United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, September 9, 1997*

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:

Gracious Lord, the divine Potter of our lives, our days are in Your hands. Shape the clay as You have planned. May the day work out exactly as You have arranged it for Your glory and our growth. We say with the psalmist, "I delight to do Your will, O my God, and Your law is within my heart."—Psalm 40:8. We long to know what is best for our Nation. Now at the beginning of the day we commit to You the challenges and decisions of this day. We desire to glorify You, so show us what You desire. With inspired intentionality, we put our relationship with You first and make our primary goal what is best for our Nation. In the name of the way, the truth, and the life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. SPECTER. I thank the distinguished President pro tempore.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to announce that today the Senate will immediately resume consideration of S. 1061, the Labor-HHS, Education appropriations bill. As Members are aware, under the order, all amendments had to be offered last evening to be in order. The Senate will continue debating and voting on amendments throughout the day's session. The first rollcall vote will occur at 2:15 today. As always, Members will be notified as to the scheduling of other rollcall votes. It is hoped that all action on the bill will be completed today.

As is customary on Tuesday, there will be a recess from 12:30 p.m. until 2:15 for the weekly policy luncheons to meet. Following disposition of the pending legislation, S. 1061, the Senate will begin consideration of S. 830, the FDA reform bill.

(Mr. HUTCHINSON assumed the chair.)

U.S. FOREIGN POLICY IN THE MIDDLE EAST

Mr. SPECTER. Mr. President, in the absence of any Senators in the Chamber to proceed with the legislation pending, I will take this occasion for a few moments to discuss U.S. foreign policy in the Mideast. This is especially appropriate since today the Secretary of State, Madeleine Albright, is traveling to the Mideast in an effort to promote the so-called peace process. My very strong view is that the time has come for a fundamental reassessment of U.S. policy for the Mideast. The brutal fact of life is that there is no peace process. We talk of the peace process, but there is a one-sided war being waged today by the Palestinians, a war against Israel.

Regrettably, terrorism has replaced warfare as a way of obtaining or seeking to obtain political objectives. After the Israelis were successful in the wars of 1948, 1956, 1967, and 1973, there has no longer been an effort to confront Israel militarily, but the insidious terrorist war continues. President Reagan said that the Soviets liked the arms race as long as they were the only ones in it, and then with the change of United States policy in the 1980's we brought the Soviet Union to bankruptcy and ended that matter. And now I submit it is time for a change in U.S. foreign policy in the Mideast because, simply stated, the emperor is wearing no clothes. There is no peace process. We have had continuing terrorist attacks for years, but in the last 6 months the situation has escalated.

On March 21 of this year, on July 30 of this year, and on September 4 of this year, there have been bombings, murdering 21 Israelis and wounding over 330 other Israelis. On August 27, Chairman Yasser Arafat openly embraced the Hamas leader, specifically condoning and supporting the Hamas terrorism in a picture seen around the world: The famous shot heard around the world. This is the famous picture seen around the world as depicted on the front page of the New York Times. And in this embrace and in this kiss facially, Yasser Arafat has thumbed his nose not only at the Israelis but at the United States and our allies and all others who have poured billions of dollars into the Palestinian authority.

My point is, simply stated, that it is time to stop that U.S. aid, and it is time that the U.S. exert its maximum influence to persuade our allies to stop that aid because of what has in fact happened. The Palestinians now have a police force of some 30,000. They have highly sophisticated weapons which are really not designed for a police force. Should Israel now turn over an airport to the Palestinians so that they can develop air power as well?

The fundamental principle of the Camp David accord and the Oslo accord was that there would be confidence measures established, that there would be assistance to the Palestinians in Gaza and on the West Bank, that there would be an improvement in the standard of living, that there would be an opportunity for Israel and the Palestinians to live side by side. But the brutal fact of life is that that has not happened. And when the U.S. policy now suggests going to final status negotiations, it seems totally inappropriate when the confidence building measures have not worked.

U.S. law now prohibits economic aid to the Palestinians on conditions imposed in an amendment introduced by Senator SHELBY and myself in 1994 which became part of the foreign aid bill of 1995. That amendment provided that further U.S. economic aid was conditioned on two factors. No. 1, a maximum effort by the Palestinians to stop the terrorism. Realistically there cannot be guarantors. There is no such thing as an absolute success requirement. But there is a requirement of a 100 percent effort, and that certainly

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

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has not happened. The second requirement of the Specter-Shelby amendment was that the PLO charter be changed to eliminate the language calling for the destruction of Israel. That, too, has not been done, with some excuses about the Palestinian legislative group not convening, some representation that the accord signed on September 13, 1993, in effect changed the charter, but that is legally incorrect. The charter has not been changed.

After the March 21 terrorist attack on a Tel Aviv restaurant, Prime Minister Netanyahu charged that Chairman Arafat had given a green light to the terrorists. When Secretary of State Madeleine Albright appeared before the Appropriations Subcommittee on Foreign Operations, I asked whether in fact it was true that the Secretary of State knew the facts that Chairman Arafat had given a green light. Secretary Albright replied that there had not been a green light but there had not been a red light either.

Now, Mr. President, if there is not a red light, then U.S. law requires an end to the economic aid. There is an absolute obligation on the part of Chairman Arafat and the Palestinian Authority to make that maximum, 100 percent, effort and it was not made. Earlier this year, in March, Deputy Secretary of Education Moshe Peled of Israel charged that Chairman Arafat had knowledge in 1993 before the bombing of the World Trade Center. When I noted that accusation, I called upon the Department of Justice to conduct an investigation as to what had happened there. I then pursued the matter by calling Deputy Secretary Peled myself. I could not talk to him because he spoke only Hebrew, and I spoke only English. But my associate, David Brog, who works with me on these issues, who speaks Hebrew, talked to Mr. Peled, who stood by his earlier comments. And it is my understanding that the FBI has questioned Mr. Peled and that an investigation is ongoing, but as yet we have not heard what the results of that investigation are.

It was a difficult day for me back on September 13, 1993, when Chairman Arafat was honored at a ceremony on the lawn of the White House. It was an especially difficult day because many of us felt that Chairman Arafat should have been prosecuted for his complicity in the murder of our American Ambassador to the Sudan, Cleo A. Noble, Jr., and our Chargé, George C. Moore in Khartoum back in 1973. Many thought Arafat should have been prosecuted for the murders of 11 Israeli athletes at the summer Olympics in Munich in 1972. Many thought, including this Senator, that Chairman Arafat should have been prosecuted for the hijacking of the *Achille Lauro* and the murder of Mr. Leon Klinghoffer who was pushed overboard in October 1985.

But in the world of real politics, remarkable, strange, bizarre things occur, and I think such an occurrence was presented at the White House lawn back in September 1993 in conferring a joint Nobel Peace Prize on Chairman Arafat. It seemed to me that when Prime Minister Rabin shook Chairman Arafat's hand and then Foreign Minister Peres shook Chairman Arafat's hand, considering the fact that Israel had borne the brunt of the PLO terrorism, I should shake his hand as well, and I have on a number of occasions. Senator DeConcini led a delegation of which I was a member back in December 1993. Senator Hank Brown and I visited Chairman Arafat in Gaza in 1995, August. Senator RICHARD SHELBY and I visited Chairman Arafat in Gaza in January 1996, and on each occasion we pressed him hard about stopping terrorism. And in August 1996 Senator Brown and I had obtained a long list of terrorists from now Prime Minister Benjamin Netanyahu. At that time, Mr. Netanyahu was the leader of the opposition. And one by one, we went over this list of terrorists with Chairman Arafat, and we heard his excuses one by one. But now Chairman Arafat has run out of excuses.

The U.S. policy appears to be continuing to work with Chairman Arafat because there is no one else to work with, but I suggest that if Chairman Arafat is the best we have to work with, then the reality is we have no one to work with. From meetings that I have had with Palestinian leaders over the course of the past decade, it is my view that there may well be someone to succeed Chairman Arafat. We know on this state of the record, with what Chairman Arafat has done on repeated pronouncements and this embrace seen around the world, it is simply not workable to continue to deal with him.

Now, it may be that the zebra can change its stripes, but on this state of the record my sense is that it is futile to continue to deal with Chairman Arafat. The terrorists whom Israel has tried to have extradited for trial, of which 31 are now on the list, some 11 have either joined the Palestinian Authority police force or are awaiting entry there. I have discussed with the distinguished Presiding Officer, Senator HUTCHINSON, who introduced a sense-of-the-Senate resolution last week, combining our efforts in seeking hearings on this matter to go into some detail and hear from the Secretary of State after her return from the Mideast and to hear from the Department of Justice what are the ramifications of the inquiries conducted as to Moshe Peled's charges, because leadership is necessary to our foreign policy at the present time and it is counterproductive and simply not sensible to continue on the policy which is being undertaken at the present time, to continue to have United States dollars and our allies' dollars poured into the Palestinian Authority, which only increases the ability of some Palestinians to conduct terrorism and also to prepare to wage an all-out war.

The thought about a Palestinian state had been deferred, awaiting to see what confidence-building measures could arise, but when the DeConcini delegation arrived in Jericho in December 1993, just a few months after the signing of the accord on the White House lawn on September 13, 1993, the Palestinian flags were already in full evidence. As far as the Palestinians were concerned, it was a de facto state.

There had been concern that there would be a Trojan horse within Israel. That has not happened because it hasn't been a secret Trojan horse; it has been an army out in the open, some 30,000 strong with sophisticated military weapons and with the chief of police being under indictment under charge of having worked with the terrorists.

It is my hope, Mr. President, that President Clinton himself will become engaged in the Mideast peace process. I think it is a very good move for Secretary of State Albright to go to the Mideast, and I compliment the President for the decision to send our Secretary of State there, notwithstanding the terrorist attack of last week. It is my hope that there will be a renewed effort by the United States to press to resume the Israeli-Syrian dialog. I believe that the visit that President Clinton made to Damascus in 1994 was a very fruitful visit. There have been reports that President Clinton was engaged in negotiations as an intermediary between Prime Minister Rabin and President Assad which might have led to an accord between Israel and Syria, depending on what happened to the Golan Heights. That matter might have been referred to Israel for a referendum, and there are signs now that it would be fruitful to resume those discussions.

I think it also might be helpful to the Israeli-Palestinian situation to take the world's spotlight and the glare of the television cameras, so thoroughly enjoyed by Chairman Arafat, away from the Israeli-Palestinian controversy and focus some attention on an Israeli-Syrian peace accord. If a peace could be brokered between Israel and Syria to go along with the peace between Egypt and Israel from the Camp David accords and the more recent peace negotiations between Jordan and Israel, that would leave the Palestinian issue the odd man out. I believe that a direct involvement by the President, which I had suggested last August after I returned from conversations with both Prime Minister Netanyahu and President Assad, would be very, very fruitful.

I have seen in my foreign travels in my capacity as Chairman of the Senate Intelligence Committee and my work

on the Foreign Operations Subcommittee of the Appropriations Committee the enormous respect and admiration that the United States is held in around the world. We are the only superpower, and we are greatly admired for our tremendous economic success. We have the potential for enormous influence. When the President of the United States, when that office is involved, regardless of who the President is—President Reagan, President Bush, President Carter, President Clinton—when the Presidency exerts that power, there are enormous potential benefits to be gained in bringing adversaries together.

It is my hope that Secretary Albright will make some progress. It is my hope that the President will personally intervene in these matters, because his participation in the past has been very, very productive, but it ought to be very plain that on the current state of the record, the United States will not, should not, cannot, must not provide further economic aid to the Palestinian Authority, that we should use our utmost persuasive powers to get our allies to follow the same course of not giving economic aid to the Palestinian Authority, because to do so is just to build up their military capacity, their capacity for terrorism, the police force, the army of some 30,000 and the sophisticated weapons they now have. The reality is that the emperor has no clothes. There is no peace process. There is a war engaged, one side of the war is terrorism, with the efforts of the Palestinians to use terrorism to replace warfare as a method of getting their political objectives.

The time has come for a fundamental reassessment of U.S. policy for the Mid-East.

The brutal fact of life is that there is no peace process.

It is time to acknowledge there is a war going on. The PLO is at war with Israel.

There can be no other conclusion from these facts:

First, the PLO/Hamas in three terrorist attacks in the past 6 months have murdered 21 Israelis and wounded over 330.

Second, Chairman Arafat has literally and figuratively embraced Hamas openly. His front page kiss of the Hamas leader seen around the world tells the Arab world and certainly the Palestinians that the Palestinian Authority condones and supports Hamas.

Third, even after last week's terrorist attack, Hamas threatens more violence if its demands are not met.

Terrorism has replaced conventional warfare in the Mid-East as the prime method to obtain political objectives. After losing the wars of 1948, 1956, 1967, and 1973, the Arab world has not directly confronted Israel militarily. Instead the PLO has sought to obtain its objectives by killing women, children, and any other available civilians by cowardly sneak attacks in restaurants, shopping centers, and street corners.

Yet, we continue to talk of the peace process while this one-sided war is being waged. President Reagan correctly noted that the Soviets liked the arms race as long as they were the only ones in it. The United States changed course in the 1980's with military preparedness and brought the U.S.S.R. to its knees in bankruptcy.

It is now time—really past time—to change U.S. policy in the Mid-East.

This week's visit by Secretary Madeleine Albright presents an occasion to do just that.

While the PLO makes a pretense at peace, the United States and our allies are making the Palestinian Authority stronger by financing their buildup.

The concept of the Camp David agreement and the Oslo accords was sound. Give the Palestinians local autonomy. Develop confidence building measures. Set the stage for the Palestinians to live side by side in peace with Israel.

The problem is that it just has not worked. It's time to acknowledge that the emperor is wearing no clothes.

I had long thought Chairman Arafat should be prosecuted for his complicity in the murder of our Ambassador to the Sudan, Cleo A. Noel, Jr., and our Chargé d'Affaires, George C. Moore, in Khartoum on March 2, 1973; for the murders of 11 Israeli athletes at the Summer Olympics in Munich in 1972; and the murder of Mr. Leon Klinghoffer on the *Achille Lauro* in October 1985. But I thought, if Prime Minister Rabin and Foreign Minister Peres could shake Chairman Arafat's hand—considering Israel had born the brunt of PLO terrorism—then so could I.

I have shaken his hand in meetings with a delegation led by Senator Dennis DeConcini in Cairo in December 1993, with Senator Hank Brown in Gaza in August 1995, and with Senator RICHARD SHELBY in Gaza in January 1996. On each occasion, our delegation pressed him on stopping terrorism. In our August 1995 meeting, Senator Brown and I had obtained from now-Prime Minister Benjamin Netanyahu, then the leader of the opposition, a list of PLO terrorists against whom Chairman Arafat refused to act. One by one we listened to his excuses why nothing could be done. By now, he has run out of excuses.

Following the Oslo accords, the United States took the lead with our allies in providing financial aid in the billions to the Palestinian Authority. Our calculation was that improving the lives of the Palestinians would provide stability to the region and promote peace.

The issue of a Palestinian state was supposedly deferred. But not as far as the Palestinians were concerned. When the DeConcini delegation arrived in Jericho in December 1993, we found flags for the Palestinian state with the PLO taking it as a fait accompli.

Some were concerned that the Oslo accords would create a Trojan horse—a concealed military force within Israel. But it was not that way at all. It was not concealed, but it was a force.

We now find a Palestinian police force—really an army. Although the Oslo accords limit the Palestinians to 24,000 policemen in the West Bank and Gaza, the Israeli Government reports that the PLO currently deploys over 30,000 policemen. The Palestinian police have acquired sophisticated weapons typically used by armies, not police forces, such as LAU and RPG antitank missiles, antiaircraft missiles, and Kayushas.

Of the 31 suspected terrorists whose extradition is being sought by Israel, 11 are either serving in the Palestinian police or are in the process of joining its ranks. The Palestinian police chief, Ghazi Jabali, stands accused by Israel of planning terrorist attacks on Israeli civilians. The Israelis cited evidence that General Jabali helped plot a July 1997 attack on Jewish settlers near Nablus. Israel has issued a warrant for his arrest and a formal order for his extradition to Israel to face these charges. The Washington Post reported on August 7, 1997, that the Clinton administration has said it has proof that Jabali helped organize this attack.

What next? Israel has resisted giving the Palestinians their own airport. Should a Palestinian air force be permitted? Will continued U.S. and allied aid be funneled into such air power and further military development?

Assessing blame for the deterioration in the Israeli-Palestinian relationship is an endless and futile undertaking. Whatever blame is attached to Prime Minister Netanyahu's rhetoric and policies, that cannot be placed on the same scale as PLO terrorist murders.

I strongly believe that the United States should now cut off any further aid and persuade our allies to do the same unless and until the Palestinian Authority demonstrates a 100-percent effort to stop terrorism. They cannot be guarantors, but they can and should be held to a 100-percent effort.

When PLO terrorism continued after the Oslo accords were signed, Senator SHELBY and I introduced the Specter-Shelby amendment which became law on August 23, 1994, as part of the fiscal year 1995 foreign operations bill. That amendment provided for a cutoff of United States aid if: First, the PLO did not change its charter calling for the destruction of Israel; and second, the Palestinian Authority did not make a 100-percent effort to stop terrorism.

In a report published in the Jerusalem Post on March 26, 1997, Deputy Education Minister Moshe Peled charged that Chairman Arafat knew in

advance about the plan to blow up the Trade Center in New York in 1993. I then wrote to Attorney General Reno on April 1, 1997, asking for an investigation on that matter. After receiving a reply from the Department of Justice legislative liaison that they knew of no evidence to support that charge, I called Mr. Peled on May 2, 1997. Since he did not speak English and I do not speak Hebrew, I asked my assistant, David Brog, who does speak Hebrew, to talk to him. Mr. Peled stood by his charge, but declined to elaborate.

On May 14, 1997, I again wrote to Attorney General Reno with more specific requests on what her Department should do in its investigation. When I announced on June 13, 1997, that I intended to put a hold—that is, hold up on the confirmation of Deputy Attorney General Eric Holder, the Department of Justice committed to undertake an investigation. I have since heard media reports that the FBI interviewed Mr. Peled in his Tel Aviv office for some 2 hours on June 26, 1997. On June 4, 1997, and again on July 28, 1997, I asked FBI Director Louis Freeh about the progress of the investigation during Judiciary Committee hearings. Both times, I was told he would let me know. To date, I have received no report on the progress of that investigation.

In light of Mr. Peled's charge and the March 21, 1997, terrorist attack on a Tel Aviv restaurant, I proposed an amendment to the fiscal year 1998 foreign operations bill providing that no aid shall be given to the Palestinian Authority unless:

First, the Palestinian Authority is using its maximum efforts to combat terrorism and, in accordance with the Oslo accords, has ceased the use violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

Second, after a full investigation by the Department of Justice, the executive branch of government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing, and

Third, after a full inquiry by the Department of State, the executive branch of government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

That amendment was adopted on July 16, 1997, as part of the Senate bill and now awaits action in the forthcoming Senate-House conference.

The subsequent terrorist attacks on July 30 and September 4 require increased sanctions of an unconditional elimination of U.S. aid plus our efforts to persuade our allies to do the same.

I support the President's decision to send Secretary of State Madeleine Albright to the Mid-East notwithstanding the September 4 bombing and urge greater U.S. involvement including action by the President himself. However, I disagreed with the administration's decision to continue United States aid to the Palestinian Authority after the March 21 bombing and I oppose the suggested administration policy to move to final status negotiations promptly.

After the March 21 bombing, Prime Minister Netanyahu accused Chairman Arafat of giving a green light to that terrorist attack. On March 24, 1997, I wrote Secretary of State Madeleine Albright asking if that was true. Receiving no answer, I pursued that question when the Secretary of State appeared before the Appropriations Subcommittee on Foreign Operations on May 22, 1997.

The Secretary of State responded that Chairman Arafat had not given a green light, but had not given a red light either. That is totally unsatisfactory. Under United States law, embodied in the Specter-Shelby amendment, a red light is mandated if the Palestinian Authority is to continue to receive United States aid.

The administration continues a policy of giving financial aid to the Palestinian Authority to promote the so-called peace process and to deal with Chairman Arafat on the argument that there is no one else with whom to deal.

I emphatically disagree on both counts.

Further financial aid to the Palestinian authority only strengthens the PLO's ability to carry out terrorist attacks and ultimately wage an all-out war.

To continue to deal with Chairman Arafat on this date of the record is counter-productive and foolish. How can we deal with a man who openly embraced the Hamas terrorist leader which condones prior murder and encourages future mayhem.

If Chairman Arafat is the best we have to deal with, then their best is not good enough. After extensive dialogue with moderate Palestinians for more than a decade, I believe there are others who could do a better job than Chairman Arafat. None could do worse.

I would not categorically rule out further dealings with Chairman Arafat if he again changes his stripes. Not to discredit the zebra or to unduly mix metaphors, Chairman Arafat makes the chameleon look constant.

The Chairman Arafat who embraced Hamas leader Abdel Aziz al-Rantisi—pictured on the front page of the New York Times on August 21, 1997—is totally unacceptable as was the Chairman Arafat who was implicated in the murders of our Ambassador and Charge d'Affairs in the Sudan in 1973, the murder of 11 Israeli athletes at Munich in 1972 and the highjack/murder of Leon Klinghoffer on the *Achille Lauro* in 1985.

But, in the distasteful world of real politic, who knows? What will be the future of Chairman Arafat and the Palestinian Authority? We know that Chairman Arafat responds to pressure. If the United States applies the most pressure, perhaps he will again be minimally acceptable. But on today's record, the cutoff of aid from the United States and our allies and the rejection of Chairman Arafat should be absolute.

The desperate situation in the Mid-East calls for more intense U.S. involvement in new directions. We should continue to urge all the parties, including Prime Minister Netanyahu, to improve the climate for negotiation. However, we should not place on the same scale Israel's policy to build settlements on its own land with PLO's terrorist murders.

Somehow, we must reach the daily preaching of hatred against Jews by the PLO and Moslem fundamentalists. It may well be that until we solve that underlying problem, the reach for peace in the Mid-East will be a continuing generation away.

The record continues to demonstrate the spewing of hate by Chairman Arafat and his ilk. Just weeks ago, on August 25, 1997, a moderator on PLO controlled television declared that "the Jews exaggerate what the Nazis did to them" and that "no more than 400,000" Jews were killed in the Holocaust. Likewise, PLO officials including their representative to the United Nations in Geneva have embraced a modern version of the age-old blood liable by claiming that Israeli authorities injected hundreds of Palestinian children with the HIV virus.

These messages of hatred are not directed against Israel alone. On July 11, 1997, the PLO-appointed Mufti of Jerusalem, Sheikh Ikrama Sabri, said in a sermon broadcast on the Palestinian Authority's official radio station: "Oh Allah, destroy America for she is ruled by Zionist Jews . . . Allah will paint the White House black . . . Allah shall take revenge on behalf of his prophet against the colonialist settlers who are sons of monkeys and pigs."

Beyond the current visit by the Secretary of State, I continue to urge the personal involvement of the President. At the right moment, his personal touch on the Israeli-Palestinian problem could be powerful.

My foreign travels on behalf of the Senate Intelligence Committee and the Appropriations Foreign Operations Subcommittee have shown me the enormous impact the United States has around the world. The United States is respected and admired. As the only remaining superpower, our power is acknowledged as awesome.

Bringing peace to the Mid-East is an awesome task in the face of millennia of strife in that region. By properly deploying our persuasion and power, we may still be able to do it.

I ask unanimous consent that all letters and articles referred to be printed in the CONGRESSIONAL RECORD at the conclusion of this floor statement.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 1, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Just yesterday I saw a news report that Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center which killed six people.

The news report quoted Deputy Education Minister Moshe Peled stating: "More than that, he [referring to Arafat] was part of the discussions on the operation." The news report further said that Arafat was privy to the conspiracy and met with Sudanese and Islamic terrorist leaders.

With this letter, I am enclosing for you a photostatic copy of the news report from the Jerusalem Post on March 26.

I would very much appreciate it if you would conduct the appropriate investigation to determine what evidence exists, if any, of Arafat's complicity in this matter.

It appears to me that, if true, Arafat would be prosecutable under U.S. criminal laws. I would appreciate your advice as to what indictments could be brought as to Chairman Arafat.

Thank you for your consideration of this report.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: By letter dated April 1, 1997, (copy enclosed) I wrote to you concerning Israeli Deputy Education Minister Moshe Peled's statement that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center.

By letter dated April 29 (copy enclosed) Assistant Attorney General Andrew Fois responded with a very generalized statement about having "queried the Israeli authorities." No mention was made whether the Department of Justice talked to Deputy Education Minister Moshe Peled or did any real pursuit on the matter.

Since I do not speak Hebrew, my assistant, David Brog, Esquire, talked to Mr. Peled. Mr. Peled said that he was not prepared to disclose any more information on Chairman Arafat's connection in the World Trade Center bombing beyond what he told the Jerusalem Post. Mr. Brog said that Mr. Peled was not flexible on this point and that he (Mr. Brog) had the impression that Mr. Peled had gotten into some trouble for his previous disclosure.

I am interested to know whether the Department of Justice talked to Mr. Peled before Mr. Fois's letter to me of April 29. If so, what he said. If not, why wasn't Mr. Peled questioned.

I consider this an extremely serious matter. As you know, Chairman Arafat could be extradited to the United States if there is evidence to support Mr. Peled's charge.

I formally request the Department of Justice to conduct a real investigation on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 24, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: According to the weekend press reports, Israeli Prime Minister Benjamin Netanyahu has stated that Palestinian Chairman Yasir Arafat has indirectly given a green light to the terrorists resulting in the suicide bomb which killed and wounded many Israelis last Friday.

According to the news reports, Chairman Arafat and the Palestinian authority released Ibrahim Maqadmeh. Prime Minister Netanyahu further stated that Chairman Arafat and the Palestinian authority have failed to detain known terrorists and to confiscate weaponry.

In my judgment, it is very important for the State Department to make a factual determination as to whether Chairman Arafat and the Palestinian authority did give a green light indirectly to the terrorists and whether there was a failure to detain known terrorists and to confiscate weaponry.

I would appreciate your advice, as promptly as possible, on your Department's conclusion as to whether Chairman Arafat and the Palestinian authority gave an indirect green light to the terrorists.

As you know, an amendment offered by Senator Shelby and myself to the Middle East Peace Facilitation Act of 1995 conditions the $500 million in U.S. aid to the Palestinian authority on presidential certification that the Palestinian authority is complying with all of its commitments under its peace accords with Israel, including its commitment to prevent acts of terrorism and undertake "legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror".

The Senate Appropriations Subcommittee on Foreign Operations, on which I sit, will soon be considering this issue for fiscal year 1998 so I would appreciate your prompt response.

In addition, I would appreciate your advising me as to whether there is any U.S. aid in the pipeline which has not yet been turned over to the Palestinian authority. If so, I request that such payments be withheld until the determination as to whether the Palestinian authority is complying with the Specter-Shelby amendment.

Sincerely,

ARLEN SPECTER.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 29, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter to the Attorney General dated April 1, 1997. Your letter encloses a news article from The Jerusalem Post in which it is reported that Yasser Arafat may have had prior knowledge of the bombing of the World Trade Center building on February 26, 1993.

Aside from the news report enclosed with you letter, the Department of Justice is unaware of any information that Yasser Arafat either had prior knowledge of the bombing of the World Trade Center or was in any way involved in the conspiracy to bomb the building. We have queried the Israeli authorities about this information and they deny the accuracy of the statements attributed in the article to the Deputy Education Minister.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

[From the Jerusalem Post, Mar. 26, 1997]

ARAFAT KNEW OF WORLD TRADE CENTER PLOT

(By Steven Rodan)

Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the successful 1993 plot to bomb New York City's World Trade Center, which killed six people. Deputy Education Minister Moshe Peled said Tuesday night.

"More than that, he was part of the discussions on the operation," Peled said, "I call on the prime minister to give the information to the Americans, so they'll know who they're dealing with."

Peled confirmed information relayed by intelligence sources that, several days before the February 26, 1993 bombing, Arafat met with Sudanese and Islamic terrorist leaders who discussed the plot.

The sources said Arafat was privy to the conspiracy because of his close personal ties to Sudanese leader Hassan Turabi, head of the National Islamic Front. According to a U.S. State Department report on terrorism, Turabi is a leading advocate of closer ties between terrorist groups and their government sponsors. He was also a leading figure in the Fatah-Hamas dialogue in 1995.

Two Sudanese diplomats were arrested and later deported in July of 1993, after U.S. authorities directly linked them to the explosion at the World Trade Center and a plot to bomb the United Nations.

Israeli government spokesmen refused to comment on the intelligence reports or on Peled's call for Prime Minister Binyamin Netanyahu to release them to the U.S. "I don't know anything about it," said David Bar-Illan, director of communications and policy planning in the Prime Minister's Office.

A Defense Ministry spokesman also refused to comment.

But U.S. and Israeli intelligence sources agree that Arafat continues to maintain a large number of Fatah guerrillas in bases in Sudan, 1,200 of whom arrived from that country in 1994 and now serve in the Palestinian security forces. One Israeli source said the number of Fatah guerrillas in Sudan is close to 3,000.

"Arafat continues to maintain a training base in Sudan and the Fatah people there and work closely with the regime and with Iran," said Yonah Alexander, a Pentagon consultant and director of the terrorism studies program at George Washington University. "If there hadn't been an agreement with Israel, then Fatah would definitely have been on the U.S. list of terror organizations."

But a U.S. counterterrorism official disputed the claim and said Israeli officials might be confusing Fatah with Abu Nidal's Fatah Revolutionary Council, which trains in Sudan.

"There's no doubt there are terrorist groups training in Sudan, but (Fatah) isn't one of them," he said.

U.S. counterterrorism officials have "never heard any report of Fatah" training there, he said. He also stated that "there's been no indication of that kind of Sudan connection" to the World Trade Center bombing.

At one of the Sudanese camps, Kadru north of Khartoum, Iranian experts trained terrorists, including Fatah forces headed by Jaber

Amer, as commanders, intelligence operatives, and bombmakers, according to the sources.

A U.S. congressional investigator with close ties to Israeli officials said Hamas and Fatah have training camps in Sudan. "They work together," he said. "Arafat has strategic ties with Turabi and he has exploited them in order to forge cooperation with Hamas." But the investigator said although he has heard of reports that Arafat knew of the World Trade Center bombing plot, and was said to have even praised the idea, he is skeptical of the veracity of the information. "I have yet to be convinced," he said.

U.S. State Department officials said the PLO has not authorized any terrorist attacks since Arafat signed the Declaration of Principles with Israel in September 1993. One official who works on the State Department's report on global terrorism said he does not know of any Fatah bases in Sudan.

In another development, Israeli officials said the Clinton administration has quietly dropped its dispute of Israel's assertion that Arafat has allowed the Islamic opposition groups to resume terrorist attacks on Israel.

The officials said the CIA now shares Israel's assessment that Arafat gave Hamas and Islamic Jihad a green light to carry out terrorist attacks, at least while he is abroad.

[From the New York Times, Aug. 21, 1997]

DEFYING ISRAEL, ARAFAT EMBRACES ISLAMIC MILITANTS

(By Joel Greenberg)

GAZA.—Defying Israeli and American demands that he crack down on Islamic militants, Yasir Arafat kissed and applauded leaders of the Hamas and Islamic Holy War movements today and warned that Palestinians were prepared to resume their violent revolt against Israel.

At a conference of Palestinian factions here, Mr. Arafat returned to the combative language of the seven-year uprising against Israeli occupation, which ended in 1994 with the beginning of Palestinian self rule.

"There was an uprising for seven years," Mr. Arafat told the conference, which he called to protest the policies of Prime Minister Benjamin Netanyahu of Israel. "Who did it? The lion cubs, our children—this glorious uprising. Seven years. We can erase and do it again from the beginning. There is nothing far from us. All options are open to us."

As he has many times in his career, Mr. Arafat was fighting on several fronts at once.

His remarks came just days after Dennis B. Ross, the American mediator, prodded him to renew security cooperation with the Israelis and take action against Hamas and other hard-line Islamic groups that have carried out terrorist bombings in Israel. Mr. Arafat met Tuesday with the head of Shin Bet, the Israeli domestic security agency, as he began to comply with that request.

But at today's session in Gaza, called the National Unity Conference to Confront the Challenges, Mr. Arafat was lining up support from a broad array of factions, including the militant Islamic groups who favor a more confrontational stance toward the Israelis. The Islamic groups said they saw the meeting as a means of resisting the crackdown by the Palestinian Authority that Israel and the United States are demanding.

[In Washington, senior American officials were dismayed by Mr. Arafat's remarks. "It simply makes an already difficult situation more difficult," one official said. "We have a crisis of confidence, so no party should do or say things that undermine confidence about a peaceful resolution of their differences."

[James P. Rubin, the State Department spokesman, said the United States remained convinced that Mr. Arafat would carry out his pledge to cooperate with the Israelis against terrorism. "We are going to judge, in the area of security cooperation and anti-terrorist cooperation, Chairman Arafat by deeds," he said. "Deeds are the coin of the realm when it comes to fighting terrorism."]

Today's conference in Gaza was significant because it marked the first time Islamic Holy War, a militant group that operates primarily in Gaza, had joined a meeting of Palestinian factions under Mr. Arafat's leadership. Unlike Hamas, which has both social programs and a military wing, Islamic Holy War has devoted itself almost exclusively to attacks on Israel.

At the conference, representatives of Hamas and Islamic Holy War, who are political leaders of their organizations, not members of their clandestine military wings, exchanged customary kisses with Mr. Arafat after their speeches.

They said later that their participation in Mr. Arafat's conference did not mean they were renouncing violence, as the Palestinian leader did in reaching an accord with the Israelis. The delegates said they remain implacably opposed to the agreement reached in Oslo in 1993 between Israel and the Palestine Liberation Organization.

"This is not a conference to support Oslo, but to support the stance of our people against the American and Israeli pressures on the Palestinian Authority to arrest and crack down on the Islamic movements," said Abdel Aziz al-Rantisi, a Hamas leader.

The relationship between Mr. Arafat and the Israeli Government, which had been strained, worsened considerably last month after a suicide bombing in a Jerusalem market on July 30 in which 14 people and the two attackers were killed.

Israel demanded that Mr. Arafat take action against Hamas and Islamic Holy War and it imposed economic sanctions and other punitive measures that the Palestinian leader condemned as a declaration of war against his people.

The measure included closing borders, demolishing houses of Palestinians on the grounds that they were built without permits, and freezing payments of taxes and other money to the Palestinian Authority.

Israel's moves united Palestinians of all political stripes behind Mr. Arafat. Many perceive him as standing up to heavy Israeli and American pressures to suppress the militants.

United States officials have backed the Israeli demands, but they have also urged Israel to rescind economic sanctions that are not directly linked to its security. To ease the economic pressure, President Hosni Mubarak of Egypt pledged Tuesday to give the Palestinian Authority $10 million.

Israeli officials criticized Mr. Arafat for inviting Hamas and Islamic Holy War to the Gaza conference, asserting that his invitation of groups responsible for bombings that killed scores of Israelis contradicted his commitment to fight terrorism. Mr. Arafat is "giving the terrorist organizations a stamp of approval," said David Bar-Illan, communications director for Prime Minister Netanyahu.

Mr. Arafat and his aides might think that "appeasing, pacifying and placating these organizations will do the trick," Mr. Bar-Illan added, "but they already tried that, and we found that all this dialog does is give these organizations the respectability and legitimacy which makes it easier for them to continue their terrorist activity with impunity."

But Tayeb Abdel Rahim, a close aide of Mr. Arafat who was chairman of the conference, rejected the Israeli criticism. "None of the speakers advocated explosions or terrorism," he said. "They all protested the Israeli policy that disregards the peace process. They agreed on a common denominator of rejecting the policy of dictation."

The speakers, apparently following rules agreed upon in advance, did not call explicitly for violence against Israel, but instead urging "resistance," "confrontation" and "struggle" against the Israeli "enemy."

Many called on Mr. Arafat to stop security cooperation and negotiations with the Israelis, and urged a boycott of Israeli products in response to the Israeli border closures. They criticized American officials for what they described as a stance that favors Israel, and they urged Mr. Arafat to resist Israeli "dictates" backed by the Americans to crack down on militant groups.

Mr. Arafat has recently renewed security contacts at the urging of the Americans, and he met on Tuesday with Ami Ayalon, the head of Shin Bet, the Israeli security services. But before the conference delegates he vowed never to submit to Israeli economic and political pressures.

"In the name of our children," he said, "the children of the uprising, I say: No one can humiliate the Palestinian people, no one can defeat the Palestinian people, no one can make our Palestinian people bow!"

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, we continue to await the arrival of Senators on the floor to present amendments. We have a very crowded schedule for the Senate with the FDA legislation and other appropriations matters to follow. So I urge my colleagues to come to the floor so we can continue to move the Labor, Health and Human Services bill along.

In the absence of any other Senator on the floor, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent I be allowed to speak for 10 minutes as in morning business.

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

NATIONAL TESTING

Mr. DORGAN. Mr. President, I understand we are not yet on the appropriations bill today. It has not been formally called up. We have a number of issues in the appropriations bill that is now before the Senate, and I know the majority leader and others would like

to complete it soon. I want to describe one of them that I think is very important that I hope will get resolved today. That is the issue that was raised last week on the subject of national testing with respect to achievement levels at various grades in our schools.

President Clinton has suggested, and others have called for some kind of national testing system by which we can evaluate at the fourth grade level whether children are able to read sufficiently and at the eighth grade level whether they have sufficient capabilities in mathematics, because those are the benchmarks in the education system that allow you to proceed and succeed. If you are not able to read sufficiently in fourth grade, you are not going to do well beyond that. If you don't have a basic grasp of the concept of mathematics by the eighth grade, you are not going to do well beyond that. The question is, What are we getting for our education dollars? We spend a substantial amount of money in this country on elementary and secondary education. What are we getting for it?

The proposal is a proposal that says, let us measure that, let us evaluate that, student to student, school to school, State to State, so that we know what we are getting out of our education system. There isn't a more important subject, in my judgment, for this country's future than the subject of education. Is our education system a good one? Does it work? Does it prepare our country for the future?

Benjamin Franklin once said that if you invest your purse in your head, no one will ever take your purse from you. His point was that, if you invest in education, nobody can ever take from you what you have achieved yourself. That is a very important point. That is why it is so important for our country to make sure that we have an education system that works.

Although reading is the foundation for virtually all other learning in our country, it is estimated that 40 percent of America's fourth graders cannot read at a basic level. Likewise, nearly 40 percent of eighth graders in our country are not achieving at a basic level, and 76 percent are not achieving at a proficient level. According to a recently released Third International Math and Science Study, 55 percent of U.S. eighth graders score below the international average in math.

Now, the point about national testing is not to suggest in any way that the Federal Government try to run the local school systems. School systems ought to be run locally. They are now and they will be in the future. But we ought to give parents information about how their students and schools in our States are doing, comparing them student to student and school to school and State to State. We simply don't have that capability. Providing parents with that information, through a national testing program, will be an important step in trying to evaluate where we are in the educational system and then what we need to do to strengthen and improve it.

Again, this is a proposal that says, let us try to evaluate across this country how our children are doing in reading at the fourth grade level and how our children are doing in mathematics at the eighth grade level. Giving parents that information will be enormously beneficial. I have two children in public schools this morning. They are the most wonderful young children that live in this country—as all parents feel about their children. I want them to have the finest education available to them. They are in public school. I like their teachers, I respect their school. But I happen to believe that, to the extent that we can improve this country's educational system, we will do that if we arm parents with more and more information about how the system does, how the schools are doing, how the teachers are doing, and how our students are doing.

There are three things that will work to improve education in this country, and all three are necessary in order for the educational system to work well. First is a student that is willing to learn. Second is a teacher that knows how to teach. And third is a parent that is involved in their student's education. The failure to have any one of the three means we don't do nearly as well as we can.

Now, the proposal for a national testing program has substantial support. Polls have shown that 77 percent of the American people support national standards for measuring the academic performance of schools. It has substantial support from leaders all across this country, national business leaders like the National Chamber of Commerce, the Business Roundtable, the National Alliance of Business, and it is clear to them that our ability to succeed in the long term and compete in the long term with other countries rests in our ability to provide an educational system that educates our children sufficiently so that we do succeed and prevail.

Here is the testimony from the business leaders in America. Let me read a couple of the pieces of testimony. This is Jim Barksdale, the CEO of Netscape Communications, and L. John Doerr, a partner in the firm of Kleiner, Perkins, Caulfield & Byers, on behalf of 240 technology industry leaders in a bipartisan call for national education standards in reading and math:

> Every State should adopt high national standards, and by 1999, every State should test every fourth grader in reading and eighth grader in math to make sure these standards are met. President Clinton's national testing initiative offers a new opportunity to widely accept national benchmarks in reading and math against which States, school districts, and parents can judge student performance.

Now, the proposal is completely voluntary. No student is required to take tests. Any student can opt out, any school can opt out, any State can opt out—a completely voluntary proposal. Then we had some amendments offered in the other body, the House of Representatives, an initiative, and some amendments here in the Senate, which I think will be withdrawn, that would prohibit any kind of national testing. So there has been discussion back and forth in recent days about, should we prohibit any kind of national testing? I think the answer to that should be no.

We are proposing that the National Assessment Governing Board, called NAGB—a bipartisan, independent board—will oversee and ensure the integrity of these national tests. NAGB was established by Congress in 1989 to independently formulate policy guidelines for the National Assessment of Educational Progress.

I don't have any interest, again, in having the National or the Federal Government decide that we are going to, in any way, impose restrictions or arbitrary requirements on school districts across this country. That is not my interest. It is my interest to provide some leadership to see if we can't describe some kind of national achievement levels which we aspire to reach as a country.

It is interesting. You go on a radio show, talk radio, these days—and it has been that way for some years now—and somebody calls in and talks about how any effort by anybody to test some sort of achievement level is some intrusive encroachment on education. I don't think that at all. As much as we spend on education, we ought to try to find out what we are getting for all of this. Where are we succeeding and where are we failing? That is what this initiative is all about. It is not an attempt to eclipse the powers, rights, or interests of local school boards. It is an attempt to see if we can't, all across this country, give parents more information about what they are getting for their education dollar and give school administrators and give other administrators who are interested in this an evaluation of where we are with respect to reading at the fourth grade level and mathematics at the eighth grade level, to see whether we are reaching the goals that we aspire to reach as a country. If we can't take that first baby step, if we don't have the opportunity or courage to take that step, then we are not in any way going to achieve the goals we have for this country's education in the years ahead.

I thought this was going to be resolved last week, and I understand it is still ricocheting around the Chamber. If it's not resolved, I am inclined to offer a second-degree amendment to

one of the first degrees that has been noticed, which would simply say that the National Assessment Governing Board would be the board that would be empowered to help provide this national testing. I want us to have an affirmative discussion and decision on this. I think that will be a very important thing for the Senate to say with respect to this appropriations bill because it is likely the appropriations bill coming to conference from the House side will say, in a negative way, that they don't want anything to do with this kind of national testing.

