stimulus

package of federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative.

In one of the most cynical—and successful—acts of election-year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and the "victims rights" constitutional amendment. He's for Megan's Law; He's against gay marriage.

Having slashed the staff of the White House Office of Drug Abuse by 80 percent, he's now talking tough on drugs. Having submitted a FY '97 budget with $200 billion deficits as far as the eye can see, he's now for a balanced budget.

Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical (Republican) welfare plan.

Clinton's aides have since been hard at work watering it down. No matter. That's for page 38. The Saturday speech was page 1.

Of course, everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that too doesn't matter. The polls show that with these deliberate rhetorical moves to the center. Clinton has risen significantly in the polls—13 points—on the question of whether he reflects the values of the American people.

Reflect he does. Like a mirror. The Republicans are confounded. They were elected in 1994 on a detailed conservative agenda that they then tried to enact—an error of sincerity and zeal for which they have ever been paying in the polls.

Clinton's political genius is discerning and then becoming whatever the American people want. They want tough welfare reform, but they don't want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget, but will crucify the politician who tamper with Medicare—which is busting the budget.

In other words, they are not serious and neither is Clinton. On every great issue, they say yes and no. Clinton, the man who smoked but didn't inhale, lives and breathes yes and no.

He talks right and governs (when he can) left. He talks tough and governs soft. He is, in short, the perfect president for our time. And if he cuts a few ethical corners too, so what?

Mr. DORNAN. Now, what I did not have time to get to—I feel like taking my coat off and throwing it across the table—what we did get to take, thanks to a former U.S. attorney from Georgia, BOB BARR bringing this on the floor, is this letter from Lambda Legal Defense. I would recommend Lambda Report, which is a Judeo-Christian ethical report on Lambda stuff. I want to read again to set the scene here. The key line highlighted in red on why we debated so long Hawaii's attempt and Hawaii is not far, thousands of miles away. That is only physically. I guess if Virginia across the Potomac were doing what Hawaii is doing or Maryland surrounding the district on three sides, then it would have been a different debate. But oh, let Hawaii do their vacation things and have all these homosexual marriages.

But listen to this again from the Lambda Legal Defense Fund, and I have debated them on Crossfire: "Many same-sex couples in and out of Hawaii are going to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the 50 States expecting full legal recognition of their unions," and they will darn well try and get legal services, tax dollars, your tax dollars through a corporation we should have shut down, to make you pay for their battles back in these States to make the other 49 recognize their so-called Hawaiian marriage.

Now, remember, it only passed 342 to 67, 2 present, 23 absent. But what is it going to do in the other Chamber, in the other body? That is anybody's guess, given the difference in our defense authorization bill.

I am for ethically asking young recruits, "Are you a homosexual?" They will not hear of it. I am for taking the almost 1,000 people, that is a regiment, who have the AIDS virus and are on, we hope, a slow, not a fast path to death, that are lucky to be Americans and have access to the greatest medical system in the world that has not been destroyed yet, and I want to give them over to the VA so that other people do not have to deploy over and over unfairly because these people broke the UCMJ, with the exception of two cases that are wives, military wives, who her philandering husband contaminated like they would bring TB home.

They want to restore abortion to military hospitals. That is a contested item between the conferences. Lots of issues. We do not know what is going to happen over there for sure.

Let me tell Members what I did not get to in my point of personal privilege. I entered in the RECORD, but I did not show it. Madam Speaker, you see this thick magazine as big as a Reader's Digest, as large in pages and billing bigger in size? Hard core pornography in it, too. I did not realize that. All I looked at was the camera, the thickness. It is called Steam.

It is available around this country to tell homosexuals where to have sex with strangers in public parks. Where to go in our national parks, where to go in your city parks, and there is a European version. Steam did not come up in the debate today, nor did this from the Advocate magazine, which used to be a newspaper. It is now the main homosexual magazine in America. It is all pornographic classified ads to get people to go to leather bars and engage in bondage, discipline, things that I cannot mention on the House floor, sadism, sodomy, masochism, things involving craziness, I mean real craziness. This is their classifieds that they have now spun off from the main magazine, so they can do their first interview with President Clinton. Of course, he lets them down. He does not interview with them face-to-face. He mailed in his answers.

But the current Advocate magazine has a Clinton interview, the President of the United States, bragging about he has done more for homosexuality than all of the 41 preceding Presidents, from Washington to George Bush, all wrapped together. Nobody is arguing that, but he is going to back up the vote of the Republicans and 118 Democrats today who voted, if the Senate goes along with it, for no homosexual marriages having to be recognized in the other 49 States if Hawaii goes ballistic.

In the classifieds here, which they spun off so they could do these mainstream interviews—I am sorry, I am just sorry. This is like a visit to Dante's Inferno. I would recommend kids in high school read his Inferno, read Milton's Paradise Lost and avoid this defilement that is mentioned both in Romans and the New Testament and in Leviticus, which was ridiculed and attacked today in the face of Moses up here. I hope guests when they come here always recognize the 23 lawgivers here, some of them without such sterling characters, like Napoleon, but he was a good lawmaker, that they are all profiled except one, Moses' direct face looking right down on us, the man of Exodus.

When you attack Leviticus, you attack the Torah. The Torah is the first five books. It is Genesis, Exodus, Leviticus, Numbers, Deuteronomy. That is the basic thing that so many people died to hide at the height of the terror of Nazi Germany, was to protect and hide the Torah.

Now look at this. I predicted on the floor today, Madam Speaker, that we would be arguing about pedophilia on this floor in 2 or 3 years. Here is a book, a new book with an in-your-face title. Look at this, Mr. Speaker. Corruption. It is all about youth, teenagers, pedophilia. That is what it is all about. Sickening stuff.

I have got a 14-year-old grandson. He is tough. He watches television. He is a good student, an "A" student, gateway program student, as is his younger sister. She just flew out alone to L.A. and had great adult conversations on the plane going out to Los Angeles, her first big trip on her own, 14, a soccer star, also an A plus student as is the younger sister. It looks like hopefully I have raised good kids that are such conscientious parents. All my grandkids are just working so hard, the television is monitored, they understand and love history, a lot, thank heavens, their grandfather has been able to pass on some of my love for this country. I would not show these bright oldest of my 10 grandkids. I am counting one before it has arrived around Christmastime. But of my five granddaughters and grandsons, this is not for

their eyes, but it is out there and that is why we are going to discuss pedophilia and I am going to amend what I said during the debate today. It is not going to be in 3 years. We are going to be debating pedophilia, Mr. Speaker, on this floor in the spring and do you know why? Because the Internet and that Supreme Court is in our face saying that child molesters can make contact and, get this, fine tuning, make contact with young males. If a child molester is on the Internet making contact with a young girl, 10, 11, 12, 13, 15, 16, and he is found out, does anybody suggest the young girl who is a heterosexual is going to commit suicide if she continues her dialogue with this guy or if it is broken off? I mean she will commit suicide? Of course not. This guy should be busted and the young girl should be told to go back to her homework and, if she has abusive or neglectful parents, make it some way the States, not the Federal Government, can address that problem.

But get this, and I am going to ask unanimous consent to put it in the RECORD, here in my—at the beginning of my point of personal privilege, here is the excellent new conservative magazine that I held up called the Weekly Standard, started by a good conservative Fred Barnes and Bill Crystal, Irving Crystal's great son. Here is the cover issue, Pedophilia Chic. I held it up on the floor. Unfortunately, the camera, I held it out so far it cut my arm off and no one ever did see the title. By the time I brought it back to the lectern, it was down. Pedophilia Chic is a terrifying article. Get the RECORD of today, not through my office, please, through your own Congressman, I would ask people watching us today, Madam Speaker, and read this article by a lady, Mary Everstat. She brings out that the New Republic and then the New York Times have been running articles inching toward pedophilia.

Here is a guy with an unusual name, sounds like a contract player at MGM in the bad old days. Trip Gabriel, T-r-i-p. Trip Gabriel writes in a front-page report in the New York Times that "Some on-live discoveries give gay youths a path to themselves."

□ 1615

They are on the verge of suicide. So if a child molester is making contact with a male child in a homosexual way, if we break that connection and bust the molester, the young male child threatens to commit suicides.

I will say it again. The heterosexual young lady, and there is no heterosexual young men being contacted by women. There are no women predators to speak of. The number is infinitesimally small or nonexistent. There is no lesbian, no heterosexual woman who prays on children. We cannot even find statistical data.

This is basically a male homosexual problem, and the child molesters of the heterosexual variety are usually drunken disgusting stepfathers who are dismissing their wife and going after her daughter from another marriage. Take out that chunk and take out the numbers and prorate these cohorts, since there is only about three-quarters of a percent of lesbians in the country and 1 percent male homosexuals, and the rate of male pedophilia, homosexual pedophilia on makes is 11 to 1 over heterosexual pedophiles.

This article is terrifying because it says it is chic, it is in vogue to slowly inch our way toward saying, well, what are we going to do, we have to teach homosexuality in a positive way for our high schools or these young emerging people will commit suicide.

I received a letter today from a Member's male significant other, who has a spouse pin and a wife I.D. card. There are three of them in this House, two on that side and one on this side. In this debate today, if we won, and we won big, 342 to 67, the leadership promised me, and that is the Republican leadership, that they are going to ask back for the wife pin.

This is the First Armored Division. That is not a wife pin, folks. The wife pin, the spouse pin and their I.D. card, since this bill is passed, I will make sure that happens.

Pedophilia is going to be debated in the spring, and it is sad, just like everybody was shocked today.

Mr. Speaker, I ask unanimous consent to include for the RECORD the full article from the Weekly Standard. And these other letters I already have permission. Thank you, and have a great weekend.

The SPEAKER pro tempore. Without objection, the gentleman may submit those materials and extraneous other documents for the RECORD which are consistent with House rules and procedures.

There was no objection.

The material referred to is as follows:

PEDOPHILIA CHIC

(By Mary Eberstadt)

When most Americans hear the word "pedophile," they usually think of men like the self-described "child-molesting demon" Larry Don McQuay, who was released from a prison in East Texas in April and driven to San Antonio to begin a closely supervised, but nonetheless semi-free, new life. And when most Americans think of men like McQuay roaming the streets, they react much as did the outraged, screaming-in-the-streets, placard-carrying citizens of San Antonio. About the mildest thing said by one of them was "I sure hope there will be more indictments" to send McQuay back to jail—this, from the chairman of the State Board of Pardons and Paroles, under whose auspices McQuay was released. The local victims-rights groups were less restrained. As the president of one such group put it, in a straddle between threat and hope, "In this city, he's not going to be safe"—thus summarizing neatly the vigilante desire that most parents, when contemplating a figure like McQuay, would doubtless second.

In addition to a spate of high-profile cases like McQuay's, the past few years have also witnessed an ongoing public obsession with child abuse in any form; a Congress that, at the urging of the White House and Justice Department, has toughened the penalties for child-pornography trafficking; and Bill Clinton's signing of the constitutionally complicated Megan's Law, which makes it impossible for those once convicted of child-sex offenses to move anonymously into an unsuspecting neighborhood.

And yet a funny thing happened on the way to today's intense fear and loathing of Chester the Molester. For even as citizens around the country have sought new ways of keeping the McQuays of the world cordoned off from the rest of us, and even as the public rhetoric about protecting America's children has reached deafening levels, a number of enlightened voices have been raised in defense of giving pedophilia itself a second look.

After all—or so some of these voices have suggested—what if pedophilia is in fact a victim-less crime? What if teenagers, and even children, are more in control of their emotions, their bodies, their sexuality, than the rest of us think? What if sexual relations with adults are actually "empowering" to the young? What if pedophilies and would-be pedophiles are in fact victims themselves—exploited by the cunning young people they befriend?

There are also the matters of civil liberty. Is it fair to send people to jail for owning, trading, and obsessively consuming child pornography when no one is really injured by such practices? And what about the notion of an "age of consent"—isn't it an anchronism, in this age of adolescent sexual precocity? Shouldn't it be lowered to a more realistic standard? Say, to fourteen? Thirteen? Twelve?

Once upon a time, the reader losing sleep over questions like these would have had to travel to Times Square, or the local porn shop, or perhaps the nearest branch of the North American Man-Boy Love Association (NAMBLA). But no longer. Now he need only subscribe to the right stylish magazines, the right cutting-edge publishers, and be familiar with the work of the right celebrated authors. It is hard to know what to make of these piecemeal attempts—which amount to nothing so elevated as a movement—to rewrite what most of the rest of us persist in thinking about adults whose sexual interests run to kids. Call it the last gasp of a nihilism that has exhausted itself by chasing down every other avenue of liberation, only to find one last roadblock still manned by the bourgeoisie. Call it pedophilia chic.

CALVIN KLEIN'S LEATHER DADDY

For laymen, the best-known example of this phenomenon was last summer's much-reviled and ultimately abandoned ad campaign for Calvin Klein jeans. In fact, as the record will show, when measured against other recent soundings on the subject of adult-child sex, that ad campaign itself appears—pun intended—mere child's play. But first, a review of the facts.

Just about a year ago, the company launched a series of print and television ads that were, according to almost every critic who reviewed them, bizarrely and upsettingly reminiscent of child pornography. Even for a public made blasé by exposure to Calvin Klein's many other provocative images, the seediness of this latest effort proved just too much. There were, first,

the images themselves: teenage models—most looking bored, with legs spread apart and underwear revealed—lounging around semi-dressed. There was also the matter of setting. The cheap wood paneling and shag carpets were supposed to suggest a suburban rec room—another visual convention, it seems, of the child-porn genre.

By common consent, the scripts for the TV ads—which ran only in New York before being withdrawn—were even more compelling evidence of the campaign's indebtedness to the pornographic canon. In those ads, an offstage male voice seemed to goad the young models into responding through a combination of wiles and special pleading. "You take direction well—do you like to take direction?" the voice asked a girl. The lines to boys were smuttier still. "You got a real nice look. How old are you? Are you strong? You think you could rip that shirt off of you? That's a real nice body. You work out? I can tell." And so on.

Though girls and boys alike appeared in the ads, it was clear to any savvy viewer that the boys, rather than the girls, were the main event. For one thing, there was nothing really new about the girls. As a critic for Adweek remarked at the time, "Girls have been objectified forever. It's not shocking, sad to say." (It is particularly unshocking in a Calvin Klein jeans campaign; after all, it is now fifteen years since an underage Brooke Shields was used to suggestive effect.)

No, what was new in this latest effort was the question of who those boys were posing for. As James Kaplan noted acidly in New York magazine, "What especially got to many people was the images of the boys, scrawny and white-chested, posing like pin-ups, their cK Clavin Klein jeans partially undone. . . . That was really groundbreaking advertising."

The talent, too, was cutting edge. The ad campaign was shot by the well-known photographer Steven Meisel (who is credited, among other work, with the photos in Madonna's Sex book). Meisel in turn made another personnel choice of celebrity interest. As the Washington Post reported later in September.

When President Clinton railed against those notorious Calvin Klein ads . . . he probably didn't know that the off-camera voice in the television versions belonged to a gentleman named Lou Maletta—aka the Leather Daddy. Since Calvin Klein proclaimed loudly in his defense that there was no pornographic intent to the ads, Maletta was certainly an interesting casting choice. . . .

Lou Maletta, 58, is founder and president of the New York-based Gay Cable Network, which produces "Gay USA," a news show; "In the Dungeon," "about the New York leather scene"; and "Men & Films," which features excerpts from gay porn videos, and for which Maletta's Leather Daddy character was created.

The next day, the Post was forced to publish a correction: At the last minute, and for reasons unclear, Klein himself decided to replace "Leather Daddy" with a professional voice-over actor. Interesting though that decision may be—at the very least, it does seem to imply an awareness on someone's part that there was such a thing as going too far—it is not nearly as significant a choice as that of commissioning Maletta in the first place. What that choice signified was what any sophisticated viewer would already have discerned—that the ads had an obvious man-boy sexual subtext.

The second interesting fact about the outcome of the Klein affair was the inadvertently revealing rationale put forth by company officials. The main idea seemed to be that teenagers are more sexually sophisticated than many adults want to believe. "The message of the cK Calvin Klein jeans current advertising campaign," as a full-page ad in the New York Times and elsewhere informed the public, was that "young people today, the most media savvy generation yet, have a real strength of character and independence. They have very strongly defined lines of what they will and will not do . . ." It was this very strength, officials reiterated, that proved discomfiting to the public at large. "The world," as Klein himself told an interviewer shortly after the ads were pulled, "is seeing a reflection of what's really going on."

In a sense, Calvin Klein got it exactly right. All that groundbreaking advertising was indeed reflecting something real, albeit something very different from what the expost-facto explanations claimed. What those ads did mirror was something else: the idea that non-adults (particularly if they are boys) are appropriate sex objects for adults (particularly if the are men).

Contrary to what some critics implied at the time, Calvin Klein and his team did not invent the idea of using man-boy sex to grab public attention; they merely submitted it to a commercial plebiscite. Middle America, to the surprise of the fashion moguls, voted the campaign down. But Middle America has only been one testing ground for revisionist suggestions about pedophilia. Other, more sophisticated venues have proved more willing to give the subject a second look.

'A STEP IN THE RIGHT DIRECTION'

Consider an example from the New York Times, which, in an errie conjunction, appeared within weeks of the Calvin Klein ad blitz. At the time, as readers may recall, the public fear of pedophile predators was being fanned by the discovery of yet another form of outreach: the home computer. In the preceding months, one 16-year-old boy had run away with bus tickets provided by a chat-line "friend"; similar cases of solicitation had become the subjects of FBI investigations; and Congress, heavily pressured by interest groups, had turned its hand to devising legislation that would prevent the exploitation of minors via cyberspace. All in all, it seemed an unlikely moment to suggest that those selfsame chat rooms and bulletin boards had their bright side. But that is exactly what the N.Y. Times managed to do in a front-page report by Trip Gabriel called "Some On-Line Discoveries Give Gay Youths a Path to Themselves."

Though "a handful of high-profile cases" had "dramatized the threat of on-line predators," wrote Gabriel, kids themselves shared no such fears of the screen. In fact, "all the young users interviewed" for the Times piece "said the threat was exaggerated, adding that they would not be likely to meet blindly with an on-line acquaintance." In fact, if the kids had any fear at all, it seemed to be quite the opposite—that their lines of communication would be shut down by party-pooping parents and legislators. Recent legislation, in particular, this reporter discovered, "has made some 'gay youths' fearful about the future of on-line discussions."

And fearful they should be, if cyberspace is really the lifeline the Times made it out to be. A "distraught youth" in California was "on the verge of suicide" until reaching one "Daniel Cox, 19, a regular on an Internet chat channel dedicated to gay teenagers" at 3 a.m. Cox ministered to the California youth, and the next day "the young man was back on line and doing O.K., Mr. Cox said [emphasis added]." This apparently happens all the time. As another of these selfless do-gooders put it—one Michael Handler, "17, a moderator of the Usenet news group for gay youth"—"We want everybody to be who they are and be happy and not kill themselves because they feel they're some sort of abomination."

Another teenager, Ryan Matsuno, "typed out a plaint of loneliness" one night, only to receive "more than 100 supportive E-mail letters" within the next few days—letters that "gave me courage" and "the initiative to go through with telling my mother," according to Master Matsuno. Still another teenager, we are told, used his computer skills to outwit that rarest of things in cyberspace, an actual predator: "Dan Martin, a gay 17-year-old in Fresno, Calif., said he talked for a year on line to a man claiming to be 21. Occasionally the conversation turned to sex. When Mr. Martin suggested a meeting, the man refused and confirmed Mr. Martin's suspicions that he was really middle-aged. 'After I confronted him, I never heard from him again,' Mr. Martin said."

In sum, according to Gabriel, "sites for gay and lesbian youth are the source of some of the most stirring stories in cyberspace."