So I came to the floor today to say that I thought this had been resolved last week, and it has not been. If it is not resolved soon, I would like to offer an amendment. Senator BINGAMAN has one noticed. If that is not offered, I will probably offer a second degree, and we should have a vote on this issue. This country can do better in education. One way to do that is to aspire to have a national evaluation of what we are getting and what our performance levels are at the fourth grade level for reading and at the eighth grade level for mathematics.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

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

NATIONAL EDUCATIONAL TESTING

Mr. GORTON. Mr. President, I want to say to the Senator from North Dakota that I have listened with great care to his remarks and with a strong degree of sympathy and support for all that he has to say. I do want to add two cautions or questions that I know he will consider very thoughtfully in this connection, however.

I am here on the floor to speak to an amendment I introduced last night that would take dozens, perhaps hundreds, of categoric programs for education and consolidate them and distribute them on a formula basis to each school district, with a firm belief that our school board members and teachers in various schools throughout the country can make a better determination as to how to use that money than can bureaucrats here in Washington, DC.

But a part of my talk in a few moments will relate to this very question of achievement. I agree with the Senator from North Dakota, but the two caveats I have are these. Will we have a set of national standards or national tests that truly measure learning, knowledge, as we wish it to be?

There is great suspicion that anything sponsored by the Federal Department of Education will be of questionable validity in the real world in showing where our students are. And will a set of national tests drive out more sophisticated and better quality State and/or local tests? Will school districts and State superintendents of public instruction across the country say, fine, we have these national tests now, we don't need to do anything other than to teach to those tests—the very modest one subject in fourth grade and one subject in eighth grade?

I say that because, in preparing for my other comments, I have here the results of the first experimental year of a new set of tests given in the State of Washington to a wide number of students in more than 250 school districts and some private schools throughout the State. Now, these tests are far more sophisticated and far deeper than anything we are talking about here on a national level. Starting in the fourth grade but to be extended up to the tenth grade in the future, students were tested in listening, reading, writing, and mathematics. In other words, four sets of tests, rather than the one called for in the President's proposal.

Moreover, they were tested for their actual mastery of the subjects, rather than just on some sliding scale: Are you in the fiftieth percentile of all the people who took the test, either in the State or across the country? The State of Washington does use the current national tests in some of these areas, which are simply true, false, or a fill-in-the-blank-with-a-pencil kind of test. These new tests, however, in a number of the areas, include essay examinations as well as true, false, or multiple choice tests.

This is what some of the national organizations or experts have to say about this. I am quoting from last Thursday's Seattle Times.

> Washington's new test gets high marks from experts familiar with similar assessments in other States. Most say it will take time for students to meet the new standard and that these kinds of tests, called performance-based assessments, are more demanding than the fill-in-the-bubbles tests most parents and students are used to.
>
> The problem with standardized tests is that they hold schools accountable not for how students do in relation to a fixed standard, but rather in relation to how other students do —"a fuzzy concept," said Dr. Philip Daro of the New Standards Project, a consortium of States and urban districts creating education-reform models.
>
> "Performance-based tests are more realistic, more practical, more like people evaluated in the workplace," Daro said.
>
> The American Federation of Teachers said Washington's standards in English and science meet its criteria for being strong, coherent and useful to teachers and parents. The State's math standards are borderline and its social-studies standards are considered below par, with too little attention given to that history.

Under those consensuses, one of the reasons for the criticism of mathematics is that even in the Washington State tests, among students who rank very high in National College Board examinations and the like, you can get a perfect score in the fourth grade mathematics test even though you have the wrong answer. Some of the SAT questions give a perfect score in this test if you get the reasoning right even if you come up with the wrong answer. That is not going to please the real world, or a potential employer is not going to be comforted by having an employee who may think logically but reaches the wrong answer in a mathematical computation.

Given that, however, Mr. President, it is breathtaking and disappointing to report that in these four areas 62 percent of the fourth graders who took the test in my State exceeded the standard for listening, 48 percent for reading, 32 percent for writing, and 22 percent for mathematics even with the possibility of getting a perfect score on some of the tests on some of the questions in the test without getting the right answer. Twenty-six percent of our fourth grade students flunked all four, or failed to meet the standard in all four, and only 14 percent met the standards in all four.

I was very disturbed by the fact that our State superintendent of public instruction, who is new, and, may I say, said, "We must not be discouraged by results of the assessment, or try to hammer children and teachers." I think we should be discouraged by those results. I don't think we should hammer children and teachers. And I will speak in a few minutes on the proposition that I think they ought to get more direct aid from ourselves, and fewer bureaucrats telling them what to do and how to do it. But these are very disappointing results.

I guess my fear and my only reservation is about the remark on national standards, with which in theory I certainly agree, in connection with the talk by the Senator from North Dakota is that I would hate to see a set of national standards that we work down to rather than up from.

The same article said that only one State, Iowa, is not engaged in some kind of testing at the present time.

So my real question on this is how do we see to it that a set of so-called "national standards" don't end up depreciating, or making less demanding, the requirement to meet certain standards that many States have now and others like my own are moving toward with great rapidity?

I simply have that as a question.

Mr. DORGAN. Mr. President, will the Senator from Washington yield for a question?

Mr. GORTON. He certainly would.

Mr. DORGAN. Mr. President, before I ask the question, I say I think the remarks by Senator GORTON are important and raise the right question.

I would not suggest that we have some sort of aspiration for national

testing that would in any way lower standards. We need to raise standards. It seems to me that the proposals that have been advanced, for example, with respect to the reading at the fourth grade level is one of these gateway activities. If you do not get through that fourth grade level and are able to read and go beyond, and you are beyond that and aren't able to read sufficiently, nothing else will come together in your educational career. That is the problem. That is why you need to measure on some of these gateway activities like reading at the fourth grade level and mathematics at the eighth grade level.

The Senator from the State of Washington made a couple of important points. There are some good testing activities going on in some States. Some are terribly deficient. It is important to understand that, whether it is the National Chamber of Commerce, the Business Roundtable, or the technology firms in our country who are asking for this and who believe this is an essential part of understanding what we are getting from our educational system and how to fix it. They feel that we have a significant problem. And, in order to fix that problem, you need to figure out where you are, and where you go from that point to fix it. I share that feeling.

I say to the Senator from Washington that the points he made are accurate. Isn't it the case, however, that we should be able to recognize the concern some people have about who would do the testing, or what kind of testing would be done? Shouldn't we be able to overcome those concerns by saying at least we aspire as a Nation to achieve some goals with respect to our children who are in the fourth grade and the eighth grade, and with respect to their meeting the mathematics skills? Shouldn't we be able to meet the concerns that the Senator from Washington expresses?

Mr. GORTON. My answer to that question is an unqualified yes. Of course we should do just that. What we must take great care with is seeing to it that any national standards strengthen and encourage the standards that are already being set in any of the States; that they be able to move forward; not an excuse to move backward; and that they measure real knowledge. I believe that the heart of some of the objections to the national standards are the ones made by the American Federation of Teachers to Washington State mathematics. There just is no way except in the heart of some totally abstract profession that you can justify giving 100 percent to a student who gets the wrong answer to a question. It may be encouraging students to move towards a way to come up with the right answer. But that is not something that ought to get 100 percent.

I hope we derive a system for whatever national tests come, and I think some are likely to come that measure real knowledge and real progress, and that encourages States to make their own standards even tougher and their assessments to take place more frequently.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. GORTON. I ask for two additional minutes.

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

Mr. GORTON. I would just like to say in summary that I am in no way critical of what my State has done, and the movement towards these standards I find very encouraging. I think absent these constructive criticisms that they are likely to set very, very good and very significant standards. It is just that I have to predicate the comment that we shouldn't be discouraged by the results. We should be discouraged by the results. And we should resolve that we are going to do everything possible to cause those results to improve markedly and as quickly as possible.

Mr. DORGAN. Mr. President, if I may ask the Senator to yield for one additional question, I come from a school where I was involved in a graduating class of nine. I come from a county that has 3,000 people. The community in which I grew up has 300 citizens. My high school class was a class of nine. That school district was educating the children in my school to go out into the workplace and to do things with the kind of background they gave us in a different time. And that school district still exists, and the school still exists. It is still a very small school. But now those children that are being educated in that school are going out into the marketplace in a different era. We are now involved in much different kinds of global competition in which we are competing against kids in Germany and Japan who are going to school 240 days a year. Our kids are going to school 180 days a year competing with respect to jobs and economic opportunity. And it is a much different world. That ought not suggest that we manage in any way our schools differently. The control and the authority and the payment for the schools ought to come from local government and local school districts and State governments.

But the point that is made by the people in the technology area, by the chamber of commerce and elsewhere, is that we are involved in global competition, and our education system must produce the quality of education that meets that competition in order for this country to succeed and to achieve what we want to achieve in the future.

That is why it is important for us to be discussing these issues. What are we getting for our education dollar? And are we achieving with our children proficient levels of mathematics in the fourth grade and education in the eighth grade, and how do we measure that?

The PRESIDING OFFICER. The time allotted to the Senator from Washington has expired.

Mr. DORGAN. I thank the Senator from Washington for yielding.

Mr. GORTON. I thank the Senator from North Dakota for his thoughtful comments, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

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.

UNANIMOUS-CONSENT AGREEMENT—S. RES. 120

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask unanimous consent that at 12 noon today, the Senate proceed to the consideration of a resolution regarding Mother Teresa that was submitted today by Senators NICKLES, LOTT, and DASCHLE. I further ask unanimous consent that there be 30 minutes of debate equally divided in the usual form. I finally ask unanimous consent that at the hour of 2:15 p.m. today, the Senate proceed to a vote on the adoption of the resolution with no intervening action or debate. This resolution has been cleared by the minority leader.

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1061, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig-Jeffords amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Durbin-Collins amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997.

Durbin amendment No. 1085, to provide for the conduct of a study concerning efforts to improve organ and tissue procurement at hospitals, and require a report to Congress on the study.

Durbin (for Levin) amendment No. 1086, to express the sense of the Senate that hospitals that have significant donor potential shall take reasonable steps to assure a skilled and sensitive request for organ donation to eligible families.

Mack-Graham amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center.

McCain-Gramm amendment No. 1091, to eliminate Medicare incentive payments under plans for voluntary reduction in the number of residents.

McCain-Kerry amendment No. 1092, to ensure that payments to certain persons captured and interned by North Vietnam are not considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

Craig-Bingaman amendment No. 1093, to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees.

Landrieu amendment No. 1095, to increase funds to promote adoption opportunities.

Coverdell amendment No. 1097, to enhance food safety for children through preventative research and medical treatment.

Coverdell amendment No. 1098 (to Amendment No. 1097), in the nature of a substitute.

Specter (for Nickles) amendment No. 1109, to require that estimates of certain employer contributions be included in an individual's social security account statement.

Specter amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative.

Specter amendment No. 1111, to provide start-up funding for the National Bi-partisan Commission on the Future of Medicare.

Harkin (for Wellstone) amendment No. 1087, to increase funding for the Head Start Act.

Harkin (for Wellstone) amendment No. 1088, to increase funding for Federal Pell Grants.

Harkin (for Wellstone) amendment No. 1089, to increase funding for the Education Infrastructure Act of 1994.

Harkin-Bingaman-Kennedy amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Harkin (for Daschle) amendment No. 1116, to express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative.

Ford amendment No. 1117 (to Amendment No. 1078), to express the sense of the Senate on compensation for tobacco growers as part of legislation on the national tobacco settlement.

Murray-Wellstone amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program.

Murray amendment No. 1119, to provide funding for the National Institute for Literacy.

Harkin (for Bennett) amendment No. 1120, to award a grant to a State educational agency to help pay the expenses associated with exchanging State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument.

Ford (for Kerrey) amendment No. 1121, to exempt States that were overpaid mandatory funds for fiscal year 1997 under the general entitlement formula for child care funding from any payment adjustment.

Domenici (for Gorton) amendment No. 1122, to provide certain education funding directly to local educational agencies.

Gorton modified amendment No. 1076, to allow States to use funds received under title XXI of the Social Security Act to provide health insurance coverage for children with incomes above the minimum Medicaid eligibility requirements.

AMENDMENT NO. 1122

Mr. GORTON. Mr. President, I ask unanimous consent to call up an amendment that I introduced yesterday to provide certain educational funding directly to local educational agencies.

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

AMENDMENT NO. 1122, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification of that amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will read the modification.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, and Mr. DOMENICI, proposes an amendment numbered 1122, as modified.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, is the Senator going to explain the modification?

Mr. GORTON. I will explain the whole amendment, as modified.

Mr. JEFFORDS. I withdraw my objection.

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

The amendment, as modified, is as follows:

On page 85, after line 23, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965; or

(J) to carry out part K of the Elementary and Secondary Education Act of 1965;

(K) to carry out title IV–A–5 of the Higher Education Act; or

(2) 50 percent of the amount appropriated under title III under the headings "Rehabilitation Services and Disability Research" and "Vocational and Adult Education".

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number of the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under this section as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(4) Nothwithstanding paragraph (3), the Secretary shall compute the amount awarded to each local educational agency serving the States of Alaska or Hawaii by multiplying the base line amount determined under paragraph (2) for the local educational agency by a factor of 1.00.

(e) If the total amount of funds made available to carry out this section is insufficient to pay in full all amounts awarded under

subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g) In this section—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "Secretary" means the Secretary of Education; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for the benefit of the Senator from Vermont, the modification strikes all references to any departments other than those going through the Department of Education, and there is a modification with respect to the distribution formula for the States of Alaska and Hawaii, States that have artificially high income levels which do not necessarily reflect the standard of living in those two very expensive States, and adds one additional minor exception to the scope of the bill.

Fundamentally, Mr. President, this amendment is based on the philosophy that the school board members, the administrators, the teachers and the parents in communities all across the United States are better able to set their educational priorities and to meet their educational goals than is the Congress of the United States or bureaucrats of the Department of Education. You can't make a telephone call because we tried to call the Congressional Research Service and ask how many programs there are that support the education of our children between kindergarten and 12th grade.

Instead, they can identify a few programs, large programs, which are devoted exclusively to that purpose, but there are hundreds of others which do so in part that they cannot identify.

Congressman HOEKSTRA of Michigan, in the House, has identified approximately 760 programs funded by the Federal Government directly or indirectly affecting the education of our children between kindergarten and the 12th grade. No one can say how much of this money actually gets into teaching children as against paying for bureaucrats at the Federal level, the State level, the school district level, or the time it takes the teachers to fill out all of the forms necessary to meet the auditor's requirements of each of these individual programs.

The Cato Institute has determined that of the roughly $15 billion going from the Department of Education for K through 12 programs only about $13 billion gets to local education, but it does not and cannot reflect how much the local education agencies have to spend on the administrative requirements of these 760 education programs.

So what this bill says is that with certain exceptions, the largest and most notable of which are the Individuals with Disabilities Education Act that was debated earlier this year, and impact aid, which goes to school districts with a large Federal presence, for 1 year at least we are going to ignore all of these hundreds of programs and their specific requirements and all of the bureaucracy in the Department of Education and simply take the exact number of dollars that are included for those programs in this bill and to distribute them on a per student basis to every school district in the United States. To the best of our ability to do so—and I must confess that in dealing with this number of programs, we may have missed some—we are speaking of a little bit more than $11 billion of the appropriations in this bill.

We are going to say, instead of our deciding how they ought to be spent, instead of our saying that every school district in the country has to meet exactly the same requirements for getting this money, let us accept the novel idea to which almost all of us give lip service when we are at home that maybe the men and women who are dedicated enough to run for positions on local school boards, maybe the teachers who are in the classroom every day, perhaps the principals and administrators there can use that $11 billion plus to provide more in the way of educational services than are being provided at the present time. Almost without exception our debates in this Chamber on education policy, when we deal with budget resolutions, when we deal with reconciliation bills, when we deal with this appropriations bill, have to do with how much money we are going to spend on education. It is the firm view of Members of this body and most of the general public that the more money we spend the better the results will be. And yet we are all convinced that the results are not very good. We are disturbed enough about it so that we want to create national standards and national tests.

I just had a discussion on that subject with the distinguished Senator from North Dakota [Mr. DORGAN]. At the same time I shared with the body the pioneering work my own State of Washington is doing in setting standards and testing students against those standards and the highly disappointing results of the first of those sets of tests this year, that only 22 percent of our fourth grade students meet those standards in mathematics. I am convinced that we ought to talk about quality as well as quantity; that simply adding dollars to programs, the net result of which are test results like these and like the others we deprecate all across the country, is not the wisest course of action.

Last year, the Congress in its wisdom did something that Congresses rarely do. We decided that we did not know an awful lot about welfare and that maybe 30 years of an increasing nationalization of welfare policy, the net result of which was worsening almost every social pathology welfare was designed to cure, was not the right course of action. And so in essence we said perhaps we should not set all the requirements ourselves. Perhaps we should let 50 States experiment broadly with welfare policy and maybe all of us will learn more about what works and what does not work.

This amendment gives the Senate the opportunity to do just exactly that with our education policies in kindergarten through 12th grade. Curiously enough, we seem to have largely accepted that policy with respect to higher education. The great bulk of our higher education programs go directly to students—guaranteed student loans, Pell grants, other means tested aid to students go to the customer, the user of educational services rather than to some huge bureaucracy that is given the power to say what colleges and universities can teach and how they teach it.

Now, we know that there are higher educational institutions that do not do a very good job, but our cure has not been to cut off students and stop allowing them to make choices. We do allow them to make those choices. Why don't we try in this particular case—this is not a debate on vouchers and giving money directly to parents, as much as I may favor that. This is a debate about giving the money directly to school districts, to the professionals who work in the classrooms, to the amateurs in almost all cases who run for and are elected to school boards all across the United States. It is difficult for me to imagine, with three Senators in the Chamber, that the priorities of the school districts in Rutland, VT, and Portland, OR, and Bellevue, WA, are going to be identical. It is impossible for me to justify the amount of paperwork that must go into justifying the expenditure of the money for these hundreds and hundreds of programs that go to K through 12 education at the present time, right from the level of the classroom on up through the individual school, to school district, to the State education agency, to the U.S. Department of Education.

Let's take a page out of what we hope will be a successful decentralization of our welfare policy and decentralize decisionmaking in our schools. Let our parents through their PTA's, our teachers, our school board members, our principals, decide how to use this $11 billion to educate kids. And then if we can devise it, we can in fact come up with some tests, some standards that they ought to meet and test them against those standards. What we know now is that the money is not being spent very well, at least it is not being spent very successfully. Let's try temporarily to let someone else make those decisions and see whether we cannot do better.

I am convinced that we will do a great deal better.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Vermont.

Mr. JEFFORDS. I wish to speak against the amendment.

I think the desires and the hopes of the Senator from Washington are certainly admirable, but I think if one examines where the problems are in education right now the thought that it will be solved by just giving a blank check to the local agencies to correct these problems I think would find itself quite misdirected.

First of all, it goes without saying and everybody must recognize that this is probably the grossest exercise of changing the situation from what is normally considered the authorization process that I have seen to date.

Now, I do not disagree with the fundamental problem that the Senator from Washington recognizes, and that is we have an awful problem in this Nation educationally. When 51 percent of the students in this country graduate functionally illiterate, when we find ourselves trailing way behind other nations in competition for the type of work that is necessary in our country, we know we have a problem. Right now, for instance, we have 190,000 jobs available in this Nation that we cannot fill because schools have not produced students with the skills to take them, whereas our competitors do not have that problem.

But where is the problem? The problem is at the local level because they have not had the guidance from above or whatever to increase the mathematical skills and to ensure that we do not push young people through the school systems by what is called social promotion. Those are the big problems. Giving blank checks to the local governments is not going to solve the problems. I would guess it would probably exacerbate them.

For instance, one of the programs that we have which is more aimed at the problems than anything is the Eisenhower math program. It is designed to provide professional development. Congressman GOODLING, who is chairman in the House, and I agree on one thing, that the most important thing we can do now is to improve the professional development of our teachers. If they don't know what the standards are they should meet in order to meet worldwide competition, then it is difficult to expect that they are going to change to meet those standards. The Eisenhower program has been very successful in the math area, but it is so small that it cannot possibly do all the work. If we were to take and throw more money, if you want to call it throw, into the Eisenhower program and things like that, it might make some sense. But just to give it carte blanche to the districts dependent on the wealth, not on the quality of education, this makes a presumption that is not accurate in many cases, and that is, the quality of your education will be determined by the amount of money that is spent; therefore, if you give more money to the poor areas, they are going to end up with better education, and if you take it away from the ones with higher expenditures on education, they are not going to be hurt. There is no basis for making that kind of conclusion.

Title VI, a block grant, which is chapter 2, is the best hope we have for getting the kind of professional development which Congressman Goodling and I agree is the greatest need of this Nation today that would eliminate the money that goes toward that direction of trying to make sure that we improve the ability of our teachers to meet modern needs of our society.

You can argue about some of the other programs, but School to Work is another one. School to Work is putting its finger on the basic problem in this country, and that is that we do not train our young people for work; we ignore that. The educational institutions, in most cases, are just making some progress now with bringing the school into the work area and letting them know what the young people need for skills in order to get those very well-paying jobs that are out there. School to Work is aimed at that. To cut the funding for that and give more money to the local agencies to do what they want with it is not going to solve the problems of this Nation.

We are going to try to in the Work Force Improvement Act, which we will be moving out of committee very soon, consolidate a lot of these programs that perhaps eat up more money in bureaucracy than they do in producing results. I don't have a problem with that, but that should be done during the reauthorization process. To make such a fundamental change now on an appropriations bill where we would take away from the States—remember, the States distribute title I money and things like that in accordance with not only financial problems, but educational need. This would do away with that aspect and give that role to the Secretary of Education. I am amazed to think the Senator from Washington would suggest we ought to give the money to the Department of Education to distribute. Granted, it is a formula distribution, but still right now it is the States that make the decisions based upon the educational need as well as economic need.

So I think for all these reasons I would have to strongly oppose this amendment. I encourage, though, as the Senator from Washington has done, to raise the level of understanding of what the problems of this Nation are in education. The basic problem is very fundamental, and that is that the schools in this country are not equipped now to handle the demands made upon them by the competition in the world economic situation which requires us to produce kids that have better skills.

There is certainly no excuse for allowing young people to go through the school system and come out the other end, like half of our kids do, without knowing how to read. That is why emphasis is being placed by the administration, myself, Congressman Goodling and others on that. We have to face up to the problem. Facing up to the problem is not going to solve it by throwing more money and taking it away from any direction at all, but just giving it to the local school system.

I must strongly oppose the amendment of the Senator from Washington, but I do praise him in the sense of raising again the awareness of this body and the Nation to the serious problems we have with education at the local level.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, on this subject, it is obvious that between my friend, the Senator from Vermont, and myself there is a great gulf to fix. I note just a couple of his phrases. One was "carte blanche." The other was the necessity for "guidance from above."

It is the view of the Senator from Vermont that without "guidance from above," our teachers, our school board members, our principals won't know what to do, that they will be clueless about the education of our children for our 21st century world, and that unless they are told by us, right here in this body, U.S. Senators, what their priorities are, how they are going to meet those priorities, and unless we let a group of bureaucrats in the Department of Education, right to the tiniest detail, dictate how Federal money is going to be spent, our teachers, school board members, principals and parents won't have the slightest idea of how to meet these challenges, and they will waste all of this money, it will go for nothing.

Well, my golly, if we had been able to show by tests that we have been overwhelmingly successful, that everyone was doing well, I don't suppose I would be out here now. But one of the other features we are almost certain to authorize, with my conditional approval at least, is to come up with a rational way in which to test our students at various levels with respect to their knowledge about the most important of the academic subjects they are in school to learn.

My reservations on that is, I have grave fear that national testing may actually drive out more rigid State testing in a number of places across the country. If it encourages even stronger standards, then it seems to me that it is a very, very good idea. It is one thing to test, but it is another thing to tell every teacher, "Here's who you have to teach and here is how you have to teach and, by the way, here are all the forms you have to fill out at some point or another during your school day to make absolutely certain you didn't teach the wrong student and, therefore, disqualify our school district for some of its title I money."

Obviously, every Member of this body who believes that he or she knows more about educational priorities than do his school board members, his teachers, his or her parents should certainly vote against an amendment like this. If Members are content, Mr. President, with between 700 and 760 different education programs coming out of probably five or six different Departments of the U.S. Government, each with its own requirement and its own forms to fill out, if they believe that is a satisfactory way to do things, fine, they should vote for the status quo.

I have more trust in the American people. I have more trust in the people who give up their time without compensation to serve on school boards and in parent-teachers associations. I have more trust in the teachers that we have in the schools themselves. I think they will do a better job with the money. I think we will get better education. Of course, anyone can have a quarrel with the formula for distribution, which is a rough formula giving slightly more money to poor States or school districts in poor States than it does to school districts in wealthy States. But I believe I can make this representation, Mr. President. It will be difficult to find a school district anywhere in the United States that doesn't have more money for the actual education of its students under this formula than it does at the present time. Why? Because at the present time, a whole bunch of this money, hundreds of millions of dollars, gets taken out right here in Washington, DC, by the bureaucracy. More hundreds of millions of dollars get taken out by the State educational entities, and tremendous burdens, nonteaching burdens, are imposed on local schools, school districts and teachers in keeping track of all of it and filling out the forms. So the most disfavored school districts under this formula will actually get more money to put into the education of their students than they do at the present time.

I will be the first to admit, Mr. President, that on the floor of the Senate, this is a brand new and a radical proposal. I would be surprised if it became law as a part of this appropriations bill. But, Mr. President, we are 10 years past due in discussing this subject. It is time we did here what we say we want to do when we are at home. I can't speak for every other Senator, but I know that one of the most popular statements I can make at a town meeting or to any group in the State of Washington is, "I believe you, through your schools right here, should have more say as to how you spend the money that goes into educating your children." Principals approve of it, school board members approve of it, teachers approve of it, parents approve of it, the taxpaying public approves of it.

I would be willing to make a small wager that, in general terms, almost every Member of this body makes the same speech under appropriate circumstances in his or her own State when he or she is asked about that question. "Yes, I believe in local control of schools. Yes, I believe in locally elected school boards. Yes, I believe decisions can be made better close to the student, but * * *" Usually they don't articulate the "but." "But" comes back here when they actually vote in a manner totally contrary to the way in which they speak at home.

So this provides a simple opportunity, Mr. President, an opportunity to say whether you really do believe that educational policy, that money for education is likely to be spent more wisely and more effectively by those who are in the field doing it professionally, meeting with their students every day, or whether, in the phrase of the Senator from Vermont, they need "guidance from above," guidance from right here in these seats, because otherwise, a carte blanche will result in educational disaster.

I hope Members will give serious consideration to this philosophy. This may be the first time we have discussed this in the form of an amendment like this in a number of years, but I do not think, Mr. President, it is going to be the last time. I believe we will discuss the general philosophy of this proposal, at least, increasingly until the time that we are willing in fact to place a degree of trust in local educational authorities that we all say we have in theory.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I will make a couple more comments here.

Let us just think about what would happen if we did this, what it would do for education. All of a sudden, without any qualifications or requirements, or anything else, if we were to send checks to our local governments, with a hope they would spend it on education—I know what would happen in my State.

We have just gone through property tax reform. Everybody is up in arms over the cost to the local governments from property tax reform. I bet if you were to do it, this would end up in property tax relief. Maybe that is a good thing. Maybe it is a good thing to relieve the local property tax in communities around the country. But it is not going to tackle or do anything to solve the very basic problems we have in education. There is nothing in here that would in any way determine that the local governments are going to spend it on education.

Now, "above" can mean the superintendent of a region, they are knocked out. The State's school system has no control or no suggestions in any way how to spend this money. We are just sending checks to the local communities and saying, "Gee, we would kind of like you to spend this on education, but there's no requirement, or you can say you do, but then you just cut yours back and you spend this money on education, but you cut back on the local money, on what you're spending on education now, and you can cut your property taxes." It might be very popular. I think it would be. I expect it would sell very well with the taxpayers of local communities saying, "Wow, finally we can start going down on the cost of education in this community."

Will it benefit the students? Not at all. This is, again, authorization of the grossest kind in the appropriations process.

So I say to Members that this is one area where we have huge needs trying to change what is going on in this country in education, to raise the levels to be able to meet international competition, to make sure we are not embarrassed again as we have been for years now on international tests with our young people, especially in math and science. We know we have to make changes. Anyone here who believes that just throwing money at the local communities is going to bring about these kinds of changes, I do not think you will find anyone who can consider this is seriously the way to go.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the distinguished occupant of the chair, the junior Senator from Oregon, be added as a cosponsor to the amendment.

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

Mr. GORTON. Mr. President, that is a truly incredible statement on the part of the Senator from Vermont. In the first place, of course, this amendment does not give this money to local governments. It gives it to local education authorities, that is, school boards and school districts. Evidently the Senator from Vermont feels that his own constituents have so little regard for education in the State of Vermont that they would immediately cut their contribution to the education of their children by the amount of the distribution to those local school boards. I would be ashamed to make that comment about the people of the State of Washington. I cannot imagine that that would happen.

Moreover, Mr. President, the Senator seems to forget that at least a significant part of this money is in the educational system at the present time. It is my view that just not enough of it gets there, that too much of it gets siphoned by the bureaucrats on the way to a school district in Vermont or in Oregon or in the State of Washington. But to make the statement that only we are wise and only 100 Members of the U.S. Senate are really concerned about education and that, if we were to allow a local school agency to set its own priorities with the money we appropriated to education, that they might not do it, that they would just simply decide, "Oh, no, education isn't very important. We can now cut down our own contribution level," is insulting, I would say, Mr. President, to every citizen of the United States who cares about his or her children or his or her country or their future.

This money is going into education now. That is why we are appropriating it. Too much of it is going to a bureaucracy and not getting to the children who are being educated. Too many priorities are being set here, and too few at home. That is what the question is about.

Mark my words, Mr. President, successful or unsuccessful, if this amendment passes, more money—not less—more money will get into the education of almost every student in the United States of America. The fundamental question is not how much; the fundamental question is, who ought to make the decision as to how it is spent? We here in this body, great educational experts as we seem to think we are, or the people who are actually providing the teaching in the day-to-day operations of our schools?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I want to yield the floor to the distinguished chairman of the Finance Committee who needs some time here to take up another issue, but just quickly before I do that, I do want to congratulate the Senator from Washington, Senator GORTON, for his proposal here, because it has highlighted what is the core debate in the issue of education, which has been raised in part by the President.

This administration's approach to education is about the same as it has approached campaign finance reform—talks one game; does another game. Basically, the purpose of almost all the major initiatives that have come out of this administration on the issue of education have been to encourage and strengthen the control of the Federal Government over the process of educating children. Every initiative that seems to come out of this administration seems to have been drawn up in the bowels of the major labor unions, major teaching unions here in Washington, the purpose of which appears to be the fundamental goal of moving the control of education out of the local communities and into the Federal sector, out of the hands of the parents, out of the hands of the teachers, out of the hands of the school systems at the local level, into the hands of the Federal bureaucracy, into the hands of the big labor unions centered here in Washington.

Their education initiatives can almost all be characterized as having that as their basic philosophical groundwork, whether it happens to be their initial proposal on Goals 2000, which luckily was amended so that that did not happen, or their initial proposal on national educational testing, which the President has now backed off of because the country has been alarmed by it and which he is changing.

What Senator GORTON's proposal does is say, "Let's end it right here. Let's return to the local folks, people who control the educational process, people who should be involved in the educational process, specifically, the parents, the teachers, the principals, local school boards, the capacity to manage the money we have the Federal Government presently controlling. Let's end this huge bureaucracy which is draining off billions of dollars annually from the students of this country, turning it over to a class of individuals whose basic goal is to perpetuate their own careers versus perpetuating better education. Let's put an end to that. Let's give the dollars right to the schools. Let's let the schools, the parents, the teachers and the principals make the decision."

It really should not be a unique or radical idea. It should be a very common, very appropriate idea. But in the context of the strange thought process which dominates the beltway, it appears to be a radical idea.

Actually, I congratulate the Senator from Washington, Senator GORTON, for putting forward this initiative. I think it is going to generate a very huge and positive debate of the question of where the control of education should be. I look forward to participating in that debate. But I do not wish to take further time from the Senator from Delaware. Therefore, I yield the floor at this point.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1091

Mr. ROTH. Mr. President, I rise to oppose the McCain amendment on graduate medical education, amendment No. 1091. I oppose it, although I am sure it is well-intentioned. I believe this amendment is not appropriate on this bill. I also believe the amendment is based on some misunderstandings.

But first, as a general rule, I do oppose any amendments on appropriations bills designed or related to Medicare or any other matter that we dealt with in the Balanced Budget Act. Some of these amendments may seem noncontroversial or even desirable; however, it is simply not appropriate to begin loading up important appropriations legislation with amendments unrelated to the underlying bill.

Let us remember the ink is hardly dry on the Balanced Budget Act. If we begin the process of reopening this legislation, I assure you there will be no end to other amendments.

Many of these amendments will likely affect matters important to other Members and their States.

Then there is the matter of good faith. A provision in the McCain amendment would strike a House provision we accepted in the conference on BBA. I am sure there are many Senate provisions the House would like to strike.

Mr. President, I will briefly comment on the substance of the McCain amendment. The McCain amendment eliminates funding for a program that would provide assistance to teaching hospitals that voluntarily choose to downsize their residency programs. The funds provided through this program will partially cushion the financial losses teaching hospitals will incur as they reduce the number of doctors in training.

Members should know that Medicare does not simply pay teaching hospitals for training but rather for care given to Medicare patients. These funds do not reimburse hospitals for doing nothing, as some claim. Far from it. Hospitals will use their funds to hire staff doctors, nurse practitioners, physician assistants and other personnel to replace the residents. These funds will

also help teaching hospitals, often the Nation's best hospitals, to adjust to a highly competitive health care marketplace and develop alternate means of caring for vulnerable uninsured patients.

One last point. The provision that the McCain amendment would strike saves at least $380 million in Medicare over the next 5 years, according to CBO. Let me emphasize this important point. Medicare will actually save money as we help the Nation's teaching hospitals. The McCain amendment would add to the deficit by almost $400 million because no offset is provided.

Mr. President, once again, I urge Members to oppose the McCain amendment on graduate medical education.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to support my revered and respected chairman in this regard. It is the case, sir, that 5 legislative days ago we passed this measure. It is a measure which originated in the House and in a good faith exchange in conference the Senate accepted it, the conferees did. There were three of us—Mr. LOTT, the chairman, and myself. The bill passed Congress in a spending measure that was appropriate to the occasion.

Now, first, although it is not technical, it is so profoundly important. This is legislation on an appropriations bill. It is the ancient wisdom of this body not to do such things. A point of order would obviously lie against the amendment. It is important. It is how we proceed in this body.

Further, sir, on the merits of this matter, I, for my part, would have to say I would like to see how this works. This is a 5-year period. I can attest, and I know that my colleague from New York and our chairman would agree, the Finance Committee has been seized with this subject. As the medical care system of our country becomes more rationalized, as economists would put it, as price considerations enter into markets and decisions are made, and health maintenance organizations rise and you see all manner of mergers and acquisitions and the general evidence of a market which is good, you also find yourself with some of those effects which are common which involve institutions or desirable behaviors that markets do not provide.

In the profession of economics, they are known as public goods. Everybody benefits from public goods so nobody will pay for them. If you want them, you have to find them in a public mode. That is why we have public schools. That is why we have, come to think about it, why we have the Marine Corps. These are public goods that you have to provide for in the collective mode.

In 1994, as the Finance Committee was considering the health care legislation sent to us by the administration we found ourselves more and more interested in the question of medical schools. In this new world, who takes care of these special institutions which have high prices? They have high prices because they have high costs. They have high costs because they are teaching.

We had a wonderful exchange and I am sure the chairman recalls it. One morning a witness from Fordham University, an ethicist, Father Charles J. Fahey said, "What I am seeing is the "commodification" of medicine—a wonderful phrase. The then head of the UCLA Medical Center, Raymond G. Schultze, said at another hearing "Can I give you an example? In southern California we now have a spot market for bone marrow transplants."

All that is something that is to be welcomed. It is happening anyway, going to happen in whatever market for medical care, and we have to provide some nonmarket provisions for these singular institutions, these great teaching hospitals, in the great age of medical science. In the history of the species it is only in the last 40 or 50 years—40 some say, 50 radicals would say—that medicine has really been able to do something. It is learning exponentially, learning by the hour.

In this situation there can be a surplus of some doctors generally, of some specialists in particular, some judgments need to be made, and this transition needs to be made.

As I understood the legislation, I think the chairman would agree, we were proposing a 5-year transition period to see whether we did not get good results—we will not know in the next 5 years, at least—to save money.

It has a clear and necessary purpose. On both grounds, Mr. President, I rise to join the chairman. First of all this is legislation on an appropriation bill, which we must not have. Secondly, this is a measure that was included in the Balanced Budget Act only just this moment, and it is in response to a real life situation in an open experimental mode. In 5 year's time we will know more, and I plead—this is a subject that will not go away. We will be debating this matter, the matter of teaching hospitals and medical schools on the floor of the U.S. Senate for a quarter century to come.

I join the chairman in proposing that we not approve this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I am pleased to have the opportunity to join with the distinguished ranking member and the senior Senator from New York, the ranking member on Finance and the chairman of Finance, the distinguished Senator from Delaware, in opposing the McCain amendment.

Let me say that the rhetoric is rather fascinating, the rhetoric that is used in support of this amendment, that we are paying for something that we are not getting. The fact of the matter is that it totally ignores the reality that teaching hospitals that administer to the poorest of the poor, that provide training for our Nation's doctors, that provide medical services to those who would otherwise in many cases find it difficult to get those services, will actually be saving the taxpayer money as a result of the legislation that has been enacted, a legislation which the amendment that we are now discussing would strike down.

The fact is the Congressional Budget Office as recently as this morning has scored the McCain proposal as one that would cost the Treasury $350 million. So it is rather disingenuous to say that we are paying for something, in the rhetoric which is used, to suggest that "Government rationing of medical training, ultimately the rationing of health care, smacks of socialism, not democracy" does not recognize the problem that exists.

It costs approximately $100,000 a year. That is what the Government is paying, for every resident who is employed at the various hospitals throughout the country. There is a recognition that there is an oversupply. So the Congress, with the administration, developed a format whereby over a period of time, hospitals would reduce the number of doctors and would actually be then saving the Government $350 million.

Now, if we want to continue business as usual, want to continue subsidizing the oversupply, then we strike this amendment. That is what the Senator would be doing. What he would be doing is absolutely in contravention of what good planning and what good medical practice and what is in the best interests of the taxpayer—allow this amount to gradually go down in the number of doctors who are being trained.

Now, I understand the Senator from Arizona has asked for the ability to debate this measure later in a fuller context and would like an hour equally divided. At that point in time I hope the chairman of the Budget Committee, Senator DOMENICI, would raise a point of order against the amendment pursuant to section 302(f) of the Budget Act because that point of order, in my opinion, lies, it is proper, and would request a ruling of the Chair. I am not going to do that. I hope we would have the chairman of the Budget Committee review this as to whether or not technologically this would cost the taxpayers $350 million and there is no offset provided.

Now, do we really want to say we want to knock out a program that will reduce the number of doctors and save the taxpayers of this country close to half a billion dollars? That is what the McCain amendment would do, as well-

intentioned as it might be. And believe me, I do not question the Senator's intentions. I think he has a legitimate point.

Are we paying for something that we are not getting? I think the fact is we are going to be reducing the supply and we will be saving $350 million but we are doing it in an orderly manner. We are allowing those who are on the battlefield, those who are providing services for the neediest of the needy, for those who do not have adequate health insurance, those people who would otherwise not receive the kinds of medical services and high quality, they are in our inner core cities throughout our Nation because those are the hospitals in most cases that will be affected, the great institutions in our metropolitan communities throughout this country.

It makes no sense, it seems to me, to knock out a program that will deprive us of the opportunity of seeing an orderly downsizing, and, yes, save taxpayers money at the same time.

I join in opposition to this amendment and I commend the chairman of the Finance Committee from Delaware and my distinguished colleague from New York, Senator MOYNIHAN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1076

Mr. ROTH. Mr. President, I should now like to turn to Amendment 1076, offered by the Senator from Washington. I must oppose this amendment which alters the complexion of the newly created State children's health insurance program. The appropriations bill is simply not the vehicle for reopening the Balanced Budget Act. The amendment raised issues which should be addressed for all States, not just a few. Barely a month has passed since the bill was enacted. This is not the time to reopen the balanced budget amendment.

Mr. President, as reported out of the conference with the House, it is clear that the fundamental purpose of the new $24 billion children's health program is to expand health insurance coverage for children who do not presently have health insurance.

Under the new children's health program, the Federal Government will increase its share of the cost of providing public insurance in some States by as much as 30 percent. This so-called enhanced match is to act as an incentive to expand coverage to more children. And, indeed, that is what we all expect will happen.

At the same time, we do not want to simply shift new costs to the Federal Government to provide services to individuals who are already covered by insurance whether through the private sector or the public sector. Nor should these funds be used to merely supplant State funds. At the very least, we should try to minimize this from happening.

As the Senate considered the children's health legislation over the summer, it limited eligibility to 200 percent of the Federal poverty level. The Senate was gravely concerned, and rightly so, about the crowding out effect in which public insurance would replace private insurance.

But States which had already expanded eligibility above 200 percent of poverty argued that they would not be able to use their new child health allotment because of this limitation. There would be no children to cover, they argued.

In deference to those States, we agreed to raise the eligibility limit to 50 percentage points above a State's Medicaid standard in the conference with the House. We also provided States with options for participating in the program above their current levels.

The Gorton amendment is not about States expanding coverage for children beyond their current commitment. It is about claiming additional Federal dollars to do what the States have already agreed to do.

This is an important issue which should not be determined after a few minutes of debate on an appropriations bill.

Furthermore, the amendment would create another inequity which should be carefully considered and addressed, if necessary.

The Gorton amendment applies to only a handful of States which have previously expanded coverage to children. The Gorton amendment applies only to those States which have expanded Medicaid at least up to 200 percent of the poverty level and up to age 17. These States are to be congratulated for their leadership. But there are also at least 20 other States which have also expanded Medicaid eligibility, which would not gain the advantage extended by the Gorton amendment.

While the amendment provides the enhanced match for total expansion, it does not provide the same advantage for those States which have made only a partial expansion. For example, a state which has expanded to 185 percent of the poverty level would not be eligible for the enhanced match for new children up to that level.

Creating such inequities illustrates a fundamental problem with using the appropriations process for legislating in place of the authorizing committees. While perhaps a problem might be solved for a few States, that solution might create new inequities among several more States.

If the policies in the new children's health program should be changed, then let us examine the issue in a thorough and complete manner which is equitable for all States. But we cannot and should not attempt to do so today.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President——

UNANIMOUS-CONSENT AGREEMENT

Mr. ROTH. If the Senator will yield, I ask unanimous consent that consideration of Senate Resolution 120 begin following the remarks of the distinguished senior Senator from New York.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise simply and succinctly for the purpose of endorsing the statement by our revered chairman and, once again, to say, as he put it, the ink is scarcely dry on this legislation and here we are changing it. Could it have been 5 legislative days since it was last enacted, and we are changing it?

And, importantly, this is legislation on an appropriations bill. It is not in the interest of our institution to let that begin. It is a lesson we have learned in difficult ways in the 19th century, and we have shown how important it has been in this century. As we approach a new century, it is no precedent to establish.

I believe we will now move to the measure indicated by the Senator from Delaware.

EXPRESSING THE SENSE OF THE SENATE ON THE DEATH OF MOTHER TERESA

The PRESIDING OFFICER. The clerk will report Senate Resolution 120.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) expressing the sense of the Senate on the occasion of the death of Mother Teresa of Calcutta.

The Senate proceeded to consider the resolution.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I am here today to address the resolution introduced in the Senate by the Senator from Oklahoma on Mother Teresa. Last week, we lost a saint when Mother Teresa passed away at age 87. We are poorer, but Heaven is richer.

She died owning, as I have read in the news accounts, very few things here. She owned about two pairs of sandals, three robes, rosary beads. That was here. But in Heaven, she has a mountain of gold. She had touched so many different lives on this Earth. It is an incredible definition of a successful life: a loving, caring, compassionate, selfless, child of God, caring for, in many cases, the most downtrodden of God's children. Would that I could live my life as well.

I have been struck by some of her writings and things that she has spoken about. They have been accumulated in different books. Some of the

statements are absolutely precious. I want to give a couple of them here in the Senate today because I think they are so touching of indicative of what a successful life is. A successful day isn't necessarily when you pass a bill in the Senate, or that you have a successful business transaction, or you pass a test, or you win a game. But a successful day is when you positively touch another life. She did that thousands of times, millions of times, across this globe. She cared for the poorest of the poor. She said this at one point in time:

I see God in every human being. When I wash the leper's wounds, I feel I am nursing the Lord himself. Is it not a beautiful experience?

Imagine if each of us, every day, if we saw everything that we did as nursing and touching the Lord himself. Here she is talking about caring for the least of God's children in that way, and she sees it as serving the Lord himself. What about us here in the Senate? If we did something similarly, saw ourselves as touching other lives in the most positive way we possibly could, what sort of world would that make?

Think of another quote that she gave in one of her speeches where she said this:

Our mission is to convey God's love—not a dead God but a living God, a God of love.

And then she added:

I am just a little pencil in his hand.

But what a beautiful picture he drew with that little pencil. What if each of us looked at ourselves as that little pencil, but being used to draw a beautiful picture, a panorama for others to see and to be able to enjoy, and for others to be able to grow by, for others to be able to be loved by that picture that we draw.

I have this quote posted in my office, which I think particularly is apropos giving her just passing this week:

At the moment of death, we will not be judged by the amount of work we have done, but by the weight of love we have put into our work.

You just think about that in measuring each day, not by the success of whether or not we did things like a bill passing through or, again, whether we passed a test, but by the weight of love that we put into our actions and what we actually did that very day and how we touched people. Did we do it in a positive, loving fashion? Would that the world operated that way.

My own experiences with Mother Teresa were here in the Senate. The only time that I had a chance to meet her was when she came here and received the congressional gold medal this year. We were all nervous about whether she would actually be able to physically get here because she had been ill, in poor health. She was able to make it here and she shared an hour and a half with us here in the House and in the Senate, in the rotunda area, meeting with different people. I remember so much going through that experience and thinking of reading these quotes, these pearls of wisdom she had laid out on how to live life, thinking she was going to put forward another one that day. I was holding onto each word to see, is there going to be another line like "I am just a little pencil that you can guide one's life by." But it didn't seem to come that day. She would talk about a number of different things, but there, seemingly, were no pearls.

Then I remember walking her out to the car, and there were throngs of people excited to see her as she waved and touched different people. The motorcade was waiting to get away. She was sitting in the car, and I went over to thank her one last time for coming in and honoring us by being here and receiving the presentation. She grabbed my hand with both of hers and stared at me with those deep eyes of hers and that little frame that she had, and she looked up at me and just said three words, and she said them four times. She said:

All for Jesus.

We can all have different faiths and views of the world, but that was a driving focus for her, serving her Lord. How she did it each day is a testimony to each of us of how we should live.

We lost a saint, but the tragedy isn't that she died; the tragedy would have been had she never lived. She lived fully and gave us so much in raising our consciousness, lowering our line of sight, and redefining compassion for an entire planet. For that, I thank her and I am thankful for her life. I think we should all consider and contemplate what we can add to our own lives by the model that she gave.

So I am delighted to support this resolution of recognition for Mother Teresa for all that she has done for this world and for the example she has lived.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent Senator ASHCROFT be added as cosponsor.

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

Mr. NICKLES. Mr. President, I am pleased to sponsor this resolution with Senator LOTT, Senator DASCHLE, Senator BROWNBACK, and Senator HUTCHINSON.

I want to compliment Senator BROWNBACK for his outstanding statement, and also thank Senator BROWNBACK and Senator HUTCHINSON for their work to award Mother Teresa the Congressional Gold Medal. Earlier this year, when she spoke to both the House and the Senate, and, frankly, to the country, we had a real honor, a real pleasure, maybe of seeing a real saint in our presence.

I have had the pleasure of greeting Mother Teresa two or three times in my Senate career: Once in 1985, when she received the Presidential Medal of Freedom, and then also when she addressed the National Prayer Breakfast, I believe it was in 1994.

At the conclusion of my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD Mother Teresa's statement, her speech to the National Prayer Breakfast. It was an outstanding speech; a moving speech.

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

(See exhibit 1.)

Mr. NICKLES. Mr. President, Senator BROWNBACK used the word "saint." And I can't recall too many living individuals that I ever referred to as a saint. But I remember during Mother Teresa's life, after meeting her in 1985 and subsequent to her speech at the National Prayer Breakfast, I referred to her as "a living saint."

The very fact is that her life touched other lives in letting them know that they are loved by God. Looking at her speeches and at her statements, she truly did make this world a better place. She did love people who were downtrodden. She did love the people that no one else would love. She did reach out to protect all individuals. Her love for the ailing and for the sick is well known. Her love for the unborn is well known. In her speeches at the National Prayer Breakfast, she was talking about abortion and what a terrible cruelty it is. Then she ended up, and concluding said, "Well, send me your children. If you do not want your child, I will take your child." Again we are talking about a real missionary of love.

So, Mr. President, it is with sadness that we note Mother Teresa's passing. But we did want to recognize her great contributions to mankind throughout the world.

And so it is with a sense of sadness that the Senate today will be voting on this after lunch today, but we wanted to recognize the wonderful expression of love that Mother Teresa of Calcutta has had and the impact she has had on our lives, and really the lives of countless people throughout the world.

I yield the floor.

EXHIBIT 1

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME

(By Mother Teresa of Calcutta)

On the last day, Jesus will say to those at his right hand,

"Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me."

Then Jesus will turn to those on his left hand and say,

"Depart from the because I was hungry and you did not feed me, I was thirsty and you did not give me drink, I was sick and you did not visit me."

These will ask him,

"When did we see you hungry, or thirsty, or sick, and did not come to your help?"

And Jesus will answer them,

"Whatever you neglected to do unto one of the least of these, you neglected to do unto me!"

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and his life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether eight hundred years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace, so we will pray it together.

Let us thank God for the opportunity he has given us today to have come here to pray together. We have come here especially to pray for peace, joy, and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what that good news is when he said,

"My peace I leave with you, my peace I give unto you."

He came not to give the peace of the world, which is only that we don't bother each other. He came to give peace of heart which comes from loving—from doing good to others.

And God loved the world so much that he gave his son. God gave his son to the Virgin Mary, and what did she do with him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary, Jesus brought peace to John the Baptist, who leapt for joy in the womb of Elizabeth.

And as if that were not enough—as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb, Jesus also died on the Cross to show that greater love. He died for you and me, and for the leper and for that man dying of hunger and that naked person lying in the street—not only of Calcutta, but of Africa, of everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as he loves each one of us. Jesus gave his life to love us, and he tells us that he loves each one of us. Jesus gave his live to love us, and he tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly, "Love as I have loved you."

Jesus died on the Cross because that is what it took for him to do good for us—to save us from our selfishness and sin. He gave us everything to do the Father's will, to show us that we too must be willing to give everything to do God's will, to love one another as he loves each of us. If we are not willing to give whatever it takes to do good for one another, sin is still in us. That is why we too must give to each other until it hurts.

Love always hurts.

It is not enough for us to say, "I love God." But I also have to love my neighbor. St. John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in his image for greater things, to love and to be loved. We must "put on Christ," as Scripture tells us. And so we have been created to love as he loves us. Jesus makes himself the hungry one, the naked one, the homeless one, the unwanted one, and he says, "You did it to me." On the last day he will say to those on his right, "whatever you did the least of these, you did to me," and he will also say to those on his left, "whatever you neglected to do for the least of these, you neglected to do it for me."

When he was dying on the Cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the thirst for everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and, maybe, forgotten them. I saw that in that home these old people had everything: good food, comfortable place, television—everything. But everyone was looking toward the door. And I did not see a single one with a smile on his face.

I turned to Sister and I asked, "Why do these people, who have every comfort here—why are they all looking toward the door? Why are they not smiling?" (I am so used to seeing the smiles on our people." Even the dying ones smile.) And Sister said, "This is the way it is, nearly everyday. They are epxecting—they are hoping—that a son or daughter will come to visit them. They are hurt because they are forgotten."

See, this neglect to love brings spiritual poverty. Maybe in our family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts, in order to be with our families? Or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this Year of the Family. We must remember that love begins at home, and we must also remember that "the future of humanity passes through the family."

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was, "Because there is no one in the family to receive them." Our children depend on us for everything: their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope, and expectation. But often father and mother are so busy that they have no time for their children, or perhaps they are not even married, or have given up on their marriage. So the children go to the streets, and get involved in drugs, or other things. We are talking of love of the child, which is where love and peace must begin. There are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child—a direct killing of the innocent child—murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love, and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even his life to love us. So the mother who is thinking of abortion, should be helped to love—that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts. By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching the people to love, but to use any violence to get what they want. That is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa, where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today: abortion, which brings people to such blindness.

"I want this child!"

And for this I appeal in India and I appeal everywhere: "Let us bring the child back." The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this Year of the Family we must bring the child back to the center of our care and concern. This is the only way that our world can survive, because our children are the only hope for the future. As other people are called to God, only their children can take their places.

But what does God say to us? He says, "Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand." We are carved in the palm of his hand; that unborn child has been carved in the hand of God from conception, and is called by God to love and to be loved, not only now in this life, out forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals, and police stations: Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble: "Come, we will take care of you, we will get a home for your child."

And we have a tremendous demand from couples who cannot have a child. But I never give a child to a couple who has done something not to have a child. Jesus said, "Anyone who receives a child in my name, receives me." By adopting a child, these couples receive Jesus, but by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted, and to give that child to a married couple who will love the child, and be loved by the child. From our children's home in Calcutta alone, we have saved over 3,000 children from abortions. These children have brought such

love and joy to their adopting parents, and have grown up so full of love and joy! I know that couples have to plan their family, and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self, and so it destroys the gift of love in him or her. In loving, the husband and wife must turn the attention to each other, as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

The greatness of the poor

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. This is what happens when we tell people to practice contraception and abortion.

The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching them natural family planning, and said: "You people—who have practiced chastity—you are the best people to teach us natural family planning, because it is nothing more than self-control out of love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich. Those who are materially poor can be wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: "You take care of the other three, I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed, and there was a beautiful smile on her face. She took hold of my hand, and she said one thing only: "Thank you," Then she died.

I could not help but examine my conscience before her. I asked, What would I say if I were in her place?" And my answer was very simple. I would have tried to draw a little attention to myself. I would have said, "I am hungry, I am dying, I am cold, I am in pain," or something like that. But she gave me much more—she gave me her grateful love. And she died with a smile on her face.

Then there was the man we picked up from the drain, half-eaten by worms. And after we had brought him to the home, he only said, "I have lived like an animal in the street, but am going to die as an angel, loved and care for." Then, after we had removed all the worms from his body, all he said—with a big smile—was: "Sister, I am going home to God." And he died. It was so wonderful to see the greatness of that man, who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich, even when they are materially poor.

A sign of care

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in the Scripture: Even if the mother could forget the child in her womb—something that is impossible, but even if she could forget—I will never forget you. And so here I am talking with you. I want you to find the poor here, right in your own home first. And begin love there. Bear the good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of a neighbor from a Hindu family. A gentleman came to our house and said, "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children, their eyes shining with hunger. (I don't know if you have ever seen hunger, but I have seen it very often.) And the mother of the family took the rice I gave her, and went out. When she came back, I asked her, "Where did you go? What did you do?" And she gave me a very simple answer: "They are hungry also." What struck me was that she knew. And who were "they?" A Muslim family. And she knew. I didn't bring any more rice that evening, because I wanted them—Hindus and Muslims—to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins: at home in the family. God will never forget us, and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point: that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts—with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me, "Are you married?" And I said, "Yes, and I find it sometimes very difficult to smile at my spouse—Jesus—because he can be very demanding—sometimes this is really something true. And there is where love comes in—when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is traveling everywhere, and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the traveling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven. If we remember that God loves us, and that we can love others as he loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you!

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a cosponsor.

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

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues in offering this resolution to establish a National Day of Recognition for the humanitarian works of Mother Teresa.

This past Friday the world suffered a great loss with the death of Mother Teresa, a woman called not only to minister to those in the shadows of life, but to be among them and shed on them the light of love and human decency.

Someone once asked St. Francis what a person needed to do to please God. He answered, "Preach the Gospel every day. If necessary—use words." Mother Teresa lived just that sort of life. She was a living lesson to all of us that faith is more than words. It is the good deeds we do in this world. For that lesson, we owe Mother Teresa not only a tremendous debt of gratitude, but the resolve to carry on her difficult but extremely important work.

Mother Teresa's life certainly was one of action and deeds. She was a tireless builder. She founded the Missionaries of Charity in 1950. An order that began with 12 members now has grown to a worldwide community of 4,000 nuns who administer orphanages, AIDS hospices, and other centers of charitable activity in the United States and around the world.

Later, she founded the Nirmal Hriday Home for Dying Destitutes. From this beginning sprang numerous other facilities for the sick and dying shunned by traditional institutions. This dedication to those on the margins of life is perhaps Mother Teresa's most profound legacy.

It is one thing—certainly important and meaningful—to give occasionally to charitable causes or lend valuable time to charitable work. These are personal sacrifices that give us a stronger connection to our community and more meaning to our own lives. It is quite another thing—nearly incomprehensible to those of us blessed with the material comforts of our modern American life—to give up all one has and to make this sacrifice and dedication to others the sole focus of one's life. To do this among conditions of squalor and misery—at risk to one's own health and life—and to focus on those on the margins of life shunned even by hospitals and other institutions dedicated to improving human life, that is the character of Mother Teresa's life that earned her the affectionate label, "the Saint of the Gutter."

Mr. President, Mother Teresa was a tiny woman, but she was an enormous inspiration. The best way for us to honor Mother Teresa is to reach outside ourselves and try, each day, to show a little more compassion in our own lives. I hope this resolution serves to remind us of that goal and to signal to the world our tremendous gratitude, respect, and admiration for Mother Teresa—an extraordinary woman who has touched and enriched all our lives.

Mr. CAMPBELL. Mr. President, I want to express my deep sorrow over the loss of Mother Teresa. At the age of 87, she had made infinite strides in promoting peace and goodwill throughout

the world. In a long overdue gesture, the Senate recently bestowed upon Mother Teresa the Congressional Gold Medal for her role as head of the Missionaries of Charity. For a woman of her stature, it was a humble honor.

As I listened this weekend to the many replays of interviews with Mother Teresa, I could not help but be stunned by endless depths of her compassion. Her desire to hug and touch people otherwise reviled by society, the strength of her hands and enormity of her presence despite her diminutive size, are just a few images which come to mind. Mother Teresa was a woman who measured and understood the rest of humanity in a way few, if any, others do. In recognizing her today, it is with reverence and the utmost respect for a person who labored as a living saint on behalf of mankind.

She will never be forgotten. Her charitable mission will be carried on in her adopted home of India, as well as the dozens of countries where her works have been taken up by others. While Mother Teresa is irreplaceable, we can only hope to learn and live by her example in the future.

Mr. MURKOWSKI. Mr. President, I rise as a cosponsor of this resolution honoring the memory of a woman who may be the 20th century world's greatest role model and humanitarian, Mother Teresa.

Words cannot express the contribution she has made to humankind. By her selfless acts over the past five decades administering to the poorest of the poor, she has set an example for how we all should try to live. The world would be a far better place if all people followed the light of her shining example.

I have heard the word "Saint" used in the same breath as the name Mother Teresa. It is hard to imagine any other person who has lived in this century to whom that appellation would better apply. Hers was truly a life of selflessness, where the totality of her identity comes through service to God.

I have, in my life, met many people who have been major actors on the world stage—Presidents, Prime Ministers and other leading officials at home and abroad. This year, I had the opportunity to meet and briefly talk with this very frail nun in our Capitol. This was an honor that I will cherish throughout my life.

It is not often that I have had the chance to be with someone whose very presence is so intensely humbling. That was the case with Mother Teresa. She truly was representative of the best in the human spirit and will be remembered for centuries to come.

She will be sorely missed.

Ms. MIKULSKI. Mr. President, in a week already saddened by the loss of Diana, Princess of Wales, we were further grieved to learn Friday of the death of Mother Teresa. Her presence, that of a living saint, will be sorely missed.

Mother Teresa has played the role of world conscience. Throughout her life, she has lived in the most pure and basic manner. While caring for the destitute and sick, she insisted on living in poverty herself. Mother Teresa believed that "the more we empty ourselves, the more room we give God to fill us." She practiced what she preached.

Mother Teresa's remarkable and selfless works have been recognized around the world. In 1979, she was awarded the Nobel Peace Prize. In 1980, she was bestowed India's highest honor, the Jewel of India award. Last year, President Clinton conferred honorary American citizenship on Mother Teresa. Most recently, she was awarded a Congressional Medal of Honor. Mother Teresa knew that these were merely earthly rewards.

While she was an international figure, she remained focused and committed to her mission. She rejected the media attention these awards drew, saying that she must get back to her work. Any money that came with these awards was immediately given to the poor.

Mother Teresa will be sadly missed but her work will continue. I pray that Sister Nirmala will be given the same strength and world support to continue the mission Mother Teresa founded in 1948, the Order of the Missionaries of Charity. I also pay tribute to Mother Teresa's life by recommiting myself to work for the poorest members of society. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, just as the world was recovering from the shock last week of the sad news about the tragic and untimely death of Princess Diana—including the disturbing discovery that alcohol may have been linked to the crash—it was again rocked by reports of the death of another of its beloved heroines. Mother Teresa, considered by many to be a living saint, died last Friday at the age of 87. Like Princess Diana, who dedicated much of her attention to the needs of the unfortunate, Mother Teresa was a beacon of hope for countless people who were all but abandoned by mainstream society. But, unlike Princess Diana, Mother Teresa chose to highlight the plight of the destitute by becoming destitute herself. Although a physically small woman, Mother Teresa was a colossus of inspiration. She had little more to offer than kindness, faith, and tenacity, but Mother Teresa ably provided the world with much, much more.

Mother Teresa embodied hope. She served God by reaching out to the poor. She dedicated her life to humanitarian aid, making personal sacrifices that most of us cannot easily understand. Mother Teresa traveled to areas where most would fear to go; she embraced AIDS patients and lepers, cradled dying babies, and brought a glimmer of hope to the hopeless. She rejected modern-day comforts, and when she left this world she owned little more than her sari and her rosary beads.

Mother Teresa's name is recognized throughout the world, and her influence is immeasurable. In 1979, she was awarded the Nobel Peace Prize. Earlier this year she was presented the Congressional Medal of Honor. She is one of only five people ever to be awarded honorary citizenship to the United States. Mother Teresa shared her time with some of the world's most impoverished and unfortunate citizens. Her light burned with superhuman brightness to illuminate the darkness in others' lives.

Born in 1910 in an Albanian region which later became a part of Yugoslavia, Mother Teresa's father died unexpectedly when she was a young girl, and she first learned to care for others while helping her mother look after her two sisters and others in the community. At the age of 18, she joined the Sisters of Our Lady of Loreto, an active mission in India, and spent two decades with the order, first as a teacher and then as a principal. In 1948, an inner voice told her it was time for a change. Sister Teresa left the convent with the vision of starting her own school, determined to dedicate her life to helping the most forsaken and abandoned. Possessing no capital, she first taught by scratching letters in the dirt with a stick. By 1950, she had established a new religious order, and named it the Missionaries of Charity.

The vision that began with a tiny stick drawing on a gritty street, has grown into an assembly of 600 clinics, orphanages, soup kitchens, maternity homes, refugee centers, and havens for the poor, sick, and dying in more than 100 countries. These facilities are staffed by 4,500 nuns, 500 brothers, and thousands of volunteers from around the globe.

She refused to accept steady funding or fund-raising money from government, private, or religious institutions, relying instead on her faith in God. Yet, she soothed those in pain and brought smiles to cheerless faces, never forgetting the forgotten. The world is a better place because of the sacrifices she made and the warmth she radiated. Mother Teresa once said, "To God there is nothing small. The moment we have given it to God, it becomes infinite." With her passing, Mother Teresa joins with God's infinity. May her acts of unselfishness and compassion be an inspiration to us all to strive, each in our own way, to make life better for all of those who lives we touch.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I thought I might put in the RECORD, and in the resolution there is listed a number of things that Mother Teresa did, but just for the interest of the body, it might be interesting to note some of those things that happened.

Mother Teresa expanded her personal dedication by founding the Missionaries of Charity, which people may not be familiar with but I think most are, which included well over 3,000 members of 25 countries who devote their entire lives to serving the poor without accepting any material reward in return. She has been recognized as a humanitarian around the world in various forms: The first Pope John XXIII Peace Prize in 1971; the Jawaharal Nehru Award for International Understanding in 1972; the Nobel Peace Prize in 1979; the Presidential Medal of Freedom in 1985; and the Congressional Gold Medal in 1997.

She was born in 1910 in the former Yugoslavia, and received a calling on a train saying she should go serve the poorest of the poor, a calling, that was recently just celebrated, of nearly 50 years ago. That is when she went to India to start her Missionaries of Charity.

There are a couple of things that also stand out in my mind. When she received the Nobel Peace Prize she refused a dinner, the banquet that they normally put forward for those who receive that, and asked that the cash equivalent instead be used for money to build more missions and help more people instead of having the lavish dinner.

I know that in the discussions with her group on the Congressional Gold Medal she suggested that rather than presenting a Congressional Gold Medal to her could they just melt the medal down and give them the equivalent of that in money so they could use that to put up more buildings and help more people of the poorest of the poor.

You look at some selfless things like that, and you just become amazed at what she did, and, yet, also what she could accomplish when there is that much selflessness that goes into it.

I think one should recognize all of those accomplishments. And those are just the tip of the iceberg because those speak of kind of the big things that we can identify. But they don't speak of the faces that she has stared into, or the feet that she has washed, and the people she served, one at a time.

I think that is worthwhile to add into the RECORD.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I rise today to attempt something that I know will not fully succeed. I stand to speak to the legacy of Mother Teresa who in my opinion, was one of the greatest of all humanitarians and advocates for the poor, for the unclothed, the unhoused, the ignored, and the forgotten poor of the world—not only the forgotten poor of India but of the world at large.

Many, of course, have remarked on the striking coincidence that last week we saw the passing of two of the world's most famous women—the Princess of Wales, and the guardian of India's poor, and really the poor of the world. Their association was coincidence. And those who again say that Diana's commitment to the poor, to the sick, and to the maimed simply ignored the profound friendship that had formed between these two remarkable women. As Diana was moved to even greater compassion by the small nun from Calcutta, so were all of us who knew Mother Teresa.

I don't have a power wall in my personal office—pictures of me with other dignitaries. In my office you will find a lot of paintings. And the only photographs are of my family and one other individual. For years I have had a photo of Mother Teresa and me from one of the several meetings that I was most fortunate to have with her over the years. I met her here in Washington at least twice. And I visited her in Calcutta, and visited her orphanage there. In Washington one time was with a number of others. But the second time was just Mother Teresa and myself and one staff member.

For me, Mother Teresa embodies the highest commitment to spiritual principles in this very imperfect world. And her memory I will always keep alive to remind me that we can in fact hold spiritual principles deeply relevant to this harsh world. That little nun from Calcutta held the greatest power that anyone can have—the power of love. She radiated it through her actions by serving the destitute, the maimed, and the forgotten.

There have been some trivial criticisms about her—that she didn't address the root causes of the horrible poverty in which she lived. We should never forget the distinction between the abstractions of policy and the practice of charity. We must never lose the humility that recognizes that the policy attempts that governments and their leaders make often fall short while the commitment to love can be endless. And in the end the love given to a homeless child or to a dying street person cannot be legislated.

I recently heard a particularly telling anecdote concerning Mother Teresa. She was in the ghetto of Calcutta putting salves on the wounds of a desperately sick person. A devout priest who was accompanying her said, "I wouldn't do that for $100,000." I think maybe it could have even been $100 million. "I wouldn't either," the dear, wise woman responded. "I do it for Christ."

I know that it is considered by some inappropriate to mention anything religious. But Mother Teresa reminded all of us of the great good that all religions do for man. And her Christian compassion will be an inspiration to me as long as I live.

Mr. President, I will never forget seeing her emotional remarks about abortions and the heinous nature of abortion in our society and in our world today—30 million children aborted just in the history of our country since 1972. I remember her saying, "If you do not want them, give them to me." She meant it. She took care of the poor, the sick, the maimed, the forgotten, those who were rejected by the rest of the world. She took them to her bosom. She took them to her best ability to help, and, because of her, literally thousands—hundreds of thousands—of people have been helped around the world. And millions know what it is like to do charitable giving.

Mr. President, God bless the memory of Mother Teresa, as he blessed all of those who knew this woman, who I think will be known as one of this century's most selfless and wonderful humanitarians.

So I am happy to cosponsor any resolution that supports Mother Teresa. And I hope that all people throughout the world will take her example and realize that all of us in our own sphere, in our own little life, can do a little bit more for our fellow men and women than we have been doing, and use her as an example of one who gave her all for her fellow men and women and children.

I thank her personally, and that is why I am making these remarks this day.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say to Senator HATCH that I am pleased that I was present for his eloquent remarks. I thank him very much.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate not go in recess until I have completed my remarks.

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

Mr. DOMENICI. I ask the occupant of the chair. Is that too much of an inconvenience for him?

The PRESIDING OFFICER. I thank the Senator from New Mexico for his

consideration. No, under my schedule I am willing to stay here until you finish your comments.

Mr. DOMENICI. I thank the Chair.

Mr. President, I had thought that sometime today or tomorrow I would sit down and write a series of remarks and reflections and thoughts about Mother Teresa. But I think it would be more appropriate that I not delay that and that I say a few words now so that it is incorporated into this RECORD as reference to this wonderful and quite appropriate resolution.

Let me first say I am not one of the privileged Senators who has met Mother Teresa and been with her for any length of time, although I have met her once. But I believe it is fair to say that even while I have not met her, I have probably never, in my years of life and certainly my years in the Senate, observed from a distance such a remarkable person. That is what makes it difficult, because she is so remarkable, because she is so different from what the world talks about today and what the world espouses as success, as the way we ought to live our lives so we can be successful. She is so far removed from that and is yet great without any question, that sometimes it is hard to find words in our kind of world to talk about her.

But I was thinking, from my own standpoint, over the weekend I was privileged as a member of my own family in Albuquerque, NM, to be present with our entire family and many hundreds of friends at the 50th jubilee of one of my own sisters being a Sister of Charity. She is a couple years older than I and has been a Sister of Charity for 50 years and has taught kids all across this country. She assumes she has touched and taught no less than 10,500. So I feel I could talk about her for a minute while we talk about the great sacrifices of Mother Teresa.

But obviously, it was an interesting weekend in that regard, for while we are all grieving the death of this saint, I was privileged to be part of a family event where I think we have somebody very close to that title who is our own blood.

Then, as I thought about what we ought to say here today, I hearkened back to a long, long time ago when we were taught a little bit about the Old Testament and the New Testament. What I was thinking about is that this is a pretty muddled up world. Things aren't going so well. There are a lot of people terribly worried about our value system and where are we going versus our Maker, where is this world apt to end up with what appears to be such an absence of what we understand is the right thing to do and the right way to go and right and wrong on a daily basis. I was thinking back to the Old Testament of Sodom and Gomorrah and Abraham negotiating with God. They had a very interesting negotiation. It shows that Abraham was a wonderful negotiator even in working things out with the Maker, for as you recall he talked about how many good people you have to find in Sodom and Gomorrah to save it. The negotiations started very high and ended up I believe at 10—10. I don't think they could find 10, so Sodom and Gomorrah were destroyed.

What does this have to do with Mother Teresa? Well, I guess I would say that it is pretty clear to me that the kind of relationship we were talking about back in the Old Testament is still a relationship with the Maker, with the God Almighty, and I believe it is imperative that the world give great confirmation and credence to someone whom we know is the kind of person that is so good and so much in touch with what the Almighty thinks and wants that they are clearly capable of intervening and saving us. So I don't think we should just praise her for the marvelous acts of love, but I think we should thank her, we should thank her from the bottom of our hearts for contributing in a very big way toward a more positive relationship between the Almighty and humankind.

Now, having said that, I want to make just a couple of other points. I know it is very easy for people to talk about Mother Teresa and not want to talk about her faith, but I do not think you can do that. I do not think you can say she is a great humanitarian. In fact, I do not believe she would want to be called a humanitarian. Her faith is very simple, profound, and real. She believes what her faith tells her, and that is that the poor and the downtrodden, the sick, and those who are on their death beds with all kinds of infirmities present in their bodies and minds, that they are Jesus Christ.

Now, I am not offended, nor am I concerned, about saying that right here on the Senate floor because that is true. So we must talk about her in that context, for to do otherwise is to deny her existence and why she did what she did.

Now, having said that, it is very hard for most mortals to live their faith that way—very hard. Nonetheless, I think what I choose to honor today and to thank her for is that she did, as a matter of fact, live her faith, totally to the core. Every bit of her being was living that New Testament admonition, for we recall that Jesus Christ said, "If you are taking care of somebody who is desperately hungry, you are taking care of me; if you are taking care of those who are suffering, you are taking care of me."

Now, most of us are not able to bridge that gap of faith that she bridged every day, every moment, for she literally lived her life fully aware of and practicing that admonition. So it seems to this Senator that it is most befitting, and in particular in the kind of world we live, in which just 2 weeks ago we had a poll of the American people and with the economy humming and with all the material things seeming to go well, huge numbers of Americans said we are on the wrong path. I think the wrong path did not have much to do with material wealth. I think they are frightened about the way we behave, and they are worried about what that is going to end up doing to us.

So I think it is fair that we step back and say, well, here is one, the lady from Calcutta, here is one who sees it completely different than we do, and yet look how many lives she affected, look how many people came within the yoke of this little, tiny, frail body, which probably at her death was not bigger than 75 to 80 pounds at the most.

So I thank Senator NICKLES and others, and I join as a cosponsor of this resolution, but it is again as you look at things really inadequate. As I look at the occupant of the chair and I think what do we really feel about this lady and we can't quite write it down, we can say with absolute assurance that she is the right kind of person to respect, that she is the right kind of person and personage for the U.S. Senate to pay tribute to.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent, in behalf of the leader, that following the 2:15 p.m. vote on Senate Resolution 120, the pending resolution, the Senate begin 60 minutes of debate on the McCain amendment 1091, and, at the expiration or yielding back of the time, the Senate vote on or in relation to amendment 1091.

I understand this is cleared on the other side.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

EXPRESSING THE SENSE OF THE SENATE ON THE DEATH OF MOTHER TERESA

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Senate Resolution 120.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Bennett	Leahy

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 120

Whereas, the American people are greatly saddened by the death of Mother Teresa of Calcutta;

Whereas, Mother Teresa founded the Missionaries of Charity, which now operates numerous orphanages, hospices, and other centers of charitable activity in the United States and around the world, offering compassionate care to those who are too often shunned by other institutions;

Whereas, Mother Teresa has been recognized as an outstanding humanitarian and has received: the first Pope John XXIII Peace Prize (1971); the Jawaharlal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); the Presidential Medal of Freedom (1985); and the Congressional Gold Medal (1997);

Whereas, Mother Teresa became only the fifth person ever awarded honorary U.S. Citizenship (1996);

Whereas, Mother Teresa inspired people worldwide through her selfless actions and altruistic life;

Whereas, Mother Teresa embodied benevolence, compassion, and mercy and brought the face of God to humanity;

Now, therefore, be it Resolved, That the Senate—

(1) expresses our deep admiration and respect for the life and work of Mother Teresa, and extends to her Missionaries of Charity our sympathy for the loss they share with the world;

(2) recognizes that Mother Teresa's work improved the lives of millions of people in the United States and around the world, and her example inspired countless others;

(3) encourages all Americans to reflect on how they might keep the spirit of Mother Teresa alive through their own efforts; and

(4) designates September 13, 1997 as a National Day of Recognition for the humanitarian efforts of Mother Teresa and of those who have labored with her in service to the poor and afflicted of the world.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Calcutta, India, Mother House of the Missionaries of Charity.

Mr. SPECTER. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, under a previous agreement, the distinguished Senator from Arizona, Senator MCCAIN, will proceed with his amendment for 1 hour.

I have discussed the amendment offered by the distinguished Senator from Washington, Senator GORTON. He has two amendments pending. Let me be sure which of the amendments we have here. It is an amendment denominated to allow States to use funds under the Social Security Act to provide health insurance coverage for children with incomes above the minimum Medicaid eligibility requirements.

Senator GORTON advised me he would be agreeable to a time agreement of 1 hour equally divided. He is not now on the floor, but he made that representation to me. I do not, frankly, like to proceed without having him on the floor, but I ask unanimous-consent that we may proceed—well, I am advised there may be a question on the other side of the aisle.

But let me proceed, Mr. President, to say that if we are able to lock in that time agreement, then the managers would like to proceed to the two debates, 1 hour each, which would bring us to 4:40, at which time we would have two votes stacked back to back.

At the conclusion of those votes, or after the first vote, when the Senators are present, it would be my intention, as manager of the bill, to try to seek time agreements on the outstanding amendments which are pending at that time. The Senators will all be on the floor after the first vote and before the second vote.

We are within striking distance of seeing some light at the end of the tunnel. If we could have Senators on the floor at that time, I think we could come to closure. We have the amendment by the distinguished Senator from Illinois, Senator DURBIN, pending on the tax issue. It is my hope that we can get a 1-hour time agreement on that, equally divided. I know that is agreeable to Senator DURBIN, but there are others who may offer a second-degree amendment, Senator FORD perhaps, and others who are not now present. If we could get that resolved after the first vote, it would be helpful on the management of the bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Reserving the right to object, I think the suggestion made by the distinguished Senator is a good one. I intend to support it. I ask, if we can add to that, a unanimous-consent request that Senator DURBIN be recognized to offer his amendment, leaving open the option of people offering second-degrees following the two votes that you suggest.

Mr. SPECTER. Mr. President, if my distinguished colleague will yield, I would be agreeable to that. I had discussed with Senator DURBIN his being next in sequence. I think that would be appropriate to lock that in by unanimous consent.

I am now advised, that even on recognition on our side of the aisle, we need to check with some other people. But let me say to Senator DURBIN that it will be my effort to have him proceed at that time, but I want to consult with some of my colleagues, so that is not in the form of a unanimous-consent request.

Mr. DASCHLE. If the Senator will yield, Mr. President, I say, if we could have the understanding that as soon as it is cleared on his side that he would seek recognition for purposes of propounding that aspect of the unanimous-consent request, I would not have any objection to the UC request that he currently has proposed.

Mr. SPECTER. I would be delighted to do that, except I am not going to be on the floor. We have a Governmental Affairs hearing. Let me say that when we get clearance on this side, it will happen, we will work it out.

Is the time agreement on the Gorton amendment cleared at this point? It is?

Mr. President, I ask unanimous consent then that after the conclusion of the 1 hour of debate on the McCain amendment, we proceed to the Gorton amendment for 1 hour equally divided, and that at the conclusion of the vote on the McCain amendment, we will have a discussion as to sequencing further on the bill and at that time seek

to have unanimous consent to proceed next to the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I withhold for just a moment, Mr. President.

Mr. HARKIN. Mr. President, just one moment.

Mr. McCAIN. Mr. President, while they are discussing, may I seek recognition for a comment?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand now that there would be a budget point of order raised against my amendment. A budget point of order, to my understanding, is debatable. I may seek some time to rebut the budget point of order, so that may affect this unanimous-consent request, I say to my colleague from Pennsylvania. I do not intend to take a lot of time, but I intend to take enough time to rebut it.

I thought I would get an up-or-down vote on this amendment. Apparently, there is going to be a budget point of order. So since the budget point of order is going to be posed, I feel that aspect of this issue ought to be addressed.

Mr. SPECTER. Mr. President, if my colleague will yield, could we enter into a time agreement on how long you would take on that discussion?

Mr. McCAIN. I would be glad to discuss that. It would be a very brief period of time, like 10 to 15 minutes.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona, budget points of order are not debatable.

Mr. McCAIN. The motion to waive the budget point of order is debatable. That is what I will propose once a budget point of order is made.

The PRESIDING OFFICER. The Chair advises the Senator that generally that is true, but if there is a time limitation on the amendment that has already been agreed to that does not allocate time on debatable motions, those motions are not debatable. It would be debatable within the 1-hour time agreement.

Mr. SPECTER. Mr. President, if my colleague will yield, might I suggest we alter the time agreement to give the Senator from Arizona an additional 10 minutes to debate the point of order?

Mr. McCAIN. I appreciate that. That would be sufficient.

The PRESIDING OFFICER. Is there objection to the request by the Senator?

Mr. SPECTER. If the Presiding Officer will withhold for 1 minute, please, we need to make one more telephone call, so I suggest we proceed with Senator McCAIN's amendment, with my leave to interrupt, if I might when the phone call is made, to complete the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, my understanding is we have 1 hour equally divided.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1091

Mr. McCAIN. Mr. President, this amendment eliminates the financial incentive payments created under the Balanced Budget Act for teaching hospitals to reduce their medical residency program. The Federal Government has created an incentive program which gives hundreds of millions of taxpayers' dollars to teaching hospitals for not training medical students.

Mr. President, I strongly suggest if this amendment is defeated, which I guess in all likelihood it probably will be, that we now propose amendments that would restrict the number of graduates of law school. Most Americans believe there are too many lawyers, although probably the majority of my colleagues would not agree. Perhaps we should put a cap on the number of graduates of journalism school. Clearly there are way too many people in that business. And maybe we should also cap the number of graduates of photography school. That would cut down on the paparazzi and the problem we have there.

Mr. President, this is not a Republican or Democrat difference. This is capitalism versus socialism. Vladimir Lenin would be proud of this proposal for government control, government planning, and, frankly, it is remarkable that we would have included it even in the way in which it was included in the Balanced Budget Act, which was over 1,000 pages, and we had less than 24 hours to review the final draft.

It is just remarkable. It is a new subsidy program. I would like to read a couple of quotes. My friend from Texas wants to speak on it, so I will be fairly brief. The payment represents a rare attempt by the Federal Government to use subsidies as leverage to shrink a particular work force. "I know of no profession where there has been as much federal effort to regulate," said Uwe Reinhardt, a health economist at Princeton University. "You don't do it for economists, for architects, for engineers."

"It is voluntary, but it isn't voluntary for the taxpayers," said the Heritage Foundation.

The National Taxpayers Union supports Senator McCAIN's amendment to eliminate the graduate medical education. "We believe it is a wasteful use of taxpayers' dollars."

Others question whether it is necessary. The number of young doctors training to become anesthesiologists, for example, has declined from 1,500 three years ago to 450 this year following well-publicized warnings that the field was saturated. Starting a few years ago, "people weren't able to get the plum jobs in the cities they wanted. [They] would have to take jobs in Idaho, Oklahoma," said James Kottrell, chairman of anesthesiology at the State University of New York Health Center in Brooklyn.

Mr. President, 46 million Americans are underserved in health care today in America. That is a fact and everyone knows it. So now we are going to pay teaching universities hundreds of millions of dollars of taxpayers' dollars not to train doctors that are needed.

This morning in the Washington Post—and I ask unanimous consent the entire article be printed in the RECORD—was an editorial by Daniel S. Greenberg, editor of Science & Government Report.

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

MED SCHOOL MILLIONAIRES

(By Daniel S. Greenberg)

Don't expect anything but a hemorrhage at the Treasury from that new program to counter the doctor surplus by paying hospitals to reduce the number of residency slots for the final phase of medical training.

Reminiscent of the agricultural-support schemes that paid farmers for not growing crops, the medical plan was inspired by an immutable law of American medical practice: More doctors mean more medical spending, despite the penny-pinching tactics of managed care. So, stop them before they can start hustling patients, the Washington strategists concluded. The medical-education industry, however, is too profitable, inventive and resilient to yield to that tactic.

The major factor in the medical-production pipeline is medical-school enrollments. And data compiled by the American Medical Association show that these have remained virtually unchanged for more than 15 years, as have the number of medical schools.

In fact, medical schools have supplanted military bases as immortal institutions. In 1980–81, the 124 medical schools in the United States enrolled 65,497 students; in 1996–97, the number of schools remained duties. Over the past decade, this income total for faculty at 124, and enrollments stood at 66,712—though a long succession of studies proclaimed a surfeit of doctors.

The big change in medical education was a vast increase in revenues, much of it from so-called practice plans that pay medical faculty for attending to patients, usually in conjunction with their teaching duties. Over the past decade, this income total for faculty at the 124 schools has risen from $5.2 billion to $10.6 billion.

And, in accord with the Willie Sutton principle, the number of full-time faculty has soared, though the number of students remains almost unchanged. In 1983–84, the nationwide faculty totaled 56,564. In the current academic year, the number of faculty members is 95,568.

Where are they coming from? to a large extent, they were already there at the university on other payrolls, and were switched to the more bountiful cash flow of medical education, which draws on patient fees, federal research and amply loans to finance runaway tuition fees—to be repaid by high medical incomes.

A little-known fact of American higher education is that the highest paid people on

many prestigious campuses are not university presidents. The big bucks go to the medical school professors. At Columbia University, according to the Chronicle of Higher Education, the president was pad $317,187 in 1994–95, while one professor of surgery received $1,526,397 and two others took in more than $1 million apiece.

At Cornell University, the president received $294,687 in pay and benefits in 1994–95. A professor of surgery at Cornell received $1.7 million in pay that year, while two others each took in over $1.2 million.

The president of New York University was paid $379,000. The chairman of neurosurgery got $748,342, while four other medical professors received more than $600,000 each.

At universities without medical schools, pay scales don't approach these stratospheric medical incomes. At Princeton, for example, the presidential pay was tops at $305,538, and the next five highest salaries ranged between $197,796 and $240,713. At MIT, the president received $285,000, and the next highest salary was $236,000.