These touching dramas, the Times report continued, are social-worker approved—certainly by one Frances Kunreuther, director of "a social service agency for gay teenagers in Manhattan," who says, "I think the Internet is a step in the right direction." At the same time, though, the social workers also "cautioned that cyberspace could not substitute for face-to-face contacts." But wait: Aren't face-to-face contracts exactly what most people fear when they think of kids in sex-saturated "chat rooms"? Well, no matter. And no matter too, apparently, that anyone logging on as a teenager could be 17, or 70—or 7. The only thing that matters, or so it appears from reporter Gabriel, is that "the electronic curtain is not a closet"—this, from one Reid Fishler, founder of an Internet site called the "Youth Assistance Organization," who is said to be 19.

"A danger to his students, or only to himself?"

Another place willing to ask some hard-nosed questions about grownups who are sexually interested in kids is Vanity Fair magazine. For the most part, its glossy pages seem an unlikely territory on which to argue in earnest about anything—much less about anything as obscure as whether a high school teacher obsessed with child pornography was in fact a misunderstood victim himself. Nonetheless, it was in a 1992 issue of Vanity Fair that veteran reporter Jesse Kornbluth published what is probably the most heartfelt and sympathetic portrayal of a convicted child-pornography trafficker yet to appear in expensive print.

"Exeter's Passion Play," as the piece was called, concerned the fate of Larry Lane (or "Lane") Bateman, a tenured teacher at the elite Phillips Exeter Academy who was convicted in October 1992 of possessing and transporting child pornography. The preceding summer, a police raid on his apartment had turned up 33 videotapes of child pornography. The police also found hundreds of pornographic tapes featuring adults—that is to say, men—and still other tapes made by Exeter students on assignment from Bateman that their teacher had spliced and doctored to his liking (for example, zeroing in on genital areas). Finally, the police also found sophisticated videotaping equipment, some of which belonged to Exeter, later valued at between $200,000 and $250,000.

As Bateman would later admit to the authorities, he had been involved with child pornography for twenty years—buying it, lending it, going out of his way to get it, and above all, viewing it obsessively. Moreover, at least some of the people in his life were aware that he was deeply involved in pornography of some sort; the Vanity Fair piece itself cites at least two. But the question of who knew what, and when, was mostly irrelevant to Bateman's criminal trial, which centered on four specific counts relating to child pornography. That case rested largely on a single witness named Michael Caven (born Michael Pappas), a one-time student of Bateman's from a high school on Long Island who had now turned chief accuser and informant.

Bateman denied Caven's most damning charges—that he had molested Caven from the age of 16, and that he had taken pornographic pictures of him as a legal minor. But what Bateman could not deny was that in the course of 1990 alone he had sent or given Caven more than 100 pornographic video tapes, and that at least some of these tapes were child pornography. Bateman, for his part, never denied having given Caven child pornography; he only denied having sent those particular tapes through the mail. ("I'm not totally stupid," he explained at his trial.)

And there was more. According to a presentencing memorandum submitted by the U.S. Attorney's office, boys at Exeter had been filmed in the showers and bedrooms without their knowledge, thanks to one of Bateman's hidden cameras. "The boys," the memo noted, "are either wearing undershorts, towels or nothing." Also in the memo, according to the New York Times, was the fact that Bateman spliced pieces of the students' tapes into pornographic films. "Mr. Bateman," the Times reported, "duplicated tapes made by about 20 students for class onto a master tape, giving each segment a name like 'Blonde Zen Lad' and 'Belt Spanked.'"

Surreptitious filming of students, pornographic tape-making, pornographic tape-editing, pornographic tape-swapping with a former student, pornographic reconstruction of homework videos: Not everyone prizes hobbies like these in a boarding school teacher, with or without that library of kiddie porn on the side. Certainly that was the view adopted at last by Exeter itself, which fired Bateman within 24 hours of his arrest. Something of that view seems also to have been shared by federal district court judge Jose A. Fuste, who in January 1993 sentenced Bateman to five years in prison without parole for one count of possession and two counts of interstate shipment of child pornography—a sentence that, though hardly the maximum allowed by law, was a far cry from leniency. (Under a fourth count, forfeiture, Bateman was also forced to surrender his video equipment.) There was also the influential fact that Bateman showed no remorse whatever for his behavior. As a report in the New York Times put it when the sentence was announced: "He said he still did not understand what was 'so wrong' about what he had done. 'If I strangled a child, if somebody had been hurt, if somebody's property had been destroyed, then there certainly would be a victim,' Mr. Bateman said 'Where are the victims?'"

Where, indeed? It is that question that reporter Jesse Kornbluth sets out to answer, and the way he answers it will likely take some readers by surprise. For the chief victim of the Bateman affair, as it turns out, was not, say, Michael Caven, or the Exeter students filmed in the showers, or even all those little boys who were somehow made to perform in all those movies with titles like Ballin' Boys Duo, Young Mouthful, and Now, Boys? No, the chief victim of it all—perhaps even the only victim, if the story told in Vanity Fair is correct—appears to have been Bateman himself.

In the first place, or so at least Kornbluth's essay makes clear, Bateman was a victim of his accuser, Michael Caven (alias Pappas). Caven, the reporter tells us, was a hustler, an alcoholic, a druggie. He exploited rich, older men (including, we are told, Frank Caven, the successful owner of several gay bars who legally adopted his young sex partner in a moment of drunken inspiration).

In fact, throughout Kornbluth's essay, not a kind or empathetic word appears for the man who claimed to have been abused by Bateman as a teenager. But there are, interestingly enough, many, many words from the Pappas/Caven detractors, and Caven is described by a former colleague in the bar business as "a jerk and an egotist. He was media crazy . . . he loved to get his face in any rag in town." Bateman's friends, he reports, "loathe" Michael Caven. "If he wanted to do Lane a favor, he could have said, 'Get help,'" one snaps, "Lane doesn't deserve to have his life ruined."

Second, or so it appears on this telling, Bateman was the victim of the "brutality" and "frosty environment" of Exeter itself. (This turn looks ironic, for under Kendra O'Donnell, who was appointed principal in 1987, the school would seem to have entered a progressive warming phase; it was under O'Donnell, for example, that Exeter—which now boasts a Gay/Straight Alliance—invited gay alumni to come and speak to the students about their sexuality.) Surely Bateman's firing was hypocritical; after all, we are talking about Exonians, who in Kornbluth's telling at least are a worldly-wise and sexually sophisticated bunch. "The idea that single male teachers might be homosexual and 'appreciate' young men," (he writes of these preppies), "would not be a soul-shattering revelation to Exeter students."

And, of course, the hapless Bateman was also a victim of a society that forces homosexuals to act furtively. When faced with the conservation of Exeter, where "only one instructor has come out," Lane Bateman stayed in the closet. And it was all that time in the closet, it is argued here, that led to his taste for child pornography. "It's not healthy to be so secretive, but Lane never felt secure enough at Exeter to come out," explains a friend who has long known of Bateman's interest in pornography. . . . 'He's heavy into fantasy. These sex movies are the legacy of the closet.'"

In case the reader misses the point, Bateman is also provided an opportunity to expound on it himself.

Bateman says he purchased the material that ultimately brought him down several years before he started teaching at Exeter, when he was coming out of the closet and wanted to make up for lost time. "For a few years, you could buy anything, and I bought some films and books that featured young boys," he says. "For me, these pictures were aesthetic, not pornographic. I know people say, these images are despicable—how can you think that? But the key point is that I identified with the boys, not the men. If someone young had grabbed me when I was that age and said, 'Let me teach you something.' I would have said, Sure."

And here, as with the example of Calvin Klein, we come to the real heart of pedophilia chic: It's about boys. It is boys and boys alone who are seen as fair sexual game. For if Bateman's cache of child pornography had featured little girls, rather than little boys, it is unthinkable that he would have become the object of a sympathetic profile in the likes of Vanity Fair. That a teacher whose sexual tastes run to boys rather than girls could come to command a cultural dispensation for that preference—this, rather than the "legacy of the closet," would seem to be the "deeper meaning" of the scandal at Exeter.

Biased though it was in favor of Lane Bateman, and much as it seemed to suggest that child pornography may be a victimless crime, the Vanity Fair piece at least stopped short of endorsing either child pronography or pedophilia per se. It is an amazing fact that these omissions would come to seem positively retrograde in light of an essay appearing two and a half years later in yet another stylish, widely circulated magazine, the New Republic.

A GOOD WORD FOR NAMBLA

The most overt attempt by a hip journal to give pedophiles a place at the table came in the form of a May 8, 1995, "Washington Diarist" in the New Republic by Hanna Rosin entitled "Chickenhawk." Ostensibly inspired by a "riveting" documentary of the same name about the North American Man-Boy Love Association, "Chickenhawk" opens with the following quote from the film's star, a real-life pedophile named Leyland Stevenson: "He's just like a flower in bloom. He's at that perfect stage, in which he is hermaphroditic. . . . He's in that wonderful limbo between being a child and an adolescent—he's certainly an adolescent, but he has that weird feminine grace about him."

Stevenson, of course, is talking about a little boy. It is a quote intended to jolt the reader, and no doubt for most readers it still does. Having already invited the reader to imagine a child as seen through the eyes of a pedophile, Rosin then proceeds to something more avant-garde still: a chatty review of man-boy love and of the North American Man-Boy Love Association (whose informal motto, as some readers may know, is "Eight is too late").

"Chickenhawk," the author explains, "is worth seeing" because it "succeeds, at least partially, in making monsters human." Though it may be true that Leyland Stevenson is "every mother's worst nightmare," it is also true—at least true according to Hanna Rosin—that Stevenson and his fellow NAMBLA members have gotten an unnecessarily bad rap. "There are no steamy orgies" in the documentary, she notes dryly, "or bound-up boys languishing in NAMBLA's basement." NAMBLA itself, she casually explains, "functions mainly as a support group for fantasizers, with the requisite forums for victim-bonding." Like members of any other group united by common interests, its rank and file have their humdrum clubby moments; they hold roundtables (where they "hug and share persecution stories"), solicit subscriptions, exchange "bulletins." Not only are these activities benign, it seems, but their propriety is enforced by the club itself. "Group policy," we are assured, "strictly forbids contact with live boys or even illicit pictures on the premises."

Next, Rosin praises NAMBLA's "bravery." "After all," she writes, "it is still heresy even to consider the possibility of the legitimacy of their feelings." Today's pedophiles, she reminds us, live in especially unfriendly

times. Politically, things could hardly be worse; witness the tough language on child pornography in the Contract with America. Even President Clinton, she notes sarcastically, "was cowed into taking a courageous stand against 'softness on child pornography,'" Yet NAMBLA, despite it all, continues pluckily on: "keeping all their activities above board"—even publishing their New York phone number.

Just as the grownups of NAMBLA turn out to be more innocent than one might expect, the boys, for their part, seem to be far more sophisticated. As Rosin reasons, "it might even be that a budding young stud had the upper hand over the aging, overweight loner." And how old does a boy have to be, in the Rosin/NAMBLA view, to qualify for "budding young stud" status? Sixteen? Fourteen? Twelve? No? Well, how about ten?

One NAMBLA member in his 20s, an enticing blond with slits for blue eyes, describes a sexual experience he had with a karate instructor when he was 10. "I came on to him. I knew what I was doing. I felt very empowered. I felt I controlled the relationship, which is a good thing for a kid. It dispels the belief that adults are always in power in such relationships. You know, I led him around. I was the one in power."

Well, boys just want to have fun—or, as the New Republic seems to have it, just boys want to have fun. It is "plausible," Rosin muses, that "a teenage boy [emphasis added] might agree to sex with an older man." Similarly, though she notes approvingly that, for example, the age of consent in the Netherlands is twelve, she nowhere advocates changing the age-of-consent laws for girls. And she certainly shies away from suggesting that the figure of the "budding young stud" might be interchangeable with that of a "budding young slut"—a phrase whose appearance would surely have incurred the wrath of a good many New Republic readers. "Chickenhawk" itself, interestingly enough, passed almost without comment from those same subscribers.

KIDS WANT TO PLEASE YOU

Actually, these latest attempts to manage a good word for pedophilia are not quite as au courant as they first appear. Similar themes have been floated for years by a number of self-described, self-consciously gay writers—and not only by those on the cultural fringe, but by several who have crossed over to the mainstream literary market.

Perhaps the most prominent of these writers is the acclaimed novelist and essayist Edmund White. The author of a number of enthusiastically received novels—Forgetting Elena, A Boy's Own Story, and The Beautiful Room is Empty—White has also had a brilliant career as an editor and essayist. He has worked at Saturday Review and Horizon, been a contributing editor to Vogue and House and Garden, and written for publications ranging from the New York Times Magazine to Christopher Street., In 1980, a number of his pieces reflecting on post-liberation gay life were collected into yet another critically acclaimed book called States of Desire: Travels in Gay America.

On account of its historical timing alone—the book amounts to a city-by-city celebration of gay life published on the very eve of the identification of AIDS—States of Desire remains a fascinating and retrospectively poignant sociological document. But it is a work that deserves to be remembered for something else as well: It is probably the most critically acclaimed piece of reportage in which the taboo against pedophilia has been examined at considerable length and judged archaic—a judgment that moreover passed virtually without comment from White's admiring critics. Throughout most of this reflection, White studiously keeps to an Olympian "on the one hand this, on the other hand that" rhetorical monologue—in which one hand, as in most such monologues, consistently manages to get the better of the other.

Pedophilia, White asserts at the outset of this discussion, is "the most controversial issue" in the lives of many in the gay movement. It is also, the reader is led to understand, a terribly complicated subject. As one gay man—ostensibly not himself a pedophile—puts it in words that the author quotes approvingly, "There's no way to answer it [the issue of pedophilia] without exploring it. We need information and time for deliberation. There are no clear answers—who would provide them?"

White is willing to try. "Those who oppose pedophilia," he posits, "argues that the 'consent' or seeming cooperation of an eight-year-old is meaningless." On the other hand, "those who defend pedophilia reply that children are capable, from infancy on, of showing reluctance." Similarly, "critics of pedophilia contend that children are easily manipulated by adults—through threats, through actual force, through verbal coercion, through money." Here again, the other side is allowed the last—and longest—word:

"Champions of pedophilia (and many other people) argue that children are already exploited by adults in our society—they are bullied by their parents, kept in financial and legal subjugation, frequently battered. And they have little legal recourse in attempting to escape punitive adults. . . . They can't vote, they can't drink, they can't run away, they can't enter certain movie theaters, they can't refuse to go to school, they can't disobey curfew laws—and they can't determine their own sexual needs and preferences. Pedophiles find it ironic that our society should be so worked up over the issue of sexual exploitation of children and so unconcerned with all other (and possibly more damaging) forms of exploitation. *If anything, the pedophiles argue, sex may be the one way in which children can win serious consideration from adults and function with them on an equal plane; if a child is your lover, you will treat him with respect.*" [emphasis added]

And where does our narrator locate himself between these camps? "I am not in the business of recommending guidelines for sex with youngsters," he writes coyly, for "I simply haven't gathered enough information about the various issues involved." At the same time, though—or so the author insists—"the question of sex with children remains"; and White makes a final attempt to get to the bottom of it by interviewing an actual pedophile in a bar in Boston.

This man, the author coolly reports, "has a lover of twelve (he met him when the boy was six)." Far from the voracious predator so feared by the general public, however, our pedophile could scarcely appear more ethereal. He is "thirty-six, dressed in faded denims, his face as innocent and mournful as Petrouchka's. His voice was breathy and light, his manner anxious and almost humble." Lest there be any last doubt of this man's suitability for polite company, White erases it with the ultimate compliment. "I was," he writes candidly, "strongly attracted to him."

There follows a conversation in which the amorous adventures of White's pedophile are fondly recounted. White asks how the man met his present "lover," and the pedophile replies: "At the beach. He was there with his mother. He came over to me and started talking. You see, the kids must make all the moves." In case that point has been missed, White reiterates it a few lines later, this time asking explicitly: "Did your friend take the sexual initiative with you?" "Absolutely," Petrouchka affirms, adding, "I've been into kids since I was twenty-two and in every case the kids were the aggressors."

"What do you two do in bed?" White next inquires. There follows a graphic description, which the pedophile concludes on a mournful note. For there is, as it turns out here, at least one problem with man-boy love that most readers may not have anticipated: namely, that the kids are too loving.

A second writer who has explicitly addressed the matter of men and boys, this time adolescents, is Larry Kramer, author of the hugely celebrated AIDS play "The Normal Heart" and of an earlier novel called "Faggots (1978)," one of the classics of the post-liberation gay genre. The comparison between Kramer and White is particularly useful insofar as the two authors differ markedly in a number of important ways. Kramer's authorial perspective, as well as his political persona (he is a well-known activist and co-founder of the New York Gay Men's Health Crisis), have made him something of an anomaly in his chosen circles. Between the 1970s and the dawn of AIDS, at a time when most gay figures were proclaiming the joys of post-Stonewall "liberation," Kramer, for his part, was nearly alone in emphasizing its dark side. "Faggots," for example—a controversial book then and now—concerns the plight of a man looking for homosexual love in the hedonistic heyday of Manhattan and Fire Island. Kramer includes a number of scenes in which older men drug, flatter, and seduce teenage boys. Most prominent among these is a 16-year-old named Timmy, who is initiated into the high life at a party by a series of experienced men and finally "devoured" by ten at one time. In the course of this brutal description—one of several in the book involving adolescent boys—Kramer repeatedly invokes the appeal of Timmy's "beauty," his "teenage skin," his status as "forbidden fruit." One by one, the men at the party succumb to Timmy's charms, including even the most macho of them all ("the Winston Man"), who finds himself "excited in a way that he has not been since" high school.

Timmy's fate in the course of the book, it should be added, is not a happy one. Is Kramer implying that such is the price paid for decadence, or is there tacit empathy in his depictions of Timmy's many would-be "fathers"? It is left to the reader to guess. Much less ambiguous, at any rate, is the role played by Timmy and other "youngsters" in the world that Faggots portrays.

Another celebrated gay author who broached the subject of sex with minors is the late Paul Monette. Monette's 1988 book Borrowed Time: An AIDS Memoir garnered a National Book Critics Circle Award nomination and was acclaimed by many as "one of the most eloquent works to come out of the AIDS epidemic" (USA Today). His 1992 book Becoming a Man: Half a Life Story won the National Book Award. It is in this volume that Paul Monette, like Edmund White before him, puts forth what would once have been a controversial thesis about the sexual wants of prepubescent boys. "Nine is not too young to feel the tribal call," he notes early on while recollecting his own childhood adventures with a boy his age. "Nine and a half is old enough," he repeats later, adding the

by-now familiar note that "for me at least, it was a victory of innocence over a world of oppression."

Several chapters later, while reminiscing about an aborted affair he had with a high-school student while teaching at a boarding school, Monette sounds another theme that once would have been guaranteed to shock: that of the predatory, empowered adolescent. "Behind the gritted teeth of passion," writes the author of his first sexual encounter with a particular boy, "I heard the ripple of laughter, so one of us must have been having fun. Must've been Greg, for I was too busy feeding on sin and death to play."

"It was Greg who always chose the time," he continues, adding dramatically, "I stood ready to drop whatever I was doing. . . . I lived in thrall to Greg's unpredictable needs."

That is not to say that Paul Monette, at the time, felt himself relieved of responsibility for the affair—far from it. "If I am particular about the fact of being seduced—putting it all on him, the will and the dare and then the control—it doesn't mean I didn't feel the guilt. . . . I had become the thing the heteros secretly believe about everyone gay—a predator, a recruiter, an indoctrinator of boys into acts of darkness." But this self-recrimination, he goes on to reveal, was simply false consciousness. For finally, "I don't think that now. Twenty years of listening to gay men recount their own adolescent seductions of older guys has put it all in a different light."

Have all these trial balloons just passed without comment over the public head? One of the few critics to have taken notice is Bruce Bawer, who in his 1993 book, A Place at the Table castigates Edmund White in particular for his advocacy of man-boy sex. Such radicalism, Bawer argues, is part of the twisted legacy of the closet—a legacy that has forced "subculture" writers like White to evermore in-your-face positions on account of their oppression by the rest of society.

But writers have from time immemorial endured oppression—including jail time and execution—without leaping to the defense of pedophilia. And what kind of "oppression" is it, exactly, that confers fame, fortune, critical raves, national awards, and—in the case of Edmund White—a Guggenheim fellowship and anointment as a Chevalier de l'Ordre des Arts et Lettres?

PEDOPHILE SCIENCE

Actually, even the likes of White were being more derivative than they would ever like to believe. Hands down, if you'll pardon the expression, the real big daddy of pedophilia chic could only be the long-dead Alfred C. Kinsey. As Judith A. Reisman and Edward W. Eichel point out in their 1990 exposé Kinsey, Sex and Fraud, "It is Kinsey's work which established the notion of 'normal' childhood sexual desire"—a notion that, as their book documents, was field-tested on the bodies of hundreds of children, most of them boys, in ways that might today be considered imprisonable offenses.

How did Kinsey and his team get away with it? "As we can see now," wrote Tom Bethell in his excellent review of the Kinsey facts for the May 1996 American Spectator, "science had vast prestige at the time and Kinsey exploited it. Any perversion could be concealed beneath the scientist's smock and the posture of detached observation."

Yet if Kinsey is now suffering a public disrobing, his intellectual heirs display their researches still. For a final model of pedophilia chic—this one tricked out with all requisite charts, tables, models, and talk of methodology—consider a volume published in 1993 by Prometheus Books. As its name seems to suggest, Prometheus is a publishing house of cutting-edge aspiration, whose backlist reveals its focus on issues like paranormal psychology, freethinking, and humanism. And, oh yes, a trans-Atlantic exploration of the virtues of pederasty called Children's Sexual Encounters with Adults: A Scientific Study, by a trio identified as C.K. Li ("a clinical psychologist in Paisley, Scotland"), D.J. West ("Emeritus Professor of Clinical Criminology at Cambridge University"), and T.P. Woodhouse ("a criminological research worker in Ealing, England").

Like our other pioneering looks at sex with kiddies, Children's Sexual Encounters with Adults is sexually biased, concentrating as it does on the "startling contrast" between boys and girls when it comes to sex with grownups. ("Surveys," as the authors explain at some length, "find that on the whole boys are less likely than girls to experience bad effects attributable to sexual incidents with adults.") It is not sexual contacts per se that pose problems for children, the authors argue, but rather the cultural prejudices by which most members of society judge such acts. "The damaging effects on children of intimate but non-penetrative contacts with adults," note the authors in a section on "cultural relativity," "are clearly psychological rather than physical and to a considerable extent dependent upon how such situations are viewed in the society in which the child has been brought up."

Again, and as Hanna Rosin and NAMBLA fans everywhere will appreciate, the study also emphasize the positive side of man-boy love for the boy in question. As one typical paragraph has it:

"There is a considerable amount of evidence that some boys are quite happy in relationships with adult homosexual men so long as the affair does not come to light and cause scandal or police action. . . . The great majority [of boys in a 1987 study] came from apparently normal homes, but were pleased to have additional attention and patronage from a devoted adult and willingly went along with his sexual requirements."

Parents everywhere will be relieved to learn that pedophiles themselves are not the predators of popular imaginings, but congenial well-wishers much like Edmund White's alluring Petrouchka. "Men who approach boys," the social scientists write in conclusion, "are generally looking for what amounts to a love relationship." Thus, "they employ gradual and gentle persuasion. The average pederast is no more seeking a rape-style confrontation than is the average heterosexual when looking for a congenial adult partner . . ."

At a time when almost every kind of advocacy comes equipped with statistical batteries, it should come as no surprise that pedophiles and their allies, too, have acquired their own pseudo-scientific apparatus. Only the unsophisticated would be surprised to find such a numerological polemic put forward by a reputable publishing house and advertised in the Barnes and Noble book catalog. But then, only the unsophisticated stand in need of the reeducation its pages offer. And there, to return to the figure of Larry Don McQuay, is where the matter of pedophilia chic would seem to stand. In one corner, enraged parents from across the country screaming for help in protecting their children; in the other, desiccated salonistes who have taken to wondering languidly whether a taste for children's flesh is really so indefensible after all. And they wonder why there's a culture war.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 30 minutes.

Mr. NORWOOD. Mr. Speaker, I come before the House today to speak on the future of our Nation—and that future is our children, and whether they will have the same opportunity to live the American dream that all the members of this House have enjoyed in our lifetimes.

Since the 104th Congress was sworn into office a year and a half ago, we have debated the issue of how best to provide for our children's education. That is good. We need discourse and hotly contested ideas from both side of the aisle if we are to forge a bipartisan, hopefully even a nonpartisan plan for ensuring that every American has the education necessary to not just survive, but to succeed in a global economy.

But, Mr. Speaker, we cannot have that needed discourse while the debate is fraught with distortions and political rhetoric, and that is where we find ourselves today. So I would like to begin by reviewing exactly what educational reforms have been passed by this House over the last 18 months.

Under the Balanced Budget Act, total student loan volume was scheduled to grow from last year's $24 to $36 billion in 2002. That's a 50-percent growth in spending. The school lunch program was approved for a 36-percent increase over the same period, with the States allowed to run their lunchrooms without Federal interference for the first time in decades.

The maximum annual Pell grant amount for low-income college students was raised to the highest level in history at $2,400 per student.

The House approved sweeping, and long-needed reforms in the way interest is calculated on some of the loans. Under the proposed changes, no student would have paid any interest on their loans while they were still in school. But graduate students would have been required to pay back the interest that accrued on their loans while they were getting their graduate degrees, after they graduated and got jobs.

At present, working-class Americans are forced to subsidize that accrued interest for doctors, lawyers, and Ph.D. recipients. It is just not right for someone earning minimum wage to be paying the loan cost for someone earning six-figures. The budget we passed last year would have put an end to the practice, and saved our children $10 billion they would not have had to pay back with interest. The demagogs in Congress call this cutting.

As to the Direct Loan Program, the budget would have brought that to a halt. Since the very inception of Federal student aid, loans have successfully been processed through private lenders. It is amazing that while the Federal Government is doing everything possible to downsize and privatize, and the President himself tells us that the era of big Government is over in his State of the Union Address, the Clinton administration continues to launch new big government programs, seeking to federalize what is now in the private sector.

The education plan that passed this House last year would have made the same student loans available from the same sources as they have been for the past 30 years.

For those who love to cry out against mean-spirited Republican cuts, I'm proud to say that although there was absolutely not one nickle of cuts in overall spending, there were, indeed cuts in areas that badly needed cutting. The Head Start Program was slated for a true 4-percent reduction in funding, which is well warranted, according to Head Start Founder Edward Zeigler, who I quote:

> If 30 percent of the programs closed down, there would be no great loss * * * Until the program has reached a certain level of quality, they shouldn't put one more kid in it.

Indeed, over the last 6 years, Head Start enrollment has grown by 39 percent, while spending has increased 186 percent. That kind of out-of-control spending has to stop, and the plan we passed would have brought it to a screeching halt.

There were also real cuts in spending for the U.S. Department of Education, which would have taken an 11 percent reduction in funding. Since it was created in 1979, the Department of Education has spent $342 billion without any evidence the money has improved education in any way. Even the liberal Washington Post wrote in a December editorial: "America's schools are not noticeably better because a Department of Education was created."

Why hasn't the Department of Education helped improve our children's education? Because of simple economics—you cannot take money from taxpayers across the country, send it to Washington, DC, then send it back to the States, and not lose most of the original money in the process. According to the Congressional Research Service, of every dollar we send to the Department of Education here in Washington, only 23 cents ever finds it's way back to our local schools. That's not efficient, and that's not how to compete in a global economy.

Now, there is one program that is eliminated entirely under the balanced budget plan—Goals 2000. That program has skyrocketed in cost from $87 to $372 million in just 1 year. It duplicates other Federal efforts, creates a multitude of new bureaucracies, but has no real impact on day-to-day learning. And the attempts of the program to revise American history to reflect the new politically correct themes of the far-left have been so inflammatory they were voted down in the Senate by a 99-to-1 vote. So the new plan contained not one penny for Goals 2000.

The defenders of the failed status-quo in education have tried to convince the American people that Republicans would undermine education by holding down the massive spending increases that the Clinton administration had planned. But maybe they should instead answer the question of why we should spend more taxpayer money when our Federal dollars have failed to achieve positive results, year after year after year.

This plan to bring our educational efforts into line with our ability to fund them, and with the level of achievement of our programs, now sits in limbo, vetoed by the President.

But the educational reforms in the Balanced Budget Act are not the only efforts undertaken by this Congress to improve the way our children learn.

A major battle in the effort took place just this spring here in Washington, and most of the Nation missed it. It was the latest round in the fight over who has the ultimate authority over a child's education and future—the parent or the Federal Government.

This House provided funds for Washington's public schools to offer a small pilot school choice program, that would allow about 2 percent of all Washington, DC, school children to attend better schools, and then only if local school board members choose to use the plan.

For those students locked into attendance at the worst public schools in the District, vouchers would be provided to pay for transportation to alternate public schools, or for transportation and tuition at private schools.

The program, similar to one in Milwaukee and nearly two dozen other communities, was designed to give poor parents the same power and freedom of education that rich parents have. It would have improved public schools by making them compete for students, and most importantly, by giving students the opportunity for a better quality education.

Unfortunately, there are those here inside-the-beltway who are adamantly opposed to fairness and equality of opportunity. After stalling the D.C. budget for months over this single issue, liberal Senate Democrats under pressure from President Bill Clinton voted to filibuster the bill, which prevented it from even coming to the floor for a vote. The White House announced it would have vetoed the entire bill over this tiny pilot project, even though the District's local political leaders begged for passage. The White House, liberal Senate Democrats, and the NEA won, and Washington's schoolchildren lost.

Why the extraordinary fight over a program that could at most impact only 2 percent of students in a single school district? Because the National Education Association decided to make this a litmus test. Their chief lobbyist told the Washington Post on February 28 that "It is much bigger than D.C." And when Washington's NEA office says "jump," the Washington bureaucracy says "how high?"

The reason, as U.S. News and World Report recently explained, is that—and I quote:

> The NEA has wedded itself to the Democratic Party . . . teacher unions have used their resources to fight reform—and their resources are vast. The union's palatial Washington, D.C. headquarters, renovated in 1991 at a cost of $52 million, is a testament to its power in national politics. The union handed out $8.9 million to congressional candidates between 1989 and 1995, only a fraction of it to Republicans. And the Clinton White House is banking on the NEA playing a big role in this year's presidential campaign.

According to the Education Policy Institute, NEA and its related educational PAC's spend $40 million a year on the national level lobbying for their agenda, 98 percent of which goes to Democrats. And with a total budget of $1.2 billion a year, the amount of overall political impact this special interest exerts on our children's education is beyond measure.

What these objections are really over is not the education of children. It is over the billions spent every year on Federal allocations for education programs at dozens of Federal agencies. And billions ultimately find their way, directly and indirectly, into the coffers of the NEA and their members. The greatest fear of the NEA is that granting freedom to families to choose where their child is educated will cut off the flow of those funds, and their ability to control the educational agenda of the Nation.

As long as the liberal trend towards federalization of our local schools continue, the NEA's feast on largesse at the Federal trough will continue. Any increase in parental or local control of those funds stands diametrically opposed to their goal of dominating the educational industry.

However, a clarification of how this debate is currently framed is badly needed. Those on both sides of the issue of school choice often make the same mistake. It is not an issue of public versus private education. It is a question of how to provide the best education possible for every child in this country.

As we face the educational challenges facing us in an era of global competition, we can no longer afford the illusion that we have competing school systems. We have one educational system in America, and it includes public, private, and home schooling, and we

have to maintain the openmindedness to rethink our approach on a child-by-child level.

For most of our Nation's children, public education provides a quality learning experience with a multitude of resources often not found in smaller private schools or a home schooling environment. Those children will likely, and should, continue in their current schools even if vouchers are available.

But for many disadvantaged youth trapped in inner-city schools overrun with drugs and violence, the ability to have a choice would, with absolute certainty, greatly improve their ability to learn.

And for children with special needs or talents, the ability to choose both public and private alternate schools, or home schooling, would allow them to progress far beyond the level of our "one-size-fits-all" current policy.

All this is representative of just how distorted the debate over education has become. Instead of focusing on improving our children's learning levels, success is measured by programs and dollars spent, and by squashing reforms that threaten the monopoly held by powerful special interest groups. It's a debate that I hope changes this year.

Mr. Speaker, we need to shift the focus of Federal education policy back to parents, communities, and States—in that order. We need to encourage reform efforts like school choice. And most importantly, we hope that when our efforts are done, children will begin to learn again in even the poorest and most disadvantaged school districts.

Meanwhile, both the President and the Vice President continue to send their children to private schools instead of the District of Columbia public school system, in spite of denying that same choice for thousands of poor children in the same city.

But Mr. Speaker, we need to be willing to look beyond the issue of just school choice, and into what our States and communities can accomplish if we return real educational freedom to this land. For the last 30 years, we have seen our educational system decline, to a point that many Americans are losing hope that their children will have a future. But if we are just willing to cast aside the political blinders, we will find that we have an unlimited opportunity to bring real improvement to our Nation's schools.

For the last year the House Economic and Educational Opportunities Committee has been trying to determine just how much, and where, the Federal government has been spending on education. What we have discovered is beyond belief.

Last year, 39 separate agencies of the Federal Government were allocated over $120 billion for at least 763 education programs. And the nonpartisan Congressional Research Service told us they believe there are probably several hundred more programs that they have yet to find.

And what are some of the things that we are spending this educational money on today?

$3 million for the Intergovernmental Climate Program.

$1 billion for the Labor Department's Job Corps Training Programs.

$204 million for Clinton's Americorps volunteer program that is costing us nearly $30,000 a year per volunteer.

Another $42 million for Volunteers in Service in America.

$71 million for the Foster Grandparent Program.

$10 million for the Inexpensive Book Distribution Program—which is an oxymoron if one ever existed.

$48 million for the National Center of Education Statistics.

$8 million for the National Education Dissemination System.

$311 million for bilingual and immigrant education.

$86 million for Educational Research and Development.

$1 million for the Institute of International Public Policy.

$16 million for National AIDS Education and Training Centers.

$180 million for Family Planning Services.

$18 million for overseas schools and colleges.

And this is just the tip of the iceberg. Now, to be sure, there are some very worthwhile expenditures included in the totals, such as funding for our Nation's military academies, along with research grants to colleges and universities from which we derive direct benefits in many areas of our lives.

But imagine what we could do to improve our children's education if we returned this fortune to our local schools.

If my home State of Georgia's share is calculated on the same percentage as the formula agreed on for Medicaid funding by the Nation's 50 governors, including Georgia's Democratic Governor Zell Miller for my friends on the other side of the aisle, this comes to an astounding $3.16 billion a year in education money for Georgia. And I believe my colleagues from both parties will find the following amazing scenario would ring true for their States as well as Georgia.

Bill Alred, statistical analyst for the Georgia Department of Education in Atlanta, says Georgia school systems spend a grand total of $5.3 billion on grades Pre-K through 12 in fiscal year 1994, the last year for which full statistics are available. If we kept the money at home instead of sending it to Washington, we could cover nearly 60 percent of the total cost of elementary and secondary education in Georgia.

Even more astounding is the impact the Federal spending could have on our Georgia colleges and universities. Roger Mosshard, assistant vice chancellor of budgets with the Georgia State Board of Regents, says Georgia's university system took in around $2.5 billion last year from all sources, including tuition fees; payments for room and books; Federal, State, and private grants; and direct funding.

If we kept the Federal spending at home, Georgia could fund its entire university system with over $500 million to spare, and I think that many of you would find the same true in your State.

That would mean free college for every child who can pass the courses, not just as undergraduates, but through the doctoral level including medical and law school. And not just tuition, but dormitories and meals, rooms, books, lab fees, research, field trips, everything. And this absolutely revolutionary, quantum leap forward, could be funded with what we are already spending.

Now take a long hard look at that list of where that money goes now. Comparing the options, which do you think will help our children best prepare for a global, high technology economy in the 21st century?

I implore my friends on both sides of the aisle to stand up against the special interests, face the future with courage and an open mind instead of fear, and join the fight to bring our schools out of the failed ways of the past, and into a future that is limited only by our ability to see it.

Mr. Speaker, it's time to make education be about our children again—instead of just about supporting bureaucracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. ENSIGN (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. FLANAGAN (at the request of Mr. ARMEY) for today, on account of attending funerals.

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 Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. BURTON, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) and to include extraneous matter:)

Mr. SERRANO.

Mr. JACKSON of Illinois.

Mrs. MALONEY.

Mr. ORTIZ.

Mr. STARK.

Mr. SCHUMER.

Mr. JACOBS.

Mr. MENENDEZ.

Mr. HINCHEY.

Mr. MATSUI.

Mr. BENTSEN.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. DIAZ-BALART.

Mr. ENGLISH of Pennsylvania.

Mr. QUINN.

Mr. ENSIGN.

Mr. GUNDERSON.

Mr. COLLINS of Georgia.

Mr. ALLARD.

Mr. SCARBOROUGH, in three instances.

Mr. SHAW.

Mr. BILIRAKIS.

Mr. HASTERT.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc, and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

(The following Members (at the request of Mr. NORWOOD) and to include extraneous matter:)

Mr. MCINTOSH, in two instances.

Mr. TATE.

Mr. BLUTE.

Mr. MCDERMOTT.

Mr. FARR in California.

Mr. PASTOR.

Mr. TORRES.

Mr. MURTHA.

Mrs. CLAYTON.

Mr. HOKE.

Mr. VENTO.

Mr. FIELDS of Texas.

Mr. SCHUMER.

Mr. KOLBE.

Ms. JACKSON-LEE of Texas.

ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.) under its previous order, the House adjourned until Tuesday, July 16, 1996, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Board's final rule—Management Official Interlocks Docket Number R-0907—received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4119. A letter from the Assistant Secretary, Department of Education, transmitting notice of final priority for school-to-work urban/rural grants using fiscal year [FY] 1995 funds, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4120. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report entitled "Uranium Purchases Report 1995," pursuant to 42 U.S.C. 2296b-5; to the Committee on Commerce.

4121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District (FRL-5464-6) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance (FRL-5532-3) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Tennessee SIP Regarding Construction Permits and Volatile Organic Compounds (FRL-5533-5) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4124.A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington: Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs (FRL-5514-4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone (FRL-5531-4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4126. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA} to Japan for defense articles and services (Transmittal No. 96-55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4127. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 96-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4128. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96-58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4129. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of a cooperative agreement between the United States and Israel for technology research and development projects [TRDP] (Transmittal No. 14-96) received July 12, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4130. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96-57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4131. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Examination of IRS' Fiscal Year 1995 Financial Statements" (GAO/AIMD-96-101) July 1996, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Reform and Oversight.

4132. A letter from the Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996-1997 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AD42) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4133. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's annual report on the Asset Forfeiture Program fiscal year 1994, pursuant to 28 U.S.C. 524(c)(6)(A); to the Committee on the Judiciary.

4134. A letter from the Assistant Secretary of Defense for Force Management Policy, Department of Defense, transmitting the Department's report on the Civilian Separation Pay Program, pursuant to 5 U.S.C. 5597 note;

jointly, to the Committees on National Security and Government Reform and Oversight.

4135. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on the research program on Quiet Aircraft Technology for Propeller-Driven Airplanes and Rotorcraft, pursuant to Public Law 103–305 section 308(a) (108 Stat. 1593); jointly, to the Committees on Transportation and Infrastructure and Science.