The medical-school industry, in alliance with local politicians, is eternally resistant to downsizing pleas. The Pentagon wants to close the medical school that was forced on it by Congress in 1972, the Uniformed Services University of the Health Sciences, in Bethesda. The General Accounting Office says the school is excessive and satisfies only a tiny proportion of the armed services' physician requirements. But the school survives.

The Washington lobby for medical schools, the Association of American Medical Colleges, says the solution to the doctor surplus is to exclude foreign-trained physicians from residency slots. The downside to that prescription is that foreigners are willing to train and practice in inner-city areas that home-grown physicians tend to shun.

But whatever is done in the quest for surplus reduction, the odds are that it won't work. The medical-education industry is too smart and well-connected to be deprived of its golden goose.

Mr. McCAIN. Reading from the editorial:

Don't expect anything but a hemorrhage at the Treasury from that new program to counter the doctor surplus by paying hospitals to reduce the number of residency slots for the final phase of medical training.

Reminiscent of the agricultural-support schemes that paid farmers for not growing crops, the medical plan was inspired by an immutable law of American medical practice: More doctors mean more medical spending, despite the penny-pinching tactics of managed care. So, stop them before they can start hustling patients, the Washington strategists concluded. The medical-education industry, however, is too profitable, inventive and resilient to yield to that tactic.

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* * * * *

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Mr. President, I will not complete the article. The medical education industry is too smart and well connected to be deprived from its golden goose.

Mr. President, let me read from a quick letter that we got from the Taxpayers Foundation. This is directed to the Secretary of Agriculture.

DEAR SIR: My friends, Wayne and Janelle, over at Wichita Falls, Texas, received a check the other day for $1,000 from the government for not raising hogs. So, I want to go into the "not raising hogs" business myself next year.

What I want to know is, in your opinion, what is the best type of farm not to raise hogs on, and what is the best breeding hogs not to raise?

The story goes on and on.

I want to be sure that I approach this endeavor in keeping with all government policies. I would prefer not to raise Razor hogs, but if that is not a good breed not to raise, then I can just as easily not raise Yorkshires or Durocs.

As I see it, the hardest part of this program is keeping an accurate inventory of how many hogs I haven't raised. My friend Wayne is very excited about the future of this business. He has been raising hogs for 20 years and the most he ever made was $420 in 1978, until this year, when he got your check for $1,000 for not raising hogs.

Mr. President, the letter goes on.

If I can get $1,000 for not raising 50 hogs, will I get $2,000 for not raising 100 hogs? I plan to operate on a small scale at first, holding myself down to about 4,000 "not raised" hogs, which will give me $80,000 income the first year. Then I can buy an airplane. Now, another thing: these hogs I will not raise will not eat 100,000 bushels of corn. I understand that you also pay farmers for not raising corn and wheat. Will I qualify for payments for not raising wheat and corn not to feed the 4,000 hogs I am not going to raise? I want to get started not feeding as soon as possible, as this seems to be a good time of the year to not raise hogs and grain. I am also considering the "not milking cows" business, so please send me any information on that also.

I hope that the Secretary of HHS will be ready to supply various teaching hospitals around America and people who want to go into the teaching hospital business how they can qualify for these hundreds of millions of dollars for not teaching doctors. I believe there will be a lot of entrepreneurs throughout the Nation that will want to qualify for a program that pays them hundreds of millions of dollars for not teaching doctors.

Mr. President, we will have more debate on this. It is a serious issue. I think it is a defining issue as to what we feel is the role of Government in our society.

I reserve the remainder of my time.

Mr. GRAMM. Mr. President, let me ask the Senator from Arizona to yield me 5 minutes.

Mr. McCAIN. I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. Let me begin where Senator McCAIN left off.

It is a great paradox in a dramatic change in public programs subsidies. So, therefore, we are moving toward ending the practice of paying people not to produce things we do not want.

What an incredible paradox it is. At the very moment that we are getting out of the business of paying people not to produce agricultural products, the Federal Government is on the verge of paying medical schools not to train doctors.

Let me explain how the program came about and how it works and then try to end up as quickly as I can by explaining to people why, as chairman of the Medicare subcommittee, I am for the McCain amendment.

First of all, we set up a program to fund graduate medical education. It was done a long time ago, but in essence, we were running a surplus in Medicare, so rather than coming up with a funding mechanism for training doctors, Congress simply reached into Medicare and took the money away from beneficiaries and from payroll taxpayers to fund graduate medical education.

It is an outrage that with Medicare on the verge of being insolvent, we are still plundering the Medicare trust fund to pay for graduate medical education. I believe that should end.

Basically, we have an entitlement program run by the Department of Health and Human Services which pays teaching hospitals for residents to be trained in various specialties. The average subsidy is about $100,000 a year per slot. About $35,000 of that amount goes to the resident and $65,000 to help fund the cost of graduate medical education.

Now, there is virtual unanimity that we are training too many doctors and too many specialists. Rather than going back and eliminating the entitlement or reducing the payment for the entitlement so that fewer schools will be providing the training to fewer students, Congress was afraid to change the program. It simply lacked the political courage to cut these entitlements to graduate medical schools.

So HCFA initiated a pilot program in one State, New York, and started paying medical schools not to train doctors.

Basically it works like this: If the teaching hospital agrees not to train a doctor they otherwise are entitled to receive funding to train, then we pay them the money. Interestingly enough, in the first 2 years of the program we are going to pay them $100,000. Yet by not training a resident, they do not have to pay a resident $35,000. So now they are getting $35,000 more for not training the doctor than they got for training the doctor during the first 2 years.

Now, basically, this is an absurd situation. The idea we are taking the taxpayers' money and paying people not to train doctors is almost unbelievable. If you went out and did a survey of the American people and asked them about this program, they would not believe the Government would be doing this. But not only are we doing it in a very small provision in this budget bill we passed, a provision that most Members knew absolutely nothing about, we are expanding this program from just New York to the whole country. So we are going to be paying people all over America not to train physicians.

The PRESIDING OFFICER. The Senator from Texas has used the 5 minutes.

Mr. GRAMM. I yield 1 additional minute and I will be through.

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

Mr. GRAMM. There will be people who come over and say, well, in the long run, it will save us money to pay medical schools not to train doctors. My response is that this is an absurd program. We ought to stop doing it. We ought to end the program right here on the floor of the Senate today. Then the committee can go back, because it will be forced to do something about the program, and come up with a coherent program to reduce the overall subsidy.

But we should not get into a situation where we are doing in medicine what we did in agriculture for years and years and years, and that is paying people to not produce things that we do not want.

It is unimaginable this has occurred. Yet it has. It needs to be stopped. I want to urge my colleagues to vote for the McCain amendment, and then all the technical things that need to be fixed about it we will fix later.

UNANIMOUS-CONSENT AGREEMENT

Mr. SPECTER. I think we are now ready for the unanimous consent request which I now propound.

I ask unanimous consent that the debate on the Gorton amendment No. 1122 be limited to 1 hour equally divided, that no amendments be in order to the Gorton amendment, and the Gorton amendment will be subject to a tabling motion at that time at the conclusion or yielding back of time.

Let me specify, so there is no doubt, the 1 hour of debate would be prior to the motion to table.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. SPECTER. Just to be clear, I want to be sure that we have an additional 10 minutes for the Senator from Arizona, in addition to his 1 hour, on the point of order which may be raised.

I ask unanimous consent that, in addition to the 1 hour on the McCain amendment, in the event a point of order is raised, Senator MCCAIN will have an additional 10 minutes to debate that.

The PRESIDING OFFICER. Without objection—

Mr. HARKIN. Reserving the right to object, Mr. President. As I understand it, the unanimous consent would be that after the hour of debate, equally divided, under the McCain amendment, since points of order are not debatable, it would be a motion to waive. If there is a motion to waive the point of order, that would be debatable, and Senator MCCAIN wants 10 minutes under that process.

Mr. SPECTER. That is correct. It was more precisely stated. It is 10 minutes to debate the motion to waive the point of order.

Mr. HARKIN. I would want to have 10 minutes in the event somebody over here wants to speak. So I would like it to be 10 minutes for Senator MCCAIN and 10 minutes on this side.

Mr. SPECTER. With that modification, I propound the request.

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

Mr. SPECTER. So that our colleagues may be aware of the sequencing, Mr. President, the debate on the McCain amendment, the first hour should run at approximately 3:40, and the conclusion on a motion to waive would be either at 3:50 or 4 o'clock, then an hour of debate on the Gorton amendment, and then there would be a vote on the McCain amendment. And in between, votes to be stacked on McCain and Gorton and after the vote on the McCain amendment, we will try to reach time agreements on the remaining amendments and try to clear at that time an agreement that Senator DURBIN proceed next on his amendment. I thank the Chair.

Mr. HARKIN. If the Senator will yield. For the benefit of Senators, what we are looking at right now is probably two votes that will take place at about 4:45 or 5 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENTS NOS. 1119, 1120, 1109, 1092, 1121, 1085, 1086, AND 1093, EN BLOC

Mr. SPECTER. Mr. President, I ask unanimous consent that the following pending amendments be considered, en bloc: amendment No. 1119 by Senator MURRAY, providing for an additional $1 million for the National Institute of Literacy; amendment No. 1120 by Senator BENNETT regarding school trust lands; amendment No. 1109 by Senator NICKLES regarding the Social Security Administration and the reporting of employer contributions; amendment No. 1092 authored by Senators MCCAIN and KERRY, regarding eligibility for benefits under Medicaid and SSI; amendment No. 1121, authored by Senator KERREY, regarding child care funding allocation errors; amendments numbered 1085 and 1086 by Senators DURBIN and LEVIN, regarding organ donation; amendment No. 1093 authored by Senators CRAIG and BINGAMAN regarding the maximum hour exemption for certain agricultural employees.

Mr. President, I further ask unanimous consent that Senators ROTH and MOYNIHAN be added as cosponsors to amendment No. 1109.

Each of these amendments I am advised, are appropriately offset and have the approval of both managers, as negotiated by staffs, and with the authorizing committees where necessary. I ask unanimous consent that the amendments be agreed to, en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1119, 1120, 1109, 1092, 1121, 1085, 1086 and 1093) were agreed to.

AMENDMENT NO. 1085

Mr. DURBIN. Senator LEVIN will be offering a sense-of-the-Senate amendment that complements this amendment. I want to commend him for his hard work in this area since 1979 when he succeeded in instituting directives aimed at increasing the number of military organ donors. Senator DEWINE's staff has also been most helpful in suggesting modifications to improve this amendment and we have incorporated all their suggestions into this amendment.

More than 50,000 Americans are waiting for organ transplants and hundreds of thousands more need tissue transplants. Every year, thousands die needlessly due to lack of donors. In 1996 alone, 3,916 people on the transplant waiting list died because no organs were available for them. Nearly one-fifth of all heart and liver transplant candidates die while waiting for organs. Every 18 minutes another person is added to the waiting list for organs. Each day, eight people die because an organ was not available. Yet since 1986, hospitals that participate in the Medicare or Medicaid Program are required to have in place policies to offer eligible families the option of organ and tissue donation. Last year at an HHS

hearing on liver allocation and organ donation, Michael Evanisko, president of the Partnership for Organ Donation testified that at least half of the solution to the organ donor shortage could be achieved by focusing on hospital practices. The partnership's research with 11 organ procurement organizations and over 130 hospitals nationwide, in conjunction with the Harvard School of Public Health and Harvard Medical School, estimated that:

> * * * if hospitals adopted optimal organ donation practices, an additional 5,000 donors would result, bringing the effectiveness of the donation system from one-third to nearly 70%.

The major impediments to donation, according to Evanisko, are whether families are approached about donation and how the request is handled.

Last year, Senators DORGAN and FRIST here in the Senate joined forces with myself and DAVE CAMP in the House and we added a section to the Kassebaum-Kennedy Health Portability Insurance Act, which resulted in taxpayers who were receiving a tax refund this year, at the same time received an organ donation request card. An estimated 70 million Americans received this solicitation. Those of us who worked hard to incorporate that provision into the bill, certainly hope that it will increase the number of organ donors. However, increasing the numbers of individuals with organ donor cards alone will not save lives, if hospitals do not effectively identify these eligible donors. Approaching families in a sensitive manner about organ donation is also extremely important.

My amendment would ask HHS together with GAO, to survey 5 percent of the donor hospitals in order to ascertain how the program is working nationwide. This information could be used to determine best hospital practices. This amendment complements our previous efforts to maximize the numbers of lives saved for those in need of organ or tissue transplants.

Mr. DEWINE. Mr. President, I rise today to support an amendment offered by my colleague from Illinois, Senator DURBIN. The Senator's amendment calls for a report to identify the best ways to recover organs and tissue from those who have died suddenly so that the lives of others can be saved through organ transplants.

Today, more than 54,000 Americans are waiting for an organ transplant; and 10 Americans will die each day before an organ can be found. And the sad fact is that these deaths are preventable. We have the technology to give these people a second chance through transplants—but while we have the technology, we don't have the organs.

I am convinced that much of this problem can be solved by making people aware of this problem and educating them about the need for organ donation. And I have been working on that for some time.

However, just as important is looking at the system we have in place for organ procurement—to see if there are structural hurdles that we can help remove. The law today requires hospitals to have a protocol in place for organ procurement. Not all do. Those that do don't necessarily work with the organ procurement organizations [OPO's] in their local areas. These are the hurdles that Senator DURBIN's amendment tries to address. The study that this amendment requires is an important one. I hope that it will provide us all with information about how best to identify appropriate organ donors and then, how best to approach their families. I would hope that this study would take into account the fact that these best practices may well be different in different parts of the country. To the extent the Secretary can identify these differences in her report, I think it would be meaningful to the hospitals and their respective OPO's.

When we fail to identify a potential donor or bungle our communication with a potential donor's family, we compound an already tragic situation. Already someone's family member—a mother, brother, or sister—has died. The second tragedy is that—despite that person's willingness to donate and save another's life—that wish is ignored or the request to the family is handled poorly, raising unnecessary doubts about donation.

I'd like to thank Senator DURBIN—I appreciate his thoughtful efforts toward increasing organ donation and improving organ procurement. I also want to thank him for accommodating my concerns in his amendment. I look forward to working with him in the future on this issue that is so important to both of us.

AMENDMENT NO. 1086

Mr. LEVIN. Mr. President, the need for organ transplants has continued to outpace the availability of transplantable organs. However, studies have shown that this trend can be reversed by improving the process that families experience in hospitals. Congress recognized the vital role that hospitals can play in organ donation when it enacted legislation to require hospitals to be responsible for facilitating organ donation. The Omnibus Reconciliation Act of 1986 and subsequent legislation, requires organ procurement organizations and hospitals to establish organ donation protocols to enable hospitals to initiate requests, on a routine basis, for organ donation.

A recent Harvard School of Public Health study, based on the examination of thousands of medical records in 125 hospitals in four regions of the United States, found that despite the legal responsibility to inform surviving family members of donation options, many hospitals frequently fail to do so. According to the study, 27 percent of potential donors were lost either because health professionals did not identify potential donors or did not ask families about organ donation.

Mr. President, the amendment I am offering today seeks to bring attention to the potential of hospitals to alleviate the donor shortage, and to shed some light on the fact that hospitals can improve their donor policy by instituting demonstrated best practices in organ donation. There are a number of major initiatives underway focusing on hospital practices in organ donation that can result in saving thousands of additional lives in the not-too-distant future.

For example, the Michigan Hospital Association (MHA) is embarking on an important initiative to encourage its members to improve their organ donation effectiveness. It includes identifying stragies designed to improve the organ donation consent process and examining all aspects of the process, from community education to provider interaction with the family. The initiative will also generate specific recommendations to improve the tissue donation process, as well as major organ procurement.

The Association of Organ Procurement Organizations is in the midst of a major pilot project to conduct reviews of deaths that have occurred in hundreds of hospitals across the country. This project will provide an unprecedented level of information on organ donor potential and performance and lead to targeted strategies to help hospitals improve their effectiveness.

Additionally, The Partnership for Organ Donation, in collaboration with the University HealthSystem Consortium (an alliance of 70 academic health centers), has begun a major initiative to improve organ donation practices in hospitals across the country. The goal is to increase organ donation significantly in these hospitals by institutionalizing best-demonstrated practices. The project follows an "action research" design, which includes diagnosing hospital performance, building consensus on the donation protocol, establishing a donation team in the hospital, educating all relevant staff in-depth, enacting the new protocol, and on-going monitoring for quality assurance. The project ultimately will lead to practice guidelines for organ donation, which, if adopted nationwide, could provide organs for many of the 53,000 Americans currently awaiting transplants. it is currently being implemented in a number of leading hospitals, including Henry Ford Hospital in Michigan, Virginia Commonwealth University's Medical College of Virginia Hospitals, University of Iowa Hospitals and Clinics, Oregon Health

Sciences University Hospital and Clinics, Ohio State University Medical Center, Medical College of Ohio, St. Vincent Medical Center of Ohio and Riverside Hospital in Columbus, Ohio.

Collectively, these innovative endeavors will prove that patterns of nondonation can be modified. Mr. President, my amendment is aimed at encouraging hospitals to alleviate the donor shortage and sheds some light on demonstrated best practices that can improve organ donation in hospitals. It also expresses the sense of the Senate that hospitals that have significant donor potential shall fulfill their legal responsibility to assure a skilled and sensitive request for organ donation to eligible families. The Harvard study estimated that 5,600 additional lives could be saved each year if hospitals improved their practices relative to donation requests. A Gallup survey indicated that 85 percent of the American public supports organ donation, and 69 percent describe themselves as likely to donate their organs upon death.

Mr. President I understand that the amendment has been accepted. I thank the managers of the bill for their support. I would also like to acknowledge the support and cosponsorship of this amendment by Senator Thurmond, Senator Durbin, Senator Inouye and Senator Dorgan. Mr. President, I understand that the managers will also accept the Durbin-Levin amendment requesting the U.S. Department of Health and Human Services together with the General Accounting to conduct a comprehensive survey of donor hospitals to ascertain:

(1) the differences in protocols for the identification of potential organ donors

(2) whether each hospital has a system in place for such identification of donors, and

(3) protocols for outreach to the relatives of potential organ or Tissue donors.

The report will also include the Secretary's recommendations on the most efficient and comprehensive practices for identifying organ and tissue donors and for communicating with relatives of potential organ donors.

I commend Senator Durbin for all of the innovative work he is doing in the area of organ donation. Of particular note is Senator Durbin's Organ Donation Insert Card Act which was enacted into law over a year ago that I was pleased to cosponsor. The insert card is included along with the tax refunds to millions of Americans giving them the opportunity to indicate if they want to become an organ donor.

Mr. President, these organ donor measures, including my negotiations over the past decade with Department of Defense Health officials to increase the number of military organ donors, complement efforts to maximize the numbers of lives saved for those in need of organ or tissue transplants. I am encouraged that the two Department of Defense Directors instituted a number of years ago will result in every member of the military having an opportunity to indicate if they wish to become a donor. Under the Directive:

> Unless contra-indicated medically, legally, or for religious reasons, organ and tissue donation shall be discussed with next of kin in every death in a military Medical Treatment Facility including Uniformed Services Treatment Facilities.

Additionally, the Department of Defense has instituted the process of including organ donor information in the Defense Enrollment Eligibility Reporting System (DEERS). In April of 1995, the Department reported a 30 percent positive response to this directive, which had not yet been fully implemented.

AMENDMENT NO. 1109

Mr. NICKLES. Mr. President, in 1989, Congress enacted legislation that requires that the Social Security Administration provide workers with regular statements about the value of their Social Security benefits. SSA is required to send these forms—known as the Personal Earnings and Benefit Estimate Statements (PEBES)—to any eligible individual who requests one and was mandated to send an annual PEBES to each eligible workers over the age of 59 in 1995.

In FY 2000, the Secretary will be required to send this form annually to all eligible workers over the age of 25—An estimated 123 million Americans are expected to receive this form in FY 2000. The SSA projects that the cost of administering this law in FY 2000 will be $80 million.

These forms are specifically designed to help beneficiaries understand the value of their Social Security benefits. While I agree with the stated goal of the PEBES forms, I do not agree that the PEBES form in its current design meets the test of providing that information. In fact, I believe that in its current structure the PEBES form is misleading to beneficiaries.

Right now, individuals are provided an estimate of their retirement benefit. They are provided a yearly breakdown of their reported earnings, and a yearly breakdown of the taxes he or she paid. What is NOT reflected in this statement is the employer's contribution. My amendment will require the Social Security Administration to include the employer's contribution on the PEBES statement.

By not including the employer's contribution, the form misleads workers on the actual amount of money being contributed into Social Security on their behalf and distorts the true rate of return on their taxes.

Most people think that FICA represents 7.65 percent of their wages. Actually, it is twice that when you consider the employer's contribution totaling 15.3 percent—12.4 percent designated Social Security and 2.9 designated to Medicare.

Mr. President, the employer share of FICA is a labor cost. This is a cost of employing somebody in this country. This is compensation that is not available to go to the employee but instead is contributed on their behalf through FICA taxes. While we refer to this as the employer share, in reality this additional 7.65 percent comes out of the employee's compensation.

The PEBES is only telling half the story. Omitting the employer's share of FICA is a gross misrepresentation. The worker who looks at his or her statement will falsely assume that their estimated benefit is providing them a much higher rate of return. In fact, the rate of return is much lower because the taxes that a person is paying is actually TWICE what the PEBES form indicates.

The PEBES form does provide for representation of the self-employed share, however, those workers who are not self-employed are not getting the truth about the performance of their Social Security taxes.

Mr. President, my amendment is simple. It will require that we are honest to taxpayers about not only what their full benefits will be but that we are also honest on what the full cost of those benefits are. If we are going to take the time and resources to educate workers on their benefits we should ensure that it is done honestly and correctly.

Frankly, I believe that we would improve the PEBES form even more by tackling some of the issues that Senator Grams has laid out in his legislation Workers should be informed on the real rate of return on their taxes; they should understand how the Social Security program is performing compared to the private market; and finally, when the Social Security Administration projects benefit estimates they should also be required to inform beneficiaries that the trust fund won't be able to pay benefits after 2029.

I am pleased that this amendment has been accepted by the managers of the bill and I believe it will help improve one of the few tools available to us in educating the public about planning for their retirement.

AMENDMENT NO. 1093

Mr. CRAIG. Mr. President, I am pleased that the Senate is considering today an amendment I am offering with Senators BINGAMAN and DOMENICI.

This amendment to S. 1061 would make a change to the Fair Labor Standards Act (FLSA) that is narrow in scope, but is of critical importance to irrigators in Idaho and the West.

Our amendment solves a problem with the interpretation of a provision of the FLSA.

Currently, nonprofit organizations that deliver water for agricultural purposes—such as water districts organized by local governments, co-ops, and non-profit corporations—are exempt from the maximum-hour requirements of the FLSA.

However, according to the Department of Labor, if even one drop of this water is used for purposes it considers "non-agricultural", then the water delivery organization loses its exemption and severe penalties can be imposed. This is true even for minimal or incidental uses, such as road watering, lawn and garden irrigation, or livestock consumption. Such uses may be closely related to, but technically not interpreted as being, "agricultural purposes".

Our amendment clarifies that the maximum hour exemption applies to water delivery organizations that supply 90 percent or more of their water for agricultural purposes.

The work being done for these organizations is very seasonal. Irrigation has never been, and can not be, a 40-hour-per-week, 12-months-a-year, undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our amendment is better for employers, workers, and farmers.

If a water delivery organization is forced to pay overtime during the summer, it will have to lay off workers in the winter. Then it will hope that skilled, specialized workers, who know the equipment and the area, are available again next spring. Our amendment solves this problem, by promoting a stable work force and level costs, year-round.

This adjustment also helps ensure year-round incomes and job security for employees.

Our amendment restores the flexibility that traditionally existed and was always intended by Congress. It more accurately reflects the realities of agricultural water delivery.

Representative MIKE CRAPO of Idaho has introduced a similar measure in the other body. It is our hope that this adjustment finally will become law this year.

Finally, I want to acknowledge a former member of my staff, who is now an attorney in Idaho, Norm Semanko. Norm actually began work on this amendment some time back and laid the groundwork that has led up to its adoption by the Senate today. My staff still refers to this amendment as the Semanko Act.

I understand this amendment will be accepted on both sides. I thank the managers of the bill for their support and assistance; the chairman and ranking member of the Labor and Human Resources Committee, with whom we consulted; and Senator BINGAMAN and his staff for their strong efforts on behalf of this amendment.

Mr. BINGAMAN. Mr. President, I'm cosponsoring this amendment to section 13(b)(12) of the Fair Labor Standards Act, to make this law reflect the on-farm realities in the West. I believe this amendment follows what must have been the true intent of legislation in the first place. Section 13 is a long list of occupations that for one reason or another we have exempted from the various overtime requirements of the law. Section 13(b)(12) in particular exempts employees of irrigation districts.

The reason for this exemption has to do with the requirements of farming in the arid West. In my home state of New Mexico, for example, we usually have two to three months each year, from about mid-May to the end of July, where we get little or no rain. This yearly dry spell is right at the height of the dry season, and if a farmer can't irrigate his crops they die. Because of the expense of irrigation systems, most farmers belong to an irrigation district that maintains a system of canals and ditches to supply water to their fields. Most irrigation districts employ their ditch riders year round so that they know the system, the individual farms, and the needs of each farmer in the district, and don't have to relearn the process every year. With year-round employment these folks are an integral part of the farm community. However, the work these people do is very seasonal. Typically, a ditch rider will work long and hard hours during the summer irrigation season, and have a relatively lax work schedule the rest of the year. In enacting section 13(b)(12), Congress recognized the importance that year-round employment has for both the ditch riders and their families, and the farming community. However, it appears that in acknowledging the unique working conditions required for western farms, that the law was written too narrowly. The current section exempts:

> . . . any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes.

The phrase "exclusively for supply and storing of water for agricultural purposes," has recently been interpreted by rulings in the 9th and 10th Circuit Courts to mean that all of the water from a district's system must be used for irrigation or the district loses the exemption.

This strict all or nothing approach just doesn't match with the reality of western farming communities and the day-to-day life on a western farm. In the dry and dusty summer months it is very typical for farmers to use of their irrigation water for dust control, and for watering their lawns and flower beds. That is just human nature. However, the vast majority of water is used for growing crops.

Mr. President, this amendment, which changes the exemption to required that "at least ninety percent" of the water be used for agriculture, merely reflects a practical application of this long established exemption. As the irrigation season is just winding down for this year, the farm districts will soon be making decisions regarding whether to retain their ditch riders in light of the recent court rulings. With this in mind, I ask my colleagues to accept this amendment now, so that there won't be any disruption to these people's lives.

AMENDMENT NO. 1120

Mr. BENNETT. Mr. President, in the Federalist Papers, Madison tried to allay fears of a Federal government overpowering state and local concerns, by stating:

> . . . where on one occasion improper sacrifices have been made of local considerations to the aggrandizement of the federal government, the great interests of the nation have suffered on a hundred from an undue attention to the local prejudices, interests, and views of the particular States.
>
> . . . But what degree of madness could ever drive the federal government to such an extremity?—Federalist Paper, No. 46.

Mr. President, while Mr. Madison believed that Federal encroachment of local interests would be rare, I believe the State of Utah finds itself in that circumstance. Utah's education budgets are being improperly sacrificed by federal action. Mr. Madison predicted that legislative devices would be used to solve these types of problems. He was right. Today I am offering an amendment in an attempt to do just that.

Last September, the President created the 1.7 million acre Grand Staircase-Escalante Monument in Utah. While I vehemently disagreed with the process the Administration used to designate this monument, it is now a fixture on our map. We must now move on and work toward resolving the problems that were created by this Proclamation.

One of the most important issues that must be addressed are the 176,000 acres of school trust lands trapped within the boundaries of the monument. For those of you who are not familiar with school trust lands, let me briefly explain. At statehood, the federal government granted about one-ninth of the lands in Utah for the support of public education. School trust lands exist solely to generate revenue for public schools.

President Clinton, in designating the monument acknowledged the impact to state education funds. He stated, "I know the children of Utah have a big stake in school lands located within the boundaries of the monument that I

am designating today . . . creating this national monument should not and will not come at the expense of Utah's school children." Utah's citizens, and education groups, including the Utah's Education Association, the Parent-Teacher Association, the School Boards Association, the State Board of Education, the School Superintendents Association, the Association of Elementary School Principals, the Association of Secondary School Principals, and School Employees Association agree, and have spoken loudly and clearly about the need to solve this problem for the benefit of Utah's school children.

President Clinton then directed the Interior Department to conduct a land exchange of school trust lands located within the Monument. While this is one of the most realistic solutions to this problem, it will not be easy. Land exchanges are expensive, time-consuming, and unfortunately, will negatively impact tight State education budgets. In a May 14 report on the Grand Staircase-Escalante Monument, the Department of Education reached the following conclusion:

> The Department [of Education] recognized that the process of arranging for land exchanges exacts costs on the State of Utah . . . These costs are paid from funds that would otherwise be available for public education.

Mr. President, this amendment provides a grant to the Utah State Education Agency to partially defray expenses of conducting a land-exchange. State education funds are badly needed to educate Utah's children.

I would like to thank Senator SPECTER and Senator HARKIN for their assistance, and leadership in education. I look forward to working with them, the Department of Education and the Administration on this issue, and appreciate their willingness to work with me.

AMENDMENT NO. 1111

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate turn to the consideration of amendment No. 1111 to Senate bill 1061.

AMENDMENT NO. 1123 TO AMENDMENT NO. 1111

(Purpose: To assure the Medicare Commission examines the role of medical research and long-term care in the future of Medicare)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for himself and Mr. FEINGOLD, proposes an amendment numbered 1123 to amendment No. 1111.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> At the end of line 3 in the pending amendment insert the following: ": *Provided further*, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the role increased investments in health research can play in reducing future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services".

Mr. HARKIN. Mr. President, this amendment provides $900,000 for the first year costs for the bipartisan Commission on Medicare authorized in the Balanced Budget Act of 1997. The additional funds are fully offset.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. That amendment is agreeable to this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1123) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment, as amended.

The amendment (No. 1111), as amended, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I ask unanimous consent that the RECORD be corrected to reflect that amendment No. 1115 is a Harkin amendment, cosponsored by Senators BINGAMAN and KENNEDY.

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

Mr. HARKIN. I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to amendment No. 1101.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time is remaining on both sides on the pending McCain amendment?

The PRESIDING OFFICER. The Senator from Arizona has 15 minutes 30 seconds. The Senator from Iowa has 21 minutes.

Mr. MCCAIN. Mr. President, I yield myself 5 minutes.

Mr. HARKIN. If the Senator will withhold, will the Senator yield for a unanimous-consent request?

Mr. MCCAIN. Yes.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Janet Goldberg, a detailee in my office, be permitted privileges of the floor on the debate of the Labor, Health and Human Services appropriations bill.

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

The Senator from Arizona is recognized.

AMENDMENT NO. 1091

Mr. MCCAIN. I yield myself 5 minutes, and then I hope that the opponents of the amendment will use part of their time because I don't intend to use all of my time since I would like to save some time at the end.

Mr. President, there is going to be a budget point of order. I will respond to that at the right time. I remind my colleagues that the provision contained in the Balanced Budget Act was not contained in the balanced budget bill passed by the full Senate. The full Senate never had the opportunity to review this provision. Not only did the Senate not have the opportunity to debate this provision when we considered the budget bill in June, we were not given sufficient time to clearly examine the budget bill after conference.

The Balanced Budget Act is over a thousand pages, and we had less than 24 hours to review the final draft after receiving it from the conferees. Mr. President, it is also well known that a provision originally was going to be included that would affect only the State of New York, and then it was expanded to the entire country.

Mr. President, I just read a very amusing—at least to me —letter from a fellow that wanted to not raise hogs or not grow grain. I have been amused somewhat by this proposal that we would pay teaching hospitals not to teach, or pay farmers not to grow, or to pay anybody not to do something. It is somewhat amusing, but at the same time, occasionally in this debate we should focus on the fact that there are 46 million Americans who still lack access to doctors and medical care in America.

Here we have a situation where, according to the Health and Human Services Department, 46 million Americans don't have access to health, doctors, and medical care, yet, now we are going to restrict the supply of doctors in America. It flies in the face of every fundamental belief that I have, ranging from what capitalism and the free enterprise system is all about to what our obligations as a society are.

If we are going to restrict the number of doctors, how in the world are we supposed to take care of these 46 million Americans who live in rural communities and inner-city neighborhoods and have shortages of physicians and health care professionals? The very poorest people in America, Mr. President, are the ones who don't have health care, and now we are going to deprive them of the possibility of treatment?

There are programs that serve underserved areas, including the National

Health Service Company, Area Health Education Centers, Interdisciplinary Training for Health Care in Rural Areas, Community Health Center, Migrant Health Centers, and the Health Professions Work Force Development Program.

I hope that my colleagues will join me in rejecting this proposal that somehow we are helping Americans by restricting the number of doctors. Mr. President, in its own bizarre fashion, the CBO is claiming this will cost the American taxpayers money. I find it bizarre. I find it incredible. And the fact is that if we are now going to accept the assumption of the CBO that we save money by not having teaching hospitals teach, then clearly we can save money by not having other organizations in America that receive Federal subsidies do their job as well. It seems that it is only the medical profession that seems to be able to get away with this.

By the way, Mr. President, this experiment "* * * will pay hospitals in the State"—the State of New York, not the entire country but just in the State of New York—"$400 million over the next several years, while they gradually decrease the number of young doctors they train."

My understanding is that there will be no change for the first 2 years of this.

That experiment "* * * drew an outcry from teaching hospitals elsewhere that felt New York had wrangled a lucrative special deal. Their protests attracted the sympathy of congressional Republicans who decided that, instead of trying to block money for New York, they would expand the opportunity nationwide."

To quote further:

The payments represent a rare attempt by the Federal Government to use subsidies as leverage to shrink a particular work force. "I know of no profession where there has been as much Federal effort to regulate," said Uwe Reinhardt, a health economist at Princeton University. "You don't do it for economists, for architects, for engineers."

The payments also are the government's first effort to constrict the pipeline of people entering the medical profession. Several influential groups have warned lately that the nation has too many doctors, particularly specialists, and have urged the federal government to impose limits on the number of recent medical school graduates, known as residents, who pursue several years of advanced training before beginning to work on their own. But until now that advice has met with legislative resistance.

The New York experiment and the nationwide initiative hinge on changes in Medicare, the largest federal insurance program for the elderly and disabled. Since it began, Medicare has underwritten residency training programs heavily and has, in effect, made residents a prized, inexpensive kind of labor for their hospitals. Taxpayers spend $7 billion a year on such training.

Until now, many teaching hospitals have been reluctant to cut back, because every resident translates into an average subsidy of $100,000 a year. "It has not been financially rewarding to downsize," said Muncey Wheby, associate dean for graduate medical education at the University of Virginia.

Under the budget agreement, hospitals that downsize will not get extra money outright. But if they volunteer to reduce their residency programs by 20 percent or 25 percent over five years, Medicare will cushion the financial blow. For the first two years, it will pay the whole subsidy for the missing residents. After that, the payments will taper off for three years.

The agreement also for the first time essentially forbids hospitals to increase the sizes of their residency programs.

Mr. President, the article goes on with other suggestions:

But others suggest that hospitals will be rewarded needlessly for cutbacks that some have started to make without being paid to do it. Some say the initiative is the medical equivalent of discredited agricultural programs that have paid farmers not to grow certain crops.

"I don't know where the hell as Republican Congress gets off doing labor force planning for the medical profession," said Robert E. Moffit, deputy director for domestic policy studies at the Heritage Foundation, a conservative think tank. "As an economic principle, it is absurd."

How many physicians the nation produces has important effects on the cost of the health care system. The greater the number of doctors, research has shown, the more medical tests and expensive specialty treatment patients tend to receive, because physicians find subtle ways to keep themselves employed.

With more than 700,000 physicians, the United States has more doctors per capita than virtually any other country. In particular, it has a vast supply of specialists, who are starting to find themselves in less demand as more patients are insured through "managed care" plans that favor treatment by lower-cost medical generalists.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. McCAIN. Mr. President, in light of the fact that I am the only one here on the floor, I ask unanimous consent that the time be taken off the time of the opposition to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken from the opposition to the amendment.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, could I ask how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Arizona controls 7 minutes; the opposition controls 4 minutes and 53 seconds.

Mr. McCAIN. Mr. President, I know that the opponents of this amendment would like to make some comments.

Oh, here is one right now.

Mr. DOMENICI. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Who is the opposition?

I guess I am the opposition.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes 50 seconds.

Mr. DOMENICI. Who dealt away all my time in opposition?

The PRESIDING OFFICER. It was running during the quorum call.

Mr. DOMENICI. First let me apologize. I was at the Senate Committee on Governmental Affairs. Frankly, of all the times you could have, I was actually asking questions. But I do not need any more time.

Mr. McCAIN. I was just going to say I ask unanimous consent to give the Senator from New Mexico some additional minutes if he would need them.

Mr. DOMENICI. Mr. President, I do not need anything. The only thing is, did the distinguished chairman of the Finance Committee, Senator ROTH, speak?

Mr. McCAIN. No.

Mr. DOMENICI. I am wondering if he would like to speak.

That is the reason I raised this, I say to the Senator, but they are going to send for him.

He spoke earlier in the day.

Mr. President, I do not need but just a few moments. I was not privileged to hear Senator McCain and those who proffered this amendment. But let me first say that whatever they said about the status of the way we through the Federal Government are funding medical doctors' education, both straight medical school and for specialties, whatever they said about how egregious it is, they are probably right.

The point is that what they seek to do is not going to help a bit because what has actually happened is that we are paying for medical education out of the Medicare fund, and we have been doing it for a long time. That is sort of a way for you to fund medical education, and if nobody knows about it, it doesn't count very much because it is coming out of what was always a very big trust fund. As a consequence, medical education is costing a huge amount of money and the biggest player—so everybody will understand this issue of who is going to decide how many doctors we have, right now the biggest player is the Federal Government. We are the ones putting huge amounts of money into the teaching hospitals that permit them to teach as many doctors either general medicine,

their first years through, or their specialties.

Obviously, we are proud that that system has yielded the best doctors in the world, I do not think there is any doubt about that, including the best specialists in the world. But the cost is enormous, something like $100,000 a doctor. And let me repeat, we, the taxpayers, through this mechanism are paying for that. So in a sense we already are the switch that is going to determine how many doctors we have and how many we do not have. And now all of a sudden in the budget debates there is a recognition that we cannot afford to spend as much as we have been spending.

So the experts from the various committees and staffers—and I only regret to say I am not on the committee with jurisdiction. I was there negotiating with our distinguished leader, but the conclusion was we have to save some money on this Federal expenditure producing these doctors in particular since there are too many being produced, at least more than we ought to be paying for. Maybe that is the way I ought to say it. If they want to produce more and somebody wants to pay more money, that is the marketplace, good luck. But we are the marketplace substantially now, the taxpayers.

So nobody wants to cut the subsidy. The AMA does not want us to cut the subsidy. The schools that are great schools do not want us to cut the subsidy. So to save money somebody came up with an idea to start a pilot project and see if in New York you said to the schools produce less doctors, we give you less money, and of the money saved, you get half and we get half.

As this budget worked its way through the Congress, through the conference and debates, somebody said if you are going to try the pilot in New York, try it all over the country. So what we have is language in a budget deal that has already been voted in that says try this everywhere in the country and see what we get out of it.

The end product, Mr. President and fellow Senators, is that the Congressional Budget Office estimates we will spend $230 million less this way than if we did not do it this way. So essentially, whether one likes the idea or not, the alternatives are very simple. One, if you take it out, as Senator MCCAIN is recommending, you spend more money.

Could I have an additional minute, 2 minutes?

You do what Senator MCCAIN is asking us to do and you spend $230 million more according to the Congressional Budget Office. I have no reason to discount that information.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from New Mexico be granted 5 additional minutes.

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

Mr. DOMENICI. I thank the Senator.

So one option is to take it out and lose $230 million which the budget process has not found anywhere, and Senator MCCAIN and his supporters are not finding anywhere. So it is essentially breaking the budget by $230 million, which means when the time has all expired, I will make a point of order that it violates the Budget Act and the Senators can vote up or down do they want to violate the Budget Act or not. If they do, we would lose $230 million, and that is their call collectively, and we need 60 votes to do it.

One should ask, if the McCain amendment succeeds, where are we? The interesting thing is if the McCain amendment passes, we are right back to where we were before with the Federal subsidy program in place. We haven't reduced it significantly—a little bit, but we are still in there subsidizing just as we have been with a little bit less money.

What we really ought to do is decide how we are going to change this. If we are putting too much money into the education of doctors at every level including specialists, we ought to put less in, and that is what we do not have the intestinal fortitude to do. And I guarantee you if a committee that has jurisdiction came to the floor with a proposal that said we are going to reduce the subsidy significantly so we don't spend as much money, thus you teaching hospitals get less, there would be a huge uproar and every Senator who has a major medical hospital and educational institution that produces medical doctors will be here talking—I see my friend from New York. He would be here certainly, and so would Senator MOYNIHAN—saying it is the end of the world, it is the end of medicine as we know it. We did not do this.

I frankly believe in the long run we have to do it. We cannot have so much capacity paid for by the Government. In the long run the private sector can pay anything they want and families can pay if they want. But the Federal Government to be the catalyst for producing more doctors than anybody thinks we need is just kind of absurd.

So on the one hand I thank Senator MCCAIN and his supporters for bringing this issue to the Senate. And maybe, win or lose, he will have prompted us to do something we ought to really do about this program, and I submit it is not to do what we have done in the budget. I do not have any alternative but to support it today and say, if we take that out, we lose a substantial amount of money. Nonetheless, Senator MCCAIN and those supporting him will have had an educational exercise here and I think I have contributed to it.

Mr. D'AMATO. May I make an inquiry?

Mr. DOMENICI. Sure.

Mr. D'AMATO. Did the Senator raise the point of order?

Mr. DOMENICI. No. I will when the time is up. You can't until the time has expired. If I had any time——

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. The Senator wants to speak in opposition?

Mr. D'AMATO. Yes.

Mr. DOMENICI. I will give the Senator the remaining minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. D'AMATO. Mr. President, I have heard the Senator from New Mexico, and I agree with him. I also think that the Senator from Arizona does us a great service by saying, look, this may not be the methodology, the best method of paying for the training of our doctors, but, having said that, that is the system that exists. The legislation that the Senator's amendment would affect is designed, maybe imperfectly, to begin to reduce those expenditures, those moneys that come out of the Treasury.

Let me say this to you: It is not fair to say that we are paying for doctors that are not going to be in training and, indeed, again, the proposal that the administration has put forth and that the committee has expanded that goes beyond New York and now nationwide, those dollars will be used to provide adjustment assistance, because as these hospitals downsize, they are going to have to hire additional staff doctors, nurse practitioners, physician assistants and other personnel to replace the residents who now treat Medicare patients.

So this is a canard to simply say we are giving you money not to train doctors. It is transition and, in the fullness of time, will save the taxpayers, depending upon who is doing the scoring, as much as $350 million. You can't knock a program on one hand and say you are paying all this money and we should reduce it, and when you come up with a methodology to reduce it then say, "Oh, no, that's not the right methodology."