4136. A letter from the Railroad Retirement Board, transmitting a report on the actuarial status of the Railroad Retirement System, including any recommendations for financing changes, pursuant to 45 U.S.C. 321f-1; jointly, to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1997 (Rept. 104–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3249. A bill to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes; with amendments (Rept. 104–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes; with an amendment (Rept. 104–674, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3586. A bill to amend title 5, United States Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes; with an amendment (Rept. 104–675). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER:

H.R. 3799. A bill to amend title 49, United States Code, to exclude not-for-hire transportation of agriculture production materials from regulation under the Hazardous Materials Transportation Act; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 3800. A bill to amend the Federal Election Campaign Act of 1971 to prohibit political action committees from making contributions or expenditures for the purpose of influencing elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. KLECZKA (for himself and Mr. SENSENBRENNER):

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. HORN, Mrs. MALONEY, and Mr. PETERSON of Minnesota):

H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BARTON of Texas (for himself, Mr. GOODLING, Mr. CLAY, Mr. EDWARDS, Mr. LAUGHLIN, Mr. BONILLA, Mr. BEREUTER, Mr. FIELDS of Texas, Mr. MONTGOMERY, Mr. ACKERMAN, Mr. PETE GEREN of Texas, Mr. WILSON, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. BOEHLERT, Mr. EHRLICH, Mr. GONZALEZ, Mr. WELLER, Mr. FROST, Mr. BENTSEN, Mr. DE LA GARZA, Mr. SAM JOHNSON, Mr. SKEEN, Mr. STENHOLM, Mr. TEJEDA, Mr. BATEMAN, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. KING, Mr. THORNBERRY, Mrs. VUCANOVICH, Mr. SMITH of Texas, Mr. COMBEST, Mr. CHAPMAN, Mr. BREWSTER, Mr. PORTMAN, Mr. BRYANT of Texas, Mr. SISISKY, Mr. BARRETT of Nebraska, Mr. COLEMAN, Mr. PACKARD, Mrs. KELLY, Mr. STOKES, Mr. LINDER, and Mr. LIPINSKI):

H.R. 3803. A bill to authorize funds for the George Bush School of Government and Public Service; to the Committee on Economic and Educational Opportunities.

By Mr. BONO:

H.R. 3804. A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Resources.

By Mr. BRYANT of Tennessee (for himself, Mr. CONYERS, Mr. WHITFIELD, Mr. MANTON, and Mr. LARGENT):

H.R 3805. A bill to establish procedures and remedies governing the relocation of certain professional sports teams, and for other purposes; to the Committee on the Judiciary, 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. MARTINEZ (for himself, Mr. KILDEE, and Mr. SCOTT):

H.R. 3806. A bill to extend and amend the programs under the Runaway and Homeless Youth Act, to consolidate authorities for programs for runaway and homeless youth, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. McDERMOTT (for himself, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mrs. KENNELLY, Mr. COYNE, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from certain retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. CONYERS):

H.R. 3808. A bill to establish the Intellectual Property Assembly of the Americas and to provide for participation in the assembly by the U.S. Delegation; to the Committee on International Relations.

By Mr. PALLONE (for himself, Mr. WYNN, Mr. KLUG, Mr. CANADY, and Mr. PORTER):

H.R. 3809. A bill to improve the ability of the U.S. Government to collect debts owed to it, and for other purposes; 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. ROSE:

H.R. 3810. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3811. A bill to provide incentives for the conservation and recovery of endangered species; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, and Ms. ROS-LEHTINEN):

H.R. 3812. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, 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. MINGE:

H. Res. 477. Resolution amending the Rules of the House of Representatives regarding trust relationships; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JEFFERSON:

H.R. 3813. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sea Sister*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 188: Mr. JOHNSTON of Florida.

H.R. 721: Mr. PALLONE.

H.R. 773: Mr. GILCHREST.

H.R. 820: Mr. PORTER, Mr. HAYES, Mrs. KENNELLY, Mr. LIVINGSTON, and Mrs. COLLINS of Illinois.

H.R. 1100: Mr. LIPINSKI and Mr. HINCHEY.

H.R. 1127: Mrs. MYRICK.

H.R. 1591: Mr. VISCLOSKY, Mr. MENENDEZ, and Mr. COYNE.

H.R. 2011: Ms. PRYCE, Mr. FLAKE, Mr. HASTINGS of Florida, and Mr. GUTIERREZ.

H.R. 2065: Ms. DELAURO.

H.R. 2209: Mr. VOLKMER and Mrs. COLLINS of Illinois.

H.R. 2472: Mr. TOWNS and Ms. MCCARTHY.

H.R. 2697: Mrs. LOWEY.

H.R. 2748: Mr. FILNER, Mr. CARDIN, Mr. COYNE, Mr. BREWSTER, Ms. DANNER, Mr. YATES, and Mr. KENNEDY of Massachusetts.

H.R. 2807: Mr. JEFFERSON, Mr. BACHUS, and Mr. ANDREWS.

H.R. 2900: Mr. YOUNG of Alaska, Mrs. MEYERS of Kansas, and Mr. FROST.

H.R. 2911: Mr. FAWELL.

H.R. 2960: Mrs. JOHNSON of Connecticut.

H.R. 2976: Mrs. MYRICK and Mr. WELLER.

H.R. 3000: Mr. PARKER, Mr. DE LA GARZA, Mr. LARGENT, Mr. BROWN of Ohio, Mr. EVANS, and Ms. GREENE of Utah.

H.R. 3077: Mr. FATTAH and Mr. BARRETT of Wisconsin.

H.R. 3142: Mr. PAYNE of Virginia, Mr. FRELINGHUYSEN, and Mr. NEAL of Massachusetts.

H.R. 3187: Mr. ACKERMAN, Mr. ANDREWS, Ms. DANNER, Mr. LIPINSKI, Mr. POSHARD, Mr. FATTAH, and Mrs. COLLINS of Illinois.

H.R. 3201: Mr. MEEHAN, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. SALMON, Mr. HUNTER, Mr. KIM, and Mr. DUNCAN.

H.R. 3246: Mr. CUMMINGS.

H.R. 3250: Mr. LAHOOD.

H.R. 3351: Mr. BROWN of Ohio.

H.R. 3393: Mr. MORAN.

H.R. 3401: Mr. LOBIONDO, Mr. WATT of North Carolina, Mr. HAYWORTH, Mr. CALVERT, Mr. JEFFERSON, and Ms. MOLINARI.

H.R. 3462: Mr. PALLONE and Mr. SENSENBRENNER.

H.R. 3467: Ms. DANNER, Mr. MARTINI, Mr. HAYWORTH, and Mr. BACHUS.

H.R. 3480: Mr. MYERS of Indiana.

H.R. 3482: Mr. OWENS and Ms. JACKSON-LEE.

H.R. 3505: Mr. DINGELL and Mr. MARKEY.

H.R. 3510: Mr. JOHNSTON of Florida, Mrs. CLAYTON, Mrs. MALONEY, Ms. SLAUGHTER, Ms. DELAURO, Mr. HINCHEY, Mr. OLVER, Ms. WATERS, Mr. HASTINGS of Florida, Mr. MANTON, Mr. HOYER, Ms. WOOLSEY, and Mrs. MINK of Hawaii.

H.R. 3518: Mr. TORRES.

H.R. 3522: Mr. LIPINSKI, Mr. EVANS, and Mr. JACKSON.

H.R. 3571: Mr. SENSENBRENNER.

H.R. 3601: Mr. WICKER, Mr. LARGENT, Mrs. FOWLER, Mr. RADANOVICH, Mr. MCCOLLUM, and Mr. MICA.

H.R. 3654: Mr. WAMP, Mr. SHUSTER, Mr. BOEHLERT, Mrs. THURMAN, and Mr. BAKER of Louisiana.

H.R. 3700: Mr. BAKER of Louisiana, Mr. CALVERT, Mrs. KELLY, Mr. BARRETT of Wisconsin, and Mr. COLLINS of Georgia.

H.R. 3706: Mr. SANDERS.

H.R. 3714: Mrs. JOHNSON of Connecticut, Mr. BALDACCI, and Mr. NEAL of Massachusetts.

H.R. 3732: Mr. EHLERS.

H.R. 3745: Mr. HOSTETTLER and Mr. ACKERMAN.

H.R. 3753: Mr. DURBIN and Mr. POMEROY.

H.R. 3757: Ms. SLAUGHTER.

H.R. 3760: Ms. GREENE of Utah, Mr. BALLENGER, Mr. RIGGS, Mr. LIVINGSTON, Mr. FOX, Mr. KOLBE, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. ENGLISH of Pennsylvania, and Mr. CAMP.

H.R. 3766: Mr. BEREUTER and Mr. PALLONE.

H.R. 3775: Mr. SOUDER, Mr. COMBEST, Mr. DAVIS, Mr. BRYANT of Tennessee, Mr. QUILLEN, Mr. WOLF, Mr. GREEN of Texas, Mr. FUNDERBURK, and Mr. COBLE.

H.R. 3783: Mr. MCINTOSH, Mr. WELLER, Mr. FOLEY, Mr. MOORHEAD, Mr. BROWNBACK, Mr. DUNCAN, Mr. MANZULLO, Mr. VOLKMER, Mr. HERGER, Mr. SOLOMON, and Mr. SKEEN.

H.R. 3798: Mr. FLAKE, Mr. RAHALL, and Mr. CLAY.

H.J. Res. 26: Mr. TIAHRT.

H. Con. Res. 83: Ms. FURSE.

H. Con. Res. 180: Mr. SKELTON, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. SOLOMON, Mr. MCNULTY, Mr. KING, Mr. HORN, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. KELLY.

H. Res. 399: Ms. FURSE.

H. Res. 464: Mr. GILMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Tom Johnson, and Thomas C. Sawyer.

Petition 13 by Mr. CONDIT on House Resolution 443: Wally Herger, Phil English, John N. Hostettler and Richard W. Pombo.

Petition 14 by Mr. TANNER on House Resolution 425: Charles W. Stenholm, Bart Gordon, Glen Browder, Gene Taylor, Collin C. Peterson, Scotty Baesler, James A. Hayes, Vic Fazio, George Miller, Martin Olav Sabo, and Barbara B. Kennelly.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3756

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make any payment to any health plan under the Federal employees health benefit program when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.

EXTENSIONS OF REMARKS

DR. REED BELL AND COMMUNITY SERVICE NETWORKS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to speak about a very ambitious and worthwhile program that has been started in my district, and about the man who has brought it all together. My district, like many across the country has its fair share of broken homes and families in need. We have learned that Washington does not always have the answer to these problems. So we in northwest Florida have started something called a Community Service Network, and with it, we are tackling the problems that face our area and are helping those in my district who are truly in need.

Community Service Networks are an alliance of different church, civic, and volunteer groups that get together to take care of the poor in their communities. The civic groups in these networks go directly out into their communities as care teams, bringing aid directly to the poor not only with food and medicine, but sometimes even with just advice or by lending a sympathetic ear.

This idea of a privately organized community effort to help the poor is a concept I had hoped to begin for some time. Fortunately, northwest Florida has community leaders with a strong sense of civic pride and a willingness to help those in need.

One such community leader is Dr. Reed Bell, a pediatrician who has spent many years in my district caring for children from poor and disadvantaged families. Dr. Bell had seen the struggles and setbacks of poor children and he knew firsthand how hard life can be for the poor and underprivileged. It is an experience that left him deeply impressed with the urgent need for community action to help those who cannot help themselves.

When Dr. Bell approached me with his own ideas for mobilizing community resources, I found that we shared a common belief that something needed to be done for the poor right here at home. We also found that we agreed that whatever was done, it had to be a private sector initiative, not just another government program. So Dr. Bell immediately began to meet with those in my district who were most interested in aiding the disadvantaged. When it was all done, and after much work and numerous meetings with both prominent people, groups, and ordinary citizens, the Community Service Network concept was born.

Mr. Speaker, I am pleased to say that this approach is catching on around the Nation. The New York Times recently reported an explosive growth in groups just like the CSN's. The Times article said that people are tired of waiting for Washington to step in and that they are digging in and doing their part; saying in effect, "Forget waiting for the Federal Government. We can do it ourselves."

Mr. Speaker, that is what we are doing in my district. That is what Dr. Bell has done his whole career and is still doing to this day. This is not a political revolution, it is a revolution of thought and spirit. It is a movement by Americans to reclaim their country and to say, "Yes, we can make a difference." So it is today that I give my congratulations to Dr. Bell and the hundreds of men and women who are out there making a difference. We are all a little better today for what Dr. Bell has done, and I believe that we in this body owe them a debt of thanks.

INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combating discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piece-meal approach to discrimination law by adding special categories to those now protected under Title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under Title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequences of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines "factors pertaining to job performance," which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff—the employee or prospective employee—than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law

should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

A FEW INCHES FROM THE YARD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. JACOBS. Mr. Speaker, this Annapolis column, "A Few Inches From the Yard," has been written by the great naval son of a great naval father, Jim Holds.

Both men make us proud to be Americans.

A FEW INCHES FROM THE YARD

(By Midshipman Tony Holds, USN '97)

It's that time again. Another year has come and gone, and we, the Class of 1997, have finally assumed the watch. My name is Midshipman Tony Holds and for the next year I will be your connection to the Brigade of Midshipmen. I take this position very seriously, and hope that if any of you ever have any input or feedback for me, you will feel free to drop me a note and let me know.

I guess the first order of business should be to tell you a little bit about myself. I grew up in a Navy family. My mother and father met when she was a PAO for a squadron at Miramar and he was riding backseat in F-4's with VF-142 on that same base. Dad graduated from the Boat School in 1959, and throughout my childhood, images of the Naval Academy were omnipresent in our home. There was a stuffed Bill the Goat staring sternly down at me from the top of my chest of drawers, overseeing the various stages of my young life. Threadbare whiteworks and musty-smelling flight suits filled my toy box. I pored frequently over my Dad's yearbooks with reverent awe and, once I began to read, paged through every issue of Proceedings and Shipmate he would receive in the mail.

The one column that always most fascinated me was "A Few Inches from the Yard", because it seemed the best place to get the straight scoop on the pulse of the Brigade. Dad was full of stories of the Hall, some probably embellished by years of separation from the events in question. This column, however, represented an opportunity to hear what was going on in the Hall from an unbiased source: someone whose perspective was in-your-face and based on the day-to-day realities of life in Mother B; and here I am, years later, honored and humbled to be that voice for you. Wow.

That is not all, though. Here, in my first ever column, I come to you with a dual purpose. Approximately a month ago, when I received word that I was to be this year's writer for "A Few Inches from the Yard", I envisioned my first article as an opportunity to compose a pleasantly uneventful introduction in which I would tell you some anecdotes about myself, life in the Hall as we prepare to welcome the class of Plebes that will lead us into the next millennium, and so on. I was hoping to just leave a good taste in your mouth and set the stage for future articles of more substance. Well, you know what they say about the best laid plans of mice and men. It appears my first article is going to be more than what I expected.

As you know, a dark cloud is hovering over the Naval Academy right now. Some of the recent happenings here, which I'm sure you've been made abundantly aware of by the media, are not things we, as Midshipmen are proud of. In fact, we can hardly believe what is going on. We are making the paper and the nightly news much too often for all the wrong reasons. There seems to be a general sense of crisis amongst administration, faculty, and Midshipmen alike. Every last person I know is scratching their head and struggling to fathom what could lead members of the Brigade to conduct themselves so disgracefully. I am sure this sentiment of disbelief and disappointment is echoed resoundingly in the minds of Alumni everywhere.

The bottom line that must be kept in the front of our minds, though, is this: Yes, these events are shocking, yes, they are damaging to us as an institution, but in no way are they indicative of what we, the Brigade, represent. They are nothing more than infuriating, high-profile aberrations. My point? Now, more than ever, is when we need the support of our Alumni. It would be tempting, if you were led to believe that these happenings reflected the character of the Brigade as a whole, to abandon ship on us, but you must not. Right now, there are thousands of Midshipmen who are just like you were when you called the confines of Mother B home. We are worthy of your support and trust. The times we live in are different—that's true, but there is a grand universality to many portions of the experience by which we all, young and old, are inextricably bound together—the Annapolis experience. My desire is to communicate to you, our predecessors, that although we live in different times, people never truly change. All but a profound minority of us espouse the same ideals, harbor the same hopes, and are haunted by the same fears that most of you had as young men and women attending this school. We are here for love of country and a desire to serve. With an exerted show of solidarity, we can all help to quiet those who would like to end or severely break down 150 years of tradition based on a random outbreak of isolated incidents. There are, admittedly, those who like to see this happen. They are banking on the assumption that we, the Naval Academy family, can be divided. Don't let that happen. Hang on tight and ride out the storm with us, better days are ahead.

On a final, brighter note, a hearty congratulations to the Class of 1996 for completing a grueling four years and winning the prize. Best of luck in the fleet; make us proud!

That's all I have for this month, but I'll be back keeping you apprised of the latest gouge in the next issue. Until then, fair winds and following seas.

TRIBUTE TO DONALD HERBERT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the distinguished service of Mr. Donald Herbert, a Buffalo firefighter injured in the line of duty.

On December 29, 1995, while serving the city of Buffalo as a firefighter at a residential fire, Mr. Herbert suffered traumatic injuries when the roof of the building he was in collapsed. Despite the extensive nature of his injuries, and after a very trying first few months, Donald Herbert's personal strength and commitment to God and his family have enabled him to make his way toward recovery.

Today, the Herbert family, the Buffalo Professional Firefighters Association, and our Buffalo community have organized an event to honor Mr. Herbert, and to convey to him our grateful appreciation for his service, valor, professionalism, and bravery. Donald Herbert can count on our Buffalo community, because we have always been able to count on him.

Mr. Speaker, today I join with the Herbert family, the Buffalo Fire Department, the city of Buffalo, our western New York community, and indeed, all of those who have dedicatedly served our Nation and ensured our safety as firefighters to honor Mr. Donald Herbert for his dedication, hard work, and commitment to our city; and offer him my sincere best wishes for a speedy recovery.

LEGISLATION TO ALLOW PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS DURING UNEMPLOYMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would allow people to receive penalty-free withdrawals of funds from certain retirement plans during long periods of unemployment. I am pleased that Representatives SAM GIBBONS, CHARLES RANGEL, PETE STARK, BARBARA KENNELLY, ROBERT MATSUI, BILL COYNE, JOHN LEWIS, and RICHARD NEAL have joined me in cosponsoring this legislation.

This legislation would allow penalty-free withdrawals from individual retirement accounts [IRA's] and qualified retirement plans—401(k) and 403(b)—if the taxpayer has received unemployment compensation for 12 weeks under State or Federal law. Under the legislation, the distribution of funds would have to be made within 1 year of the date of unemployment. In addition, a self-employed individual would be treated as meeting the requirements of unemployment compensation if the individual would have received such compensation if the individual would have received such compensation if he or she had not been self-employed.

Under current law, when a taxpayer withdraws money from an IRA or a qualified retirement plan before age 59½, he or she is forced to pay an individual 10 percent tax on the amount withdrawn. This additional tax is intended to recapture at least a portion of the tax deferral benefits of these plans. This tax is in addition to regular income taxes the taxpayer must pay as the funds are included in the taxpayer's income. The early-withdrawal tax also serves as a deterrent against using the money in those accounts for nonretirement purposes.

The vetoed Balanced Budget Act of 1995 includes a provision which is the same as this legislation with respect to withdrawals from IRA's. This provision recognizes that when an individual or family is faced with long periods of unemployment, they may have no other choice but to draw upon these funds to meet their everyday living expenses. During this financially stressful time, an additional 10 percent tax for early withdrawal is unfair and only serves to make the family's financial situation worse. This legislation would accomplish the goals of that provision by allowing penalty-free withdrawals during long periods of unemployment from IRA's as well as qualified retirement plan 401(k) and 403(b) accounts.

Many small businesses offer participation in 401(k) plans, this amendment would help unemployed people who at the time of separation from employment chose to leave their 401(k) funds with their former employer. Then, because of unanticipated long periods of unemployment, need access to those funds. Accordingly, many small businesses would benefit from this amendment. In addition, employees who are laid-off from their former employment may need access to those funds in order to start up their own small business. State and local government employees who are displaced through downsizing, also may need access to the funds in their 403(b) plans for similar purposes.

The benefit this legislation would offer the long-term unemployed is the right thing to do in this period of economic uncertainty. You can plan for many things in your life financially, but the impact of long, unanticipated periods of unemployment can create financial havoc on any individual or family, including those that thought they had adequate savings to get them through such a situation. Long periods of unemployment are similar to major illnesses that can result in catastrophic medical expenses. Under current law, taxpayers are allowed penalty-free early withdrawals from qualified retirement plans to meet catastrophic medical expenses, therefore, it makes sense to extend this benefit in cases of long periods of unemployment.