Show us a way in which you do that and don't throw the teaching hospitals into chaos. This is the manner that I would suggest, as imperfect as it may be, that the committee came up with. For those reasons, I hope that we will refrain from piling on and supporting the McCain amendment which does not help the situation.

The PRESIDING OFFICER. All time in opposition has expired. The Senator from Arizona has 6 minutes remaining.

Mr. MCCAIN. Mr. President, I will be glad to give 2 additional minutes to the Senator from New York if he would like.

Mr. D'AMATO. Mr. President, I thank the Senator for his generosity. I think I have made our point, but the Senator couldn't be more gracious in providing us that opportunity.

Again, I do hope we can find a better way to fund this, because I don't think people know that the Federal Government put so much money into teacher training. If there is a better way to fund it and finance it, I think we should look for that.

Mr. DOMENICI. Will the Senator yield me 30 seconds?

Mr. McCAIN. I yield 30 seconds to the Senator from New Mexico.

Mr. DOMENICI. I made a mistake, Mr. President, in giving you the estimate of what this will cost the budget. I gave you $230 million. The Congressional Budget Office has now looked at the whole country, because this applies to the whole country, and their estimate now is, so everyone will know, if the McCAIN amendment is adopted, the budget will be, in the first 5 years, $390 million short. That is, that much will be added to the deficit and, over 10 years, believe it or not, it is $1.9 billion. I yield the floor.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes 20 seconds remaining.

Mr. McCAIN. I yield myself 1 minute, and I will then yield the Senator from Texas the remaining time.

Mr. President, the Senator from New Mexico asked where would we be if my amendment is adopted? We would not be in the business of paying people not to do things. We would not be, through central planning and pure socialism, deciding what the supply of doctors in this country is when there are 46 million Americans that do not receive health or medical care in America today. That is an outrage and an insult.

We spend our time fighting on the floor of this Senate about appropriating more money to take care of health care for kids, more money to take care of health care for elderly Americans. How in the world are we going to do that if we don't have enough doctors? The fact is that the Senator from New Mexico asked where would we be? At least we would not be in the bizarre and incredible situation where we are paying schools not to do anything.

We tried this with the agriculture program, Mr. President. We tried it before, paying people not to grow crops. It doesn't work. You don't adjust people's behavior by doing such things and, believe me, this amendment, this provision—I allow myself additional 30 seconds—I want to point out again the process that this went through. Never a word of debate on the floor of the U.S. Senate on the Balanced Budget Act. I don't know what in the world this has to do with balancing the budget, but what it had to do with was a provision that was stuck in on the House side and, in less than 24 hours, we had to examine a 1,000 page document which clearly nobody on this floor today, with the exception of the Senator from New Mexico, had a chance to examine or debate. This is not the right way to legislate. This is not the right way to conduct our business in America.

I yield my remaining time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes 30 seconds.

Mrs. HUTCHISON. Mr. President, I will just inform the Senator from Arizona that I will be happy to yield back a minute of my time since he so generously has given me the last time.

Mr. President, let me just say that I am a supporter of medical education. I have supported every amendment that has come through here, and I have sponsored amendments that add to the medical schools' part of Medicare funding. I want medical schools to be funded. But, Mr. President, this is not the way to do it. In fact, the University of Texas, which is a school that has one of the best medical schools in the whole United States, has said this is bogus, and they have refused to take the extra funds in this way not to train medical doctors. They are not in the business of not training medical doctors, and they have refused this money because this is the wrong way to go.

Only in Washington would we address the issue of an oversupply of doctors by funding not teaching doctors. Some would say, if this were a debate to increase spending not to educate lawyers, maybe it would be worthwhile. But, in fact, we are not going to do anything so silly as to pay not to train doctors or lawyers or any other professionals in this country. This is not the way to address the issue of oversupply. The issue of oversupply is real.

The issue of training doctors is very important. In fact, I would like to increase funding. I wish that we could substitute what we would save here and put it into other parts of Medicare funding, perhaps rural medical education, which is suffering greatly.

I believe in teaching hospitals. I do not believe in paying hospitals not to teach, and I hope we can correct that inequity. I hope we can legislate in a responsible way. I hope that we can put our money into Medicare, into medical education, into training doctors, into rural health care where we need the money, but I do not want to spend one dime not to train doctors with added funds. It doesn't pass the smell test, and I am proud to say that the University of Texas, from my home State, is not taking these dollars because they believe this is bogus. They need money to train doctors in the best way, but this is not the best way.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has 30 seconds remaining.

Mr. McCAIN. Mr. President, I just will comment that I was very interested in hearing the statement of the Senator from Texas that indeed there is a university in America that has decided they don't need to be paid not to train doctors. Of course, I put a further credibility test on this argument that somehow teaching hospitals across America have to have this huge subsidy not to train doctors. I hope more schools and universities will follow the example of the University of Texas.

The PRESIDING OFFICER. All time has expired on amendment No. 1091. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, can I have 10 seconds before I make my motion? I, too, hope all the hospitals do that. If they do, we will save $390 million and over 10 years we will save $1.9 billion. I think that would be an exciting end product.

Mr. President, the McCain amendment increases mandatory spending and is scored against the subcommittee's allocation. This additional spending would cause the underlying bill to exceed the subcommittee's allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

MOTION TO WAIVE THE BUDGET ACT

Mr. McCAIN. Mr. President, I move to waive the budget point of order pursuant to section 904 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the yeas and nays be delayed until the managers of the bill decide the most appropriate time. There are important hearings going on at this time, and I don't think that they wish to have it interrupted. So I ask unanimous consent that, pending the decision of the managers of the bill and the leaders, that the yeas and nays be set aside.

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

Under the previous agreement, there is now 20 minutes equally divided on the issue to waive the Budget Act. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield back my time.

Mr. DOMENICI. I yield back any time I have on the motion.

The PRESIDING OFFICER. All time has been yielded back then on the motion to waive the budget point of order.

Mr. DOMENICI. Have the yeas and nays been ordered on the motion?

The PRESIDING OFFICER. Yes, they have.

Mr. McCAIN. Mr. President, I am astounded and very pleased to note that the fiscal year 1998 Labor/HHS appropriations bill is nearly devoid of any pork-barrel language, at least in the

bill itself. After careful scrutiny of the measure, I have found only one section of the bill which is clearly pork. That is section 506, which contains the language on Buy America set-asides that appears to be standard practice in this year's appropriations bills.

Other than these Buy America provisions, which I continue to strenuously oppose, I can find no other egregious examples of pork-barrel spending in the bill language. For this restraint, I thank the subcommittee chairman, Senator SPECTER, and the members of the Appropriations Committee.

Unfortunately, the report does contain a number of earmarks of funds for location-specific, unauthorized, or simply wasteful projects. And it contains, of course, language that is intended to have essentially the same effect as an earmark; by this, I mean the use of words like "encourage", "urge", and "carefully consider" in connection with references to particular institutions, projects, or proposals that the committee would obviously like the relevant agencies to fund. These are not earmarks, but I am sure the programs which the committee encourages or urges the agencies to support will receive special consideration.

I would like to submit for the RECORD the full list of objectionable provisions in the bill and report, but would take a few moments of the Senate's time to note just a few of the more interesting earmarks in the bill:

Report language directs OSHA not to enforce methylene chloride regulations because small employers in the furniture stripping and foam manufacturing and fabrication industries are concerned about the cost of compliance.

The report earmarks $326,000 for the Central Montana Head Start Program to secure donations of surplus property.

The report earmarks $1 million for the Very Special Arts Festival in Los Angeles.

The report earmarks $500,000 for the native Hawaiian education council and island councils.

As I noted, the report language contains a multitude of expressions of support, short of earmarks, for particular projects. A few examples:

Encourages the Department of Labor to expedite consideration of a request by the Iacocca Institute for funding to create a work force development education curricula.

Encourages full and fair consideration of proposals by the Cabot Westside Clinic and Samuel U. Rodgers Health Center in Kansas City, MO.

Urges consideration of a proposal by the North Dakota State College of Science in Wahpeton, ND, to conduct a consolidation of instructional facilities for allied health programs into one site in a rural area.

Urges the Centers for Disease Control to work with native Hawaiians to explore whether utilizing indigenous Hawaiian healing methods may impact the incidences of diabetes and asthma.

Encourages consideration of a proposal to establish a dedicated Human Islet Processing and Distribution Center by the Miami VA Medical Center, Jackson Memorial Hospital, and the University of Miami Diabetes Research Institute.

Urges National Institutes of Environmental Health Sciences to study the health aspects of volcanic emissions.

Urges NIA to consider providing assistance to the West Virginia University's Year 2000 International Conference on Rural Aging.

Urges full consideration of a proposal by the Birmingham Alliance for the Mentally Ill Crisis Intervention Task Force in Jefferson County, AL.

Urges consideration of a proposal by the Institute for Responsible Fatherhood and Family Revitalization in Cleveland, OH, to replicate its program, and sets aside $300,000 for this project.

Urges consideration of a proposal from the Women's Institute for a Secure Retirement for pension counseling.

Urges $800,000 to be provided to assist in cataloging and preserving Pennsylvania's library of anthracite coal region.

Urges the Department of Education to provide $27 million in funding to 18 different colleges and universities for unspecified purposes.

Again, this report contains far fewer earmarks than any other appropriations report considered by the Senate this year. By my count, the total of the report language earmarks is approximately $35 million. Compared to the more than $10 billion in pork-barrel spending in the 10 previously approved bills, this is not a large sum.

But the problem with pork-barreling is that the average American does think that $35 million is a large sum. In fact, most Americans think that $35 million is quite a lot of money. I certainly do.

And the fact is that this is $35 million that was taken from the American people in the form of taxes. And now we, the representatives of the people, are earmarking these funds for special interest projects that do not necessarily reflect the needs or priorities of all or even a majority of the American people.

Mr. President, that is why pork-barrel spending is wrong. And that is part of the reason the American people hold the Congress is such low regard.

Again, my thanks to Senator SPECTER for exhibiting remarkable restraint in the spending priorities in this bill. I hope others will take his example to heart as we prepare to consider conference reports on the fiscal year 1998 appropriations measures.

I ask unanimous consent that a list of objectionable provisions in the bill be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 LABOR-HHS APPROPRIATIONS BILL AND REPORT

BILL LANGUAGE

Section 506. Buy-America provisions (contained in almost all appropriations measures this year)

REPORT LANGUAGE

Earmarks

$1 million for a manufacturing technology training demonstration project in Mississippi which will educate technically competent new entrants into the work force and retrain the existing work force to adapt to technological innovation.

Funding for consideration for a multi-State implementation of models, such as the New Mexico Retail Association's Program for youth opportunities in retailing.

$3 million for the Samoan/Asian Pacific Island job training program in Hawaii.

$200,000 to the Vermont Department of Employment and Training to aid in the development of a high skills training consortia and a pilot project to begin training in targeted areas.

Language directing OSHA not to enforce methylene chloride regulations (except in certain circumstances) because small employers in the furniture stripping and foam manufacturing and fabrication industries are concerned about the cost of compliance and the assurance of the availability of OSHA compliance assistance.

$3.5 million for the Native Hawaiian Health Care Program.

$1.75 million to Hawaii for medical care for Hansen's disease patients in the State. The Committee has provided funding for the payment to Hawaii as a separate line item rather than part of the overall appropriations for Hansen's disease.

$2.045 million for the State of Hawaii for medical care and treatment in its hospital and clinic facilities ($295,000 above the administration request).

Funding for a community based intervention project for diabetes prevention in Gallup, New Mexico.

Funding to assist in the conversion of the Savannah River site cancer registry and the South Carolina State cancer registry into a single statewide registry.

Language noting that Alaska be treated favorably in the allocation of the increase provided for substance abuse centers.

Funding for a three year extension for the Temple University Hospital Ventilator Rehabilitation Unit.

Funding to continue the existing grant to the National Indian Council on Aging that increases Indian elder awareness and participation in the public policy issues that have direct impact on all of the Indian country.

$326,000 for the Central Montana Head Start Program to secure donations of surplus property.

$1 million for a Charlotte-Mecklenburg schools prekindergarten initiative for start-up costs and renovations.

Language stating that priority should be placed on supporting projects such as the House of Mercy in Des Moines, Iowa to promote self sufficient and independent living for runaway and homeless youth.

$130,000 should be made available to colleges and universities that have enrolled American Indian and/or Alaska Natives in masters degree programs in social work.

$260,000 for the National Asian Pacific Center on Aging to link the Asian Pacific aging

community with other services and organizations.

An increase to the North Philadelphia Cancer Awareness and Prevention Program.

$1.4 million (unrequested) for the Bethune Memorial Fine Arts Center in Florida.

$4.25 million grant to the John F. Kennedy Center for the Performing Arts.

$1 million for the Very Special Arts Festival in Los Angeles, CA.

$500,000 for the University of Hawaii Center on the Family.

$500,000 for research on technology to be used by children with disabilities. The Committee believes that the University of Northern Iowa would be best suited to do this research.

$1.5 million for the Readline Program. The Committee notes that the Greater Washington Educational Telecommunications Association is well-suited to handle this research.

$4.2 million for the Hawaiian higher education program.

$500,000 for the University of Hawaii at Hilo Native Languages College.

$500,000 for the Native Hawaiian education council and island councils.

$7.1 million for family-based education centers.

Words of encouragement and support

Encourages support from discretionary funds, to the Kauai Cooperative Extension Service to train dislocated sugarcane workers.

Requests that the Secretary consider funding for next fiscal year for at risk youth in Rhode Island and Delaware.

Encourages the Department to expedite consideration of a request by the Iacocca Institute for funding to create a work force development education curricula.

Urges full and fair consideration of a proposal by the Eisenhower Foundation to employ welfare recipients in high tech industries.

Recommends funding for a native Hawaiian initiative which provides tutoring for high risk youth residing in rural communities.

Urges that $5 million be provided in Job Training Partnership Act to be used for adults in Hawaii and Alaska Community Colleges.

Encourages full and fair consideration of proposals by the Cabot Westside Clinic and Samuel U. Rodgers Health Center in Kansas City, MO.

Encourages utilization of the expertise and resources of the universities in the Pacific region in providing training, technical assistance and program evaluation in Hawaii to address the health needs of Hawaii's underserved.

Encourages full and fair consideration of a proposal to provide rural clinical experiences to eligible residents of the States of Washington, Alaska, Montana, and Idaho.

Encourages full and fair consideration of a proposal by the Connecticut Children's Medical Center.

Encourages full and fair consideration of a proposal by the University of South Alabama to initiate the Southwest Alabama Network for Education and Telemedicine.

Urges consideration of a proposal by the State of Vermont to conduct a telemedicine demonstration project.

Urges the HRSA to focus attention on the shortage of emergency and medical services for children in Alaska and Hawaii.

Urges support for the efforts of the National Organization of Concerned Black Men, Inc. Of Philadelphia, PA to enhance the involvement of African American men in family planning, pregnancy prevention, parenting skills and fatherhood responsibility.

Urges consideration of a proposal by the McLaughlin Research Institute of Great Falls, MT to undertake biomedical research.

Urges consideration of a proposal by the North Dakota State College of Science in Wahpeton, ND to conduct a consolidation of instructional facilities for allied health programs into one site in a rural area.

Urges expeditious consideration of a proposal by the Carolinas Health Care System of North Carolina to establish the Carolinas Community Health Institute.

Urges consideration of a proposal by the Sacred Heart Hospital in Allentown, PA to optimize the delivery of health care services to the underserved in the region.

Urges consideration of a proposal by the Lehigh Valley (Pennsylvania) Hospital and Health Network's effort to construct a center which provides geriatric care, adolescent health services and general prevention services.

Urges consideration of a proposal by the Associates in Medicine Program at Columbia University in New York City to provide medical care to inner-city neighborhoods.

Urges strong consideration of a proposal by the University of Alabama at Birmingham for construction of an outpatient facilities at a genetic counseling, patient care, and research center.

Encourages consideration of support for research by the Thomas Jefferson University Center for Biomedical Research in collaboration with the Delaware Valley College involving research on plant-delivered oral vaccines.

Urges careful consideration to a one-time reprogramming request from funds provided for immunization activities that would allow construction of a new infectious disease laboratory project.

Urges the CDC to work with Native Hawaiians to explore whether utilizing indigenous Hawaiian healing methods may impact the incidences of diabetes and asthma.

Encourages the CDC to work with NINR and NIEHS to determine the environmental, physical, and mental effects of volcanic emissions in Hawaii.

Encourages the CDC to support MALAMA, a partnership program which addresses the prenatal needs of minorities in rural Hawaii.

Encourages the CDC to support an extension of a project at the University of New Mexico involving fetal alcohol syndrome.

Encourages the Director of the CDC to consider supporting the efforts by Newark, NJ to combat teen pregnancy, low birth weight babies, and infant mortality.

Encourages continued research in the area of cancer in minorities such as that done at the Hawaii Cancer Center.

Encourages the NIDDK to develop a targeted diabetes prevention and treatment program and encourages the CDC to work with native American, native Hawaiian and native Alaskan groups for this program.

Encourages consideration of a proposal to establish a dedicated Human Islet Processing and Distribution Center by the Miami VA Medical Center, Jackson Memorial Hospital, and the University of Miami Diabetes Research Institute.

Encourages the creation of a position for a senior program officer with specific responsibility for the coordination of the NIH-wide Parkinson's research program.

Encourages the NIAID to continue working with the Jeffrey Modell Foundation on both research and public education endeavors.

Encourages the NIAID to give consideration to research conducted at the Public Health Research Institute on infectious diseases.

Encourages the NICHD to give consideration to projects to create community-based centers designed to strengthen families in multi cultural environments.

Urges the NIEHS to continue to collaborate with NINR to study the health aspects of volcanic emissions in Hawaii.

Recommends the advancement of establishing a center focusing on natural marine toxins. Notes the unique work being done at a Miami NIEHS center.

Urges the NIA to consider providing assistance to the West Virginia University's Center on Aging' year 2000 International Conference on Rural Aging.

Encourages the NIA to work with organizations such as the National Asian Pacific Center on Aging to provide for the underserved and isolated senior groups.

Encourages the NINR to ensure that research efforts extend to the health care needs of racial and ethnic populations, such as, native Hawaiians.

Encourages NIDA to work with existing native American organizations to increase the effectiveness of sobriety programs.

Encourages the National Institute of Mental Health to initiate a workshop and consider supporting an additional service delivery research center to eliminate the stigma associated with seeking mental health services in rural areas.

Strongly urges the NIH to consider a proposal from the University of Colorado Health Sciences Center regarding the collocation of the cancer center research and clinical facilities in Aurora, CO.

Encourages consideration be given to support the Florida based Batchelor Children's Research Center to develop a children's biomedical facility in Miami.

Urges consideration of a proposal by the School of Pharmacy at the University of Montana.

Requests that the National Center for Research Resources recognize the University of Alaska as a minority school for the purposes of qualifying for support under its Research Centers in Minority Institutions Program.

Requests that consideration be given to a request for Federal funds by the Children's Hospital and Medical Center of Seattle for its large medical laboratory equipment needs.

Encourages consideration be given to providing funding for the University of Miami's International Center for Health Research's work on diseases transported from air travelers and migration from Latin America and the Caribbean.

Encourages the Director of the NIH to give consideration to a proposal by the Seattle Indian Health Board's American Indian Family Practice Residency Program. This involves a 3-year program that recruits and trains family practice physicians into service to American Indian and Native Alaskan populations.

Urges full consideration of a proposal by the Birmingham Alliance for the Mentally Ill Crisis Intervention Task Force of Jefferson County, AL.

Urges the funding of training projects that foster cultural competencies, a diverse work force, collaboration among disciplines, and that promote the use on interdisciplinary service delivery models especially in rural areas such as Hawaii.

Urges consideration of a proposal by St. Louis 2004, a group located in St. Louis MO,

to provide expanded coverage to uninsured individuals.

Urges consideration of a proposal by the National Asian Pacific Center on Aging to increase Indian elder awareness.

Recommends that HCFA provide additional funds for a demonstration project to address the access, delivery system, and financing issues related to predual eligible and dual eligible minority adults.

Urges consideration of a proposal by the Wills Eye Hospital in Philadelphia to establish a demonstration project in opthamology.

Language encouraging the Administration for Children and Families to develop a demonstration project to evaluate the effectiveness of a family-centered model for the treatment of child-sexual abuse like the one operated in Louisville, KY.

Urges consideration of proposal by the Institute for Responsible Fatherhood and Family Revitalization in Cleveland to replicate its program, and sets aside $300,000 for this purpose.

Encourages the use of $350,000 for the Alaska Federation of Natives to conduct a study an further approaches to implement recommendations of the Alaska Natives Commission.

Urges the native Hawaiian grantee to coordinate with the Lunalilo Home in Hawaii regarding the continuing to tailor nutrition services that are appropriate to the circumstances associated with the served population.

Urges consideration to a proposal from the Women's Institute for a Secure Retirement for pension counseling.

Urges the Secretary on Aging to provide $350,000 for each of the national resource centers serving native American elders in fiscal year 1998.

Encourages full consideration of support by the Office of Public Health and Science for a partnership between the University of Miami and Florida State University.

Encourages assistance in the planning of a new children's hospital in the Bronx.

Encourages sustaining a demonstration project at the Meharry Medical College of Nashville, TN.

Urges that consideration be given in the awarding of technology grants to school districts such as the Houston Independent School District.

Requests reconsideration of the determination that three school districts, which previously received too much federal aid, must pay it back to the Department of Education. Two in Texas and one in New Jersey.

Requests better funding for the Centennial School District in Warminster, PA.

Urges the Dept. of Education to work to rectify a problem that the Portsmouth School District in Rhode Island is having with attaining impact aid payments.

Urges the Department to initiate discussions on a new facility for the Fort Belknap Reservation in north central Montana.

Asks the Department of Education to approve a grant application by the Seattle School District for funding under the Magnet Schools Assistance Program.

Urges the Dept. of Education to provide $500,000 for workshops in aquaculture/education for high school students and teachers in Hawaii.

Favors the expansion of Native Hawaiian agriculture partnerships and stresses that the Hawaii Institute of Tropical Agriculture and Human Resources is especially suited to assist in the expansion of this program.

Urges that assistance should be made available for a partnership between Partners in Development (a Hawaii nonprofit corporation) and an appropriate nonprofit organization with expertise in sustainable waste treatment methods.

Urges the Dept. of Education to provide $1.8 million for children with disabilities, particularly in the Mississippi River Delta.

Urges the Department to provide $1 million to support assisted living programs at The Good Shepherd Rehabilitation Hospital in Lehigh County, PA.

Urges the Department to use $1.5 million for a demonstration program to develop work force skills for audio visual communications. The Educational Communications Foundation should carry out this project.

Urges the Dept. to provide $1 million for a competition among post secondary institutions. Pennsylvania Institute of Technology would be well suited to administer such a competition.

Urges the director of the Institute of Museum and Library Services to provide $1 million for an Internet demonstration project to be done by the University of Montana and Montana State University.

Urges $1 million for a digitalized card catalog for the New York Public Library.

Urges funds be provided for museums in Philadelphia, Baltimore, and Boston. The Committee urges $4 million for such programs.

Urges $800,000 be provided to assist in cataloging and preserving Pennsylvania's library of anthracite coal region.

Urges the Social Security Administration of North Carolina to maintain a physical presence in the office in Statesville, NC for a minimum of 2 days.

Urges the Department of Education to provide the following:

$1 million to Prairie View A&M University in Texas for incoming college freshmen who are at risk of not finishing college.

$1 million to The Vermont Science and Education Center in St. Albans, VT.

$2 million to the Community College in Onslow County, NC and the University of North Carolina at Wilmington.

$2 million for the Empire State College in New York and Rutgers University in New Jersey.

$180,000 to North Dakota State University.

$1 million to a consortium of Kansas universities.

$1 million to Bryant College in Smithfield, RI.

$300,000 for the University of New Mexico.

$2 million to Missouri State University.

$500,000 to the Advanced Technical Center in Mexico, MO.

$2 million to the Pennsylvania Telecommunications Exchange Network.

$1 million for a joint venture between the Newport News Public Schools System and the city of Newport News.

$1 million to the University of Pennsylvania.

$1 million for science enrichment for 9th and 10th grade minority girls.

$3 million to several Iowa school districts.

$5 million for the State of Washington Office of the Superintendent of Public Instruction.

$2 million for the Pennsylvania Consortium for Higher Education.

$1 million to the National Science Center Foundation in Augusta, GA.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. BOND. Mr. President, with sincere thanks to my colleague from Washington, I ask unanimous consent that the Senate proceed to the consideration of S. 1139.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1139) to reauthorize the programs of the Small Business Administration, 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.

AMENDMENT NO. 1124

Mr. BOND. Mr. President, on behalf of myself and Senator KERRY, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mr. Missouri [Mr. BOND], for himself and Mr. KERRY, proposes an amendment numbered 1124.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, I rise today in support of S. 1139, the Small Business Reauthorization Act of 1997. This bill is the product of the hard work of the members of the Committee on Small Business. In particular, Senator JOHN KERRY, the committee's ranking member, has been extremely helpful and supportive in our joint efforts to produce this legislation.

The Small Business Reauthorization Act of 1997 reauthorizes most of the credit and noncredit programs at the Small Business Administration. On June 26, 1997, the committee conducted a markup of this bill and voted 18 to 0 to report the bill favorably to the full Senate.

In addition to reauthorizing the SBA programs that we are most familiar with, S. 1139 addresses two significant issues: Federal contract bundling and the HUBZone Program.

The bundling of Federal Government contracts requirements is a trend that is increasing in the Federal procurement system. Small business owners have testified before the Committee on Small Business about the negative impact contract bundling is having on their ability to bid on Government contracts. The manager's amendment to the bill includes an amended version of the contract bundling section that was worked out in close consultation with Senator THOMPSON and Senator GLENN, the chairman and ranking member of the Committee on Governmental Affairs.

The manager's amendment clears up any misunderstanding over what is a

bundled contract. The legislation makes clear that a bundled contract solicitation is one in which "two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts" are consolidated into one larger, bundled contract. This language covers contracts that were previously performed by a small business and those that were suitable for award to small business concerns.

The amended contract bundling section builds on the authority of the Small Business Administration to challenge a Federal agency's decision to consolidate or bundle two or more contracts into a large contract. In 1989, Congress gave specific authority to SBA's procurement center representatives to challenge a decision to bundle multiple contract actions. Importantly, under the 1989 law, the SBA Administrator was given the authority to appeal a decision to bundle contract actions directly to a Cabinet Secretary or agency head if the SBA representative and the contracting agency are not able to resolve their differences. The manager's amendment to S. 1139 adds some additional features and procedures, and today's legislation does not weaken or displace the fundamental authority of SBA.

I thank both Senator THOMPSON and Senator GLENN and their staffs for their cooperation in helping us to address certain issues within the jurisdiction of the Governmental Affairs Committee relating to the Federal procurement system and governmentwide acquisition policy. I believe the contract bundling section included in the manager's amendment will help our efforts to be fair to small businesses by limiting contract bundling where it is unnecessary and unjustified.

S. 1139 also includes the full text of S. 208, the HUBZone Act of 1997, in the form in which it was approved by a unanimous 18 to 0 committee vote. This initiative is designed to stimulate economic development in America's most disadvantaged urban and rural communities and make welfare to work a reality.

The HUBZone provisions will make it easier for small businesses located in and hiring employees from economically distressed regions across the country to obtain Government contracts. The measure will benefit entire communities by creating meaningful incentives for small businesses to operate and provide employment within our Nation's most disadvantaged inner-city neighborhoods and rural areas.

To be eligible for special Federal contract consideration, a business must be small, must be located in a historically underutilized business zone [HUBZone], and must hire not less than 35 percent of its work force from a HUBZone. For these distressed areas, HUBZones would result in the immediate infusion of sorely needed capital as more and more businesses—both startups and existing enterprises—relocate into HUBZone areas in order to improve their chances of receiving Federal contract awards.

Importantly, the HUBZone Program will help accomplish an important objective of welfare reform by providing jobs for individuals who want to move from welfare to work in the very neighborhoods where many public aid recipients currently live.

The Small Business Reauthorization Act of 1997 is the culmination of hearings held by the Committee on Small Business beginning in early 1995, and continuing into June 1996, just prior to the committee markup. The bill includes new authorization ceilings for the credit programs, including the 7(a) Business Loan Program, the Small Business Investment Company [SBIC] Program, and the 504 Certified Development Company Program. In addition, the bill makes the Microloan Program permanent, while extending the guaranteed loan pilot for 3 years.

S. 1139 will make important changes in the SBIC Program to permit manageable program growth while strengthening SBA's oversight of the program. The bill gives SBA the option to make 5-year leverage commitments, which would conform the program to typical investment strategy patterns. In addition, the bill permits SBA to use fees collected from SBIC's for licensing and examinations to offset the agency's costs to perform these necessary functions.

The bill also sets fees to be paid by borrowers and lenders under the 504 Development Company Program. These fees are paid in lieu of Congress appropriating public funds to compensate for the Government's loss exposure as determined by the credit subsidy rate. S. 1139 provides that the fees paid by the borrowers will be reduced should the credit subsidy rate decline.

The committee's report addresses some of the operational problems confronting the popular 7(a) Guaranteed Business Loan Program. Since I became chairman of the Committee on Small Business over 2½ years ago, the credit subsidy rate, which determines the level of Government loss exposure for loans guaranteed under this program, has fluctuated widely. Information and calculations which determine the subsidy rate are often not provided to Congress, the Congressional Budget Office [CBO], or the public. SBA and the Office of Management and Budget must do a more thorough and accurate job in determining subsidy rate estimates. With this improved flow of documentation, CBO needs to become much more engaged early in the process when SBA and OMB make initial subsidy rate estimates in order that Congress can be assured that the annual estimates submitted with each fiscal year's budget request are accurate and reflect that best available data and assumptions.

S. 1139 recognizes the growing contributions women-owned small businesses are making in our economy. Testimony before the Committee on Small Business has highlighted the importance of business loans and venture capital to ensure the growth of women-owned businesses. Additionally, testimony and evidence brought to the attention of the committee also indicates the failure of the Federal Government to meet the annual 5-percent goal for awarding prime contracts to women-owned small businesses. In fact, over the past 2 fiscal years, the volume of these contracts has decreased.

The Small Business Reauthorization Act of 1997 strengthens the role of key Federal organizations that are supposed to help women business owners: SBA's Office of Women's Business Ownership, the National Women's Business Council, and the Interagency Committee on Women's Business Enterprise.

The bill expands the list of Federal agencies and departments that serve on the Interagency Committee, and each agency's designee to the committee is required to report directly to the agency head on the committee's activities.

The bill seeks to reinvigorate the role of the Women's Business Council, which is designed to advise Congress and the executive branch, by involving more closely the Senate and House of Representatives in the activities of the council. The number of members on the council is expanded to 14 members from 9 members, with attention placed on rural as well as urban representation on the council.

Most significantly, the bill adopts the text of S. 888, the Women's Business Centers Act of 1997, introduced by Senator DOMENICI and of which I was a principal cosponsor, along with Senator KERRY. The bill increases the program authorization level for creating new Women's Business Centers to $8 million per year from $4 million per year. In addition, it will permit grantees receiving funds under the program to remain in the program for 5 years, an increase of 2 years over the existing program. In adopting this program, the committee recognized there are many States with Women's Business Center sites, and the expanded program is designed to give SBA the flexibility to fund sites in those States.

The bill recognizes the central role played by SBA's Office of Women's Business Ownership in overseeing and coordinating Government support for women-owned small businesses. In addition to overseeing the expanded Women's Business Centers grant program, the OWBO and staff in each district and branch office within SBA serve critical roles in focusing on the problems confronted by women business owners.

The bill recognizes the expanding role of the Small Business Development Center program by increasing its responsibilities to assist small businesses to understand better how to deal with regulatory questions and problems. In addition, the bill provides increases in the base funding levels for SBDCs and sets a minimum floor for Federal funding of $500,000 annually for each SBDC.

S. 1139 also extends other important SBA programs, such as SCORE, which provides counseling opportunities for small businesses by retired executives, the Small Business Technology Transfer [STTR] Program, the Small Business Competitiveness Demonstration Program, the Preferred Surety Bond Program, and SBA's cosponsorship authority.

Mr. President, this is an important bill for all our small businesses in the United States, and I urge my colleagues' strong support for its final passage.

Mr. KERRY. Mr. President, I rise in support of the passage of the Small Business Reauthorization Act of 1997. With the passage of this bill the Senate will show its support for the very important work of the U.S. Small Business Administration. Each year SBA programs assist more than 1 million American small businesses through direct loans, loan guarantees, business counseling and training, and procurement assistance. Following a series of hearings this spring, the Committee on Small Business voted unanimously for the provisions contained in this bill on earlier this summer. There is much in this bill that we can all be proud of and happy to support. In addition to the continued support of such SBA programs as the 504 Community Development Company and 7(a) Guaranteed Business Loan Programs, the Committee has elevated the SBA's Microloan Program from demonstration to permanent status and introduced new provisions that will benefit small businesses: the HUBZone Act and the Microloan Welfare-to-Work pilot project.

Title I includes the authorization levels for the various programs being reauthorized in this bill. Title II addresses the Microloan, Small Business Investment Company, and Certified Development Company programs. Title III deals with a very important sector of small businesses, women's business enterprises. Included in this section is a provision increasing the authorization for women's business centers. Title IV addresses the Small Business Competitiveness Demonstration Program and a critical issue for small businesses: procurement opportunities. Title V contains provisions supporting the Small Business Technology Transfer [STTR] Program, Small Business Development Centers, and the pilot preferred surety bond guarantee program. Finally, title VI creates a new SBA program, the HUBZone Program that extends contracting opportunites to small businesses located in the poorer areas of our country.

Mr. President, it is a fact that small business owners often are not served by traditional lending services. SBA operates several programs designed to fill this lending void and extend assistance to this critical segment of the American economy. From the Microloan Program which makes loans only in amounts of less than $25,000 to the 504 program where loan guarantees can be as high as $1,250,000, SBA programs meet a critical need for our country's entrepreneurs. Accordingly, I am pleased with the support the committee has shown by authorizing adequate funding levels for most SBA programs. The 7(a), 504, Small Business Investment Company, Delta and SCORE programs were all authorized at or above the administration's requests. All of these programs are critical to the continued effectiveness of the Small Business Administration and for the future of small business development in our country.

The SBA's Microloan Program has been a tremendous success since its inception in 1991. Since its authorization, this program has provided technical assistance and made over 5,800 loans totaling over $60 million to small businesses in our country. The Microloan Program authorizes intermediary lenders to provide loans under $25,000 to small businesses and to provide the business owners with technical assistance on how to run their business more effectively. There are 103 microloan intermediaries located in 46 of our 50 States, including 5 in my home State of Massachusetts. Forty-three percent of microloans go to women-owned businesses, 39 percent to minority-owned businesses, and 11 percent to veteran-owned businesses.

The results could not be more stunning. The Microloan Program has been so successful that there has only been one default of a loan to an intermediary in the years it has been in operation. Because of its demonstrated success, the committee chose to elevate the Microloan Program from demonstration status to a permanent part of the SBA portfolio of programs and to authorize $28 million per year for each of the next 3 years for the essential technical assistance grants. After listening to the testimonies of witnesses on the importance of technical assistance to microloan borrowers, it is clear that the support of the direct loan portion of the program requires supporting the technical assistance portion. The borrowers will not be able to utilize the direct loans properly without first learning how to manage their businesses. I am pleased that the Microloan Program is receiving support from the committee and hope that we will continue to support the important technical assistance component in the future.

Another section of this bill will assist many small businesses nationwide. The Women's Business Center provision was originally introduced by Senator DOMENICI and cosponsored by Chairman BOND and myself along with all the Democratic members of the Small Business Committee. Section 306 makes the Women's Business Center program permanent, doubling the funding for the program to $8 million for each of the next 3 years, and extends eligibility for awardees from 3 to 5 years. Women-owned businesses comprise one-third of all American companies, contribute more than $1.5 trillion to the U.S. economy and employ more people than Fortune 500 companies. The changes made by this bill will better enable organizations, such as the Center for Women & Enterprise, Inc., in Boston, to continue offering the services that help women-owned businesses thrive.

This bill also reauthorizes the Small Business Technology Transfer [STTR] Program for 6 more years. In July, I had the opportunity to cohost with the Small Business Administration a conference on STTR in Cambridge, MA, with representatives of my State's high-technology small business companies. These businesspeople expressed their belief that the STTR Program has been an unqualified success in meeting the goals established for it by Congress 5 years ago: to ensure that the federally funded research conducted in America's nonprofit institutions is given an outlet through small businesses to be turned into commercial products. That commercialization increases the American job base, helps our economy, and allows American businesses to compete with overseas rivals. I was proud to be the sponsor of the original legislation reauthorizing the STTR Program for 6 more years and I'm very happy that it has been included in this bill.

Many sections of the Small Business Reauthorization Act establish new levels of flexibility for the SBA to administer their programs. For example, investment restrictions on Small Business Investment Companies [SBIC's] have been relaxed to allow greater investment in the SBIC's by commercial banks. SBIC's will also now be allowed to make quarterly distributions to its investors. This may not sound important to many people, but allowing quarterly distributions as opposed to yearly or biyearly makes it easier for the SBIC's investors to meet their quarterly tax requirements. Therefore, an investment in an SBIC is a more attractive investment. Attracting more investment helps the SBIC help more small businesses.

The committee has given SBA more authority in the selling of debentures.

Instead of requiring a sale every 3 months, SBA now must sell only every 6 months but can hold sales earlier if adequate demand exists. This change is also aimed at making the SBA's assets more attractive to investors and therefore, at attracting more favorable market prices. Microloan lenders are also given more flexible rules for their loan loss reserves. After a microloan lender has been in the program for at least 5 years, they will be allowed to carry a loan loss reserve equal to the greater of 10 percent or twice that lender's historical loan loss rate. This provision frees up more resources for many lenders to make more loans and provide a greater boost to the economy. All of these changes have been undertaken in an effort to allow the SBA to run in a more businesslike, market-responsive manner. I am pleased to support these changes and look forward to the progress that SBA will show in the coming years.

A new program authorized through this bill is the Welfare-to-Work microloan Pilot Program. I originally introduced this legislation to build on the successes of the Microloan Program by providing additional training and support for some of today's welfare recipients so that they may be tomorrow's business owners. The bill authorizes $4, $5, and $6 million over each of the next 3 fiscal years for this purpose. At a hearing on the Microloan Program last month, members of the committee heard testimony that demonstrated how it is possible for welfare recipients to become successful entrepreneurs given the proper technical assistance training. At that same hearing, Mr. John Else of the Institute of Social and Economic Development in Iowa told the committee about the remarkable success rate they have with their microloan clients. These clients, mostly welfare recipients and other low-income people, had a 70-percent success rate which is an astounding contrast to the high failure rate for startup businesses. So the committee believes the goals of the Welfare-to-Work Pilot Program are attainable. I believe it is time that we give welfare recipients across the country the opportunity to succeed by expanding the mission and scope of the Microloan Program.

Finally, I thank the chairman of the Senate Small Business Committee, Senator BOND, for his efforts throughout the reauthorization process that have resulted in a very productive and effective bill. His support for SBA programs is demonstrated through his willingness to make sure that the effectiveness of these programs continues by adequately funding them. A provision included in the reauthorization bill which was initiated by the chairman and which I cosponsored after the chairman agreed to certain improvements, is the historically underutilized business zone or HUBZone bill. Its stated purpose of assisting companies in economically depressed areas is a worthy goal that gained widespread support on the committee. Through HUBZones, more contracting opportunities will be available in the poorest areas of our country. This is definitely another strike against impoverished regions and a further opportunity for American small businesses. I am pleased that is was included in the committee bill.

Mr. President, our Nation's small businesses are the backbone of our economy. By supporting the Small Business Reauthorization Act, my colleagues have demonstrated their support for our Nation's small businesses and their commitment to our future.

Mr. COVERDELL. Mr. President, as the Senate considers the Small Business Reauthorization Act of 1997, S. 1139, I rise to express my thanks to Senator BOND for his leadership on behalf of small business. As many of us have stated in the Senate, small businesses today face the daunting task each day of meeting their payrolls, providing a quality work environment for their employees, and remaining competitive. All the while, they strive to comply with a myriad of regulations and struggle to satisfy the tax burden government imposes upon them.

The Committee on Small Business held a hearing earlier this year regarding women-owned business. The committee members heard testimony that, in 1996, women-owned businesses employed 1 out of every 4 workers, totaling 18.5 million employees. Last year, these businesses accounted for an estimated $2.3 trillion in sales. Increasingly, women are becoming small business owners and according to the National Foundation of Women Business Owners, the growth of these women-owned small businesses outpaced overall business growth nearly 2 to 1. In Georgia alone, there are 143,045 women-owned businesses, both full and part-time. Women are a vital force in our economy, and we need to do more to remove the obstacles that are in their way.

This leads me to think about Carolyn Stradley, a truly remarkable Georgian from Marietta. She offered testimony before the Small Business Committee where she described her experience as an entrepreneur. From humble beginnings, she started and built her own paving business over many significant obstacles. Unfortunately, chief among these obstacles was, and continues to be, the Federal Government.

I believe support for women-owned small businesses is important. Such entrepreneurship has provided a vital means for many to break the cycle of poverty created and sustained by the welfare state. As we strive for welfare reform, small businesses and entrepreneurship provide an important avenue for many.

Mr. President, at this point in my statement, I would like to take the opportunity also to thank Senator BOND for his cooperation and sensitivity to the concerns of women-owned small businesses. This legislation before us authorizes the National Women's Business Council with the resources it needs to help women entrepreneurs. I was pleased to have worked with my good friend and fellow Georgian, Senator MAX CLELAND, in committee to ensure the Council received this critical support.

Mr. President, I ask unanimous consent that a letter from Ms. Carolyn Stradley be printed in the RECORD.

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

C&S PAVING, INC.,
Marietta, GA, July 29, 1997.

Hon. PAUL COVERDELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COVERDELL: Thank you so much for your support of the National Women's Business Council. I truly appreciate your efforts.

As you know, women entrepreneurs rely on the Council to get a "seat at the table" in the decision making process. The Council has successfully raised the profile of women business owners and taken our views to the Senate, House and Administration. In addition, the Council has helped us build an infrastructure to support women's entrepreneurship and the growth of women owned enterprises. Until women business owners are fully integrated into the process, the role of the National Women's Business Council is critical to our growth and survival.

As a result of your advocacy, the Council received an increased budget authorization for fiscal year 1998. In addition, the amendment offered by you and Senator Cleland during the Small Business Committee markup of the Small Business Reauthorization bill granted the Council a research budget of $200,000. With these additional funds, the Council can continue to be an effective voice for women entrepreneurs within the federal government and engage in seriously needed research on women business owners.

It has been a pleasure working with Morris Goff. We have greatly appreciated his hard work and counsel throughout this process. Once again, thank you for your leadership on this issue. I knew we could count on you.

Sincerely,

CAROLYN STRADLEY,
President.