Passage of this legislation would allow unemployed taxpayers a chance to get back on their feet without having to pay an unnecessary financial penalty when they can least afford it.

OFFUTT APPRECIATION DAY

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. CHRISTENSEN. Mr. Speaker, I rise today in recognition of Offutt Appreciation Day. In my district in Nebraska, Offutt Air Force Base is the home of more than 10,000 military personnel and their 17,000 family members, employs more than 1,500 civilians, is a valued part of the Omaha/Bellevue area community and plays a vital part in our global military strategy.

In Congress, I have shown my appreciation for the families of the Offutt community by fighting for funding for Impact aid, the program which compensates public school districts for revenue lost due to the presence of military bases like Offutt. Although Impact Aid was almost zeroed out during last year's budget battle, we were eventually able to fund the program at 100 percent of the total for fiscal year 1995, providing approximately $7 million to the Bellevue Public Schools and about $510,000 to the Papillion School District. I'm pleased to note that this year the Labor-HHS appropriations bill increased funding for Impact Aid by $35 million. I fought hard to make sure this funding was included in the bill because I care deeply about the Offutt community. I want to ensure that the children of military families receive a quality education.

In honor of Offutt Appreciation Day, most of the townships and cities surrounding Offutt have passed proclamations recognizing this event. I am pleased to include the text of one of these proclamations by Robert Eccles, mayor of Ralston:

PROCLAMATION

Whereas, Offutt Air Force Base's families are a valued segment of the City of Ralston and other communities in Nebraska where everyone works as neighbors to ensure that Nebraska continues to be "where the good life began", and

Whereas, personnel stationed at Offutt Air Force Base and their families continually dedicate their lives to guarantee our freedom and defend this great nation,

Now, therefore, be it *Resolved* that I, Robert J. Eccles, Mayor of the City of Ralston, join with the Offutt Advisory Council, the Air Force Association, and the Bellevue Chamber of Commerce in saying thank you and do hereby designate July 12, 1996 as Offutt Appreciation Day in the City of Ralston and urge all citizens to join with me on this day in saluting the members of Offutt Air Force Base, Nebraska.

In Witness whereof, I have set my hand and caused the Official Seal of the City of Ralston to be affixed this last day of July 1996. Robert J. Eccles, Mayor.

NEWMAN AFRICAN METHODIST EPISCOPAL CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to the Newman African Methodist Episcopal Church, that is located in Michigan's Ninth Congressional District. The Newman African Methodist Episcopal Church is recognized as the first African-American church established in Oakland County, MI, and as the birthplace of the Oakland County Chapter of the National Association for the Advancement of Colored People.

The church was organized in 1861 by Rev. Augustus Green. Although Reverend Green and his brethren did not have available to them a permanent home in which to pray, they were determined to worship. The first services were held in a church basement and in a schoolhouse. Eventually, the strength of their collective faith prevailed, and the congregation incorporated in 1868 and purchased their own church building in 1872. That original temple served to enable the congregation to prosper a grow. In 1961, the present house of worship was built and has been a focal point of faith within the community.

Mr. Speaker, the work of the church has led to an increased level of worship within the city. There is no doubt that the Newman African Methodist Episcopal Church has played a significant role in Oakland County religious life. Under the leadership of Bishop Basil A. Foley, the current pastor, it continues to be an instrument of positive change in our community. In recognition of its historical importance, a marker will be erected by the State Historic Preservation Office of the Michigan Department of State, that will declare the Newman African Methodist Episcopal Church as a historical site in the State of Michigan.

Mr. Speaker, it is an honor and a privilege for me to rise before my colleagues in the House of Representatives to honor a church and its congregation who have contributed so much to society.

IN RECOGNITION OF PATRICK EMMANUEL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I address the House of Representatives today in recognition of a remarkable man's professional and personal achievements. Rarely does a man come along who truly makes a difference in the life of his community. As Robert Kennedy once observed, few men possess that special quality that allows them to actually bend history. Through 50 years of dedicated service and unwavering integrity, Patrick Emmanuel has made a difference in the life of northwest Florida and the national legal community.

Today, the First Congressional District of Florida celebrates Patrick Emmanuel's 50 year commitment to excellence and professionalism in the legal field. Mr. Emmanuel's extraordinary achievements put him in a league of his own. He has honored his community by serving as president of the Florida Bar, as a member of the Board of Governors for the Florida Bar, as president of the Florida Bar Foundation, as a fellow for the American College of Trial Lawyers, as fellow for the American College of Probate Counsel and as a fellow for the American Bar Foundation. Perhaps his finest hour as a member of the legal profession was his courageous stand against the American Bar Association's ideological drive to politicize that organization instead of focusing primarily on the promotion of professionalism in the legal field.

If Patrick Emmanuel's accomplishments were limited solely to the legal field, his contribution to our community would be commendable. But many consider his achievements outside the legal field to be his greatest contribution to northwest Florida. Mr. Emmanuel served as a member of the Board of Directors of the Northwest Florida Crippled Children's Home for over 20 years. He was also

appointed by the Governor as a member of the Florida Children's Commission and served as chairman of the Advisory Board of Sacred Heart Hospital. Most importantly, he succeeded where it counts the most: as the respected father of 7 children and 11—and counting—grandchildren.

While many have respected Patrick Emmanuel from afar, I had the privilege of working with him as a summer law clerk in 1989. I recall the law clerks and attorneys holding Mr. Emmanuel in a level of esteem remarkably high for such a cynical age. Most importantly, I observed his total commitment to excellence and integrity. That commitment not only served as an example to summer law clerks such as myself, but also to his clients, his law firm and his community.

On my Capitol Hill desk sits the pen set Mr. Emmanuel presented me at the end of my summer employment. The set is a reminder of a summer where I was introduced to a great man who had a great impact not only on my life, but on the lives of so many others who may never have had a chance to thank him. As the U.S. Representative for that region, I thank Mr. Emmanuel tonight on behalf of all those lives he has enriched. Thank you, Mr. Emmanuel.

REPORT FROM INDIANA—FIRST BAPTIST CHURCH

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give a special Report from Indiana. It is a special report because I was truly moved by a recent visit to a church in my hometown of Muncie, IN.

On June 28, Ruthie and I visited a very special place, the First Baptist Church. Ruthie and I were so grateful and honored to be included in a patriotic celebration called Liberty, in honor of Independence Day.

The musical celebration was directed by Steve Clarke, the minister of music. It truly captured the spirit of America in song.

Dr. Edward Strother read patriotic passages from Abraham Lincoln and Ronald Reagan during the interludes. He echoed President Reagan's inaugural address in asking God that "You would continue to hold us close as we fill the world with our song—a song of unity, affection, and love." He also quoted from Lincoln's Gettysburg Address in saying, "We here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that the government of the people, by the people, and for the people shall not perish from the earth."

The production was amazing, screens flashed to the lyrics as our favorite patriotic songs were coordinated by a cast of all ages, from youngsters to seniors.

Songs: Star Spangled Banner; Yankee Doodle; Columbia, the Gem of the Ocean; You're a Grand Old Flag; America the Beautiful; Fifty States in Rhyme; Oh Susanna; Home on the Range; Dixieland; Shenandoah; I've Been Working on the Railroad; Johnny Has Gone For a Soldier; U.S. Air Force; Caisson Go Rolling Along; Anchors Aweigh; Marine Corps Hymn; Battle Hymn of the Republic; From Where I Stand; The Golden Dream; My Country Tis of Thee; and The Pledge of Allegiance.

The volunteers and staff at First Baptist Church, in Muncie, made "Liberty," a special patriotic program, a big success. Folks like, Elaine Hamilton, produced the event, worked the sound, made a huge contribution from behind the scenes. Their tribute and respect in honor of our Nation's birthday, made me proud. It made so many of us proud.

So many folks made this patriotic event a very moving program. The entire staff and all the volunteers at First Baptist Church, are to be commended for their heartfelt celebration honoring our country and freedom. I would like to say thank you for including us. It truly touched both of us.

That, Mr. Speaker, is my Report from Indiana.

NAMES TO BE ENTERED INTO RECORD

Steve & Debbie Clarke, Dr. Edward Strother, Elizabeth Ratchford, Elaine Hamilton, Jana Allen, MaNell Gregg, Dirk Harris, Andy Rees, Wendy Rees, Wes Russell, Mike Wilson, Elsie Anderson, Walt Baker, Martha Bogle, Sharon Boyle, Wanda Burns, Nancy Callahan, Helen Clark, Bill Conner, Earl Coulson Jr., Susan Coulson, Lois Craig, Denzel Crist, Jack Cronin, Dana Davis, Heather Davis.

Barbara Eidson, Eleanor Fisk, Mary Flannery, Nellie Halt, Jerry Hamilton, Bill Harris, Louise Head, Rodney Head, Harry Irwin, Jacqueline Irwin, Pat Kissick, Nancy Kosar, Cathy Mitchell, Kristin Murray, Connie Parker, Jane Patton, Lavenna Putman, Bill Reid, Phobe Reid, Connie Thalls, Anson Tooley, Barbara Turner, Betty Unger, Gaylon Washburn, Marsena Washburn, Heidi Webb, Midge Wooters, Ashley Blackwell, Stanley Blackwell, Robbie Craig, Samantha Ratchford.

TRIBUTE TO FOOD PANTRY VOLUNTEERS, WEST SIDE CAMPAIGN AGAINST HUNGER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the food pantry volunteers of the West Side Campaign Against Hunger, a special group of people who regularly give up their time to assist in feeding the hungry of the west side of Manhattan. This group of dedicated volunteers is being celebrated by the West Side Campaign Against Hunger at the Church of St. Paul and St. Andrew on Sunday, July 14 for the enormous contribution they have made to their community.

The food pantry volunteers generously donate their time and energy to staff the food pantry. Volunteers assist the pantry daily, taking in deliveries, displaying food, helping customers, recycling and cleaning up. These volunteers have contributed 7,600 hours in 1996 to this effort. Due to the steady stream of support from the volunteers, the food pantry has been able to feed nearly 3,000 people each month.

Mr. Speaker, these individuals are deserving of special recognition for their tireless contribution of time and energy to the plight of those less fortunate. I am proud to rise here to honor this much appreciated but far too rarely acknowledged group of volunteers. I ask my colleagues to join with me and the West Side Campaign Against Hunger to celebrate their hard work and commitment.

TRIBUTE TO ALLEN C. "PETE" OGDEN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, this is a proclamation to acknowledge Mr. Allen C. "Pete" Ogden as president of the Western Pennsylvania State Association of Township Commissioners.

In addition to his civic accomplishments, Mr. Ogden is a retired business manager from Iroquois School District where he also taught mathematics. He is a devoted family man and has been married to Pat for 40 years. Together they have three grown children—Pam, Paula, and Peter—as well as three grandchildren—Jennifer, Nicole, and Matthew.

He has been a Lawrence Park Township commissioner for the last 15 years and 7 of those years he has served as president of the board. Despite the demands of being a part-time commissioner on a full-time basis, Mr. Ogden also manages to be vice president of Northwest Planning, an executive board member of the East Erie Communications Center, delegate to the Erie Area Council of Governments, the Watershed Plan Advisory Board, the Allegheny League of Municipalities, the Erie County Association of Township Officials, as well as a member of the Erie County Library Committee, the Erie Eye Bank Association, the Runner's Club, and the Lions Club.

Please join me in recognizing Mr. Ogden as State president and thank him for his many years of dedicated public service.

A SALUTE TO JOSE CASTRO CORRAL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to one of this Nation's newest citizens. When Jose Castro Corral came to the United States in 1918, Woodrow Wilson was President, Arizona was celebrating its fourth year of statehood, and America was in the middle of a devastating World War. In this time, Jose Corral and his family immigrated to America because they dreamed of a better life for themselves and their community. Indeed, Jose Castro Corral has more than fulfilled his family's vision.

Mr. Corral was born in Sonora, Mexico on August 9, 1916. Two years later, his family moved to the small mining town of Kearny,

AZ, where he has lived ever since. Jose Corral's parents raised their children to become productive, accomplished members of American society. During his childhood, Jose Corral was encouraged to strive for educational excellence and active participation in community service. These upstanding ideals continue to thrive in the Corral family today.

Not only was Jose Corral dedicated to his career as a miner, he also strived to build a family of high integrity and moral value. Together with his wife Amanda, Jose Corral raised six educated and accomplished children who have become important figures of organizations including the U.S. Armed Forces, Phoenix Symphony Orchestra, Salt River Project, and INTEL. The Corral children have raised families of their own, and continue to uphold their father's vision.

In addition to Jose Corral's accomplished family and career, his altruistic nature is truly commendable. The Corral family has a unique love for music, and Jose participates in his church's choir each week. He also volunteers at church retreats and various community functions.

After 78 years of countless accomplishments in America, Jose Castro Corral recently decided to strive for yet another goal—U.S. citizenship. As the only noncitizen in his family, Jose felt that U.S. citizenship would fulfill his dream of service to his family, his community, and his country. On June 21, 1996, as his family waved signs and posters applauding his latest accomplishment, Jose Castro Corral celebrated U.S. citizenship.

Jose Castro Corral and his family serve as role models for immigrants who come to this country to fulfill America's ideals of opportunity and individual responsibility. Not only is he a model person, he is now a model citizen. It is truly an honor to welcome Mr. Jose Castro Corral as a citizen of this great Nation.

TRIBUTE TO CARLOS LLERAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. FARR of California. Mr. Speaker, today I rise to pay tribute to Carlos Lleras, a man who exemplifies the very best in public service. He retires this month after valiantly serving his country of Colombia for the past 2 years as their Ambassador to the United States. Ambassador Lleras has diligently represented his people, and it has been my pleasure to work with him through his tenure. His distinguished background will serve him well as he enters the next stage of his professional career.

Ambassador Lleras came to the United States of America in 1994 with impressive credentials. While he draws upon his vast intellectual capacity in fields as expansive as agrology, economics, and law, he is masterful in his application of this knowledge. His past is as broad as it is deep, and I am confident that he will continue to hold the people of Colombia close and dear to his heart in his future endeavors.

Ambassador Lleras received his juris doctor in law and social science from the Colegio Mayor de Nuestra Senora del Rosario. He received a diploma in civil cassation in 1960. By the time he was 24 years of age, Ambassador Lleras had already become a municipal judge and professor of economics at the Fundacion Universidad de Bogota Jorge Tadeo Lozano. One year later, in 1962, he had become professor of political science at the Universidad de America, and was also appointed dean of the faculty of natural resources at the Fundacion Universidad de Bogota Jorge Tadeo Lozano, a post he would hold for the ensuing 4 years. By 1966, Ambassador Lleras had additionally been appointed academic dean, and given an honorary degree in agrology. Ambassador Lleras then went on to lead the Universidad de Bogota Jorge Tadeo Lozano to excellence as their president from 1969 to 1972.

In addition to Ambassador Lleras' impressive academic achievements, he has also pursued other fields of interest with the same tenacity. He has been the president of numerous organizations, such as the Edible Grase and Oil Producers Federation and the National Federation of Automobile Dealers. Ambassador Lleras has also been the honorary president of the Colombian Society of Business Administrators, president of the Advisory Committee of the Colombian Institute of Foreign Trade for the reform of the Andean Pact and a columnist for the "El Tiempo" newspaper in Bogota. In 1993 he became cojudge for the Constitutional Court and within a year he was a precandidate for the Presidency of Colombia with the liberal party.

Though the United States and Colombia have not always seen eye to eye, I am proud to say that we have worked together through these differences, and Ambassador Lleras has played a pivotal role in this dichotomy. Having spent several years in Colombia during the 1960's in the Peace Corps, I am reassured knowing that he will be returning to his wonderful and beautiful homeland, with a renewed interest in serving the people of Colombia. As Ambassador, he pulled together the Returned Peace Corps volunteers who have formed Friends of Colombia to begin a continued copartnership to help the Peace Corps spirit to flourish. During his tenure I have developed a close and strong liaison with Ambassador Lleras and I will not only be sad to see him leave on a personal level, but also for the sake of the Colombian people, whom he has so well served for the past 2 years.

Mr. Speaker, I ask my colleagues to join with me today in honoring Ambassador Lleras, a very rare and special individual who combines the best of both the academic and professional worlds. Throughout his life, and especially during the past 2 years, Ambassador Lleras has been committed to the ideals of leadership based upon the principle of compassion. Ambassador Lleras is a true public servant and will be dearly missed. I wish him well in his future endeavors.

CAPT. JOE TUCKER—DISTINGUISHED VETERAN, DEDICATED FATHER, HOMETOWN HERO

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to salute Capt. Joe Tucker who is the Chief Naval Instructor at the Henry County High School in Georgia's Third District. This retired U.S. Coast Guard officer recently demonstrated a level of courage, compassion, and heroism for which we all can be proud. Captain Tucker is the kind of role model that our children need and deserve.

Today, I am submitting for inclusion in the CONGRESSIONAL RECORD an account of events that occurred, appropriately enough, on Memorial Day at the High Falls State Park. This account, from the front page of the Henry Herald on June 19, 1996, is in the words of 11-year-old Andrew Tucker who can better relate the full meaning of the events of that day than any newspaper writer or I could possibly hope. This story pays tribute to a fine uniformed officer, teacher, role model, and father—Captain Joe Tucker.

MY DADDY'S A HERO

(The Henry Herald, 6/19/96)

I'm Andrew Tucker. I'm reporting about my dad. It all started when my mom and dad and me were coming back from Indian Springs. We decided to go to High Falls Park to go swimming. We had never been there before. Lots of people were swimming in the river and walking on the rocks. Millions of signs around High Falls said not to go on the rocks.

We were walking near the waterfall when we heard a lady say "Can anybody swim?" My dad looked kind of strange because we all thought someone was drowning, but the lady didn't sound very excited. Then we saw a boy in the water, trying to come up for air and waving his arms real slowly, but then went under the water and didn't come back up. Then the lady said, "there is another one in the water."

My dad just took off his hat and glasses and his shoes, and he went in with all of his clothes on. It looked like the water was six feet deep, but my dad later said that it was about 12 feet. My dad dove in, but it was too deep. So he had to go down feet first and feel around the bottom.

He found something soft so he dove under, and it was a little girl! The current was pushing her down between rocks. She had been under there for five minutes. After six minutes you are a goner if you are under water. She was under for about five minutes when my dad brought her up.

He did mouth-to-mouth (resuscitation), or CPR. She was a little black girl. But then a man named Sam Jordan that we had talked to before came to help with the boy. They brought the girl up the hill where I was.

By that time my mom was yelling, "Has anyone got a cellular phone?" The people were just sitting there. I don't know why. She ran up the hill to the pool to get a lifeguard to call 911. The lifeguard came running down like a rocket with no shoes on. They carried the girl up the river bank.

When I saw the little girl, I thought she was dead. She looked dead. She wasn't moving and her eyes were closed. I felt sad when I saw her.

They laid her down on the ground. There were lots of people sitting on blankets, watching, and lots of people crowding around.

Then I saw her arms move, and then she opened her eyes. It seemed like a long time before she could sit up. Then I knew she was going to be fine. She talked, but I don't think she knew where she was. I was really glad that she was alive.

My dad stuck with that little girl. I think he was worried that she might not make it. I'll bet the girl may not go swimming for a long time!

By that time the boy started to get up and walk. They took both children and put them in an ambulance and drove away. We talked to Sam Jordan about the girl. They thanked my dad and said he was there at the right time.

I looked back at the river where before there were lots of people swimming and playing. Now there was just water and rocks.

Right there, where the two kids were drowning * * * was a sign that said, "DO NOT GO ON THE ROCKS! GO IN THE WATER AT YOUR OWN RISK!" I don't know why people don't obey the signs; then they would be okay.

We went to a place where Dad could put on dry clothes. I found a flat rock. I decided to write "HIGH FALLS, 1996" on it and give it to Dad so he could remember what he did on that day.

When we got home, I told everybody at school that my dad saved a little girl's life.

INTRODUCTION OF RUNAWAY AND HOMELESS YOUTH AMENDMENTS OF 1996

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MARTINEZ. Mr. Speaker, I am pleased to introduce, with my colleagues Mr. KILDEE and Mr. SCOTT, the administration's proposal to reauthorize the Runaway and Homeless Youth Act.

It is estimated that 1.3 million young people run away or are homeless each year. Since 1974, the services funded by the Runaway and Homeless Youth Act have meant the difference between life and death for young people living on the streets. The basic centers program has provided safe havens which seek to help reunite families. The transitional living services have provided older homeless youth, who do not return to their families, with the skills needed to make a successful transition to an independent adulthood.

The Runaway and Homeless Youth Amendments of 1996 maintain the commitment to youth in crisis by authorizing a comprehensive effort that combines the resources of the basic centers program and the transitional living grant program. This initiative also makes use of current drug abuse prevention and education services, as well as various demonstration projects and targeted grant programs authorized by the act. However, grants for the prevention of sexual abuse and exploitation of runaway, homeless, and street youth are kept separate.

Assistance for runaway and homeless youth will be improved with the elimination of fragmented services and funding. Under this legislation, grantees will be able to provide a variety of services, but they must supply short term shelter, long term residential services, or both. At least 20 percent of the funding will be set aside at the national level to ensure that the critical, and often costly, transitional living services for older homeless youth are continued. In addition, either through referrals or onsite programs, to address the drug abuse and alcoholism that plague many of the young people who come to them for help.

Mr. Speaker, this legislation goes a long way toward addressing the multifaceted issues that runaway, thrownaway, and homeless youth face. I am honored to be its sponsor.

CALPERS GENERAL COUNSEL RETIRES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MATSUI. Mr. Speaker, I am very pleased and proud today to pay tribute to Richard H. Koppes, who at the end of this month will retire from his position as general counsel and deputy executive officer of the California Public Employees' Retirement System, known as CalPERS.

Mr. Koppes has played a major role in guiding the highly regarded CalPERS corporate governance program, which seeks to improve the performance of companies in which CalPERS invests. Throughout his many years in working with some of the Nation's largest corporations, Mr. Koppes has been known as a leader who was firm but fair. This evenhanded manner quickly won the respect of many chief executive officers and has allowed him to be as influential and accomplished as he is today. In 1994, The National Law Journal named him as one of the country's 100 most influential lawyers.

Mr. Koppes began his career in 1971, when he received his juris doctorate from the University of California at Los Angeles. He is the founder and past president of the National Association of Public Pension Attorneys, a member of the American Law Institute, and a current member of the New York Stock Exchange Board of Governors' Legal Advisory Committee. Mr. Koppes has been widely regarded as an authority on pensions and the retirement system. Specifically, he has written and lectured on many issues related to the role of pension fund investors in corporate governance and fiduciary duties.

Fortunately, Californians will continue to benefit from his expertise even after he departs CalPERS. Mr. Koppes will continue his distinguished career at Stanford University Law School, where he will be an instructor of law in the school's executive education program. He will also serve as a counsel to various organizations, including the law firm Jones, Day, Reavis & Pogue and the American Partners Capital Group, Inc. Mr. Koppes' career in the private sector will focus on providing corporate governance expertise and institutional shareholder consulting.

Mr. Speaker, Richard H. Koppes deserves recognition for all of his contributions and achievements in the public service. I am proud to recognize this talented constituent and pleased to wish him well in his future endeavors.

TRIBUTE TO DOT PETERSON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to commend an exceptional, award-winning broadcasting at KRIS–TV in Corpus Christi who is, regrettably, leaving our community.

Dot Peterson, an anchor at a leading Coastal Bend television station, is leaving Corpus Christi to advance professional by as a producer at KOAT in Albuquerque. In television, producers are higher up in the food chain than the people we see on TV giving us the news each evening. Dot has handled the on-air anchor duties in addition to co producing since she came to KRIS. However, seeing Dot deliver the news in a steady and honest way at 6:00 p.m. and 10:00 p.m. regularly has made her a trusted figure in the Coastal Bend viewing area.

Her dedication to her community is evident through her community service. She serves as a board member of the Consumer Credit Counseling Service, a nonprofit United Way agency—a cause to which she is very dedicated. She is the recent past president of the Womens' Board of All Saints Church. She was also selected as the YMCA Woman of the Year in 1995.

Professional awards seem to follow Dot around Texas. In 1986, she anchored the KLDO newscast in Laredo which was recognized by the United Press International as the best newscast in Texas. This year, her newscast on KRIS was recognized by the Texas Associated Press as the Best newscast in Texas. Dot is very much a part of the entire south Texas community that she loves. She has reported in San Antonio, Laredo, and Corpus Christi. She speaks Spanish fluently, she explores all the aspects of the stories she covers, and she asks the tough questions.

Tommorrow, I will be with her to promote a cause to supply local school children in disadvantaged school districts. Operation Supply Our Schools asks community members to donate school supplies so resources from the school district can be better directed to meeting other learning needs. It is a cause we both know is important to the area children.

It will be Dot's last broadcast in Corpus Christi so I want to take this opportunity to wish her well, and I ask my colleagues to do the same.

TRIBUTE TO VICE ADM. TIMOTHY W. WRIGHT

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has given

to his country 35 years of distinguished service. I rise to honor a man who has given to God, country, family, and community, and who I believe exemplifies all that is best in the American people. This week Vice Adm. Timothy Wright will be retiring from the U.S. Navy, and all who served under him, or who worked with him, as I did, wish Admiral Wright well, congratulate him, and want to know how much he will be sorely missed.

Emerson once said that what people say about you behind your back is the measure of your standing in society. Mr. Speaker, the words that have been said about Admiral Wright behind his back include: honest, decent, a gentleman, hard working, loyal, dedicated, courageous. From the time he entered the Navy in 1961, through his tours of duty as commander of a carrier air wing, commander of the 7th fleet, and Chief of Naval Education and Training, to his work in the Office of the Secretary of the Navy, Admiral Wright has shown a standard of excellence and dedication to duty that marks him out as a singularly able and distinguished man of intellect, skill and integrity.

Admiral Wright made a career that showed him to be one of the Navy's finest—the best of the best. For anybody who doubts that, look at the record: Defense Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal. The list goes on and on, and its testimony to a man that has given to his country an example of excellence for which we should all strive.

Now Admiral Wright will be retiring, returning to the wife and children that he loves, making up for the lost hours that a distinguished career in the Navy requires of its best and brightest. He has earned a period of R and R, as they say in the Navy, though I'll bet that he will not spend his free time sitting around the house watching game shows, and that retirement will not mean the end of an active life. Men of such dedication and nobility are not the kind of people to, if the Admiral will not mind me quoting a General, "simply fade away."

So, I join the people of the United States, of the Navy, and of my district in Florida, in wishing Admiral Wright a hearty congratulations and thanks for a job well done and a life well lived. May the years ahead bring him continued good health and happiness, and may Admiral Wright go into the next stage of his life secure in the knowledge that he has made a difference, both to those who know him and even to those who do not. The Navy is a better organization for his having served in it. Godspeed Admiral Wright; I wish for fair winds and following seas.

REPORT FROM INDIANA—WERNLE HOME

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report from Indiana. In the Second District of Indiana, I meet wonderful people, wonderful, kind and caring people, working day and night to help others.

Individuals, like those involved with a very special place, Wernle Home, a children's orphanage that I visited just a few weeks ago in Richmond, IN. Everyone involved with the success of Wernle are Hoosier Heros in my book. Ruthie and I have visited our friends at Wernle on many occasions. And each time we meet loving workers and volunteers who care for battered and abused children.

Several years ago, in my first visit, I formed a special friendship with a young boy staying at the home. We sat in his room, and he opened up his special drawer with all of his prized possessions. As he showed us his matchbox cars, and baseball cards, Ruthie asked him, one simple question. "What's your favorite thing to do?" His answer, remains in my heart, as clear today as it did back then. "I want to be with my family." That brought tears to my eyes put a lump in my throat, and filled my heart with hope.

The folks at Wernle Home, help kids like this young boy—and encourage them so they never give up hope for a brighter future.

The Lutheran Church founded Wernle in 1879 as an orphanage. Today it assists children who have suffered from emotional, physical, and sexual abuse at the hands of others.

I'd like to recognize and thank the volunteers and staff who make Wernle Home a huge success.

Folks like, Rev. Paul Knecht. For over 40 years he has helped children with special emotional and behavioral needs. He believes in his heart that "every child deserves a chance." Pat Mertz, ensures that Wernle has the financial stability it needs. He's known for swapping baseball cards with the boys. Pat makes an impact on their happiness. Judy Beeson, teaches handicapped children with a simple motto, "You can always see a rainbow even in a tornado."

Vern Pittman, is a father figure to many of the boys. Billie Fisher and Paula Wright are affectionately referred to as Mom. And Reverend Jerald Rayl, for over 14 years has ensured that the children receive spiritual needs.

And my good friend, Mike Wilson, has dedicated his life to raising the public awareness of Wernle throughout Indiana and Ohio. Cleo Lee makes sure the boys receive clothing, and this is no small task. Today there are over 110 children to care for. Craig Leavell, the director of recreation teaches the children who say, "No, I can't," to discover, "Yes, I can."

Of course the true success of Wernle Home is found in the hearts of volunteers who make it possible. Irna Chase has faithfully made sure that cakes are delivered on birthday's. Forrest Fox, has formed a special grandfather-type relationship with one young boy at the Home. His love is crucial because the child has no parents, no family. Retired Judge Brandon Griffis, conducts discussions on the law and legal issues with the older boys. Al and Marilyn Young, continue to provide leadership and support to make Wernle Home successful.

Now, I am only mentioning a few. The entire staff and all the volunteers at Wernle Home, are Hoosier Heros. They work very hard, to take these precious children in from the darkness of despair, and serve as a beacon of light. Showing them there is: Hope for tomorrow.

That, Mr. Speaker, is my Report from Indiana.

Names to be entered into RECORD:

Rev. Paul Knecht, Pat Mertz, Judy Beeson, Nancy Carter, Vern Pittman, Marvin Nesheim, Bille Fisher, Paula Wright, Dick Harrell, Rev. Jerry Rayl, Cleo Lee, and Craig Leavell.

Stan Thomas, Steve Tyler, Irna Chase, Amy Dillon, Forrest Fox, Judge Brandon Griffis, Jr., Al and Marilyn Young, the staff of WKBV/Hits 101.3 FM, Mike Wilson, and Kath Barker.

IN HONOR OF THE PUERTO RICAN FLAG'S 100TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 100th anniversary of the design of the Puerto Rican flag, a symbol which represents the enormous contribution the citizens of the island have made to our Nation. The flag's anniversary will be honored by the city of Hoboken and the Puerto Rican Week Committee at City Hall in Hoboken on July 13, 1996.

The flag was completed in New York City at Chimney Corner Hall in Manhattan on December 22, 1895. The flag of Puerto Rico has a rich history. Dr. Julio J. Henna, led a group of 59 Puerto Ricans who organized the Puerto Rican section of the Cuban Revolutionary Party. As part of their activities, a flag was created to rally support for independence from Spain.

The Puerto Rican flag was designed by inverting the colors of the single starred flag of its neighbor in the Caribbean, Cuba. The first known incarnation of the symbol was made by Manuela "Mima" Besosa, the Puerto Rican Betsy Ross. The motion to adopt the flag was approved unanimously by the Puerto Rican revolutionaries.

For 100 years, the Puerto Rican flag has symbolized a proud people. It has served as a symbol of Puerto Rico's cultural tradition and heritage. Puerto Ricans are proud of their many contributions to the United States and they are proud of the unique identity their flag represents. Puerto Rico has been referred to as the "Shining Star of the Caribbean." Her citizens residing in Hoboken are shining stars in their community.

It is an honor to recognize the banner of a group of constituents I am proud to represent. I ask that my colleagues join me in honoring the 100th anniversary of the creation of Puerto Rican flag.

TRIBUTE TO THE 10TH DISTRICT OF OHIO

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HOKE. Mr. Speaker, Cleveland Magazine recently published a story detailing the results of their fourth annual survey of Cleveland

area communities. The study ranks the 47 communities according to safety, education, and affordability. I am happy to announce today the 8 of the top 10 communities are in the 10th District.

Mr. Speaker, I believe this is a tribute to the good people of the 10th District and demonstrates their strong sense of neighborhood and community values. You know, sometimes people in Washington have a tendency to think all things good flow from here. But it is at the local level that lives and communities are actually improved.

At a time when crime, poor education, and the depletion of values have become commonplace in many communities across the country, it is wonderful to see citizens taking the initiative to make their communities better. I am extremely proud of the people of my district, and I encourage them, and citizens across the country, to keep up the good work.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mrs. CLAYTON. Mr. Speaker, on the week of May 17, 1996 I was unavoidably detained and therefore missed the vote on the Solomon amendment, for the defense authorization bill. Had I been present I would have voted "no" on the amendment.

WHEN IT COMES TO U.S. TRADE POLICY, U.S. TOBACCO MARKET SHARE TRUMPS HEALTH WELFARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. STARK. Mr. Speaker, the U.S. is No. 1. But that's nothing to cheer about when you're the No. 1 exporter of tobacco products. According to the World Health Organization [WHO], the U.S. is the top exporter of tobacco products world wide, yet tobacco products represent less than 1 percent of total U.S. export earnings. Two recent studies by the National Bureau of Economic Research [NBER] and WHO have pointed out some disturbing information about the U.S. role in promoting tobacco products around the world and our international support of this addictive drug.

Since tobacco consumption has decreased by as much as 20 percent in the last 20 years in the U.S. and other highly industrialized nations, tobacco companies have been forced to turn elsewhere to shore up their huge profits. That elsewhere is foreign markets like Taiwan, Thailand, Japan, and South Korea. Since the early 1980's, the tobacco industry has been aggressively pressuring countries to open their markets to American tobacco products—and using U.S. trade policy to do it. Spurred by the tobacco industry, the U.S. Trade Representative [USTR] and the Commerce Department have successfully persuaded Asian countries to open their heavily restricted cigarette markets to U.S. tobacco products or face retaliatory measures.

The tobacco industry has been extremely successful in their conquest of the world tobacco market. The NBER study found that in 1991, U.S. tobacco market share in four Asian countries that lifted their import curbs was up 600 percent. Since 1975, U.S. cigarette exports have increased by 340 percent, up from 50.2 billion cigarettes in 1975 to 220.2 billion cigarettes in 1994.

But at what expenses to world health? According to the NBER report, the per capita cigarette consumption in Asian countries is almost 10 percent higher than it would have been if markets weren't open to American cigarettes. In their recent study of world tobacco and health trends, WHO found that, in the early 1990's tobacco products caused an estimated 3 million deaths world wide per year. In addition, WHO documents that at least one person dies every 10 seconds as a result of tobacco use around the world.

Don't we have other American products to promote through the U.S. trade Representative? Why are we promoting products that unequivocally kill people when used as intended? The United States has an abundance of other products that the USTR could be promoting. Is opening markets for cancer-causing tobacco products the best allocation of USTR resources?

From smoke-free workplaces to the proposed FDA regulation of tobacco, as the United States continues to enact stricter controls regarding tobacco use, we should set a positive example to the rest of the world by promoting healthy, tobacco-free lifestyles. How can we continue to strive to reduce tobacco use at home, but continue to promote tobacco use abroad? The U.S. is known as the leader of the free world. We should lead the fight against tobacco use, rather than lead the world in tobacco sales.

HONORING VFW POST 7734 ON ITS 50TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring the Veterans of Foreign Wars Post 7734 in Pico Rivera, CA, on the occasion of its 50th anniversary. On Saturday, July 13, 1996, commander Jose Perez, senior vice commander Richard Partida, junior vice commander Adres Ramirez, quartermaster Randolf Parker, and adjunct Robert Navarro, will join veterans, family, and friends to celebrate this momentous occasion.

In 1946, a group of WWII veterans decided to form a VFW post to serve veterans living in southeast Los Angeles County. They gathered their friends, family, and neighbors, and applied for a charter from the national VFW organization. On July 12, 1946, a charter was granted. They decided to name the post after a well-known comrade and school friend, Lt. Ray L. Musgrove, who died in action during WWII. Today, the VFW post still bears his name.

During the late 1940's and early 1950's many of the members began to move into new tract homes in Rivera, Downey, and Santa Fe Springs. In the early 1950's the post was officially moved to the community of Rivera. After purchasing property in 1975, the post broke ground and built its new home. VFW Post 7734 is currently located in Pico Rivera, serving veterans for the past 20 years.

Throughout the year, with the help of its auxiliary, the post has been involved with numerous veterans programs, V.A. hospital visitations, helping needy veterans and their families, as well as helping community youth activities, and promoting patriotism. The post has been active in honoring and perpetuating the memory and history of departed comrades who valiantly served our Nation.

Mr. Speaker, VFW Post 7734 today remains as committed to serving our Nation as it was 50 years ago when it was chartered. I proudly ask my colleagues to join me in saluting the members of VFW Post 7734 for their distinguished service to our country.

HONORING CONGRESSMAN JOSEPH Y. RESNICK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HINCHEY. Mr. Speaker, I want to take a moment today to share some memories of one of my distinguished predecessors, Joseph Y. Resnick, who served in this body during the mid-1960's. Joe Resnick was an inspiration to me as a young man when I was first getting involved in politics and Government service. His commitment to public service and his responsiveness to his constituents led to a new era in representative government in the Hudson Valley region, a legacy which continues to this day.

The first Ulster County Democratic convention that I attended in 1964 featured Joe Resnick as a candidate for Congress against a long-time, seldom-seen Republican incumbent. During his acceptance speech at that convention Joe Resnick told a story about a conversation with a friend of his in Ellenville, NY. The man expressed his surprise that Joe was a Democrat. You see, back in those days Democrats in upstate New York were outnumbered 3 to 1. Joe continued on in his speech, not for a moment defensive or embarrassed by it and said "I'm the best kind of Democrat—the winning kind!" And he was right. And it wasn't the first or the last time he was right either.

Joe Resnick brought a new style of leadership to the region. He was a very visible public official. Up until that time, Members of Congress in the region didn't have district offices, but Joe Resnick opening a district office in Kingston, NY. Joe Resnick actually wanted his constituents to know who he was and that he was there to serve them, not the other way around. It used to be that the only way you could get your Congressman to help you was if you had power, money, or good connections. Joe Resnick had a radically new idea—

serving the public directly, with dedication, and without discrimination. It all seems so natural to us today to do that, but believe me 30 years ago it wasn't. His example inspired me to open one of the very first district offices when I was elected to the New York State Assembly in 1976.

When I first came to Congress in January of 1993, then Speaker Tom Foley told me a wonderful story about his service with Joe Resnick on the House Agriculture Committee back in the 1960's. Joe Resnick was a freshman and the scene was the first day that the committee met for that session of Congress. The chairman of the committee, Speaker Foley went on to say, was an old Southern gentleman, very much of the old school as well, speaking in a thick Southern accent, who propounded the popular theory of those days that a freshman Member of Congress should be "seen and not heard," and that's the kind of treatment that the freshman Members could expect from the committee, and so forth. That was how it was in the old days. Well, Joe Resnick, who as a freshman was seated at the far end of the dais from the chairman, heard this and said "nobody is going to tell me how to vote; nobody is going to tell me what to do" in a voice loud enough for everyone in the room to hear. And nobody did ever tell him how to vote and get away with it. Joe Resnick was a man of conscience. His campaign literature reflected this—"I am my own man. I represent no special interest. I speak and vote only in accordance with my conscience and judgment to benefit the people I represent. The political bosses don't control me." And they didn't. Speaker Foley went on to tell me that Joe Resnick never did hit it off with that committee chairman and never got help from him. But Joe Resnick had his own circle of friends in powerful places, most notably his friendship with President Lyndon Baines Johnson.

Joe was an energetic public servant as well, working hard to bring Federal programs to the people who needed them—from food relief to helping to keep Castle Point veterans hospital from closing. He even brought President Lyndon Baines Johnson to Ellenville, for the dedication of Ellenville Hospital, on a day which is still remembered today. Although Joe Resnick was a prosperous man at the time of his untimely death in 1968, he and his brothers, with whom he founded the famed Channel Master Corporation, have never for a moment forgotten their humble origins as children of immigrant parents from Russia. His story, and the story of his large, extended family, is the story of America itself—hardworking, dedicated, and big hearted in all the right places and at all the right times.