Mr. COVERDELL. Mr. President, I also thank Chairman BOND for including S. 925, the Women's Small Business Programs Act of 1997 that I introduced earlier this year, in the Small Business Reauthorization Act of 1997. My proposal will expand the pool of resources available to women-owned small businesses and would allow women business development centers to enter into contracts with other Federal agencies and departments to provide specific assistance to small business concerns.

Far too often our Government serves as a roadblock to small business men and women. Taxes are too high, regulations are too complex, the costs of

doing business are through the roof. It is time we did something to help our Nation's working women.

Mr. CLELAND. Mr. President, I am proud to offer my support for the Small Business Administration reauthorization. I am extremely proud to be a part of the Small Business Committee and, I appreciate the work of my chairman and the ranking member for their hard work and for working together to resolve all of the outstanding differences on the details of the bill. I also thank so many of the staff for their hard work.

Mr. President, there are several things I want to highlight in this legislation. First, I want to offer my strong support for the Welfare-to-Work Microloan Pilot Program. Many times, good men and women have come to this floor in support of programs and opportunities that aspired to do great things for those who needed it most. Some of those initiatives have gone on to become great public endeavors. I am proud to support such an endeavor, one that I believe will inspire and offer hope to Americans that truly want to break the cycle of poverty and build a business of their own. This program puts our money where our mouths are. It provides upfront technical assistance for business planning, loan application assistance, and development of sound business skills for people who we can provide a ladder of opportunity rather than just the same old welfare system. If we want to stand strong behind the notion that public assistance should be a hand up, not a hand out, we must pro-actively seek out ways to provide meaningful job opportunities for welfare recipients. This program is a step in the right direction.

This program targets traditionally under-served Americans and gives them tools they can use to, not only take themselves off of the welfare rolls, but provide job opportunities in areas of the country that are desperate for job growth. This legislation has been tried and shown great promise. With 2.8 million Americans moving off of welfare, the potential for this program is obvious. It's the kind of investment that can return much, much, more than what we put in. Let me add just a few more points. The average microloan to an individual is $10,800, not a lot of money by Washington standards, but to the man or woman who just wants an opportunity to change the direction of their life and that of their loved ones, it may make all the difference in the world.

I also offer my support for the SBA's Small Business Technology Transfer Pilot Program. This important program builds on past successes of further advancing increased commercialization of federally funded research projects.

Finally, Mr. President, I want to say how proud I am of the National Women's Business Council and the work that they have done. I am honored to have worked with Senator COVERDELL and thank him for helping to obtain funding for this important organization and the work that they do on behalf of women. I further add that Anita Drummond on the minority staff and Suey Howe on the majority side were particularly helpful in this effort and should be commended for a job well done.

All in all, there are many provisions in this legislation that I am proud to have had a part in crafting. I look forward to even more success on a bipartisan basis from within the committee, from the SBA and from the small business community in tackling the problems facing small businesses. I look forward to the work ahead. I thank my colleagues and I thank the chair.

Mr. DOMENICI. Mr. President, I submit for the RECORD a cost estimate prepared on August 8, 1997 by the Congressional Budget Office for S. 1139, the Small Business Reauthorization Act of 1997, which was reported on August 19, 1997. The report of the Committee on Small Business states that the committee does not agree with the CBO estimate and therefore the committee did not include the CBO estimate in its report. The Congress and the Budget Committees must rely on independent cost estimates from the Congressional Budget Office for reported legislation. From time to time, I too have disagreed with CBO cost estimates. I ask unanimous consent to print in the RECORD the official CBO estimate for S. 1139.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Summary: The bill would authorize appropriations for fiscal years 1998 through 2000 for the Small Business Administration (SBA) and would make a number of changes to SBA loan programs and programs establishing preferences for government contracting.

Assuming appropriation of the necessary amounts, CBO estimates that enacting this legislation would result in new discretionary spending of at least $4.4 billion over the 1998–2002 period. Of this total, $570 million is from amounts specifically authorized in the bill for SBA programs—primarily for administrative expenses. The remaining $3.8 billion would be primarily for the subsidy costs of SBA loan programs.

The costs include $13 million over the 1998–2002 period for other federal agencies to carry out existing federal procurement programs reauthorized by the bill. Implementing the HUBZone program that the bill would create would also increase costs to other federal agencies. While we cannot precisely estimate the impact of the new program at this time, its costs could be at least several million dollars annually.

CBO estimates that enacting the bill also would result in an increase in direct spending of $1 million in fiscal year 1998 and $5 million over the 1998–2002 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) of 1995 and would impose no costs on state, local, or tribal governments.

Description of the bill's major provisions: Title I would establish maximum levels for small business loans to be made by the SBA in 1998, 1999, and 2000. It also would authorize appropriations for the Service Corps of Retired Executives (SCORE), technical assistance grants to microloan recipients, and certain activities of the Small Business Development Centers (SBDCs). Title I also would authorize such sums as may be necessary for the disaster loan program and for administrative expenses necessary to carry out the Small Business Act and the Small Business Investment Act.

Title II would establish a Welfare-to-Work Microloan Pilot Program and would authorize the appropriation of $12 million of the 1998–2000 period for the SBA to carry out the program. The title also would convert the direct microloan program from a demonstration program to a permanent program and would extend the authorization for the microloan guarantee program through fiscal year 2000. (The microloan program provides technical assistance and loans ranging from $100 to $25,000 to very small businesses.) In addition, Title II would modify several SBA guaranteed loan programs and would allow the SBA to charge fees to certain borrowers.

Title III would authorize the appropriation of $1.2 million over the 1998–2000 period for the operations of the Interagency Committee on Women's Business Enterprise and the National Women's Business Council. The title would require the National Women's Business Council to conduct two studies on federal procurement practices and would authorize the appropriation of $200,000 to carry out the studies. In addition, the title would authorize appropriations of $8 million per year for grants to Women's Business Centers.

Title IV would extend the authorization for the Small Business Competitive Demonstration Program and the Small Business Participation in Dredging Program through fiscal year 2000. The title also would modify the Small Business Procurement Opportunities Program to require federal agencies to review their attainment of small business participation goals and the effects of contract bundling on small businesses.

Title V would extend the Small Business Technology Transfer (STTR) Program through fiscal year 2003. Title V also would authorize the appropriation of $2 million in each of fiscal years 1998 through 2000 for the SBA to assist small businesses in certain states in securing Small Business Innovation Research and STTR awards. In addition, this title would make numerous changes to the SBDC program and would authorize the appropriation of $460 million over the 1998–2002 period for the SBDC program.

Title VI would create a new program, to be administered by the SBA, to provide federal contracting set-aside and preferences to qualified small businesses located in designated, economically distressed, urban and rural communities, or HUBZones. The bill would establish goals for awarding a percentage of all prime federal government contracts (beginning at 1 percent in 1999 and increasing to 3 percent in 2003 and subsequent years) to eligible HUBZone businesses. Title VI would authorize appropriations totaling $15 million for fiscal years 1998 through 2000 for SBA to carry out this program.

Estimated cost to the Federal Government: The estimated budgetary impact of implementing most of the bill's provisions is shown in Table 1. Estimated additional outlays total $4.4 billion over the 1998–2002 period. Nearly all of that amount is for SBA spending that is subject to appropriation. In addition, implementing the bill would increase other federal agencies' contracting costs to comply with the HUBZone provisions (Title VI), but CBO cannot estimate those additional costs with precision at this time.

Basis of estimate: For the purposes of this estimate, CBO assumes that the bill will be enacted by the end of fiscal year 1997 and that both the authorized and additional necessary amounts will be appropriated by the start of each fiscal year. Outlay estimates are based on historical spending rates for existing or similar programs.

Spending subject to appropriation

Most of the bill's budgetary effects would come from reauthorizing existing SBA programs (primarily for the subsidy costs of direct and guaranteed loans). The estimated amounts would be subject to appropriation action.

Loan programs

The bill would permit the SBA to make direct loans totaling $60 million in each of fiscal years 1998 through 2000. It would permit the SBA to (1) guarantee business loans totaling about $18 billion in 1998, $20 billion in 1999, and $23 billion in 2000, (2) make direct loans totaling $60 million in each of fiscal years 1998 through 2000, and (3) make an indefinite amount of disaster loans over the 1998–2000 period. Table 2 shows the loan levels authorized by the bill for SBA's business and disaster loans as well as the estimated subsidy cost and administrative expenses for those loans.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF THE SMALL BUSINESS REAUTHORIZATION ACT OF 1997

	By fiscal years in millions of dollars—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION [1]						
Spending Under Current Law:						
Budget Authority [2]	873	0	0	0	0	0
Estimated Outlays	820	299	65	21	9	0
Proposed Changes:						
Specified Authorization Level	0	151	157	163	103	103
Estimated Authorization Level	0	1,226	1,274	1,327	13	13
Total Authorization Level	0	1,377	1,431	1,490	116	116
Estimated Outlays	0	871	1,276	1,444	583	189
Spending Under The Bill:						
Authorization Level [2]	873	1,377	1,431	1,490	116	116
Estimated Outlays	820	1,171	1,341	1,465	592	189
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1

[1] All but approximately $15 million of the estimated amounts are for projected spending by the SBA. In addition to the amounts shown in the table, CBO expects that Title VI (HUBZone program) would impose significant costs on agencies other than the SBA, but we cannot estimate those costs at this time.
[2] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 370 (housing and commerce credit) and 450 (community and regional development).

TABLE 2.—SBA LOAN LEVELS, SUBSIDY COSTS, AND ADMINISTRATIVE COSTS

	By fiscal years, in millions of dollars—				
	1998	1999	2000	2001	2002
AUTHORIZED LOAN LEVELS					
Guaranteed and Direct Business Loans	18,200	19,950	22,650	0	0
Disaster Loans	1,543	1,543	1,543	0	0
LOAN SUBSIDY COSTS					
Guaranteed and Direct Business Loans:					
Estimated Authorization Level	350	380	421	0	0
Estimated Outlays	225	348	390	133	8
Disaster Loans:					
Estiamted Authorization Level	459	459	459	0	0
Estimated Outlays	230	413	459	230	46
LOAN ADMINISTRATION COSTS					
Guaranteed and Direct Business Loans:					
Estimated Authorization Level	94	97	100	0	0
Estimated Outlays	94	97	100	0	0
Disaster Loans:					
Estimated Authorization Level	164	169	174	0	0
Estimated Outlays	164	169	174	0	0

The Federal Credit Reform Act of 1990 requires appropriation of the subsidy costs and administrative costs for operating credit programs. (The subsidy cost is the estimated long-term cost to the government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs.) The bill does not provide an explicit authorization for either the subsidy or administrative costs for the guaranteed, direct, or disaster loans.

Based on information from the SBA and on historical data for these loan programs, CBO estimates that the subsidy costs of guarantees for the authorized levels of business loans would be $344 million in 1998, $374 million in 1999, and $415 million in 2000. We estimate that the subsidy costs of the direct business loans would be $6 million for each of fiscal years 1998 through 2000. Based on recent administrative costs for the SBA's loan programs, CBO estimates that the administrative costs for the business loan programs would be about $94 million in fiscal year 1998, $97 million in fiscal year 1999, and $100 million in fiscal year 2000.

The estimated subsidy rates for business loans and guarantees range from 0.5 percent to 8.1 percent, but most are at 2 percent or less and the average for this estimate is 1.9 percent. The estimated subsidy rate for disaster loans is about 30 percent.

Assuming that demand for SBA's disaster loans over the next three years will be at the average historical rate for the past six years, CBO projects that the SBA would make disaster loans totaling about $1.5 billion in each fiscal year over the 1998–2000 period. CBO estimates that the subsidy costs of these loans would be $459 million in each fiscal year and that the administrative costs for the disaster loan program would be about $164 million in 1998, $169 million in 1999, and $174 million in 2000.

SURETY BONDS

The bill would authorize the SBA to guarantee up to $2 billion in surety bonds for small businesses in each of the fiscal years 1998, 1999, and 2000. Such guarantees are not considered loan guarantees under the definition in the Federal Credit Reform Act of 1990, and annual appropriations are required only to cover the net cash losses to the program within a given year. Based on information from the SBA, CBO estimates that the authorized level of activity would result in outlays of $4 million each year over the 1998–2000 period.

GOVERNMENT CONTRACTING PROGRAMS

The legislation would modify a number of government contracting programs administered by the SBA that provide set-asides or other incentives for small businesses competing for government procurement contracts. The costs to the SBA to administer

these programs are generally small or insignificant but the programs result in additional costs to the Office of Federal Procurement Policy (OFPP) and various federal agencies.

Small Business Competitive Demonstration Program. The bill would reauthorize the Small Business Competitive Demonstration Program through fiscal year 2000. This program requires 10 federal agencies to establish contracting goals for small businesses in certain industries. CBO estimates that extending this program would cost each of the 10 participating agencies and the SBA less than $100,000 a year to report and compile the required data, assuming appropriation of the necessary amounts. Hence, we estimate a total annual cost of about $1 million for each year that the program is extended.

Small Business Participation in Dredging Program. Based on information from the Army Corps of Engineers, CBO estimates that extending the Small Business Participation in Dredging Program would cost less than $500,000 annually over the 1998–2000 period.

STTR Progam. The bill would extend this program's expiration date from 1998 through 2000. The STTR program requires federal agencies with annual appropriations for extramural research of more than $1 billion to set aside a specified percentage of their extramural research budget for cooperative research between small businesses and a federal laboratory or nonprofit research center. The costs of the STTR program to the participating agencies consist primarily of personnel, overhead, printing, and mailing expenses. Based on information from the affected agencies, CBO estimates that the costs of administering the awards would be about $1 million a year over the 1998–2000 period, assuming appropriation of the necessary amounts.

Small Business Procurement Opportunities Program. The bill would require federal agencies to follow certain procedures when bundling procurement contracts. Based on information from the OFPP, the SBA, and several other federal agencies, CBO estimates that the government would incur costs of about $2.5 million in fiscal year 1998 and $1.5 million a year in 1999 and 2000 to follow the procedures established by the bill. The costs to the federal government would be slightly higher in fiscal year 1998 because each federal agency would incur expenses to modify its reporting systems in order to track information on contract building.

HUBzone Program. The contracting goals and requirements that would be established by Title VI would apply to specified federal agencies, which make over 90 percent of all federal contract obligations (as of 1996). Assuming the federal agencies would attempt to meet the government-wide contracting goals establishing in the bill, and assuming appropriation of the amounts necessary to meet the increase in costs, implementing the HUBZone program would significantly increase discretionary spending. Such costs could total tens of millions of dollars each year, but CBO cannot estimate such costs precisely. The additional costs would stem from both additional administrative responsibilities for the SBA and other federal agencies, and increased use of sole-source contracting.

Based on information from the SBA, we estimate that implementing the HUBZone program would cost the SBA $6 million in fiscal year 1998 and $12 million in each subsequent year, assuming appropriation of the necessary amounts. Thus, implementing the HUBZone program would result in new discretionary spending by the SBA of $54 million over the 1998–2002 period. Of this amount, $15 million is specifically authorized in the bill for SBA to implement the program. In addition to the authorized amounts, CBO estimates that SBA would require another $39 million over the 1998–2002 period to carry out the HUBZone program.

The other federal agencies affected by Title VI would have additional administrative costs for reviewing contracts, reprogramming computer systems, and reporting to the SBA. However, CBO cannot estimate how much those new responsibilities may increase spending because we do not have sufficient data to project how many contracts would be awarded under the HUBZone program or what administrative resources would be required to carry out the program.

The HUBZone program would raise the government-wide goal for awarding contracts to small businesses from 20 percent to 23 percent of all prime federal contracts, which would likely increase the incidence of sole-source contracting. Federal contract obligations total almost $200 billion a year, of which about 19 percent is provided through sole-source contracts. Although CBO cannot project a specific increase in sole-source contracting, any increase resulting from the HUBZone program would result in new federal costs because the lack of competition often results in a higher price for the product or service. While we cannot estimate precise costs for the likely increase in sole-source contracting under the HUBZone program, such costs could total at least several million dollars annually.

Other programs

The bill would provide specific authorizations of appropriations for SBDCs, SCORE, the Welfare-to-Work Microloan Program, and various women's business programs. CBO estimates that these programs would result in spending by the SBA of $555 million over the next five years.

In addition, the bill would authorize such sums as may be necessary to cover the SBA's costs of carrying out the Small Business Act and the Small Business Investment Company Act. CBO estimates that the general administrative costs to carry out these acts would be $149 million in fiscal year 1998, $154 million in fiscal year 1999, and $158 million in fiscal year 2000, assuming appropriation of the necessary amounts. (The estimate of general administrative costs excludes the program-specific administrative expenses for business and disaster loans.)

Direct spending

The bill would authorize the SBA to spend without further authorization the Small Business Investment Company (SBIC) examination fees currently collected by the agency but not available for spending unless authorized in advance in an appropriation act. Based on information from the SBA, CBO estimates that the agency would collect and spend about $1 million annually in examination fees.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 2007. CBO estimates that enacting the bill would increase direct spending by $1 million a year because SBA would be able to spend SBIC examination fees without appropriation action.

Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in UMRA, and would not impose any costs on State, local, or tribal governments. The bill would, however, authorize additional grant funds for State and local governments. It would authorize $2 million annually (for fiscal years 1998 through 2000) to create a pilot program that would provide grants to eligible states to assist small businesses located in the state. The bill would also authorize an increase in funding of $5 million in fiscal year 1999 and $10 million thereafter for the Small Business Development Center Program. The program provides grants to state and local governments, public and private institutions of higher education, and state-chartered development corporations to establish and operate small business development centers.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Rachel Forward and Lisa Daley. Impact on State, Local, and Tribal Governments: Marc Nicole.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. BOND. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1124) was agreed to.

Ms. SNOWE. Mr. President, I rise today to support a critically important piece of legislation affecting small businesses across our Nation—S. 1139, the Small Business Reauthorization Act of 1997. I would like to begin by thanking Chairman BOND and ranking member KERRY for their leadership and perseverance on this bill. We would not be here today considering S. 1139 if it were not for their dedication to the small business community.

As a Senator from Maine, a State whose future economic well-being is dependent on small business enterprise, I am extremely supportive of the role the Small Business Administration [SBA] plays in promoting small business development and growth. The Small Business Committee, of which I am a member, held five hearings this past year on SBA's finance, noncredit, and Microloan programs. As a direct result of testimony given during those hearings by small businesses, the SBA and various industry organizations, the committee drafted a comprehensive bill that reauthorizes and improves upon even the most successful of SBA's programs.

I am particularly pleased that the committee accepted an amendment that I offered regarding the Small Business Development Center [SBDC] Program. The SBDC Program is a public-private partnership that leverages Federal dollars with State, local, university, and private resources to provide one-stop management and technical assistance to small businesses.

My amendment increases the SBDC minimum Federal contribution so that no State will receive less than $500,000.

This will ensure that small State SBDC's will continue to be able to provide quality business management assistance, which is essential to the future successes of America's small businesses. If entrepreneurs are not sufficiently prepared with the financial, managerial, and technical knowledge needed to own and operate a business, then our Nation's future businesses have failed before they have been given the opportunity to succeed.

One of the many reasons I support the SBDC program is because it serves as a successful example of what can be achieved when the private sector, the educational community and Federal, State and local governments work together. In fact, the SBDC program generates more in tax revenues that it costs to run the program itself. For example, in my home State of Maine, $6.15 in new Federal, State and local tax revenues is generated for every $1.00 invested in our state's SBDC. Nationally, the return is $4.53.

While my amendment provides only a modest funding increase at the Federal level, the additional resources provided to a small State like Maine will have a disproportionately large and positive impact on Maine's economy. And I thank Chairman BOND for including my amendment in the Small Business Reauthorization Act.

I would also like to thank Chairman BOND for his leadership on S. 208, the HUBZone Act of 1997, because the revitalization and community development of economically distressed regions with significant unemployment is a critical challenge confronting this Congress. It is essential that we discover ways to stimulate business and residential activity within these economically and socially distressed communities, which is why I believe that it is so important that the HUBZone Act was incorporated into the Small Business Reauthorization Act.

The HUBZone Act will provide Federal contracting opportunities to small businesses located in historically impoverished urban and rural areas known as HUBZones. This bill will create a new class of small businesses that employ at least 35 percent of its workforce from a HUBZone eligible for Federal Government contract preferences. The purpose of the bill is to create incentives for small businesses to locate and operate in our country's most economically disadvantaged inner-cities and rural counties. At the same time, these businesses will foster job creation and community development in these economically underutilized areas.

In Maine, Washington County with an extremely high unemployment rate of 12.5 percent—7.6 percent above the national average—will qualify as a HUBZone. Qualified small businesses located in this county will not only receive Federal contracting set-asides but also will play a vital role in revitalizing this distressed area by encouraging job creation.

Additionally, because of an amendment Senator ENZI and I offered, both Aroostook and Somerset Counties with a 10.4 percent and 9 percent unemployment, respectively, will qualify as rural HUBZones. The Enzi-Snowe amendment establishes that economically distressed regions with extremely high unemployment rates will quality as HUBZones and receive much-needed relief. We must take action to stimulate business activity within these areas that face high unemployment rates and I believe that the HUBZone Act of 1997 does just this.

The Small Business Reauthorization Act also includes another important piece of legislation, the Welfare-to-Work Microloan Pilot Program Act of 1997, of which I am an original cosponsor. This innovative pilot program will provide grants to community-based organizations, known as Microloan intermediaries, to help welfare recipients start their own small businesses. These intermediaries will provide technical assistance to potential small entrepreneurs who are on public assistance.

This program is unique because it will provide up-front business assistance before a participant receives a loan. The future entrepreneur will learn basic business skills—how to develop a business plan, start a business and apply for small loans.

In addition to this technical assistance, program participants will receive assistance with the high cost of child care and transportation, both of which are directly related to program participation. If a mother is unable to afford to put her child in day care or if she does not have the money to get to the training sessions, she simply will not go.

The combination of business training and child care and transportation assistance will assure greater success for the participants receiving public assistance. This approach has been successfully piloted in several state programs. Iowa, for example, has a success rate of 70 percent in contrast to a national small business failure rate average of 80 percent. I believe that these programs are successful because they target the true cause of the high failure rate of small businesses—lack of business education.

Small businesses are playing an increasingly important role in America's future prosperity, and they should play a vital role in any effort to revitalize our urban and rural communities and to solve the long-term problem of getting individuals off, and keeping them off, public assistance. This is exactly why I am a cosponsor of the HUBZone Act and an original cosponsor of the Welfare-to-Work Microloan Pilot Program. And, that is why I strongly support the Small Business Reauthorization Act of 1997 and encourage my distinguished colleagues to join me in supporting this critically important bill.

Mr. WELLSTONE. Mr. President, I am extremely pleased that we are passing this bill to reauthorize Small Business Administration programs. I commend Senators BOND and KERRY, the chairman and ranking member of the Small Business Committee, respectively, for their work. It is an excellent bill, providing adequate loan-guaranty authorization levels for SBA's two principle credit programs—the 7(a) and the 504 programs. The bill also expands and makes permanent the microloan demonstration program, which is extremely important. All three programs are popular and successful in Minnesota. Our committee held a number of hearings this year to prepare for this reauthorization bill, and as usual we have worked in a productive, bipartisan way.

Our committee passed a very good bill, highlights of which I will mention momentarily. I would first like to note, however, two items which I am grateful could be included in the managers' amendment. The first is a provision clarifying SBA's policy regarding collateral in the 504 Program.

The 504 Program is an excellent program. It operates through collaboration between certified development companies (CDCs), private lenders and small business borrowers. 504 loans are for larger projects than SBA's 7(a) guaranteed loans. They generally are for property, plant and equipment purchases. It is the only SBA program with job-creation and economic development as its explicit primary objective. I am proud to point out that Minnesota CDCs made 359 loans worth $122 million last year, tops in the nation for the third or fourth year in a row.

I appreciate steps that were taken by SBA officials in a recent policy guidance on this matter of collateral. That policy guidance assures certified development companies that collateral is only one factor evaluated in the credit determination of a small business in the program. Furthermore, the guidance establishes that collateral in addition to a subordinate lien position on the property being financed will be required only on a case-by-case basis as determined by the Administrator.

The provision now included in this bill relating to collateral simply codifies that SBA policy guidance in statute. I thank the bill's managers for including the provision at my request in their amendment. As I mentioned to my colleagues on the committee during our markup of the bill, it is occasionally necessary for Small Business Committee to save SBA from itself when it comes to policy proposals concerning its loan programs. Not too many years ago, SBA wanted to eliminate all subsidy and appropriation for

the 7(a) program. We on the committee and in Congress were right in preventing them from doing so.

Subsidy rate questions in the 504 Program remain somewhat unresolved. The simple fact is that demand for the 504 program has been down significantly this year. It is down even after we discount for the burst of activity last September, just before new fees went into effect, putting many deals that normally would have been done this year into last year's volume. I am pleased to say that the program's subsidy rate, which a witness from Minnesota told our committee earlier this year is "out of whack," is now finally being seriously examined by the Administration despite the existence for some time of evidence that it has been based on methodology or calculations that keep the subsidy rate too high. That matters because it appears that the new fees which we have had to impose on borrowers and lenders, required by the high subsidy rate, suppressed demand for the program, exactly as both the Chairman and I said we feared might happen.

That is the main reason for the amendment, which would keep collateral for 504 deals valued at market value. That is rather than at liquidation value, as had at one point been suggested by some within the Administration. The amendment does not change current SBA policy. Rather, it prevents a suggested change, which in my view would certainly have led to a further weakening of the 504 loan guaranty program.

Here is the issue. Under current SBA policy, in a project valued at $1 million, 90 percent of the value of a 504 project can be financed by a CDC and a bank together in the form of loans. The remaining 10 percent is required to be provided as equity by the assisted small business. Loan collateral is limited "generally to the assets being financed." This allows the program to offer attractive, 90-percent loan-to-value financing. It seems like a good deal, and it is, for borrowers and lenders.

But it's also a good deal for taxpayers because this program creates jobs with no appropriation. That's why I want to keep that policy working the way it is. If we had allowed the Administration to change that policy, by switching to a "liquidation value" approach for collateral, as had been suggested by some within the Administration, then assisted small business people could have been required to provide up to $300,000 of their own equity as collateral, on top of the $100,000 equity already required. When demand for this program already is being suppressed by high fees brought on by high subsidy rates—whether justified or not—this new blow to the program could have seriously harmed it. The National Association of Development Companies, which represents CDC's around the country, told some of us it felt the program could have been "destroyed." So I am pleased we could address this concern in the bill.

The second provision I would like to mention immediately is a matter upon which I am pleased to have collaborated with Senator ABRAHAM. The managers also have included this provision in their amendment. It will allow microloan intermediaries to use up to 25 percent of the grants provided to them by SBA for the provision of technical assistance to provide such technical assistance to prospective borrowers—that is, not only small enterprises which are already borrowers, but to prospective borrowers, as well. I appreciate the inclusion of this provision, which allows needed flexibility on the part of microloan intermediaries. Minnesota has four microlending intermediaries, and staff from those organizations have told me how important it is that they be allowed sometimes to counsel and assist potential entrepreneurs prior to the time they are ready to become an actual borrower. In fact the very purpose of the technical assistance during this period is to allow the businessperson to reach the point in his or her business where credit is needed and he or she might become a borrower in the program.

The bill reauthorizes most SBA programs for an additional 3 years. The loan guaranty authorization levels are adequate in my judgment. In the case of both the 7(a) and 504 program, they exceed industry requests. The loan authorization level for the microloan program meets the Administration's request, although I had hoped to achieve a higher level for technical assistance grant funding. As I mentioned before, the microloan program nonetheless is expanded and made permanent in this bill, steps which are justified by the program's very beneficial performance. As an original cosponsor of the legislation which first created the program, I am proud that Minnesotans who utilize it are among the nation's leaders. The very small firms which receive very small loans through the microloan program often have a big impact in their communities.

The bill will allow SBA programs to continue to be among the most popular and effective business programs operated by the federal government. I know they are popular and well used in Minnesota, where I am also proud to point out that we have one of the finest SBA district offices in the country, if not the finest. The bill also addresses a concern which many small businesses across the country have brought to our attention. That is the issue of Federal Government bundling of procurement contracts. The bill takes steps to help ensure that small firms can compete for Federal contracts, and that the Government's use of bundling is strictly warranted when it occurs.

Mr. President, I hope the House of Representatives also will act soon on their version of the bill, and I look forward to voting for passage of a conference report so the bill can be sent to the President. Thank you.

Mr. BOND. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1139), as amended, was read the third time and passed, as follows:

S. 1139

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.
Sec. 202. Welfare-to-work microloan pilot program.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.
Sec. 212. Fees.
Sec. 213. Small business investment company program reform.
Sec. 214. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.
Sec. 222. Development company debentures.
Sec. 223. Premier certified lenders program.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.
Sec. 302. Reports.
Sec. 303. Council duties.
Sec. 304. Council membership.
Sec. 305. Authorization of appropriations.
Sec. 306. Women's business centers.
Sec. 307. Office of women's business ownership.
Sec. 308. National Women's Business Council procurement project.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.

Sec. 412. Definition of contract bundling.
Sec. 413. Assessing proposed contract bundling.
Sec. 414. Reporting of bundled contract opportunities.
Sec. 415. Evaluating subcontract participation in awarding contracts.
Sec. 416. Improved notice of subcontracting opportunities.
Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small business technology transfer program.
Sec. 502. Small business development centers.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Extension of cosponsorship authority.
Sec. 505. Asset sales.
Sec. 506. Small business export promotion.
Sec. 507. Defense Loan and Technical Assistance program.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.
Sec. 602. Historically underutilized business zones.
Sec. 603. Technical and conforming amendments to the Small Business Act.
Sec. 604. Other technical and conforming amendments.
Sec. 605. Regulations.
Sec. 606. Report.
Sec. 607. Authorization of appropriations.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1997.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) FISCAL YEAR 1998.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $17,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $13,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $600,000,000 in purchases of participating securities; and

"(ii) $500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1998—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (l)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(d) FISCAL YEAR 1999.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1999:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $18,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $700,000,000 in purchases of participating securities; and

"(ii) $650,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1999—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (n)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(e) FISCAL YEAR 2000.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2000:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $850,000,000 in purchases of participating securities; and

"(ii) $700,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(ii) for activities of small business development centers pursuant to section

21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 2000—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (p)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) by inserting "(i)" before "Each intermediary";

(2) by striking "15" and inserting "25";

(3) by adding at the end of the paragraph "(ii) The intermediary may expend up to 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance".

SEC. 202. WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.

(a) PROGRAM ESTABLISHMENT.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) to establish a welfare-to-work microloan pilot program, which shall be administered by the Administration, in order to—

"(I) test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State-funded means-tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

"(aa) establishing small businesses; and

"(bb) eliminating their dependence on that assistance;

"(II) permit the grants described in subclause (I) to be used to provide intensive management, marketing and technical assistance as well as to pay or reimburse a portion of child care and transportation costs of individuals described in subclause (I) who become microborrowers;

"(III) eliminate barriers to microborrowers in establishing child care businesses; and

"(IV) evaluate the effectiveness of assistance provided under this clause in helping individuals described in subclause (I) to eliminate their dependence on assistance described in that subclause and become employed in their own business;";

(2) in paragraph (4), by adding at the end the following:

"(F) SUPPLEMENTAL GRANTS.—

"(i) IN GENERAL.—In addition to grants under subparagraphs (A) and (C) and paragraph (5), the Administration may select from participating intermediaries and recipients of grants under paragraph (5), not more than 20 entities in fiscal year 1998, 25 entities in fiscal year 1999, and 30 entities in fiscal year 2000, each of whom may receive annually a supplemental grant in an amount not to exceed $200,000 for the purpose of providing additional technical assistance and related services to borrowers who are receiving assistance described in paragraph (1)(A)(iv)(I) at the time they initially apply for assistance under the program.

"(ii) INAPPLICABILITY OF CONTRIBUTION REQUIREMENTS.—The contribution requirements of subparagraphs (B) and (C)(i)(II) do not apply to any grant made under this subparagraph.

"(iii) CHILD CARE AND TRANSPORTATION COSTS.—Any grant made under this subparagraph may be used to pay or reimburse a portion of the costs of child care and transportation incurred by a borrower under the welfare-to-work microloan pilot program under paragraph (1)(A)(iv).";

(3) in paragraph (6), by adding at the end the following:

"(E) ESTABLISHMENT OF CHILD CARE ESTABLISHMENTS.—In addition to other eligible small business concerns, borrowers under any program under this subsection may include individuals who will use the loan proceeds to establish for-profit or nonprofit child care establishments.";

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

"(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—"; and

(B) by adding at the end the following:

"(C) WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—Of amounts made available to carry out the welfare-to-work microloan pilot program under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan pilot program grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan pilot program."; and

(5) by adding at the end the following:

"(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the welfare-to-work microloan pilot program authorized under paragraph (1)(A)(iv), which report shall include, with respect to the preceding fiscal year, an analysis of the progress and effectiveness of the program during that fiscal year, and data relating to—

"(A) the number and location of each grantee under the program;

"(B) the amount of each grant;

"(C) the number of individuals who received assistance under each grant, including separate data relating to—

"(i) the number of individuals who received training;

"(ii) the number of individuals who received transportation assistance; and

"(iii) the number of individuals who received child care assistance (including the number of children assisted);

"(D) the type and amount of loan and grant assistance received by borrowers under the program;

"(E) the number of businesses that were started with assistance provided under the program that are operational and the number of jobs created by each business;

"(F) the number of individuals receiving training under the program who, after receiving assistance under the program—

"(i) are employed in their own businesses; and

"(ii) are not receiving public assistance for themselves or their children;

"(G) whether and to what extent each grant was used to defray the transportation and child care costs of borrowers; and

"(H) any recommendations for legislative changes to improve program operations.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the welfare-to-work microloan pilot program under section 7(m)(1)(A)(iv) of the Small Business Act (as added by this section)—

(1) $3,000,000 for fiscal year 1998;

(2) $4,000,000 for fiscal year 1999; and

(3) $5,000,000 for fiscal year 2000.

Subtitle B—Small Business Investment Company Program

SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking "the following fiscal year" and inserting "any 1 or more of the 4 subsequent fiscal years".

SEC. 212. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding the following:

"(e) FEES.—

"(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

"(2) USE OF AMOUNTS.—Amounts collected pursuant to this subsection shall be—

"(A) deposited in the account for salaries and expenses of the Administration; and

"(B) available without further appropriation solely to cover contracting and other administrative costs related to licensing.".

SEC. 213. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking "1956," and all that follows before the period and inserting the following: "1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank".

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

"(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993."; and

(B) by striking paragraph (4) and inserting the following:

"(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

"(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

"(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

"(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d).'"; and

(2) by striking subsection (d) and inserting the following:

"(d) REQUIRED CERTIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

"(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

"(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises as defined in section 103(12).

"(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.".

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: "A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.".

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking ", payable upon" and all that follows before the period and inserting the following: "in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee".

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "three months" and inserting "6 months".

SEC. 214. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: "Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and shall be available without further appropriation solely to cover the costs of examinations and other program oversight activities.".

Subtitle C—Certified Development Company Program

SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.";

(2) in paragraph (3), by adding at the end the following:

"(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

"(E) COLLATERAL REQUIREMENTS.—Adequacy of collateral provided by the small business shall be one factor evaluated in the credit determination. Collateral provided by the small business concern generally will include a subordinate lien position on the property being financed, and additional collateral may be required in a case-by-case basis, as determined by the Administration."; and

(3) by adding at the end the following:

"(5) Except as provided in paragraph (4), not to exceed 25 percent of the project may be leased by the assisted small business, if—

"(A) the assisted small business is required to occupy permanently and use not less than 75 percent of the space in the project after the execution of any leases authorized in this paragraph; and

"(B) each tenant is engaged a business that enhances the operations of the assisted small business.".

SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

"(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

"(i) 0.9375 percent per year of the outstanding balance of the loan; and

"(ii) the minimum amount necessary to reduce the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and"; and

(2) in subsection (f), by striking "1997" and inserting "2000".

SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "not more than 15";

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

"(A) is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) has a history of—

"(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(ii) of properly closing section 504 loans and servicing its loan portfolio; and";

(3) by striking subsection (c) and inserting the following:

"(c) LOSS RESERVE.—

"(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

"(2) AMOUNT.—The amount of the loss reserve shall be based upon the greater of—

"(A) the historic loss rate on debentures issued by such company; or

"(B) 10 percent of the amount of the company's exposure as determined under subsection (b)(2)(C).

"(3) ASSETS.—The loss reserve shall be comprised of any combination of the following types of assets:

"(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration; or

"(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration.

"(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed;

"(B) 25 percent additional not later than 1 year after a debenture is closed; and

"(C) 25 percent additional not later than 2 years after a debenture is closed.

"(5) REPLENISHMENT.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

"(6) DISBURSEMENTS.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture which has been repaid.";

(4) in subsection (f), by striking "State or local" and inserting "certified";

(5) in subsection (g), by striking the subsection heading and inserting the following:

"(g) EFFECT OF SUSPENSION OR REVOCATION.—";

(6) by striking subsection (h) and inserting the following:

"(h) PROGRAM GOALS.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section."; and

(7) in subsection (i), by striking "other lenders" and inserting "other lenders, specifically comparing default rates and recovery rates on liquidations".

(b) REGULATIONS.—The Administrator of the Small Business Administration shall—

(1) not later than 120 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 150 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) PROGRAM EXTENSION.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking "October 1, 1997" and inserting "October 1, 2000".

TITLE III—WOMEN'S BUSINESS ENTERPRISES

SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(K) The Department of Education.

"(L) The Environmental Protection Agency.

"(M) The Department of Energy.

"(N) The Administrator of the Office of Procurement Policy.

"(O) The National Aeronautics and Space Administration.";

(2) in subsection (a)(2)(A)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997"; and

(B) by inserting before the final period ", and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee";

(3) in subsection (a)(2)(B), by inserting before the final period the following: "and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women's Business Council established under section 405"; and

(4) in subsection (b), by striking "and Amendments Act of 1994" and inserting "Act of 1997".

SEC. 302. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a status report on the progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

SEC. 303. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator for the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, an annual report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) SUBMISSION OF REPORTS.—The annual report required by subsection (d) shall be submitted not later than 90 days after the end of each fiscal year.".

SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chair and the Ranking Member of the Minority of the Committees on Small Business of the House of Representatives and the Senate, ";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "3";

(E) in paragraph (2)—

(i) by striking "2" and inserting "3"; and

(ii) by striking "and" at the end;

(F) in paragraph (3)—

(i) by striking "5" and inserting "6";

(ii) by striking "national"; and

(iii) by striking the period at the end and inserting the following: ", including representatives of Women's Business Center sites; and"; and

(G) by adding at the end the following:

"(4) 2 shall be representatives of businesses or educational institutions having an interest in women's entrepreneurship."; and

(3) in subsection (c), by inserting "(including both urban and rural areas)" after "geographic".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "1995 through 1997" and inserting "1998 through 2000"; and

(2) by striking "$350,000" and inserting "$400,000".

SEC. 306. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

"SEC. 29. WOMEN'S BUSINESS CENTERS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by 1 or more women; and

"(B) the management and daily business operations of which are controlled by 1 or more women; and

"(2) the term 'women's business center site' means the location of—

"(A) a women's business center; or

"(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

"(i) that reach a distinct population that would otherwise not be served;

"(ii) whose services are targeted to women; and

"(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

"(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(c) CONDITIONS OF PARTICIPATION.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first, second, and third years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the fourth year, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN PRIVATE FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

"(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a project within a minimum amount of time;

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(4) the location for the women's business center site proposed by the applicant.

"(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as that term is defined in section 408 of the Women's Business Ownership Act of 1988). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(h) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of startup business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section. Amounts appropriated pursuant to this subsection are to be used exclusively for grant awards and not for costs incurred by the Administration for the management and administration of the program. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate, through the Assistant Administrator of the Office of Women's Business Ownership, to achieve the purposes of this section, except that the Administration shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.".

(b) APPLICABILITY.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the date of enactment of this Act, may extend the term of that project to a total term of 5 years and receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this title) subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this title).

SEC. 307. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(1) ASSISTANT ADMINISTRATOR FOR THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(1) QUALIFICATION.—The Assistant Administrator for the Office of Women's Business Ownership (hereafter in this section referred to as the 'Assistant Administrator') shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but at a rate of pay not to exceed the maximum of pay payable for a position at GS–17 of the General Schedule.

"(2) RESPONSIBILITIES AND DUTIES.—

"(A) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

"(i) starting and operating a small business;

"(ii) development of management and technical skills;

"(iii) seeking Federal procurement opportunities; and

"(iv) increasing the opportunity for access to capital.

"(B) DUTIES.—Duties of the position of the Assistant Administrator shall include—

"(i) administering and managing the Women's Business Centers program;

"(ii) recommending the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Centers);

"(iii) establishing appropriate funding levels therefore;

"(iv) reviewing the annual budgets submitted by each applicant for the Women's Business Center program;

"(v) selecting applicants to participate in this program;

"(vi) implementing this section;

"(vii) maintaining a clearinghouse to provide for the dissemination and exchange of information between Women's Business Centers;

"(viii) conducting program examinations of recipients of grants under this section;

"(ix) serving as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

"(x) serving as liaison for the National Women's Business Council; and

"(xi) advising the Administrator on appointments to the Women's Business Council.

"(3) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this subsection, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the Women's Business Centers.

"(j) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement an annual programmatic and financial examination of each Women's Business Center established pursuant to this section.

"(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a Women's Business Center, the Administration shall consider the results of the examination conducted pursuant to paragraph (1).

"(k) CONTRACT AUTHORITY.—The authority of the Administration to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or

other administrative proceeding under chapter 5 of title 5, United States Code.".

SEC. 308. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

(a) IN GENERAL.—The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by adding at the end the following:

"SEC. 410. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

"(a) PROCUREMENT PROJECT.—

"(1) FEDERAL PROCUREMENT STUDY.—

"(A) IN GENERAL.—The Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

"(i) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

"(ii) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

"(iii) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

"(iv) other relevant information relating to participation of women-owned businesses in Federal procurement.

"(B) SUBMISSION OF RESULTS.—Not later than October 1, 1999, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under subparagraph (A).

"(2) BEST PRACTICES REPORT.—Not later than March 1, 2000, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

"(A) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

"(i) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

"(ii) the private sector; and

"(B) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

"(b) CONTRACTING AUTHORITY.—In carrying out this section, the Council may contract with 1 or more public or private entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, not to exceed $200,000, to remain available until expended through fiscal year 2000.".

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1997" and inserting "2000".

SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

"(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.".

SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "1996" and inserting "2000";

(2) by striking "for Federal Procurement Policy" and inserting "of the Small Business Administration"; and

(3) by striking "Government Operations" and inserting "Government Reform and Oversight".

SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1996" and inserting "2000".

Subtitle B—Small Business Procurement Opportunities Program

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act—

"(1) The term 'bundling of contract requirements' means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(2) The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by one or more small business concerns or was suitable for award to one or more small business concerns.