Mr. Speaker, tomorrow would have been Joe Resnick's birthday and I want to respectfully invite my colleagues to join me in offering our prayers and best wishes to Joe Resnick's family on that day.

PROTECTING OUR NATIONAL TREASURES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. VENTO. Mr. Speaker, Gaylord Nelson, a former U.S. Senator and the recipient of the Presidential Medal of Freedom, recently wrote an eloquent Independence Day July Fourth guest column for the St. Paul Pioneer Press in support of our Nation's natural treasures. As Senator Nelson points out, our National Parks, National Forests and National Wilderness Areas are among our Nation's greatest blessings. We Americans must treasure these special places just as we treasure peace, freedom, and democracy.

America's public lands constitute a historic, natural legacy that belongs to all Americans. We simply hold these lands in trust for future generations, and must manage them for the benefit of all. Our children and grandchildren deserve to enjoy the beauty and majesty of their rightful natural inheritance in the years to come.

Today, there are some in Congress who see the control of our Nation's crown jewels as the province of solely parochial special interests who desire to define the use of our parks and wilderness areas to suit their personal convenience and preferences, and even for commercial purposes. Within my home State of Minnesota, some individuals are advocating extending authority to a management council—a new expensive cumbersome bureaucracy of local parochial special interests—for control of the Boundary Waters Canoe Area Wilderness [BWCAW] and Voyageurs National Park. These proponents also want to enshrine extensive snowmobile use on the pristine Kabetogama Peninsula of Voyaguers National Park and to increase motorized vehicle use within a BWCAW, a national wilderness. Such proposals benefit only a select few at the expense of the 250 million Americans who share common ownership of these national treasures in Minnesota.

I hope all my colleagues will take a few minutes to read Senator Nelson's insightful July Fourth essay on what it means to be an American and in defense of our National Parks and public lands. We have an obligation to protect these American crown jewels, not only our national legacy, but that of future generations.

[From the St. Paul Pioneer Press, July 4, 1996]

WE SHOULD RENEW OUR PLEDGE TO PROTECT OUR NATIONAL TREASURES

(By Gaylord Nelson)

As you watch the fireworks on the Fourth of July, what is it that makes you glad to be an American? The freedom to say whatever you please? The economic opportunities? Peace? On this Independence Day, all of those are worth celebrating.

But one of our greatest blessings is usually taken for granted. Every child born in this country instantly becomes a large landowner. He or she holds title to 623 million acres—nearly a million square miles. This acreage includes some of the planet's most spectacular places: the Grand Canyon, Yellowstone, Yosemite, and, closer to home, Voyageurs National Park and the Boundary Waters Canoe Area. No other country endows its citizens so richly.

Most of us know about the national parks. But they account for just 12 percent of the lands that all of us own jointly. Three other systems of lands make up the other 88 percent and are less well known. There are 155 national forests (including the Chippewa and Superior), 508 national wildlife refuges and 267 million acres of western heritage lands, including ancient Pacific Northwest forests, the California Desert and red rock canyonlands in Utah.

These places offer world-class recreation opportunities and receive 1.4 billion recreation visits a year. They contain 4,000 developed campgrounds and 160,000 miles of hiking and equestrian trails. About half the game fish habitat in the United States lies on the national lands, and 43 percent of all big-game hunters use these lands for their activities.

Our lands provide far more than fun and games, though. They are like an enormous university, teaching youngsters on field trips and all other visitors about the natural world and about our history. The forests filter rainwater, which then flows to our cities and towns. In the West, 96 percent of the population depends on water from the national lands. Trees on these lands also help clean the air and stabilize the climate.

You can even think of these million square miles as a gigantic natural laboratory, where scientists study and researchers discover medicines that treat diseases and make us healthier. Without these places, many of our fish, plants and animals would have no chance of surviving.

These lands even play a vital economic role. Those 1.4 billion annual visitors create a lot of business for stores and companies located near these lands. Late last year, when gridlock in Congress led to the temporary shutdown of our national parks, businesses lost a total of $14 million a day. Other businesses, which have nothing to do with tourism, are attracted to such areas because of their beauty and peacefulness and thus create jobs in those communities. In addition, the trees, minerals, and other commodities on these lands are tuned into paper and other products.

Ownership of all this land, including 3.48 million acres in Minnesota, carries a duty. "The nation behaves well," President Theodore Roosevelt once said, "if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value."

Unfortunately, various special interests are eager to exploit these lands for maximum short-term financial gain, at the expense of the lands' many other values. Congress is now considering bills that would promote development of many of these places or give them to the states. One example is legislation to increase motorized activities and development of Boundary waters and Voyageurs. Passage of these proposals would harm the interests of all citizens, present and future.

On this most American of holidays, we should commit ourselves to honoring the vision of those who protected our best places. In our national lands, we have inherited the very essence of "America the Beautiful," and we must make sure our grandchildren do, too

NATIONAL PARKS CAPITAL IMPROVEMENTS ACT OF 1996

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. KOLBE. Mr. Speaker, this week I introduced legislation that would help alleviate the enormous $4.5 billion backlog of capital needs in America's national parks. I believe this is a problem that demands the immediate attention of Congress, even as we seek to balance the Federal budget and struggle to reduce the Nation's staggering $5.2 trillion debt. Congress has increased funding for national parks in fiscal year 1997, but the need is growing much faster. Park utilization is rising rapidly, and infrastructure needs replacement. We cannot expect appropriated funds to meet all of these needs. The time has come for us to explore more creative solutions to this vexing problem.

One thing Congress can do is to make it possible for substantial funds to be raised in the private sector for parks. The bill I am introducing today does just that. It provides an innovative mechanism for the public to invest directly in the preservation and enhancement of our national parks.

Specifically, my bill enables private, nonprofit organizations associated with the National Park Service to issue taxable capital development bonds that would be paid for by park entrance fees, that are not to exceed $2 per visitor. Money collected in a particular park will be used to secure bonds that fund improvements in that park. I think the preceding statement is the cornerstone of this legislation and it bears repeating. Money collected in a particular park will be used to secure bonds that fund improvements in that park. Any national park with capital needs in excess of $5 million will be eligible to participate in the revenue bonds program.

I believe park officials will enthusiastically embrace this program, and the Director of the National Park Service has already informed me that he is excited about the prospects of this legislation. After all, the needs are real, immediate, and nationwide. Moreover, my bill offers a practical solution to a serious dilemma. Rangers at Grand Canyon National Park, for example, are obliged to live in squalid conditions because funds have not been available to build sufficient housing. Saguaro National Park has an estimated $10 million backlog in infrastructure needs, while Rocky Mountain National Park has deferred $50 million in needed improvements.

Yellowstone National Park has had to close a major campground and two museums for lack of funds, and this year, Great Smoky Mountains National Park shut down 10 campgrounds and adjoining picnic areas. The national cemetery at Vicksburg National Military Park has been forced to defer $6 million in restoration and stabilization work, while Shenandoah National Park reports a $12 million backlog in facility maintenance.

My legislation is similar to a bill recently introduced by my distinguished colleague and friend, Senator JOHN MCCAIN. It allows private, nonprofit groups to enter into partnership agreements with individual parks and the Secretary of the Interior, to act as authorized organizations for the benefit of the parks they serve. These organizations will work with park superintendents to prepare lists of capital improvement projects that are to be financed by taxable capital development bonds. These nonprofit groups, also, would be authorized to issue and manage such bonds on behalf of the parks.

My bill adds a stipulation that no part of the bond proceeds, except interest, may be used to defray administrative costs. Bond holders and the visiting public will be assured that every dollar raised will actually be spent on in-park improvements. Also, the bill will allow memoranda of agreement between nonprofit entities and the National Park Service to be modified in the event funding priorities change. Perhaps most importantly, bonds issued by the nonprofit associations will be backed by the full faith and credit of the U.S. Government in the event that Congress should remove the authority to assess the $2 entrance fee.

Mr. Speaker, in these fiscally austere times, we simply must become more creative in finding ways to address the needs of our National Park System. The concept of issuing revenue bonds to fund capital improvements is not new. Private industry, municipalities, and other sectors of local government have used revenue bonds for decades and with great success. We can successfully apply this approach to fund capital development needs in our national parks, as well.

My bill also encourages real, beneficial partnerships between the Federal Government and the private sector. Many groups, like the National Park Foundation, the Fish and Wildlife Foundation, and the nearly 70 cooperating associations that presently serve the National Park Service, already provide invaluable financial support to the National Park Service. Their success proves that public-private partnerships can and do in fact work for the benefit of our public institutions. My legislation will greatly expand the ability of these organizations to aid the parks we cherish, and I believe they are ready and eager to rise to the challenge.

Some have suggested that we should allow corporations to become commercial sponsors of the National Park Service. Indeed, legislation to this effect has been introduced in the Senate, and some park supporters have voiced qualified support for the proposal. But I, for one, take a dim view of the prospect that we should commercialize America's crown jewels—our precious national parks—in order to save them.

Mr. Speaker, my friend Senator JOHN MCCAIN recently noted that "Americans are eager to invest in our Nation's natural heritage." I agree. The American people don't want to see their national parks succumb to the ravages of time and use. But neither are they willing to see the integrity of the parks compromised by commercial exploitation. Let's give the National Park Service the same financial opportunities that our schools and community water systems currently possess—the ability to utilize capital development bonds. I encourage my colleagues to support this legislation.

A NATURAL DISASTER PROTECTION PARTNERSHIP ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SHAW. Mr. Speaker, I rise today in support of a Natural Disaster Protection Partnership Act. This legislation was introduced by the late, distinguished Member of this body who we now greatly miss, Mr. Emerson. It is imperative that we take Mr. Emerson's lead and continue to work for the passage of this disaster plan into law. Without a natural disaster protection partnership plan, this country will face a severe financial crisis.

As a Representative from Florida, I am very concerned with the destruction caused by natural forces such as hurricanes and tornadoes. Last year was one of the most active hurricane seasons ever. The destruction caused by these hurricanes is tremendous, as can be seen by Andrew and Opal. Moreover, extensive damage is seen every year by other types of natural disasters such as earthquakes in California and floods in the Plains States.

As a result of the rising costs of these natural disasters, consumers in these disaster prone areas face difficulty obtaining affordable homeowner's insurance. Moreover, taxpayers have been forced to spend $45 billion in 6 years for these disasters because homeowners and States have been unprepared to handle these catastrophes. Clearly, we must act now before FEMA's funds are depleted and homeowners cannot purchase insurance to protect them from these disasters.

In light of Hurricane Bertha, which is threatening the southeastern coast, we must pass a disaster plan that mitigates physical damage, provides insurance protection for homeowners and businesses and reduces Federal disaster costs. I encourage each of you to contact Chairman BOEHLERT and express your support for passing this legislation this year.

SUPPORTING THE NATURAL DISASTER PROTECTION PARTNERSHIP ACT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise today to join my Florida colleagues in supporting H.R. 1856, the Natural Disaster Protection Partnership Act. As the east coast battens down the hatches to brace for Hurricane Bertha, the time is ripe for passing legislation designed to promote a responsible Federal disaster policy.

Last Congress, in the aftermath of the Northridge, CA, earthquake, the bipartisan House leadership appointed a task force on disasters on which I was proud to serve. As part of this task force, we met with various experts on disaster management policy, and through the leadership of Bill Emerson, we were able to turn many of this task force's recommendations into legislative language in the

form of H.R. 1856, the Natural Disaster Protection Partnership Act.

I believe all of us here today recognize the need for an efficient, effective Federal disaster policy. There is no doubt that we must assist victims when a disaster strikes, but business as usual just isn't acceptable now as our enormous Federal deficit continues to grow. Those of us in Florida who survived Hurricane Andrew know firsthand how destructive the forces of nature can be, and how costly. Hurricane Andrew, at the time the task force was formed, had the illustrious honor at roughly $20 billion of being the costliest federally declared natural disaster of all time in the United States.

By emphasizing personal responsibility through private insurance, promoting sensible, cost-effective disaster loss mitigation programs and encouraging the creation of a privately-funded pooling mechanism that allows for the spreading of disaster risk and minimizes the liability of the Federal Government, we can lessen the costs incurred by the Federal Government and in turn the individual taxpayer.

I urge my colleagues to join me in supporting the Natural disaster Protection Act and helping the Federal Government achieve a sound national disaster policy that can help prevent loss of life and personal injury as well as reduce costs.

ELECTRONIC FREEDOM OF INFORMATION AMENDMENTS OF 1996

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. TATE. Mr. Speaker, in commemoration of the 30th anniversary of the Freedom of Information Act [FOIA], joined by my colleagues on the Government Management, Information and Technology Subcommittee, including Chairman STEVE HORN, Ranking Minority Member CAROLYN MALONEY, and Representative COLLIN PETERSON, today I introduce the Electronic Freedom of Information Amendments of 1996.

The Freedom of Information Act [FOIA] was enacted in 1966 in order to provide the public with a presumptive and clear right of access to government information. In the 30 years since the implementation of the original Freedom of Information Act, our Nation has witnessed enormous technological advances. The laptop computer, cellular phone, fax, and Internet are just a few of the technological achievements that have brought us into the information age.

The Electronic Freedom of Information Amendments of 1996 [EFOIA] makes it clear that FOIA applies to Government records in any form, including electronic records, while increasing on-line access to Government information. This legislation successfully harnesses the benefits of computer technology and, with common-sense reforms, delivers to the public increased Government efficiency, accessibility, and responsiveness.

The Freedom of Information Act turns 30 this year—it is time to bring the law into the modern information age, using cutting edge technology to deliver cutting edge service to the American people. We in Congress, as their public servants, should aspire to nothing less. Mr. Speaker, I urge my colleagues to support enactment of this bipartisan and important legislation this year.

LET US EXTEND MFN FOR CHINA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. FIELDS of Texas. Mr. Speaker, I am here today to endorse the extension of most-favored-nation trading status with China. I believe that only by doing so can the United States play a role in promoting democracy, individual freedom, and free market economics in China. Extending MFN for China is in the mutual interest of China and the United States.

Most favored nation [MFN] is merely a term used to indicate the standard or general tariff treatment the United States extends to virtually all countries in return for reciprocal tariff treatment for American exports.

Currently our fifth largest trading partner, China accounts for $12 billion in annual American exports. Our farmers, industrial equipment producers, high technology firms, and others all export American goods to China. Last year, the United States sold China 10 percent of our wheat and corn, 40 percent of our fertilizer, $270 million in heating and cooling equipment, $330 million in industrial machinery, $710 million in telecommunications equipment, and $1.2 billion in civilian aircraft.

Manufacturing these goods has created over 200,000 high-skill and high-wage American jobs. In Texas alone, foreign trade has produced more than 45,000 such jobs. If we fail to extend MFN to China, the United States will lose the reciprocity that MFN status makes possible. This would increase tariffs paid by American firms selling their products in China from an average rate of 5 percent to an average rate of 50 percent, and in some cases 100 percent. As a result, American exports to China would be dramatically reduced, many of the 200,000 American jobs could be lost to overseas competitors, and imports from China—including footwear, toys, and apparel—would become more expensive for American consumers.

China's economy is expanding at an astounding rate. It is estimated that by the year 2002 China will have the largest economy in the world and will continue to be a major importer of American products. The World Bank projects that China will spend $750 billion on infrastructure in the next decade. If the United States scales back its trade relations with China, American firms will not be in a position to participate in this rapidly expanding Chinese economy in the years ahead. Europe and Asia will enjoy unrestricted access to the rapidly growing Chinese market, putting the United States at a competitive disadvantage.

I recently traveled to China and witnessed firsthand the positive impact the information age is having on the Chinese people and the Chinese government. China is predicted to become the largest market for American exports of telecommunications equipment in the next decade. Not only are the economic implications behind this new openness important, but the social ramifications as well. China's increasing desire for high technology products and information will be mutually beneficial to both the United States and China economically, politically, and socially.

Human rights and democracy are not promoted or enhanced by shutting off the flow of technology and information. Open, fair, and competitive trade is the most effective means by which the United States can play a role in enhancing the economic and political well-being of the Chinese people.

MFN should not be an issue the Congress addresses on an annual basis. This trade status has been extended to virtually every nation around the world. In order to strengthen Sino-American trade relationships, the United States should treat China no better—but certainly no worse—than we treat our other trading partners.

Congress should end the practice of linking human rights conditions in China to the issue of MFN status for China. The United States maintains mutually beneficial economic relationships with many countries around the world with which we have political or cultural differences. These differences should be addressed in the diplomatic arena, not by taking actions likely to trigger a trade war between two great trading partners.

For all these reasons, it is imperative that the United States maintain MFN trade relations with China now and in the years to come. The revocation of China's MFN status is not in the best interest of the United States. Mr. Chairman, let us do what is best for American and Chinese workers, democracy in China, and free trade. Let us extend MFN for China.

LET'S MOVE FORWARD WITH THE PORTABILITY BILL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HASTERT. Mr. Speaker, allow me to quote from an article in this past Tuesday's Washington Post: Senator Kennedy told his health care aide, "'My political sense is that Clinton gets something—if the health reform bill is enacted—but Dole does, too.' His aide replied, 'If it fails * * * it helps us more than them, because we can credibly blame them for killing it.'"

It's clear that the liberals in the other body would rather use health care reform as a political finger-pointing game than give the American people portability, or give the self-employed 80 percent deductibility on their health insurance. The big-government liberals would rather play politics than vigorously attack the waste and fraud in our health care system.

Yesterday, the Republican Leader in the other body again tried to appoint conferees for the health reform bill. And again, the liberal Democrat leadership blocked him.

Mr. Speaker, this has to stop. It's time to stop playing politics with the American people's health—let's move forward with the portability bill.

THE IMPORTANCE OF NATURAL DISASTER ASSISTANCE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. BILIRAKIS. Mr. Speaker, I rise today to express the importance of natural disaster assistance. Our dear friend, Mr. Emerson introduced the Natural Disaster Protection partnership Act the Congress, and I am pleased to be one of 267 cosponsors. This much needed legislation will provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters.

To understand the importance of this legislation, one need only be reminded of the devastating effects of Hurricane Andrew that struck Florida in 1992 and Hurricane Hugo in 1989. In Florida, many insurance companies are canceling insurance policies.

Currently, Hurricane Bertha continues it uncertain path along the eastern seaboard. Hopefully, Hurricane Bertha will not cause any damage and dissipate at sea.

While we here in the United States are fortunate that Hurricane Bertha has not yet made landfall, I want to highlight the importance and need for the Natural Disaster Partnership Act.

H.R. 1856 will promote stability in the insurance industry, encourage personal responsibility, and reduce Federal disaster relief costs. I urge my colleagues to ensure passage of this important bill.

GAMING AND COLORADO'S ECONOMY

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ALLARD. Mr. Speaker, as Congress continues to research and debate the impacts of gaming, I believe that this report, published by Colorado's Office of State Planning and Budgeting, may be a helpful resource for members.

ISSUE BRIEF: GAMING IMPACTS THE COLORADO ECONOMY

Demands on Colorado's general fund, the tax money that pays the state's bills, increase each year, primarily from the areas of K-12 education, higher education, human services, public safety and capital construction. The state coffers are filled by a variety of taxes and fees, including individual and corporate income taxes, sales and use taxes, insurance and excise taxes, and interest earnings. State lawmakers and government budget officers try to stretch the general fund as far as possible to maximize services, and they also look for creative ways to raise additional revenues. The gaming industry has been tapped in many states, including Colorado, and each year it contributes a larger amount to the general fund. How this industry began and has grown illustrate clearly that gaming, when allowed to expand even under tightly controlled regulations, is an ongoing source of state revenue. During the last five fiscal years, revenues from the gaming industry have steadily increased, demonstrating a trend expected to continue.

IDENTIFYING A NEW REVENUE SOURCE

Movies about the Old West have left most viewers with vivid impressions of raucous poker games in dusty, smoke-filled saloons. Slick gun-totin' professional gamblers were often paired with innocent greenhorns fresh off the trail. Saloon proprietors were only to glad to help empty their pockets of any money, providing liquor by the bottle, a room and a bath, entertainment, and, of course, gambling.

Gradually, after statehood was attained, Colorado citizens had a state constitution and volumes of statutes as the basis for their legal systems. Permissive attitudes that had existed in the wide-open towns gave way to tighter control. Opinions regarding gambling obviously changed, because prohibitions against such activities were written into the criminal code in 1913. The legislative declaration states, "the policy of the general assembly, recognizing the close relationship between professional gambling and other organized crime, (is) to restrain all persons from seeking profit from gambling activities in this state . . . from patronizing such activities . . . to safeguard the public against the evils inducted by common gamblers and common gambling houses . . . " (Source: Colorado Revised Statutes, 18-10-101)

Prohibiting gambling was thereby deemed good public policy, holding firm until 1949 when the Colorado Racing Commission was created. In recent years, the gaming industry has been expanded into other areas—bingo and raffle, lottery and lotto, and limited stakes gaming. In fiscal year 1995, the four gaming sources provided nearly $152 million in revenue.

RACING

Members of the General assembly began to relax the prohibitions against gaming in 1949 when the Colorado Racing Commission was established. A portion of the legislative declaration reads, ". . . for the purpose of promoting racing and the recreational, entertainment, and commercial benefits to be derived therefrom; to raise revenue for the general fund . . ." (Source: Colorado Revised Statutes, 12-60-100.2)

The Racing Commission and the Division of Racing Events are located within the Department of Revenue. The commission's five members are appointed by the Governor and confirmed by the state Senate. They serve staggered terms and represent designated geographical areas and political parties. In addition, the statute specifies that one of the five members must be a practicing veterinarian and two must have racing industry experience. Duties of the commissioners range from promoting the health and safety of the animals to setting racing calendars. They also oversee the division's professional staff, which includes veterinarians, security personnel and other racing officials. The commissioners license racetrack owners and operators and hold them to rigid safety standards for spectators and sanitation guidelines for animals.

In 1995, Colorado had seven tracks with approved race dates. Four of the tracks feature greyhounds, one is a major horse track, and the remaining two are fair circuit horse tracks. The dog tracks operate in either the north or the south circuit, located either above or below "a latitudinal line drawn through the location of the Douglas County courthouse in the town of Castle Rock as of June 6, 1991." [Colorado Revised Statutes, 12-60-701(2)(a)] In-state and out-of-state simulcast racing is legal in Colorado, and off-track betting (OTB) is also available in four licensed locations, three in the Denver area and one in Black Hawk. No one under age 18 is allowed to purchase or redeem any parimutuel ticket.

During the 1995 racing season, 322,614 people visited Colorado's horse tracks, with an average daily attendance, including off-track betting, of 1,204. Total attendance at the dog tracks was 1,190,237 during the same period, with a daily average, including off-track betting, of 1,653. In 1995, the gross amount wagered, known as the "handle," was just over $257 million, with the average daily handle hitting $260,232, a 21.6% increase over 1994's average daily handle. Occupational licenses and other fees added another $130,095.

Colorado's general fund has received over $8 million in revenues from racing in each of the last five fiscal years, with the largest portion coming from the dog tracks. The table that follows shows the state's income in calendar year 1995 for the horse and dog race tracks.

BINGO AND RAFFLE

Colorado voters adopted a constitutional amendment in the 1958 general election permitting "games of chance," commonly known as bingo and raffle, effective January 1, 1959. Regulatory authority for this additional gaming area was assigned to the Secretary of State.

Bingo and raffle games are reserved specifically for fund-raising activities by charitable or non-profit organizations. Religious, fraternal, educational and veterans' groups clear enough profit from these games of chance to fund extra-curricular activities and athletic efforts for youth groups and to subsidize targeted projects of churches and community organizations.

After purchasing operating licenses, which must be renewed annually, and ensuring that their members have completed the necessary instructional courses, the groups can rent or lease commercial bingo facilities and conduct their games. Licensees are also permitted to sell pull tabs, sometimes called pickles or jar raffles. These are sealed tickets sold to players who then open them, hoping to reveal cash amounts that then become their winnings.

Licenses must be purchased by the landlords or owners of the bingo halls ($525/renewable annually), and these individuals are prohibited from any involvement in managing or operating the games. The same license fees are paid by the suppliers and manufacturers of equipment necessary to conduct the games, including the bingo cards or sheets, raffle tickets and pulltabs.

Agents for manufacturers or suppliers pay a $125 fee and must renew annually. Additionally, manufacturers and suppliers are charged 1.1% of their gross equipment sales quarterly. Bingo and raffle licensees pay 0.3% of their gross receipts quarterly.

In any calendar year a licensee may conduct bingo games on a maximum of 105 occasions. The largest cash prize or value for any single bingo game cannot exceed $250, and the aggregate amount of all prizes on any one occasion is limited to $1,500. Only volunteers from the sponsoring charities can "work" at the bingo halls, and any remuneration is illegal. The volunteer workers, while conducting the games, are not allowed to play bingo themselves, and no under age 14 is permitted to assist. Participants must be 18 or older to play bingo or purchase pulltabs.

The gross amount wagered on bingo and raffle games in 1995 was nearly $221 million.

State revenues from the tax on proceeds amounted to almost $1.3 million in fiscal year 1994–95, while license fees added $171,000. (Source: Secretary of State, Licensing and Elections Division)

LOTTERY AND LOTTO

To generate more revenue for ever-increasing expenses, states began sponsoring lotteries in the mid-1960s, with the first in New Hampshire in 1964. More and more states jumped on the bandwagon, and by the end of the 1970s there were 14 state-sponsored lotteries, primarily in New England and other eastern states. This total has since grown to 37 states and the District of Columbia.

Lottery proceeds are often earmarked for a variety of state purposes, with 17 states using the funds for education. Others use lottery proceeds to help fund economic development, tourism, property tax relief and senior citizen programs, while Nebraska dedicates a portion of its proceeds to its Compulsive Gamblers Assistance Fund. Only 15 states do not designate lottery revenue for specific purposes.

Colorado added its state-supervised lottery effective January 1, 1981, after a constitutional amendment was passed in the 1980 general election. The amendment stated: "Unless otherwise provided by statute, all proceeds from the lottery, after deduction of prizes and expenses, shall be allocated to the conservation trust fund of the state for distribution to municipalities and counties for park, recreation, and open space purposes." (Source: Colorado Constitution, Section 13, Article XII)

The Lottery Division was placed in the Department of Revenue, and its governing board is charged with operating and overseeing all aspects of Colorado's lottery. Serving staggered terms, the five Lottery Commission members are appointed by the Governor and confirmed by the state Senate. One of the members must be a law enforcement officer, one an attorney, and one a certified public accountant; and each of these must have five years of experience in his or her field. The commission meets monthly, or more often if necessary, and members are compensated $100 plus expenses for each meeting attended. Headquarters for the division's operations are located in Pueblo.

There was reluctance by some public officials to having a lottery at all, so it was written into the statutes that the division will terminate on July 1, 1999, unless the General Assembly decides to continue it. To aid the legislators in making this decision, the state auditor will complete a thorough analysis of the lottery by January 15, 1999. The areas to be evaluated include comparing lottery collections and the actual revenue derived, determining whether organized crime related to gambling has increased, and analyzing the competitive effect of the lottery on other forms of legal gambling. In addition, the auditor is charged with deciding if the division adequately protects the public with regard to investigating complaints and assessing the performance of lottery equipment contractors and licensed sales agents.

The constitutional amendment gave authority to the General Assembly to establish the lottery, so it fell to the legislators to draft the enabling legislation (Colorado Revised Statutes, 24–35–202). While the lawmakers were drawing up the lottery statutes, they were also grappling with a critical need for additional prison space. According to the amendment, the lottery's net proceeds were to go to the Conservation Trust Fund "unless otherwise provided by statute," so the General Assembly determined that lottery proceeds were an appropriate source of revenue for correctional facilities. Instead of all of the proceeds going for local parks, recreational facilities and open space, a large percentage was diverted to build more prison space and to reimburse counties for housing inmates for whom the state had no space. The Distribution of Lottery Proceeds chart shows that the dollars going to capital construction for prisons were significant, while those for the Conservation Trust Fund and the Division of Parks and Recreation were held down until the early 1990s.

Adding electronic lotto games was seen as a way to generate more money for correctional facilities, and in the mid-80s legislators began to discuss adding lotto. One of the major objections to this plan was that this money was for prison construction only, and there was no funding mechanism in place to operate the new prisons. Nevertheless, lotto was added to the division in 1988, with its proceeds targeted for correctional facilities. In 1991, an additional game, keno, was added.

Having the lottery proceeds siphoned off for prison needs instigated supporters of what came to be known as Great Outdoors Colorado (GOCO) to sponsor a ballot initiative in the 1992 general election. It stated that lottery proceeds . . . ". . . shall be guaranteed and permanently dedicated to the preservation, protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage . . ." (Source: Colorado Constitution, Article XXVII, Section 1)

Colorado voters passed the constitutional amendment, which established the State Board of the Great Outdoors Colorado Trust Fund. The board is comprised of twelve public members, two each from the state's six congressional districts, a representative from the State Board of Parks and Outdoor Recreation, one from the Colorado Wildlife Commission, and the Executive Director of the Department of Natural Resources. The public members are to reflect Colorado's gender, ethnic and racial diversity, and they serve staggered four-year terms. They are appointed by the Governor with the state Senate's consent.

The GOCO board is responsible for administering the trust fund, conducting public hearings to obtain comments on grant proposals and overseeing the professional staff. The constitutional amendment stipulated that prison construction projects then receiving funding from lottery proceeds would be weaned from that source over a five-year span.

Beginning in 1999, allocation of lottery proceeds will be at the percentages spelled out in the amendment: 40% to the Conservation Trust Fund, 10% to the Division of Parks and Outdoor Recreation, and 50% to the Great Outdoor Colorado Trust Fund. The GOCO portion is capped at $35 million, adjusted for 1992 inflation, and any amount over that will be added to the State's general funds. (Colorado Constitution, Article XXVI Section 3)

GOCO's share will be distributed equally to four area; the Division of Wildlife, the Division of Parks and Outdoor Recreation, competitive grants to non-profit land conservation organizations, and competitive, matching grants to local governments. Distribution to the GOCO Fund began in 1992–93 with $10.9 million, and by 1994–95, GOCO's portion has grown to $23 million. In 1995, lottery and lotto generated $100.6 million for the state, two-thirds of the total gaming revenues.

Lottery and lotto tickets can be purchased by anyone over 18 at licensed outlets, found primarily at convenience and grocery stores. There are just under 2,600 outlets in the state, and they are especially busy Wednesdays and Staturdays, when the winning numbers for the lotto jackpot are drawn. The largest non-lotto prize to date has been $8,350,000, won by a Grand Junction man in 1986, while lotto's largest jackpot, $27 million, was won by a Boulder woman in 1992.

LIMITED GAMING

In the 1990 general election Colorado voters approved a constitutional amendment (Colorado Constitution, Article XVIII, Section 9) that legalized limited gaming in the state beginning October 1, 1991. A primary focus for the limited gaming proceeds was to be historical preservation statewide, and much of the basic framework was outlined in the amendment. Responsibility for setting up a commission to operate and oversee gaming activities was assigned to the General Assembly. In their enabling legislation, the lawmakers stated, "Public confidence and trust can be maintained only by strict regulation of all persons, locations, practices, associations, and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gaming devices and equipment." (Source: Colorado Revised Statutes, 12–47.1–102)

"Limited gaming" was defined as using slot machines or playing card games (blackjack or poker) with a maximum single bet of five dollars. The activity is restricted to just three sites in the state: Central City, Black Hawk and Cripple Creek. Two additional casinos are located in the southwestern part of the state on Indian reservation land belonging to the Ute Mountain Ute and the Southern Ute Tribes. While Colorado has a compact with the two tribes pertaining to gaming activities, their casinos are subject to taxation nor are they required to report their revenues to the state.

In the three mountain towns, however, gaming is so tightly controlled that even the casino structures must conform to pre-World War I designs so that their architectural styles fit in with the existing buildings. Gaming establishments are confined to the commercial districts of the three towns and cannot operate between 2:00 a.m. and 8:00 a.m.

The Limited Gaming Control Commission in the Division of Gaming falls under the aegis of the Department of Revenue. Commission members are appointed by the Governor and confirmed by the state Senate. The five members cannot include more than three from one political party, and no two members can live in the same congressional district, which means that five of Colorado's six congressional districts have a representative on the commission. The commission must include a law enforcement officer, a practicing attorney with experience in regulatory law, a certified public accountant or public accountant with corporate finance experience, a management-level business person, and a registered voter who is not employed in any of the preceding professions. Members serve staggered four-year terms and are compensated in a similar manner as the Lottery Commission, though there is a maximum limit of $10,000 per member per year. Five types of licenses, which must be renewed annually, are issued by the commission. Slot machine manufacturers, distributors and operators pay $1,000 per license, while the cost for a retail gaming license is $250. A person in charge of all gaming activities at a casino, known as a key employee, pays $150 for an initial license, $100 for a renewal. Support employees pay $100 for original licenses, $75 for renewals.

In addition to overseeing gaming activities, the commission is required to set the gaming tax rate on an annual basis. Currently in effect is a four-tiered system under which the licensees pay percentages of their adjusted gross proceeds into the Limited Gaming Fund. From that fund, the state Treasurer pays all commission expenses and all costs of running the Division of Gaming. No state general fund-money is used to finance any portion of limited gaming, and other than keeping a required balance in the account, the Treasurer distributes the remainder in the fund at the end of each fiscal year.

Distribution of the Limited Gaming Fund is established by the General Assembly (Colorado Revised Statutes, 12-47.1-701). In addition, the General Assembly has the discretion to further designate portions from the general funds's 50% share. For fiscal year 1994-95, the lawmakers allocated portions to the Tourism Promotion Fund, the Municipal Impact Fund, the Contiguous County Fund and the Colorado Department of Transportation.

There had been concern that local government entities were ill-equipped to handle the projected increase in crime and traffic control. Some citizens worried that their towns would struggle to deliver some of the most basic necessities, including an adequate water supply, even with the increased money coming their way.

The Contiguous County Impact Fund is a response to the increased governmental services associated with gaming, including additional law enforcement and social services. Money is distributed to the eight counties immediately surrounding Gilpin and Teller Counties and also to the three counties in southwest Colorado bordering the Indian gaming areas.

Lawmakers have set aside 2.4% from the general fund allotment for the state Highway Fund beginning in fiscal year 1995-96 and continuing each year thereafter. This fund transfer is to help offset the increased cost of road maintenance due to limited gaming.

The amount earmarked for the state Historical Fund is apportioned in a 20/80 split, with 20% going to the three towns in proportion to their gaming revenues and 80% to other historical preservation and restoration projects throughout the state. (Source Colorado Division of Gaming, Gaming in Colorado—Factbook & 1995 Abstract)

LOOKING AHEAD

Every year during the legislative session, state lawmakers consider new bills related to the gaming industry. In the 1996 session these proposals ran the gamut from prohibiting anyone under 21 from being in gaming areas to establishing a Compulsive Gambling Prevention Program. One bill authorizes the use of portable, hand-held electronic bingo minders that will aid persons with disabilities.

A bill expanding simulcast coverage of horse races to additional off-track betting sites became law, while one establishing a fee, payable by owners of racing animals, to cover random drug testing of the animals did not. This function is currently being provided by the Department of Revenue at a cost in 1994-95 of nearly $300,000 from the general fund. A resolution was proposed to earmark $7 million or at least 25% of GOCO's annual lottery proceeds for construction and maintenance of highway rest areas. This resolution was not adopted by the lawmakers, nor was another that would have increased the maximum allowable bet in limited gaming establishments from $5 to $100. It would also have permitted additional games, including craps, roulette and baccarat. Similar measures will likely be introduced in future years. Immediately after limited gaming began in the three mountain towns, numerous other communities tried to gain approval to expand this revenue source to their towns. As yet, none has been successful, but the debate continues over the merits of this seemingly "easy" source of money. Some critics question whether the historical significance of the gaming towns is being gradually obscured. If this is so, is the revenue brought in a worthwhile tradeoff?

An editorial in the April 14, 1996, Rocky Mountain News was less than enthusiastic about the expansion of and dependence on gambling as a public revenue source. It stated, "the main reason for this growth is that states and communities have locked onto gambling as a quick-fix * * * at a time of widespread anti-tax sentiment." It also pointed out that the poor gamble more than the affluent, citing a Maryland study which showed people with annual incomes over $50,000 spent $2.57 a week on lottery tickets, while those earning less than $10,000 spent $7.30.

While some may think using gambling as a revenue source is questionable public policy, an article in the April 16, 1996, issue of The Denver Post pointed out that, according to a recent survey, Colorado residents visit casinos twice as often as the national average. With the popularity of the gaming industry growing so quickly, the article predicts that casinos will pass spectator sports this year and become second only to movies as a form of entertainment in the United States.

Pros and cons of the gaming industry are argued in many forums, and a consensus opinion will possibly never be achieved. It is apparent, though, that those empowered to implement gaming in Colorado have done so with a great deal of regulatory control. As the industry continues to develop, it appears certain that all of the interested parties will be monitoring it closely.

REMARKS AT THE NAMING CEREMONY FOR THE USNS GORDON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MURTHA. Mr. Speaker, on July 4th I was the speaker at the naming of the USNS *Gordon.*

The ship was being named for a Congressional Medal of Honor winner killed in Somalia. Mrs. Gordon spoke to the audience, and I thought her words were so appropriate to the ceremony, and to describing what it means to be part of the American military, and to be part of an American military family.

I thought it was very appropriate for Mrs. Gordon's remarks to be part of the CONGRESSIONAL RECORD.

REMARKS BY MRS. CARMEN GORDON AT THE NAMING CEREMONY FOR USNS "GORDON" (T-AKR 296)

Thank you for that kind introduction and the opportunity to be here with you today.

I'd like to tell you about Gary.

Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him. The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, are there. The boots that took his dad through desert and jungle now lace up around Ian's small ankles. They are all piled neatly together by a little boy's hands and sought out during quiet times.

My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of him smiling straight through to her. It is the first thing she packs when leaving home, and the first thing she unpacks when she arrives anywhere.

These are comfort to my children. And a source of pride. But most important, Gary's children can see and feel these reminders of their father to keep him close.

In much the same way, the ship that we christen here today—the USNS Gordon—gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him and the life he so willingly gave.

The very first time I laid eyes on Gary Gordon was the second month of my thirteenth summer. I was staying with my grandparents in rural Maine. Every week we made a trip into town for supplies. One hot afternoon in front of Newberry's Department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked at me, and I knew this was no ordinary boy. This boy could win my heart.

When he called my grandparents for permission to take me out, he was turned down flat. She's too young, they told him. And so, in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly. On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress. A few hours of talk, a quick first kiss in the rec room, and Gary left to be back at his base, miles away. So began our slow dance of love, one that would give us so much in so short a time.

We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time. On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee. Folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups. Gary's love for Brittany was just as strong. Every day when he arrived home from work, Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice and a timetable for leaving.

I never worried when Gary left on a mission. As I cheerfully kissed him goodbye and waved confidently from our front porch, it never occurred to me to be afraid. Because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of it. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock, Gary came back, safe. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, "Carmen, don't worry about things we can't change."

I know that death often leaves us with the haunting question "Why?" I know why Gary died. He died because he was true to his own code for living—trying to help someone else. Fear would have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: "I shall not fail those with whom I serve."

Gary lies buried only a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather and bordered by woods that change with the seasons. He is not alone now in that corner of the cemetery. His father Duane, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the paper mill where he gave so many years of hard work.

A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there on Gary's military headstone, below the chiseled words "Beloved Husband and Father," and the coin of his unit pressed into white stone. I hope that some gentle wind will always guide this ship to sea and keep her on a safe and steady course.

And when that wind strokes the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS Gordon is striking under the stars, I can tell them that she is on the same course their father chose: Headed for distant shores, answering the call of those in need.