"(3) The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following new subsection (e):

"(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

"(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) MARKET RESEARCH.—

"(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. When a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) ADMINISTRATION REVIEW.—The third sentence of subsection (a) of such section is amended—

(1) by inserting after "discrete construction projects," the following: "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,";

(2) by striking out "or (4)" and inserting in lieu thereof "(4)"; and

(3) by inserting before the period at the end the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Subsection (k) of such section is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this title).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) REQUIRED EXPENDITURES.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended by striking paragraph (1) and inserting the following:

"(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, 2001, 2002, or 2003, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(s) PILOT PROGRAM.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

"(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than $5,000,000; and

"(B) that certifies to the Federal agency described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for fiscal year 1998, 1999, or 2000, the Administrator may expend with eligible States not more than $2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

"(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

"(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

"(B) shall not exceed $100,000.

"(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

"(A) the establishment of quantifiable performance goals, including goals relating to—

"(i) the number of program awards under this section made to small business concerns in the State; and

"(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

"(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

"(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.".

(2) REPEAL.—Effective October 1, 2000, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "any women's business center operating pursuant to section 29," after "credit or finance corporation,";

(B) by inserting "or a women's business center operating pursuant to section 29" after "other than an institution of higher education"; and

(C) by inserting "and women's business centers operating pursuant to section 29" after "utilize institutions of higher education";

(2) in paragraph (3)—

(A) by striking ", but with" and all that follows through "parties." and inserting the following: "for the delivery of programs and services to the Small Business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration."; and

(B) by adding at the end the following:

"(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.";

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—

"(I) GRANT AMOUNT.—Subject to subclause (II), the amount of a grant received by a State under this section shall be equal to the greater of $500,000, or the sum of—

"(aa) the State's pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

"(bb) $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter.

"(II) PRO RATA REDUCTIONS.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I), the Administration shall make pro rata reductions in the amounts otherwise payable to States under this clause."; and

(B) in clause (iii), by striking "(iii)" and all that follows through "1997." and inserting the following:

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the national program under this section—

"(I) $85,000,000 for fiscal year 1998;

"(II) $90,000,000 for fiscal year 1999; and

"(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter."; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(C) inserting after subparagraph (B) the following:

"(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;".

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "businesses;" and inserting "businesses, including—

"(i) working with individuals to increase awareness of basic credit practices and credit requirements;

"(ii) working with individuals to development business plans, financial packages, credit applications, and contract proposals;

"(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and

"(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;";

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin two ems to the right;

(C) in subparagraph (C), by inserting "and the Administration" after "Center";

(D) by striking subparagraph (H), and inserting the following:

"(H) working with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970, or State pollution prevention programs to notify small businesses through outreach programs of regulations that affect small businesses and making counseling, conferences, and materials available on methods of compliance;";

(E) in subparagraph (Q), by striking "and" at the end;

(F) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(G) by inserting after subparagraph (R) the following:

"(S) providing counseling and technology development when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulation including cooperating with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970 or State pollution prevention programs in the provision of counseling and technology development to help small businesses find solutions for complying with environmental regulations.";

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking "paragraph (a)(1)" and inserting "subsection (a)(1)";

(C) by striking "which ever" and inserting "whichever"; and

(D) by striking "last,," and inserting "last,";

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (S) (as added by this subsection), by striking "A small" and inserting the following:

"(4) A small".

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: "If any contract under this section with an entity that is in compliance with this section is not renewed or extended, any award of a contract under this section to another entity shall be made on a competitive basis.".

(d) PROHIBITION ON CERTAIN FEES.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.".

SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 505. ASSET SALES.

In connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees on Small Business in the Senate and House of Representatives a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Small Business Administration may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities

most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

TITLE VI—HUBZONE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or

"(C) lands within the external boundaries of an Indian reservation.

"(2) HUBZONE.—The term 'HUBZone' means a historically underutilized business zone.

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

"(A) IN GENERAL.—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (IV) or (V) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following:

"SEC. 31. HUBZONE PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) ELIGIBLE CONTRACTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the terms 'executive agency' and 'full and open competition' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) REQUIREMENTS.—Subject to paragraph (3), a contract opportunity offered for award pursuant to this section shall be awarded on the basis of competition restricted to qualified HUBZone small business concerns, if there is a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that award can be made at a fair market price.

"(3) ALTERNATE AUTHORITY.—Notwithstanding any other provision of law, a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(A) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity;

"(B) the anticipated award price of the contract (including options) will not exceed—

"(i) $5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(ii) $3,000,000, in the case of all other contract opportunities; and

"(C) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

"(4) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

"(5) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—

"(A) SUBORDINATE RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2), (3), or (4), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

"(B) PARITY RELATIONSHIP.—The provisions of paragraphs (2), (3), and (4) shall not limit the discretion of a contracting officer to let any procurement contract to the Administration under section 8(a). Notwithstanding section 8(a), the Administration may not appeal an adverse decision of any contracting officer declining to let a procurement contract to the Administration, if the procurement is made to a qualified HUBZone small business concern on the basis of a preference under paragraph (2), (3), or (4).

"(c) ENFORCEMENT; PENALTIES.—

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

"(2) EXAMINATIONS.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

"(3) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(4) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

(2) INITIAL LIMITED APPLICABILITY.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ",, small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ",, by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "'small business concern',".

SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act).".

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern, as that term is defined in section 3(p) of the Small Business Act".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small

business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) qualified HUBZone small business concerns."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)," after "small businesses,"; and

(B) in paragraph (12), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o))," after "small businesses,".

(2) PROCUREMENT DATA.—Section 502 of the Women's Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "the number of qualified HUBZone small business concerns," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by inserting after "section 204 of this Act" the following: ", and the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) qualified HUBZone small business concerns."; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).''; and

(B) in subsection (b), by inserting before the period "or qualified HUBZone small business concerns".

SEC. 605. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

SEC. 606. REPORT.

Not later than March 1, 2000, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as amended by this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as that term is defined in section 3(p) of the Small Business Act, as added by this title).

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1998.";

(2) in subsection (d), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1999."; and

(3) in subsection (e), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 2000.".

Mr. BOND. I thank the Chair, and I express my gratitude to the distinguished Senator from Washington. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, what is the order of business?

The PRESIDING OFFICER. The agreement was reached with respect to amendment No. 1122.

Mr. GORTON. Mr. President, that agreement was in error. It was a mistake on the part of Senator SPECTER. I ask unanimous consent that the agreement be switched to amendment 1076.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I withdraw my previous request for unanimous consent, and I now ask unanimous consent that the debate limitation with respect to amendment No. 1122 be vitiated, and that there now be 60 minutes for debate prior to a motion to table amendment No. 1076. I further ask unanimous consent that following the expiration or yielding back of time, the amendment be temporarily laid aside, the Senate then proceed to vote on the McCain motion to waive with respect to amendment No. 1091, to be immediately followed by a vote on a motion to table the Gorton amendment No. 1076.

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

Mr. GORTON. Speaking on behalf of the majority leader, I now give notice that it looks as though there will be

two stacked votes after the debate on this amendment; therefore, in proximately 1 hour.

AMENDMENT NO. 1076, AS MODIFIED

Mr. GORTON. Mr. President, what is the subject matter before the Senate?

The PRESIDING OFFICER. Amendment No. 1076 is the pending question.

Mr. GORTON. Mr. President, just a few short weeks ago, Congress and the President of the United States agreed to provide $48 billion over the course of the next 10 years as an incentive to States to provide health care coverage to uninsured, low-income children. To receive this incentive, States must expand eligibility levels to children living in families whose incomes are up to 200 percent of the Federal poverty level.

Mr. President, this provided a real anomaly, a true injustice, with respect to the State of Washington, and to varying extents to the States of Hawaii, Minnesota, Rhode Island, Tennessee, and Vermont as well. In the case of each of these States, though I must speak most specifically to my own, State legislatures had already expanded the eligibility for Medicare to children in families with incomes up to roughly 200 percent of the poverty level.

Most of the other States, the States that were designed to be incentivized, have mandatory levels of 100 to 133 percent of the poverty level in incomes and, therefore, in many cases would get these incentives for a very significant expansion of Medicare eligible children for these Kidcare programs.

The net result, however, was that for States like the State of Washington, the fact that they had been more generous, more progressive, more liberal, whatever one wishes to call it on their own, resulted in a dramatic penalty. Our taxpayers, of course, will contribute to this expansion. We will, of course, be providing Kidcare to exactly the same group of children that all other States will be providing under the Kidcare amendment, but we will not be eligible for the incentive.

Mr. President, if that were allowed to stand, it would be a dramatic lesson to every 1 of the 50 States of the United States in dealing with every program for which there is Federal assistance—every program—the expansion of which is debated here, to make absolutely certain that they did not expand those programs themselves, because if they just waited, they would get more money from the Federal Government to do so; and if they went ahead on their own, they would be penalized.

That is exactly what has happened to us here. Our argument for more equitable treatment met with the approval of Members of the Senate when we were debating this issue, and our States were at least in part compensated for the work that they had already done. With the exception I think of a single State in the group of five that I have named, that benefit disappeared in the ultimate conference committee report.

Justice would require, it seems to me, Mr. President, that each of these States be made whole, receive the same Federal subsidy for all of its children who live in families between the previous Federal requirement at 100 to 133 percent and the 200 percent. Because of opposition, however, we do not ask that in this amendment.

All this amendment does is to say that the allocation that is made to all States, on the basis of the number of eligible children, be available for the State of Washington and for these other States to use to the extent that we have children living in families at less than 200 percent of the poverty level who are of course eligible under our law but did not avail themselves of the opportunity to become insured.

In other words, like the other States, we will get the incentive only for children who are not eligible now and who take advantage of the availability of such insurance in the future. Because allocations are made by the Federal Government on the basis of eligibility and not this precise use, and you just drawdown on the use, this amendment will not affect—I want to make this absolutely clear to every Member of the Senate—will not affect the allocations and the ability to use this program by any other State in the United States.

We are not raiding anyone else's money. The eligibility is created by what amounts to at least the State entitlement will only be using the allocation that we already get in theory but cannot use in practice. No one else will lose anything as a result.

Just to make certain that Members do not say this is simply a statement by the Senator from Washington without any basis, I ask unanimous consent a memorandum addressed to me from the Congressional Research Service dated yesterday expressing exactly the same view be printed in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, September 8, 1997.

MEMORANDUM

To: Honorable Slade Gorton Attention: Kristen Michel.

From: Jean P. Hearne, Consultant, Education and Public Welfare Division.

Subject: S. 1061—Amendment to Allow Title XXI Funding for Certain Children.

As you requested, I have reviewed your amendment to Title XXI, the State Child Health Insurance Program. The amendment would allow states to use Title XXI funding for the costs of covering under Medicaid certain waivered low-income children whose income is below the Medicaid applicable income level in the state but above the mandatory Medicaid income level for children. These waivered low-income children are defined as those living in states who have incomes at or above 200% of poverty and who had previously not been covered by Medicaid as of April 15, 1997. The provision would allow such children to qualify for enhanced federal matching funds for the cost of their Medicaid services.

The amendment would not change or otherwise affect the allocation of Title XXI funds to states but changes the way such funds may be used. The amendment would allow for certain states' allotments to be spent on children who are currently eligible for Medicaid coverage in such states but are not participating in the program.

Mr. GORTON. I will read the end of that memorandum: "The amendment would not change or otherwise affect the allocation of Title XXI funds to states but changes the way in which state funds may be used."

Will not change the allocation. It will change the way in which they can be used in my State and I believe to a greater or lesser extent, three other States.

I simply want to repeat for the purposes of this argument, these are States that did what the policy behind Kidcare in effect requires of other States before it was required by this Congress and by the Federal Government. These are States that went out of their way to try to see to it that health insurance was available to these relatively low-income families for their children. It is unconscionable, I believe, Mr. President, that we should say because you did the job we came to somewhat later, earlier, you are just out of luck. You can continue to pay for it yourself. You will not get the incentive that Kidcare provided, so on behalf of my own State and on behalf of a few others, without penalizing any other State in the Union, I am asking for the reasonable treatment, the fair treatment, that this amendment provides.

I suggest the absence of a quorum, and I ask unanimous consent it be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Mr. President, it is very unusual for me to come to the floor to oppose an amendment by my two very distinguished colleagues from the State of Washington, Senator GORTON and Senator MURRAY. I respect them both immensely. I have worked with them both closely. In offering this amendment, I understand what it is they are trying to do. There are many who look at States like Oregon and the State of Washington and Wisconsin and Minnesota and say these are truly progressive States, their governments are

doing things which other State governments ought to be doing. Philosophically, therefore, it would be natural for them to come to the floor to ask for some kind of exemption with respect to the children's health care bill.

I come to the floor as somebody who has worked for a very long time on health care, and who has worked virtually full time on this children's health insurance bill. This legislation is a huge accomplishment in terms of this Congress and the President. The children's health initiative is the biggest thing to happen in health care since the mid-1960's. Because of my experience in working on health care, and the children's initiative in particular, I am extremely leery about opening up the children's health legislation for amendment. I know that the chairman of the Senate Finance Committee, Senator ROTH, has said exactly that, and I know Senator MOYNIHAN has said exactly that. I am not sure there are many people who have talked against this amendment, which worries me because, on the face of it, it sounds like a reasonable request, a progressive State asking for an exemption because they are doing things at 200 percent of poverty, which most of the rest of the States are not.

Mr. President, I can tell you that this was a very difficult agreement to reach, the children's health insurance bill. There was the whole issue of whether funding should be made available for health care services as opposed to health care insurance? There was the whole issue of whether the Federal Government should have a say, since it is Federal dollars, in terms of how the money should be spent. The benefit package, which is something I care enormously about, in the children's health care bill is not as good as Medicaid, which is already currently available to millions of children in this country. And there was the question that I fought for, as did others, and didn't succeed, on whether vision and hearing should be included. You can make an enormously powerful case that if you don't provide hearing services, then you won't catch the problems children are experiencing in hearing, who then will stop learning. And, if you don't offer vision care, all kinds of other things happen. It was a very controversial bill. It was reached with great difficulty; the culmination and the consensus was reached with very great difficulty.

I firmly believe it would be very unwise for us to agree to the Gorton-Murray amendment simply because there will be a lot of other people following their lead, and leaders of other States will be following them through the door saying they do 200 percent of poverty, but we do 185 percent or 190 percent of poverty, or we are going to be doing it next year. There will be this and that, and all of a sudden the $24 billion will be quickly eroded.

Now, am I saying that as a knee-jerk response against what is a very good-faith effort on the part of the Senators from the State of Washington to improve their situation? No. I am opposing the amendment out of a genuine concern, accompanied by some degree of terror that, if this amendment passes, there will be many others that follow. One can almost say that, for example, had there not been votes this evening, I was meant to go to West Virginia to discuss with the Governor, Cecil Underwood, a Republican, how he and I were going to work together to help implement—to make sure that the children's health insurance bill works successfully in West Virginia. We don't do things as generously as the State of Washington because we cannot, we don't have the money. My point is that the children's health program is just being implemented. The ink is barely dry. The implementation date has not even arrived yet.

There is a very genuine concern on the part of those of us who care about health care that if we start modifying the agreement on children's health that was reached by the Congress and the White House that we will be in trouble. There are still 10 million children in this country that do not have health insurance. I remember there was common wisdom on the floor of the Senate that if we got the $16 billion for children's health insurance in the budget we could insure 5 million uninsured children. And if we got extra money—$8 billion or more from the tobacco tax—then we could insure all of the 10 million children. That was the hope for a period of time on this floor. As it turns out, it is much harder. It is much more difficult. And even with the full $24 billion we may only be able to reach 3.6 million American children who do not now have health insurance. In fact, the Congressional Budget Office, I think in responding to the submission of this amendment to them by Senators GORTON and MURRAY, indicated that, if this amendment is passed, it will result in 30,000 fewer children receiving health insurance coverage—not health services but health insurance coverage. Health insurance coverage is all that matters. That is the wraparound. That is the safety net. That is what guarantees your situation for the future. If we adopt this amendment, others will want special treatment and it would not be long before the $24 billion was eroded away.

So, again I emphasize the respect that I have for the two Senators from Washington. I emphasize that they have every right, just on the basis of the progressiveness of their State, to request this kind of an amendment. But, if they do, there are going to be many States—in the South, the Midwest, the Northeast, and the West—that are going to be losing as a result of it because others will come in with other requests, and gradually the $24 billion in new funding disappears.

So as somebody who cares passionately about health insurance being available to all 10 million children, and who a few years ago fought for health insurance to be available to 37 million Americans—now 40 million—who don't have it, I am rejoicing in the 3.6 million children who will get health insurance under the children's health insurance bill. But I do not want to see any fewer get it.

Therefore, I reluctantly, but energetically, oppose this amendment. I hope that my colleagues will understand that there are a lot of children across America that need to be protected and can best be protected by defeating this amendment.

I thank the Presiding Officer.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. 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.

Mr. GORTON. Mr. President, it is difficult for me to express my disappointment in the position taken by my friend from West Virginia, although across party lines we have become so close personally to one another in a longtime, longstanding debate of great importance, that it always seems to me emotionally at least that we are likely to agree on other issues as well. I am greatly disappointed that we don't on this one.

He tells me that he had hoped to go and visit with the Governor of West Virginia on this subject today. Yet, the position he takes here is that while West Virginia should be—and I agree with him should be—entitled to an incentive for all of the new children who become eligible for Kidcare because their families' incomes are not more than 200 percent of the poverty line, that not only should the State of Washington be deprived of that incentive for children in exactly the same position who receive Kidcare through the State at the present time but that we shouldn't even be able to get the incentive for those who do not yet receive it who are in precisely the position of the children in West Virginia for whose circumstances he so eloquently speaks. I find it is hard to see that anyone could justify a situation such as that. But that is the situation in the bill as it was passed, not the situation as it was written here in the Senate.

We had the Senate version—Senator MURRAY and I. With this amendment it would have been unnecessary. The Senator expresses apprehension that if this

amendment passes there will be many more States with requests.

But I simply say to the Senator that we already have an agreement on the amendments that are going to be considered on this bill. Someone may do it someday in the future in some other set of circumstances but not on the bill that deals with Medicaid and Medicare for the whole next year.

In any event, the idea that you can't do something that is right because it might create a precedent in the future to do something that is wrong is not a form of argument that seems to me to be especially persuasive. Since it is impossible for that to happen in connection with this bill, it perhaps has even less weight.

Obviously, there are differences with respect to this amendment. I regret that I have fought, and we worked diligently to see whether or not we couldn't come up with something that simply could be agreed to, as many other amendments on this bill have—we have not obviously been able to do that. I greatly regret it. But I greatly regret the position on the part of other Senators that, we have ours, it is tough on you, you don't need it.

With that, Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, will the Senator from Washington yield? I am not asking him to yield, but I simply would like to reply to what it was that he said.

The last thing in the world that I want the Senator from Washington, or anybody else, to think is we have ours, let others take care of their own.

First, I think the Senator from the State of Washington knows that is not the kind of legislator I am, in the first place. And, second, this is not about we have ours, and let others take care of their own.

This is a question of trying to keep stitched together an extremely fragile program about which there was enormous controversy. Enormous heat was generated. I was actually almost surprised when it passed not only in the Congress but was signed by the President. I would simply say that I understand that the UC agreement on this bill prevents Senators from offering similar amendments on this bill. But as a Senator who is on the Senate Finance Committee, the Governors were always asking for more ways to do things, new ways to get money, more flexibility. The list of demands kept growing.

Yes, I will fight for the children of West Virginia. But what I am thinking about here really is holding this program together, giving it a chance to work, not precluding the idea of the Senators from the State of Washington being able to introduce this kind of amendment a year or so from now, but simply let us get the children's health program implemented. Let us have a chance to see how it is going before we start exempting this situation and then that situation.

I hope that will be cleared by the parties.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield?

Mr. ROCKEFELLER. Of course.

Mr. KENNEDY. I have listened to the Senator from West Virginia. I agree with his position. I heard earlier today Chairman ROTH's opposition to this effort. And I understand other members of the Republican leadership also intend to speak on their concerns and opposition to this amendment.

Even under the proposal as it was recently passed, we will only reach about half of the currently uninsured children. As the Senator remembers, we had a more expansive and robust program that might have provided the kind of extensive coverage that the Senator from Washington was talking about. And with the work of the Senator from West Virginia and the Senator from Rhode Island, we explored options to expand coverage among working families in a manner that would have also helped states that have already acted to expand Medicaid eligibility guidelines. However, that proposal failed, and the program signed into law was designed instead to fit on top of what each state is currently doing. The new $24 billion investment in children's health is supposed to provide assistance to the 10 million children in working families whose parents are unable to afford health insurance and are not currently eligible for Medicaid.

So, with all due respect, it is difficult to argue in the abstract that we are pitting one type of uninsured child against another. The point of this new program is to build upon current state efforts to work up the income scale from what is currently being done in a state to ensure that the sons and daughters of working parents receive coverage. We are talking about teachers, nurses aides, janitors, and other professionals whose salaries are too low to enable them to purchase health insurance but too high to qualify for Medicaid. These are hard-working Americans who put in 40 hours a week, 52 weeks of the year.

I would join with the Senator from Washington and the Senator from West Virginia to see an expansion of this program.

Through the work of the Senator from West Virginia, Senator ROTH, Senator MOYNIHAN and others in that conference, we were able with the leadership of the President to get a good program enacted. But we are still probably going to need to enhance that program or strengthen it down the road.

As I understand the Senator's position, we ought to put the new program in place, find out what those needs are, and then I am sure the Senator from West Virginia will be a leader here in the Senate to make sure that we are going to help and assist families in the State of Washington, West Virginia, or Massachusetts to try to make sure that the sons and daughters of working families that are not covered are going to be able to get some coverage. Is that correct?

Mr. ROCKEFELLER. In response to the Senator, I wholly agree with what he said, by trying to make two points. One is that when we were first contemplating this children's health insurance bill and the whole key concept of maybe getting as much as $24 billion, or even perhaps more than that, it was sort of understood that first we were going to insure 5 million children of the families that had the least resources to buy health insurance, and then we would move on to those who had a little bit more resources but still would not be able to afford buying health insurance from the private market for their children. We were talking about 10 million children. There was a lot of opposition to insuring 10 million children. It wasn't 40 million Americans, but it was 10 million children. Then even with the $24 billion that was applied to the program we are now faced with the prospect of maybe only being able to cover 3.6 million children, leaving, therefore, many of the 10 million uncovered.

I think the Senator is also correct when he says this in no way precludes—I said that in my remarks earlier—the State of Washington, which has clearly moved out ahead of others, from, once the ink is dry, once we have seen a little bit more about how this works out, to be able to come back based on the ability of this particular State and others to be able to do more.

But at this point, I am very, very nervous given, frankly, the rather capacious nature of the Governors in trying to bring this money to them, having to put in fairly strict guidelines about what could be spent on health care services as opposed to health interests, which regrettably are different things. I really want to see the program work, and I think we need to give it a chance to work and then come back. And I will be the first to support the State of Washington and others that have done more than other States. But let us take this incredibly, frankly, put-together program and let it work before we open more doors.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER (Mrs. SNOWE). The Senator from Massachusetts.

Mr. KENNEDY. How much time is there?

The PRESIDING OFFICER. The Senator has 2 minutes 26 seconds.

Mr. KENNEDY. What is the regular order at that time?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes, and then the Senate will vote on a motion to table.

Mr. KENNEDY. I see the other Senator from Washington here who I know has an interest. I will withhold my remarks to permit her to speak.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

I rise in support today of the pending Gorton-Murray amendment. I think, as we are all aware, President Clinton recently signed into law legislation that really calls for the largest expansion of children's health care since the creation of Medicaid in 1965. I worked very hard on this initiative with my colleagues, Senator KENNEDY and Senator ROCKEFELLER. I was really thrilled to be a part of this historic effort to provide real health care security to the most precious and vulnerable children in our Nation. I think that is an accomplishment of which we can all be very proud, and it will not only provide health care security for our children but economic security and peace of mind for millions of hard-working parents as well.

I know the benefits of expanding health care benefits for children because my home State of Washington took a similar step back in 1994. The State took the lead because it was concerned about the future of its children and it was expecting us to enact a comprehensive national health security act for Americans at that time. The State of Washington wanted to be sure that our children were the first priority in any health care security efforts, and I applauded the action by the State and am pleased to report that all children through the age of 18 in Washington State who live in families up to 200 percent of the Federal poverty level are covered. The State did not have to take that step and expanded their Medicaid program beyond any Federal mandatory level. As a result of that action, 427,000 children are now guaranteed access to quality, affordable health care. This is a fact that I take a great deal of pride in, and I know that our public health system has benefited.

In the last Congress, when I started working to expand health care insurance for 10 million children, I was assured that any expansion would benefit all States and that those States that had expanded their programs up to 200 percent of poverty would not be treated differently. I had seen the success in my State and seen the benefits of providing comprehensive health care to uninsured children. As a result, I worked hard to fight for nationwide expansion.

During negotiations, I worked with several other Members to ensure that the amount of funding for children's health care was increased. I supported efforts in the Chamber to fund this expansion at $24 billion, providing the greatest amount of resources available that will ensure the greatest number of children are insured.

The final budget reconciliation legislation was a major victory for children and families in this country, but unfortunately my State of Washington will not benefit to the degree I had hoped. My State and others that made the commitment to their children previously and provided coverage up to 200 percent of the Federal poverty level will not be able to access the $24 billion that was provided for in this bill. The State will have to expand their current program by 50 percent in order to access any of those new funds. I am hopeful that the State will act to cover more children, if the resources are available at our State level, but in the immediate future Washington State will not be able to provide additional coverage, meaning that the intent of the legislation to cover more uninsured children will not be met in my State. We have made great strides in covering uninsured children, but we still have over 300,000 children who have no health insurance. We should be making every effort to encourage our States to expand the number of children covered, not discourage them from doing so.

The Gorton amendment would only allow States that have covered children up to 200 percent of the Federal poverty level to access the children's health block grant money to cover children from 133 percent to 200 percent of the poverty level, meaning that States could access these funds for new children that are not currently required to be covered. Again, this would apply only to new children as of October 1, 1997. Any child currently enrolled up to 200 percent would remain in the Medicaid Program. We are simply trying to treat new children in Washington State the same as they will be treated in Idaho or Montana or any other State. A new ensured child is a new ensured child regardless of which State they live in.

I have heard some of the concerns about this amendment and the impact that it could have on States that are currently at 200 percent. Let me assure my colleagues that, unfortunately, there are not many at this level. I have also heard about the substitution effect. Included in this amendment is a requirement that the State must certify that the child has not been insured in the past. We are only talking about an insured child as of October 1 of this year.

Finally, this amendment only applies to those new children that the State made the decision to cover, the optional children. Those below the 133 percent will not be included for any match purposes.

My colleagues should also keep in mind that there is already strong maintenance-of-effort requirements in the act which apply to the States as well. I listened to my colleagues, Senator KENNEDY and Senator ROCKEFELLER. I understand their concerns and I want to remind them that we all share the same goal. I hope we can continue to work on this so that the children in my State are treated as equally as other children across the Nation regarding that $24 billion. Our Governor has told us he needs this amendment to look forward to ensuring new children. I hope we can continue to work together to make sure that happens for the children of Washington State as well as the rest of this country.

I yield the remainder of my time to Senator GORTON.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1076, AS MODIFIED, WITHDRAWN

Mr. GORTON. Madam President, my colleague from the State of Washington and I have worked diligently on behalf of what we consider to be equity to our State and to two or three other States as well. It had been our firm contention and our fond hope that we would be able to secure the passage of this amendment by unanimous consent. It is quite obvious that we cannot. Each of us disagrees with the rationale presented by the other side on the amendment. But our preference is to try to live and fight this issue another day, and for that reason I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 1076), as modified, was withdrawn.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1109

Mr. NICKLES. Madam President, earlier today the Senate adopted an amendment No. 1109, an amendment that I introduced along with Senator ROTH, Senator MOYNIHAN, Senator GRAMS from Minnesota, and Senator HAGEL, that deals with Social Security Administration personal earnings and benefit estimate statements [PEBES].

The amendment that we passed requires the Social Security Administration to include the employee contributions as well as employer contributions on the PEBES. Right now, when those statements are compiled, they show employee contributions but not employer contributions. Due to the support of the chairman of the Finance Committee and Senator MOYNIHAN, these statements in the future will show not only what the individual contributed but also what the company contributed and what their future anticipated benefits will be.

I think it is a good amendment. It is a disclosure amendment. A lot of people are not aware of the fact that not only do they contribute 7.65 percent of their payroll for Social Security and Medicare, but their employer matches it, for a total of 15.3 percent of payroll. This personal benefit statement will be sent to every eligible working American from Social Security beginning in fiscal year 2000. Americans will receive this financial disclosure every year, so people will know what they have contributed to Social Security and what their employer has contributed as well.

I thank my colleagues for supporting this amendment, especially the chairman and ranking member of the Finance Committee and Senator SPECTER.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I would like to have consent to be able to speak for 7 minutes.

The PRESIDING OFFICER. The Senator has the right to speak.

Mr. KENNEDY. I thank the Chair.

Madam President, there are items that we will be dealing with—the McCain amendment, the Durbin amendment, and also the other Gorton amendment which we will be voting on in just a few moments—and I would like to speak very briefly on each of them.

I strongly support the Durbin amendment which will repeal language in the budget agreement that deducts the cigarette tax devoted to children's health from the amount of the settlement.

In effect, this last-minute loophole inserted in the budget bill by Big Tobacco in the dead of night behind closed doors reduced the value of the settlement by $50 billion. It was one of the most devious and reprehensible actions that I have witnessed in my years as a Senator.

The lesson is clear. When tobacco issues are debated in the public, the American people win. But when the debate moves into the backrooms of Congress, the tobacco industry's interests come first, and the public interest comes last.

It's time that Congress stood up to the tobacco industry and said "no" to Joe Camel and the Marlboro Man. This tobacco loophole has no place in the budget agreement, I urge my colleagues to support the Durbin-Collins amendment.

I strongly oppose the McCain amendment which would have a devastating effect on our essential efforts to address physician work force issues.

Medicare pays approximately $9 billion per year for graduate medical education. Over the years, these payments have been a strong incentive for hospitals across the country to increase the size of their residency programs. The increase has resulted in turn in widely reported concerns about an oversupply of physicians. The Institute of Medicine, the Pew Health Professions Commission, the Association of American Medical Colleges, and the Council on Graduate Medical Education have all emphasized the urgency of dealing effectively with this problem, and Congress can't ignore it.

In addition, the longstanding hospital reimbursement policies have been more generous for specialist residents than primary care residents. As a result, most of the growth in the number of residents has come in specialist positions, not in primary care, and has produced an extremely serious oversupply of specialists.

Congress addressed these issues in the balanced budget legislation enacted this summer. We expanded the New York graduate medical education demonstration project into a national program to encourage teaching hospitals across the country to adjust the numbers and types of physicians they train. The program provides incentive payments to teaching hospitals to voluntarily reduce the number of medical residents in training, and to increase the proportion of residents training in primary care.

The program pays hospitals for residents who are not being trained. But the payments are reduced over time and phased out completely after 5 years. These payments help cushion the blow for institutions heavily dependent on the Federal funds, and allow an orderly downsizing of residency training programs, with minimal disruption to the provision of health services.

The McCain amendment, however, would eliminate incentives for hospitals to downsize the overall number of resident positions and recalibrate the number going into primary care. The glut of physicians and the imbalance between general practitioners and specialists would go unaddressed.

The McCain amendment could also have a harmful effect on rural and underserved areas. The budget agreement established a hospital-specific cap on residents, based on 1996 levels. It gave the Secretary of the Department of Health and Human Services the authority to lift the cap for residency programs in rural and underserved areas if the total number of positions does not exceed the national cap. By eliminating these payment incentives under the McCain amendment, large residency programs will no longer downsize. This result will hamstring efforts to establish new residency programs to address the health care needs in rural and underserved areas due to the overall cap.

Finally, the amendment would result in over $300 million in lost savings, according to CBO estimates.

A critical part of health reform is responsible action to reduce the oversupply of physicians and correct the imbalance between primary care practitioners and specialists. The Budget Act is helping us put a more effective policy in place, and we should not reverse the progress we have made. I urge my colleagues to reject the McCain Amendment.

The second Gorton amendment hurts students and goes against the Nation's commitment to helping the poor and educationally disadvantaged students who need our strongest support.

Although meaningful education reform happens not at the Federal level, or even at the State level, but at individual schools, the State and Federal Governments are important partners in helping to improve education for all children. We all need to work together to improve the Nation's public schools.

This amendment does not support meaningful reform. Instead, it shifts Federal dollars away from the neediest communities to the wealthier ones. It guts carefully crafted and widely supported programs with specific purposes. And it undermines the State's role as a crucial partner in improving the achievement of all students.

This amendment is the wrong direction for the Nation's children and the wrong direction for the Nation's future. It is not an attempt to offer a helping hand for local schools. It is simply a thinly veiled attempt to dismantle the Federal role in education.

Currently, Federal funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to high standards, help communities create safe and drug-free schools, and help communities modernize their schools. This amendment would strip Federal funding of these crucial, targeted purposes intended to help children who need it most.

Time and time again, research has indicated that it is in high-poverty communities that children are most likely to fall behind and drop out of school. This amendment disregards the research and the testimony that we have heard over and over about the need to help disadvantaged and low-achieving students.

This amendment would shift funds from poor school districts to wealthier ones. Currently, some States depend heavily on Federal funds. Alabama, Arkansas, and Louisiana get more than 10 percent of their schools funds from the Federal Government. Mississippi depends on the Federal Government for a full 21 percent of its education funds. We should not do anything to weaken that support.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability

mechanisms and it is not fiscally responsible. Reforming the Federal role in education is neither a casual nor quick decision, and it should not be taken lightly.

Federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in greater and more effective collaboration. Schools are helping all children meet high standards of achievement. We should not undermine these efforts when they are just getting off the ground. We should support efforts to improve education for all students, not undermine them.

I also strongly support and am a cosponsor of Senator DASCHLE's sense-of-the-Senate amendment with two key provisions—that Pell grants should be funded at a total of $7.6 billion, and that a child literacy initiative should be funded at $260 million this fiscal year.

Pell grants are an indispensable source of college aid for low- and middle-income students. But too often, the current eligibility rules shortchange too many students.

Today, single independent students at public 4-year institutions are not eligible for a Pell grant if their annual income is over $10,000. Many of these students will not benefit from the tax credits for college expenses recently enacted in the budget law. Greater Federal assistance is needed to help them meet their most basic college expenses.

A similar problem faces parents trying to pay for college for their children. Current law is actually a disincentive for college students to work part-time to help pay for the cost of their education. Yet over three-quarters of undergraduates now work part-time while enrolled in college.

It makes no sense for the current law to penalize students who are willing and able to work their way through college. Many students work full-time during the summer and part-time during the school year. But if they do so, the response by current law is to reduce their eligibility for Pell grants. We should be encouraging students to take part-time jobs, rather than take out additional loans, as long as their jobs do not become so burdensome and time-consuming that they interfere with the students' education.

The budget agreement contained a clear commitment to allocate $700 million to reform the needs analysis formula for Pell grants. The House appropriations subcommittee provided $500 million to meet this commitment, but that is not sufficient. The Senate bill is far worse—it contains no funds at all for this needed change.

The second part of the amendment will help more children learn to read well. We know the dimensions of the current problem. Some 40 percent of the Nation's fourth grade children cannot read at the basic level.

Low achievement in reading is a national crisis, and it demands immediate attention. Children who lack good reading skills by the fourth grade are far more likely to fall farther and farther behind, and eventually drop out of school. President Clinton is right to focus on this critical problem, and Congress should respond.

This amendment will provide $260 million for a child literacy initiative—and it will provide the funds this year. As the ranking member of the Labor and Human Resources Committee, I am strongly committed to seeing that legislation authorizing the initiative is enacted as soon as possible. But it makes no sense to delay the appropriation.

I urge my colleagues to support these two important sense-of-the-Senate provisions. We all know that the final bill will be written in the conference between the Senate and the House. I hope we will have an overwhelming vote of approval to insist that the conferees find a way to pay for these two essential reforms in school and college education.

Another essential reform for elementary and secondary students is the President's proposal for a voluntary national test for fourth grade reading and eighth grade math. Schools need clear standards of achievement and realistic tests to measure their achievement. These tests are a tool they can use to measure their progress and identify areas of need to bolster student achievement.

I strongly support having the National Assessment Governing Board take responsibility for formulating policy guidelines for the voluntary reading and math tests. NAGB is in the best position to oversee this important issue. This bipartisan group has done an excellent job managing the National Assessment of Educational Progress. As we all know, NAEP has served to point out how we are doing as a nation and helped educators think about ways to improve our education system.

The voluntary national tests, however, will go further. They will help each school district, each school, each student to identify areas of need in order to make the necessary changes to improve individual student achievement.

The tests are linked to national and international standards. They will show whether individual students are meeting widely accepted standards in reading and math. No current test is available to provide this essential information to students, parents, teachers, and school administrators. For families that move from community to community or State to State, there is no current way to measure the performance of students on a comparative basis.

The President's proposal for voluntary national tests has broad support from business leaders, including the Business Roundtable, the U.S. Chamber of Commerce, the National Business Alliance, and many others.

It also has strong support from the education community, including the Council of Great City Schools, the Chief State School Officers, and the National School Boards Association.

Seven States, including Massachusetts, and 15 major cities have already agreed to use the voluntary test.

Voluntary national tests are an excellent way to support local school reform and hold schools and districts accountable for student achievement. I urge the Senate to reject any effort to deny Federal funds for these tests.

Finally, the Nickles amendment is a blatant attempt to punish the Teamsters Union for winning the UPS strike, and it does not deserve to pass. The amendment would require the Federal Government to abdicate its responsibility under the court-approved consent order signed by the Justice Department under the Bush administration. If the Federal Government abdicates this responsibility, it could be subject to contempt proceedings in Federal court.

This is an unacceptable result. It would substitute the Senate's judgment for that of the Federal court about the meaning of the consent order. This is not how the judicial process was meant to operate, and I urge my colleagues to oppose the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent that the vote that was originally scheduled to occur immediately after the Gorton amendment occur at 6 o'clock.

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

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1078

Mr. DURBIN. Madam President, I have an amendment that is pending, I believe, amendment No. 1078. I ask for the regular order that this amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment No. 1078, previously proposed by the Senator from Illinois [Mr. DURBIN].

Mr. DURBIN. I ask unanimous consent to dispense with further reading of the amendment.

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

Mr. DURBIN. Thank you, Madam President.

It is my understanding that there is an agreement that in 25 minutes or so a vote will be taken which will interrupt this debate. And during this pending period, I am sure that others will be joining us to discuss the amendment which I have called up. It has not only been my intention to call up this amendment, but any amendments thereto this evening. I hope we can dispense with this matter. I have waited all day for this opportunity.

I think it is an important amendment. It is one that has received a lot of attention, but it was an amendment which people almost missed because, you see, in the tax bill that we considered just a few weeks ago, it was not until the final hours before the vote that someone discovered a provision buried deep in this tax bill, which literally gave a $50 billion tax break to tobacco companies in the United States.

The reason why amendment came as such a surprise was it was not in the House version of the tax bill, it was not in the Senate version of the tax bill. No committee hearings were heard on this issue. No debate was held on the floor of the House or the Senate on the wisdom of this issue. But in fact we have come to learn that the tobacco companies, through their lobbyists, inserted this provision in the tax bill at the last minute.

It was a provision which I have called a "legislative orphan," because for weeks afterward, after it was discovered, no one would claim parentage of this poor little $50 billion amendment—no fathers, no mothers, no living relatives. People said it appeared mysteriously, that it was approved by the leadership but no one could quite tell us where it came from.

Well, finally, after weeks of investigation, the USA Today reported, through a staff member, that it was a product created expressly by the tobacco companies and slipped into this tax bill at the last minute in an effort to deal with some of the politics of raising the tobacco tax.

The tobacco companies have come before us time and again and said, "It's a new day. We have learned our lesson. We are no longer the oppressive industry, ignoring the reality of public health. We now want to sit down and settle. We want to work with our legislative leaders in Washington."

Well, it was a new day when it came to the speeches, but not when it came to propose this amendment to the tax bill. In fact, it was an old day, old politics, old time religion. Wait for the dark of night, and in that stealthy atmosphere come in with an amendment worth $50 billion.

Here is what it said. We were going to raise the tobacco tax, over several years, 15 cents. That money was to be raised to provide health insurance for uninsured children across America so that States could invent their own programs and create their own approaches to cover these children. And the tobacco tax revenues would help defray that cost.

Well, the tobacco companies have decided that they want the value of this tobacco tax increase to be set off against anything they would have to pay in a final settlement, the so-called universal or global settlement.

So, at the last minute, they come in with this provision, a $50 billion setoff, or break, for the tobacco companies, without a minute of hearings, without any consideration in the House or the Senate, without any deliberation. They said, "Let's make this part of any tobacco deal. We get a $50 billion break." It is no wonder that cynicism grows across America when this sort of thing is done. It really raises a question about whether we are doing our job right.

Some of the tobacco companies have come back and said, "Now, wait a minute. This is nothing unusual. A $50 billion setoff against our offer of $368.5 billion—it is a natural thing." Well, I am afraid it isn't. It turns out State attorneys general, including Michael Moore of Mississippi, sent a letter on behalf of this group, and they said that ". . . [the] recent action by Congress to use revenues raised by new taxes as a credit toward our settlement is unacceptable. . ." This comes from Michael Moore of Mississippi. "As you know, this concept was discussed and rejected by us during our negotiations. This industry"—the tobacco industry—"has agreed to specific dollar amounts in the settlement, and we will not agree to any diminution of those amounts not specifically set forth in the agreement."

Attorney General Moore, who led this effort of 40 different States to bring an action against the tobacco industry, has in fact said that this is not part of the agreement. It was expressly rejected.

So the tobacco companies, having lost in their negotiations with the State attorneys general, came up to find some friends on Capitol Hill. And they clearly must have found them, because now in fact we have this amendment as part of the tax bill, signed into law.

The amendment which I propose today repeals it. It says that the tobacco companies cannot sneak in here in the dark of night and put this kind of provision in the law. I tried to attack this provision in the closing hours before the tax bill was voted on. Some of my colleagues told me later they were not sure what I was doing, and it was late, and they were not certain what the point of order was setting out to do, but they want a chance to vote on it again. Well, we are going to give them that chance today, I hope, if we do not get muddled down by the efforts of the tobacco companies again to pull a fast one.

I am reminded of a story because of what we are setting out to do here. An Irishman was seen digging around the wall of his house. He was asked by his neighbor what he was doing. He said, "Faith, I'm letting the dark out of the cellar." That is what we are trying to do here. We want to let the dark out of the cellar in the tax bill. That section of miscellaneous provisions which was supposed to be innocuous, not costly, noncontroversial, turned out to include this $50 billion break for these tobacco companies.

I think that what the tobacco companies are trying to do here is to start writing the tobacco liability settlement legislation even before Congress gets its chance. And they want this $50 billion break to start with.

The tobacco company provision in the tax cut bill says the increase in the tobacco excise taxes collected as a result of the balanced budget law will be credited against the total payments the tobacco companies would make as a result of Federal legislation implementing the settlement.

The tobacco tax increase in the final version of the balanced budget bill raised $5.2 billion in the first 5 years, and a total of $16.7 billion over 10 years. Projected out to the 25-year life of the proposed settlement, we can estimate that the revenues at stake amount to around $50 billion over 25 years. I do not know if there was another provision in that tax bill of this magnitude. One small section that will literally cost the taxpayers of this country $50 billion that was put in this bill without a minute of debate or hearing.

That means the new balanced budget law, as amended by the tax cut bill, would give the tobacco companies a $50 billion credit in any future settlement. Boy, that is a good day at work if you can come home as a lobbyist for the tobacco companies, and the spouse says to the lobbyist, "How was your day at work?"

"I had a great day."

"What did you do?"

"I just saved the tobacco companies of America $50 billion without anybody noticing. We stuck it in the bottom of the tax bill, and now no one will ever know."

Well, that isn't what happened. It was discovered. And today it will be addressed directly.

The revenues in this bill were not intended to set off the liability of the tobacco companies. They were in there to provide health insurance for low-income kids. They should not be used to lessen the financial liability of the tobacco companies.

Moreover, if this provision is not repealed, the tobacco industry is going to

argue that $50 billion should be taken out of the money the settlement envisions for public health initiatives. Keep in mind, these tobacco companies sat down with 40 State attorneys general and said, "We are willing to reach a settlement. And we are willing to invest money in public health initiatives to reduce children's smoking, for example."

Now they have said, "We won't give you $368.5 billion as promised over 25 years. We want a reduction of $50 billion."

So what will be at stake here? Enforcement of this agreement, public information campaigns, smoking cessation programs, industry liability payments. We should not give the tobacco industry this $50 billion windfall.

I am pleased that Senator COLLINS is joining me. I see she has come to the floor here. Senator COLLINS of Maine has agreed with me that we should repeal this sweetheart deal for big tobacco. American taxpayers should not be subsidizing the tobacco industry to reduce its liability for past misconduct.

The amendment is very simple. It simply says that subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed. Or, in plain English, the tobacco industry credit added to the balanced budget bill by the tax cut bill is repealed.

The groups that have joined me in support of this effort grow by the hour. I am very proud of those who are endorsing the Durbin-Collins amendment to repeal that $50 billion tobacco credit.

I will read the groups for the RECORD: Action on Smoking and Health; the American Association of Critical Care Nurses; the American Cancer Society; the American College of Preventive Medicine; the American Heart Association; the American Lung Association; the American Medical Association; the American Public Health Association; the American Society of Addiction Medicine; Children's Defense Fund; the HMO Group; the Latino Council on Alcohol and Tobacco; the National Association of City and County Health Officials; the National Center for Tobacco-Free Kids; the National Council of Churches; the National Education Association; the National PTA; the National Women's Law Center; Partnership for Prevention; Public Citizen; Taxpayers for Common Sense; U.S. Public Interest Research Group; and the Women's Legal Defense Fund.

Some have argued we should just let this provision stand and then try to adjust the settlement accordingly, by adding $50 billion to the required payments. We should not have to expend valuable energy trying to increase the settlement price just to return to where we stood before July 31.

We should repeal this provision now, clear the decks, and start from a level playing field in deciding what the settlement price would be. Many of us think the final settlement price should be higher than $368 billion.

I might add that my colleague from Kentucky, Senator FORD, is offering an amendment in the second degree to this. He suggested at one point he thinks $368.5 billion should be the total that is in the settlement. Though I will not oppose his amendment as written, I disagree with that particular aspect. But whatever the price, it should not have to be artificially adjusted to fix a provision added in the dark of night that almost no one knew about and almost no one agreed to.

Some have also argued that the settlement provision has no meaning and no effect. When I brought it up on the floor some of my colleagues said, "Well, this is not binding. It is not a matter of law."

I said at that point, "Then take it out of the bill."

"No, no, we have to keep it in the bill."

Clearly, the people fighting for it in the bill wanted a strong bargaining position. They wanted to say when the tobacco settlement came down, we will start with a $50 billion credit for the tobacco companies. I do not think the tobacco industry would have worked so hard to put the provision in the bill if it was not important.

In fact, news reports have indicated that the provision was supposed to have been put in the Balanced Budget Act and was added to the Taxpayer Relief Act after being inadvertently left out of the budget bill. If it had no meaning or effect, no one would have bothered to write it into the tax cut bill.

But make no mistake about it, this provision is very meaningful. Although it was originally characterized as an "orphan" provision because no one would own up to having written it, the truth finally came out that the tobacco industry provided the language directly to the Joint Tax Committee staff which put it in the bill at the behest of certain congressional leaders. The provision is very meaningful to those who wrote it, namely, the tobacco companies. They stand to gain $50 billion for 46 words of legislative language. That is more than $1 billion a word.

When you think about the history of Washington, DC, and all that we have done on Capitol Hill, we have literally reached the point where an effective lobbyist working in the stealth of the night can come up with a provision which saves his clients more than $1 billion a word. What an effective lobbyist that must be.

Regardless of whether we support or oppose the details of the proposed settlement, we should all be able to agree that the taxpayers should not be underwriting the cost of the settlement.

Some have argued we should not adopt this amendment because it might slow down this appropriations bill, and it is a very important appropriations bill. But I believe the American people and most Members of Congress don't support this tobacco giveaway. We must not pass up this opportunity to eliminate it. It is a bad law and it needs to be changed.

Those who want to derail the Labor-HHS bill will try to do so regardless of whether this provision is in it. We must not let a threat to slow down the bill turn courage into cowardice. If we stand up to the forces behind this amendment they will shrink away. They don't really want to try to defend the indefensible.

The question also comes up as to whether, if the amendment is adopted, the Labor-HHS appropriations bill could be "blue slipped" by the Ways and Means Committee in the House, pursuant to the origination clause, article I, Section 7 of our Constitution.

As a practical matter, the answer is no. Of course, the House could do whatever it wishes. It is a sovereign body. But as a practical matter, it wouldn't have a good case for blue slipping this bill over this amendment because it is not a revenue measure.

We talked to the House Parliamentarian's office. They agreed. The subsection of the budget bill that would be repealed by this amendment does not amend the Internal Revenue Code. It does not impose or remove a tax. It does not even change the tobacco industry's current obligations. It addresses only a possible future credit against the payments the tobacco industry would make in a settlement. That credit is not a tax credit. It is simply a reduction of the tobacco company's payment obligations under a settlement, if there is one. Therefore, this is not a tax revenue measure subject to that objection.

Any Member of the House could try to offer a privileged resolution claiming that the provision was a revenue measure subject to the origination clause and asking the House to reject the bill and send it back to the Senate, but they would have a hard time convincing the majority in the House to reject this important appropriations bill on the grounds this amendment was supposedly a revenue matter, even though the amendment, as I said, does not affect the Tax Code nor anyone's tax liability and does not even affect the tobacco industry's obligations.

Tobacco products in the United States kill more than 400,000 Americans every year. The U.S. economy suffers a tragic and unnecessary loss of $50 billion each and every year from tobacco-related health costs and another $50 billion from tobacco-related loss of productivity.

Historically, the tobacco industry was unwilling to admit to any damage caused by its products. Even today, tobacco company executives choke on statements that their products "might have" caused some instances of cancer.

But the settlement currently being discussed was agreed to by the tobacco industry.

This secret credit should never have been written into the tax bill. It should be repealed immediately.

Madam President, I say to my colleagues, they may have had an excuse for not voting to strip this provision from the tax cut bill on July 31. Perhaps many of them genuinely did not know it was there. I only learned about it a few hours before the vote. But there is no excuse today. There is no excuse for the Senate to leave this provision in law.

Now my colleagues have a chance to vote straight up to rectify the situation. The American people do not want this credit to remain on the books. It is time for Congress to agree and to vote to repeal it. So, I say to my colleagues, don't let the tobacco companies take $50 billion out of taxpayers' pockets to reduce their settlement liability.

I hope they will join me in voting for the Durbin-Collins amendment. This amendment, to paraphrase an old literary quote, "shines and stinks like rotten mackerel by moonlight." We are now bringing it to the attention of our colleagues to let them know that this rotten mackerel should be excised from the Federal law, that the tobacco lobbyists, as effective as they were in placing this provision in law, did the wrong thing. They played old politics under the old rules.

I am happy now to yield the floor to my cosponsor on this amendment, Senator COLLINS of Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am pleased to be joining with my colleague from Illinois in offering this amendment to repeal the tax break that was slipped into the tax bill at the very last minute to benefit the tobacco industry. I note that the distinguished Presiding Officer, my colleague, the senior Senator from Maine, is also a strong supporter and cosponsor of our effort.

This provision, which amounts to a $50 billion giveaway to big tobacco, has generated justifiable outrage across the country and fueled the tremendous cynicism that already colors the American public's view of politics and politicians.

Now, Madam President, where did this tax break come from? It was not in the Senate tax bill. It was not in the House version of the bill. There was never any public debate. The one-sentence provision just magically appeared at the end of a 327-page conference report tucked into a section entitled "Technical Amendments Related to Small Business, Job Protection, and Other Legislation."

No one claimed parentage. Like Harriet Beecher Stowe's Topsy, "She wasn't born, she just was."

While no one has officially spoken up to claim this orphan, it turns out, according to press reports, that the provision was written not by Members of Congress, but by the tobacco industry.

Madam President, this is outrageous. It is backroom politics at its worst, and represents the kind of abuse of the legislative process that the American public is rightfully sick and tired of—a secret agreement, negotiated behind closed doors, by powerful tobacco industry lobbyists, in the closing hours of consideration of a massive tax bill.

Congress is currently considering the proposed $368.5 billion global settlement negotiated between 40 attorneys general and the tobacco industry. As we review this settlement, one of our primary objectives is to ensure that the tobacco industry has negotiated in good faith and is held fully accountable for their past misconduct.

Many of us have harbored suspicions about the tobacco companies' supposedly good intentions during these negotiations. We have been concerned that the tobacco companies would simply raise prices and write off the settlement payments, effectively passing on the costs of the settlement to the taxpayer and the tobacco consumer.

Well, Madam President, worst suspicions confirmed. Not only can the tobacco companies write off the entire $368 billion as a business expense, which means that 30 to 40 percent of the tobacco settlement costs will be subsidized by the taxpayers, but now the Congress, in a moment of midnight madness, has carved out a brand-new tax break for these companies that effectively reduces the costs of the settlement by $50 billion.

It is outrageous that we should even consider approving this tax break and passing on these costs to the American taxpayer. Tobacco is the No. 1 preventable cause of death in the United States. It accounts for approximately 500,000 deaths a year and billions of dollars in health care costs. The tobacco companies have agreed to the settlement as a means of reducing their future liability and are providing some compensation to States and individuals for the costs they face because of the disease and addiction associated with their products.

Regardless of our position on the proposed tobacco settlement, we should all agree to reject this $50 billion special tax break for the industry.

Now, some would have us believe that the $50 billion tax credit is part of the tobacco settlement. This is simply not true. In fact, this concept was discussed and soundly rejected during the negotiations between the attorneys general and the tobacco industry. In fact, the States attorneys general strongly oppose this new tax credit.

I have a letter from the States attorneys general. I ask unanimous consent it be printed in the RECORD.

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

STATE ATTORNEYS GENERAL, (A COMMUNICATION FROM THE CHIEF LEGAL OFFICERS OF THE FOLLOWING STATES,

August 6, 1997.

Hon. PHIL CARLTON,
Carlton Law Firm,
Pinetops, NC.

DEAR MR. CARLTON: We are writing to inform you that the recent action by Congress to use revenues raised by new taxes as a credit toward our settlement is unacceptable. Apparently this action was taken with approval by or at the urging of representatives of the industry. As you know, this concept was discussed and rejected by us during our negotiations. The industry has agreed to specific dollar amounts in the settlement, and we will not agree to any diminution of those amounts not specifically set forth in the agreement.

We have continued our support for this settlement because we believe it to be in the best interest of the American public. We have always made it clear, however, that should Congress substantially alter material terms of the agreement, the States would exercise the option of rejecting the settlement and continuing the prosecution of their lawsuits. We regard this action as a substantial alteration of a material term. We ask your immediate agreement that this must be eliminated from any final resolution of this matter.

Sincerely,

MIKE MOORE,
Mississippi Attorney General.
GRANT WOODS,
Arizona Attorney General.
CHRISTINE O. GREGOIRE,
Washington Attorney General.
ROBERT A. BUTTERWORTH,
Florida Attorney General.
RICHARD BLUMENTHAL,
Connecticut Attorney General.
DENNIS C. YACCO,
New York Attorney General.

Ms. COLLINS. In that letter they state that they regard this action as "a substantial alteration of a material term" of the agreement and that they will "exercise their option of rejecting the settlement and continuing the prosecution of their lawsuits" if it is included.

Madam President, this secret tax break should never have been written into law in the first place. It should be repealed immediately. I urge my colleagues to join me in supporting the Durbin-Collins amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by the junior Senator from Illinois. This amendment would repeal a provision that was inserted in the recently enacted Taxpayer Relief Act of 1997 at the last minute that could potentially reduce the cost to tobacco companies of the proposed global settlement of tobacco litigation.

Mr. President, as my colleagues are aware, a global settlement on tobacco litigation was announced on June 20. This settlement would resolve lawsuits brought by 40 States against the tobacco industry that sought to recoup State Medicaid spending for smoking related illnesses.

Under the terms of the settlement, the industry would pay an estimated $386 billion over the next 25 years to compensate State and individuals for tobacco-related health costs and to finance nationwide antismoking programs. The settlement would further restrict the advertising of tobacco products and impose new labeling requirements on cigarettes and smokeless tobacco. At the same time, the tobacco industry would gain closure to the State lawsuits, and protect the industry from all but individual lawsuits in the future.

Mr. President, in light of this proposed agreement, I was very disappointed that a provision was included in the recently enacted tax cut package that would potentially reduce the cost to the tobacco industry of their proposed settlement. Specifically, the provision—which was agreed to by the administration and congressional negotiators at the last minute—would allow the tobacco industry to treat the excise tax on tobacco products as a credit against their proposed $368 billion payment, assuming that the settlement is codified. Although the enactment of that settlement is far from certain, the value of this potential credit is estimated to be $50 billion over 25 years.

Mr. President, regardless of whether or not Congress and the President ultimately enact, modify, or reject the proposed tobacco settlement, I do not believe that the already-enacted Federal excise tax on tobacco products—which is paid by consumers and is intended to help provide health insurance for uninsured children—should potentially become a downpayment by the industry on their proposed settlement. The fact that the Clinton administration and congressional negotiators agreed to include this provision at the last minute does not mean it should remain in law indefinitely—so I have cosponsored the Durbin amendment to repeal this provision.

Mr. President, I regret that this provision was inserted in the tax agreement without providing the House and Senate with an opportunity for consideration. As my colleagues will remember all too well, the negotiated tax package was a take-it-or-leave-it proposition: Members were unable to remove this or any other specific provision without taking the risk that the entire agreement would unravel and be killed.

Fortunately, we now have the opportunity to consider this provision independent of the broader tax agreement, and I would urge that my colleagues vote to repeal this settlement-reducing provision by supporting the Durbin amendment.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the consideration of the McCain amendment 1091. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—45

Abraham	Grams	Mack
Allard	Gregg	McCain
Ashcroft	Hagel	McConnell
Boxer	Harkin	Mikulski
Brownback	Helms	Nickles
Campbell	Hollings	Roberts
Coats	Hutchinson	Sessions
Collins	Hutchison	Shelby
Coverdell	Inhofe	Smith (NH)
Craig	Johnson	Specter
Dodd	Kempthorne	Thomas
Faircloth	Kohl	Thompson
Feinstein	Kyl	Thurmond
Gorton	Lott	Warner
Gramm	Lugar	Wellstone

NAYS—54

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Biden	Enzi	Moseley-Braun
Bingaman	Feingold	Moynihan
Bond	Ford	Murkowski
Breaux	Frist	Murray
Bryan	Glenn	Reed
Bumpers	Graham	Reid
Burns	Grassley	Robb
Byrd	Hatch	Rockefeller
Chafee	Inouye	Roth
Cleland	Jeffords	Santorum
Cochran	Kennedy	Sarbanes
Conrad	Kerrey	Smith (OR)
D'Amato	Kerry	Snowe
Daschle	Landrieu	Stevens
DeWine	Lautenberg	Torricelli
Domenici	Leahy	Wyden

NOT VOTING—1

Bennett

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, perhaps the Senate is not in order.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, perhaps the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. Mr. President, may I request that my colleagues who have amendments on the floor and who have amendments pending stay on the floor so that we can have a sequencing and see where we are proceeding.

I would like to see, Mr. President, if we might reach a time agreement on the pending amendment by Senator DURBIN. I am advised that there may be second-degree amendments to the Durbin amendment. May we reach a unanimous consent agreement to proceed with the Durbin amendment? Senator DURBIN is prepared to accept a short time agreement. He has already argued the matter. Senator DURBIN is prepared to accept a short time agreement of 20 minutes equally divided.

Is that acceptable to the Members?

Mr. FORD. Mr. President, I have an amendment in the second degree, and I would be willing to take 10 minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent then that we proceed with the Durbin amendment with 20 minutes equally divided, and 10 minutes for a second-degree amendment by Senator FORD, unless there is an objection.

Mr. SESSIONS. I object.

Mr. SPECTER. May I inquire of my distinguished colleague from Alabama if he would accept a time agreement on his second-degree amendment?

Mr. SESSIONS. How long is the time agreement?

Mr. SPECTER. I would suggest 10 minutes, which has been offered by the Senator from Kentucky. How about 10 minutes for the second-degree amendment of the Senator from Alabama?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Just a minute, if the Senator would suspend.

Mr. SESSIONS. That would be appropriate.

Mr. SPECTER. I thank my colleague from Alabama.

Mr. President, I amend the unanimous-consent request to add 10 minutes for the amendment by Senator SESSIONS in the second degree?

Mr. SESSIONS. Thirty minutes.

Mr. FORD. Reserving the right to object.

The PRESIDING OFFICER. Let's please have order. Let's have one Senator speaking at a time.

Mr. FORD. I would like to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. We have to see the amendment and then we can agree. I apologize to the Senator. But I have been asked to object since we didn't know what the amendment is, and I am objecting for my colleagues.

Mr. SPECTER. Mr. President, might I ask the Senator from Alabama to state the amendment that he proposes to offer?

Mr. SESSIONS. Yes. The amendment would deal with attorney fees, involving payment of attorney fees—payments of attorney fees.

Mr. SPECTER. Mr. President, might the Senator from Alabama give a little more specification?

[Laughter.]

Mr. SESSIONS. My amendment would limit the amount of money that could be paid for the plaintiffs attorneys that have been hired as private attorneys by the attorneys general, and would not vitiate Senator DURBIN's amendment, but, in fact, would be in addition to that, and would not undermine or kill that amendment.

Mr. SPECTER. Mr. President, I thank my colleague from Alabama.

I would inquire of the Senator from Kentucky if that would be sufficient to let us proceed with the unanimous-consent agreement with 30 minutes for that second-degree amendment.

Mr. DURBIN. Mr. President, reserving the right to object, I say to the Senator from Pennsylvania, if the Senator from Alabama would be kind enough to show us a copy of his amendment, we may be able to enter into this agreement very quickly.

I would like to see the amendment, if he wouldn't mind. I have seen Senator FORD's amendment. I believe the time allocation we have been talking about is a reasonable one. But I wonder if the Senator from Alabama is asking for 30 minutes for his amendment in the second degree. Is that my understanding?

Mr. SPECTER. That is correct.

Mr. FORD. That is 15 minutes on the side.

Mr. SPECTER. Equally divided.

Mr. DURBIN. So as I understand it, the suggestion is that we agree to 20 minutes on my amendment, and then another 10 minutes equally divided on Senator FORD's second-degree amendment, and 30 minutes on the amendment of the Senator from Alabama as a second-degree amendment. Is that correct?

Mr. SPECTER. Mr. President, that correctly states the issue.

Mr. SESSIONS. It is my understanding that there will no further votes tonight.

Mr. SPECTER. My suggestion is that we proceed to vote tonight. Perhaps we can, if we can find agreement on putting these all on the calendar with the consent of the majority leader, vote tomorrow. But I would like to see us come to terms with the complete list and at least have a disposition pattern, if we do not vote tonight.

Mr. President, I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator.

I hope that we can reach an agreement on this amendment in the second degree on a time limit, and if we can reach an agreement on a couple of more that we have, then I hope the majority and minority leaders would agree that we could roll those over and vote tomorrow, and not have any more votes tonight.

Mr. SPECTER. Mr. President, may we proceed? If the Senator from Alabama could give the Senator from Illinois a copy of his amendment while we are talking about the others before we move on, if we can solidify the agreement, it would be helpful. Our experience has been that once we move on without getting the agreement, sometimes they evaporate.

May I inquire of the Senator from Washington—is Senator GORTON in the Chamber—as to a time agreement on his pending amendment?

Mr. GORTON. I am not yet prepared to enter into a time agreement on the amendment.

Mr. SPECTER. Mr. President, may I inquire of the Senator from Indiana about the testing amendment. Are we in a position to move for a time agreement on that amendment?

Mr. COATS. Mr. President, if the Senator will yield, I am just discussing that with Senator DORGAN and others. I just had a discussion with the majority leader on that. We are in the process of discussing that concept, and we are talking to numerous people on both sides of the aisle. We will not be ready to go with that this evening, I do not believe, but I believe we will be by tomorrow.

Mr. SPECTER. Mr. President, might I inquire if we could reach a time agreement whenever the matter is ready for debate?

Mr. COATS. I am not 100 percent sure it is going to need a lot of debate if we are able to work out a procedure and agreement on proper language, and so forth, in terms of how we will dispose of this. It may be that we don't need an agreement, but I can't give the Senator an answer.

Mr. SPECTER. I thank the Senator from Indiana.

Mr. FORD. Mr. President, will the distinguished manager yield for a question?

Mr. SPECTER. I would.

Mr. FORD. I have a second-degree amendment offered, 10 minutes equally divided. I understand it is acceptable. I will not ask for a rollcall vote. That might help expedite the decision here a little bit. We could proceed with my second-degree amendment which would have to go before the Durbin amendment, and then the amendment of the distinguished Senator from Alabama which would be after that. We can go ahead and get his out of way, if that would be acceptable.

Mr. SPECTER. Mr. President, I think that would be acceptable. I first would like to explore what we can do on the other pending amendments.

If we could hear from the Senator from Oklahoma as to how much time he would need on his amendment or perhaps the distinguished Senator from Massachusetts as to whether we could reach a time agreement and vote on the issues raised on the Teamsters matter.

Mr. KENNEDY. Mr. President, as was pointed out by the Senator from Alaska and others, this is an extraneous matter. We had a good debate on it the other evening. I believe that it would probably take—we did not really complete the debate on it the other evening, so it will probably take some time to reach a resolution of it. But the majority leader has spoken to the minority leader about it and talked to me about it in terms of time, but I think it will probably take some time. I know the Senator from Maryland was very much involved in it. I don't see him in the Chamber at this particular time.

Mr. SPECTER. Mr. President, might I inquire of the Senator from Massachusetts whether he thinks it would be worthwhile to explore trying to find some outer parameter of time, 4 hours equally divided—some time limit?

Mr. DASCHLE. Mr. President, if the Senator will yield.

Mr. SPECTER. I do.

Mr. DASCHLE. This has been a matter of some discussion with the majority leader, and I think it would be prudent for us to allow the negotiations to continue without pressing for any kind of conclusive agreement tonight. I think we are making progress, but I do not think we are going to be in any position to come to any final conclusion on the amendment until we have had some additional discussions with the Senator from Oklahoma and others. So my preference would be to allow these negotiations to continue as we work on other amendments and revisit the question tomorrow afternoon, or tomorrow morning.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. SPECTER. I do.

Mr. STEVENS. I appreciate the statements made by the distinguished Democratic leader, but I have just counted days and we have 8 more days in this month to vote. And we have 14, 15 bills to bring across this floor from the Appropriations Committee that should all be passed by September 30. Tomorrow night is the President's picnic, and by tradition we would not be voting tomorrow night. That means we are not going to be voting Friday. Unless we get some agreement very quickly, I would say by tomorrow afternoon, we probably cannot finish this bill this week. We have the Interior bill and we have the D.C. bill yet to pass and 14 bills after that—13 conference reports, managers' statements

from the conferences, and 1 continuing resolution.

I am beginning to see a problem developing as far as our ability to handle these bills if these extraneous amendments are going to weigh them down. I urge that we find some way to make up a list to see how many more amendments we have out there and then see what we can do about the time or getting some agreement to terminate this. This bill actually is a larger bill than the defense bill. We have been on this bill now for a substantial period of time. I think we have to find some way to get it to a resolution by at least Thursday afternoon and lay down the Interior bill so we can start that and get some of the debate going on Friday on that at least. I hope that we would find some way to get some resolution on some of these items that appear to be unlimitable right now.

Is there some way we could agree on getting a list and say there will be no more amendments? Could we get a list that there will be no more amendments raised?

Mr. SPECTER. We have such a list.

Mr. STEVENS. You have a dozen second-degree amendments so I do not think you can find an end to this unless you get an agreement there will be no more amendments.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank our distinguished colleague, Senator STEVENS, the chairman of the Appropriations Committee, for what he has just said and for his management of the overall appropriations process. He is exactly right. We had discussed this matter, and that is why I am pressing now to try to get time agreements.

We do have a list, but we have not precluded under the customary arrangement second-degree amendments. We could not incorporate that type of limitation.

May I inquire of the Senator from Minnesota, Mr. WELLSTONE, if he is in the Chamber, with respect to the amendments he has pending?

Might I inquire of the Senator from Washington, Senator MURRAY, of her willingness to enter into a time agreement on the amendment relating to family violence?

Mrs. MURRAY. Mr. President, I would be happy to enter into a time agreement after the Durbin amendment is disposed of. I would need a half-hour of time. I do not know what the opponents would need.

Mr. SPECTER. Mr. President, then I ask unanimous consent that we enter a time agreement on the amendment just referred to by the Senator from Washington, 1 hour equally divided, so she will have 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank my colleague from Washington.

I again inquire of the other Wellstone amendments—if the Senator from Minnesota is not in the Chamber, perhaps we can call him and ask him to come to the floor—if he would be willing to enter into time agreements.

Mr. President, might I inquire of the distinguished Democratic leader—if I might have the attention of the Senator from South Dakota, there is an amendment pending regarding Pell grants and child literacy.

I ask, if I might, the Senator from South Dakota, the distinguished Democratic leader, what his intentions are, whether he would be agreeable to a time limit?

Mr. DASCHLE. I would be happy to agree to a 20-minute time agreement, 20 minutes equally divided, if it is a contested amendment.

Mr. SPECTER. Mr. President, I ask unanimous consent that we have the agreement, 20 minutes equally divided.

Mr. DASCHLE. Reserving the right to object, I would assume there would be no second-degrees—with that timeframe assuming that there are no second-degree amendments.

Mr. LOTT. I would accept that in the unanimous-consent agreement, without second-degree amendments, and then a vote on or in relation to the Daschle amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I inquire of the Senator from Illinois if he has had a chance to see the amendment by the Senator from Alabama.

Mr. DASCHLE. Mr. President, I might be able to enlighten my colleague, the manager of the bill. We are told by a number of our colleagues that they are not prepared to enter into a time agreement on the amendment of the distinguished Senator from Alabama at this time. So I think it will probably be some time before we are able to do that. We may want to proceed. But at least at this point I do not think we are in a position to agree to a timeframe on the amendment.

Mr. SPECTER. Mr. President, I thank the distinguished Democratic leader and would ask that they make the review as promptly as they can because we are ready to really proceed with the conclusion of the amendment by Senator FORD and Senator SESSIONS and also Senator DURBIN.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. If the Senator from Pennsylvania will yield, I suggest we return to my amendment, and Senator FORD has an amendment in the second degree and he is prepared to offer it. And at that point, if there are any other amendments in the second degree, they can be offered. But I would like some understanding as to whether or not any more votes would be taken this evening on any of these amendments.

Mr. SPECTER. Mr. President, if the Senator will yield, I think we have to be prepared to vote, on this state of the record. We are in a state of considerable flux, if not confusion, as to where this bill is headed, and our experience is that unless we stay and debate and vote we are not going to get through this bill. I say that with reluctance because I know Senators have other plans.

Mr. President, I would suggest that we proceed at this time to the debate on the amendment by the Senator from Kentucky on his second-degree amendment and perhaps in that intervening 10 minutes we could get Senator WELLSTONE to the floor to find a time limit. If we are unable to come to an agreement on the second-degree amendment by Senator SESSIONS, perhaps we would proceed with Senator MURRAY's amendment which is 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for a period of 5 minutes.

Mr. FORD. I ask, is it necessary that I call up my amendment?

The PRESIDING OFFICER. The Senator's amendment is pending.

AMENDMENT NO. 1117

Mr. FORD. Mr. President, this amendment is cosponsored by Senator ROBB, Senator HOLLINGS, Senator MCCONNELL, Senator FAIRCLOTH, Senator HELMS, and Senator THOMPSON.

As many of my colleagues already know, I have been extremely disappointed that the national tobacco settlement includes no provisions whatsoever to help the tobacco farmer. There is no question that this proposal will affect them. Yet there is nothing in the proposal for them. They were not invited to the negotiations. They were not consulted about the negotiations. They were not even briefed about what was going on during the negotiations.

The proposed settlement contains money to compensate promoters of the NASCAR races who lose tobacco sponsorship. It contains money to compensate promoters of rodeo events who lose tobacco sponsorship. It contains money for other events, teams, or entries in such events who lose tobacco sponsorship. It contains money, big money, for a tobacco counteradvertising program. It contains money for smoking cessation programs. It contains money for individual lawsuits. It contains money for Medicaid lawsuits filed by the State.

Mr. President, the proposed tobacco settlement contains compensation for just about everything you can think of, everything except the tobacco farmer.

The negotiators found a way to compensate promoters of sporting events,

but they completely ignored a 200-year tradition that is the cornerstone of many small communities in my State. In other words, the farmers got the shaft.

I intend to do everything I can to keep any legislation from passing unless there is a fair compensation for tobacco farmers included in the $368.5 billion package. We have to take into account the future of these small families. We have to take into account the future of these small farm communities.

There are about 60,000 tobacco farms in my State alone, Mr. President. Most of them grow a couple acres of tobacco, but they get about one-fourth of their farm income from tobacco. The national tobacco settlement leaves them out in the cold. It leaves the local economies of entire communities in shambles. We must do something about it.

I have been working with my farmers and with other tobacco State Senators to develop a package that will provide fair compensation to tobacco farmers and tobacco-growing communities. We intend to have such a package included in any legislation to implement the tobacco settlement. I think other Senators from tobacco States share my view that we will simply not support any future legislation which does not address the tobacco farmers' future.

So, Mr. President, all my amendment says is that farmers ought to be taken into account. We should not forget them. My amendment is a second-degree amendment which expresses the sense of the Senate that tobacco growers and tobacco-growing communities should be fairly compensated as a part of any Federal legislation for the adverse impact which will follow from enactment of a national tobacco settlement. I think this is a reasonable request, and I believe my colleagues are prepared to accept my amendment by unanimous consent. I am perfectly willing to do that without asking my colleagues to vote. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, speaking to the second-degree amendment offered by the Senator from Kentucky, he and I have been in disagreement on this issue in the short time I have served in this body, but I stand today in support of his second-degree amendment. Though I may disagree with one or two provisions in it, I believe the central element of his amendment is a suggestion that tobacco growers should be protected in any settlement agreement, and I certainly think that is a worthy goal as part of the settlement negotiations. For that reason, though I may disagree with some other particulars, I will support his second-degree amendment.

Mr. LUGAR. Mr. President, I did not object to the Ford sense-of-the-Senate amendment to S. 1061. I agree with its sentiment that the needs of tobacco farmers should be taken into account when Congress considers the proposed tobacco settlement.

I wish to express reservations about two points in the Ford amendment's language. First, the amendment says that any compensation to tobacco growers should "be included within the $368.5 billion in payments." However, we do not now know that the size of the settlement will be precisely $368.5 billion. It may be larger. Moreover, payments to growers might be additive to the settlement amount, whatever its size.

Second, the amendment expresses a desire to ensure "the continued administration of a viable federal tobacco program which operates at no net cost to the taxpayer." I favor compensating tobacco farmers for the equity they have built up in the quota system over the years. Such a buyout of the quota program should lead to, at most, a minimal price-supporting role for the Government. That is what we have done for the producers of most other commodities in the 1996 FAIR Act: Transition payments, and price supports at market-clearing levels.

I believe that to continue the present tobacco program without change is not likely to be viable, so I find the amendment's language acceptable. Because some might read it to imply an endorsement of the status quo, I simply want to register my view that such a reading is neither required by the amendment's language, nor in the long-term interest of tobacco producers.

Mr. SPECTER addressed the chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe that the Senator from Kentucky has offered a worthwhile amendment. There is no doubt about the dislocation to tobacco growers occasioned by a settlement which will have the effect of crippling their business for public policy reasons which may yet be worked out.

It is obviously uncertain at this point as to what will happen with the proposed global settlement on the tobacco industry, but I think this is another matter where public policy calls for certain action. There are some employees, some workers in the industry who are hurt. I think it is sensible to provide for those individual workers.

Certainly, we have seen the demise in my State of the steel industry and the glass industry and the coal industry, and we have tried to take care of dislocated workers. As the distinguished Senator from Kentucky has articulated the amendment, the sense of the Senate to do that I think is acceptable. There may be a fair distance between the sense of the Senate and how it is going to be effectuated. With some frequency we see on this floor the Senate express its sense and then back off when it comes to putting dollars up to druthers.

But in terms of the public policy behind looking out for the interests of the employees who will be injured by a global tobacco settlement, I believe the Senator from Kentucky has offered a worthwhile amendment, and we are prepared to accept it on this side.

Mr. FORD. Mr. President, if I have any time left, I will yield it back after asking unanimous consent that Senator FRIST of Tennessee be added as a cosponsor.

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

Mr. FORD. Mr. President, I thank my colleague for his support, and I do agree, once we have a sense of the Senate, they should be helped. How they are helped is another issue.

I thank my colleague from Illinois for his effort here.

I yield back whatever time I might have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1117) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1125 TO AMENDMENT NO. 1078

(Purpose: To provide for certain limitations on attorneys' fees under any global tobacco settlement and for increased funding for children's health research)

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. CRAIG and Mr. FAIRCLOTH, proposes an amendment numbered 1125 to amendment No. 1078.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the settlement agreement, such fees shall—

(1) not be paid at a rate that exceeds $250 per hour; and

(2) be limited to a total of $5,000,000.

(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

(1) court order;

(2) settlement agreement;

(3) contingency fee arrangement;

(4) arbitration procedure;

(5) alternative dispute resolution procedure (including mediation); or

(6) other arrangement providing for the payment of attorneys' fees.

(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(2) made public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement.

Mr. SESSIONS. Mr. President, I would like to address a very important issue that has not been discussed much. It has been raised a few times but not openly discussed. I think it is consistent with Senator DURBIN's concern that a tax benefit being proposed has not had full public discussion.

One of the things that has not had public discussion regarding the tobacco settlement is attorney's fees. Many of the States have undertaken very lucrative agreements with plaintiff lawyers who States attorneys general have hired to represent their States to carry on this litigation.

Less than a year ago, I was attorney general of the State of Alabama, and I was asked and it was suggested to me to hire plaintiff attorneys to represent the State of Alabama. It was suggested that a 25-percent contingent fee would be appropriate in those cases. I rejected that. I felt like it was not necessary for the State of Alabama to undertake such a generous fee agreement. Other States have undertaken such agreements, and that is of much concern to me.

Now we have the case coming before this Senate of being asked to bless or to approve by legislation those agreements. It is important for us to consider that every dollar that is spent on attorney's fees is a dollar that does not go to children's health. So this amendment limits the amount of money that can be spent on attorney's fees and says any excess moneys that are saved in that regard will be sent to the National Institutes of Health to be used for research for children's illnesses.

I think that is the appropriate way to do this. We have a lot of attorneys who have been talking a lot about children's health, so let's talk about that seriously, and let's ask about how this has happened.

Let me just say, the way this agreement has been entered into, the attorneys general, with their attorneys who they have hired, have entered into an agreement, a global settlement agreement, with the tobacco industry. Oddly enough, it mentions nothing about attorney's fees.

What we have learned since then is that there is a side agreement between the plaintiffs' attorneys who represent the States and the tobacco industry to pay their attorney's fees directly by the tobacco industry, apart from the State that they represent, which is a very odd situation and, in fact, in my opinion, Mr. President, represents a conflict of interest, because at this point, you have the attorneys supposedly representing the State entering into an agreement, a side agreement, with the attorneys and the party on the other side of this litigation, the tobacco industry.

So that puts them in a situation in which, if they do not agree and this settlement does not go forward, they do not get their attorney's fee.

That is basic. That is a conflict, I submit, between their interests and their duty and fidelity to the State, their client, and the opposing side who now is paying their fees. Why didn't they put it in the agreement? Why didn't they state it publicly? Because they don't want to talk about it.

Most of the estimates and many reports have been suggested as to how much these fees might be. Some have said $10 to $14 billion. That is what I have seen published in several different instances. Let me repeat that: $10 to $14 billion. That is the greatest legal fee ever paid in the history of this Nation, in the history of this world. It is the mother of all attorney's fees. We are talking about $10 to $14 billion. Outside of education, the budget of the State of Alabama is $1 billion. So we are talking about an incredible sum of money that could provide tremendous amounts of research and care for children. That is where this money ought to go.

We are talking about a secret side agreement by which the attorneys, supposedly representing the States and the children, have gone over here now and have set up a side agreement with the people they have been accusing of being so bad, the tobacco industry, the people they are suing. That is not an appropriate way to do it.

I think if this body is to approve a global settlement and enact legislation in that regard, this body ought to make clear where we stand with regard to attorney's fees. We cannot allow some secret side agreement representing billions of dollars that could be going to children to be paid under the table by the party for the other side to the attorneys to the States who are representing the children.

I think this is a very important subject, Mr. President, and I care about it very deeply.

I think Senator DURBIN's amendment deals with a tax question that has not been fully aired. This is a question that has not been fully aired, and it needs to be.

Our amendment would do something else. It would say that every fee agreement that has been entered into between the State attorneys general and the lawyers they hired, the plaintiffs' lawyers they hired to represent them has to be made public, and the statement has to be made public. We limit the amount of fees. I think this is a large fee, most people think this is huge. Mr. President, $5 million is the limit per State we think is appropriate for this kind of litigation. In addition to that, we say it should not exceed $250 per hour in billing time. So that would be the cap on the fees that this bill would set forth: that no more than either $250 per hour, which is far more than what the average working man in this country makes, I assure you, $250 per hour would be the maximum time. If it goes over that, we would cap it at $5 million.

I think that is a reasonable proposal. It would not take effect until and if this body enters into a global settlement of this litigation. I think it is quite appropriate. I think that we need to deal with this issue.

I will just say this, as to the secretiveness of it. There have been several inquiries made by members of various committees of this Senate and one made by me of an attorney general about what the fee agreement was, and he did not set forth that agreement. Right after that hearing, over a month ago, I wrote a letter to the parties involved in this litigation, and I asked them to state the agreement they had with the attorneys representing those States publicly. We have a response not from one of them. They have not responded.

This is a public contract between the attorneys general of the States and the lawyers who are representing the States. So I think something is amiss here. It is something we ought to deal with. This amendment deals with it straight up. I believe it fulfills the needs that we are here for, and that is to make sure we get the most money possible for children and children's health.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I stand to join my colleague from Arkansas this evening in offering this second-degree amendment. I must tell you, when the Senator approached me, I was hesitant. I don't get involved in what I originally think is a private-sector relationship, a client relationship that can be none of our business here. But when the States attorneys general and the trial attorneys have come together to craft a universal or a national agreement that the Senator from Illinois approaches tonight as part of his amendment, and they approach us to make this national law, to make this the law of the land, it is now the public's business, without doubt.

Clearly, the Senator from Arkansas has demonstrated that this evening. He has even clearly stated——

Mr. FORD. Alabama.

Mr. CRAIG. Excuse me. Excuse me, the Senator from Alabama.

Mr. SESSIONS. Alabama, thank you very much, I say to the Senator from Iowa.

[Laughter.]

Mr. CRAIG. Touché.

But the Senator has very clearly pointed out there could well have been side agreements made or upfront agreements that go beyond any average person's wildest imagination to the potential of tens of billions of dollars in attorney's fees.

Here tonight the Senator from Illinois—and just a month ago this Senate agreed to tax an industry for the purpose of the health of the children of this country, a tax that in 1 year would not even demonstrate this amount of money. How can it be possible that any one profession could draw or come to draw or believe to be entitled to that amount of money? And $250 an hour is a what the Senator's amendment says is a reasonable and right fee, and even that the average working person would pale to.

So I am extremely pleased that the Senator this evening has brought forward the amendment. It is something that this Senate will either face now or face in the future as we deal with the crafting of a universal agreement, if that becomes possible and ultimately gets to the floor of this Senate.

I will join with the Senator however many times it takes to make sure that what he has proposed as an amendment tonight can and must become the law of the land, because in his wisdom and in the crafting of this amendment, he says that the excess dollars go where they ought to go, to children's health because all of us are extremely concerned about the rapid increase in teenage smoking in this country. That is part of what spurred this whole effort that is now nationwide as it relates to smoking and the tobacco industry.

So I think the amendment to the pending amendment is appropriate this evening. It fits into what we are trying to do if in fact we become participants in the crafting of a global agreement as it relates to what is attempted to be resolved between the States attorneys general, the tobacco industry, and the representatives of those States attorneys general. So I join my colleague tonight. I am proud to be a cosponsor of this important second-degree amendment.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from North Carolina.

Mr. FAIRCLOTH. I rise in strong support of the amendment offered by the distinguished Senator from Alabama. I cannot think of any better method of cutting to the crux of this whole tobacco settlement than the amendment that he has offered. We talk about here, on a regular basis, doing something for children, for the health care of children, for their better care, and looking after children. And I strongly support these initiatives.

Knowing the generous, caring, and giving nature of the trial attorneys, I have no doubt that they would all be in strong support of the amendment of the Senator from Alabama if they were here to vote on it. Knowing of the eleemosynary history of trial attorneys, I know if they were here, they would join us in strong support of Senator SESSIONS' bill.

So I just say that this is a wonderful opportunity to make a major contribution to the caring for children's health and their well-being in this country. I commend again the Senator from Alabama for bringing it to this body's attention. I stand in strong support of it.

I say again, knowing the nature of the trial attorneys of this country, that if they were here and knowing that they had the opportunity to make this strong contribution to the children of this country rather than it going into attorneys' fees, that they would stand in strong support of the amendment of the Senator from Alabama also.

I thank you, Mr. President, and I thank Senator SESSIONS.

Mr. MCCONNELL addressed the Chair.

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

Mr. MCCONNELL. Mr. President, I commend my friend and colleague from Alabama for an outstanding amendment. I listened carefully to his comments, Senator FAIRCLOTH's comments, and Senator CRAIG's comments.

As I understand the amendment by the distinguished Senator from Alabama, he is in effect here giving the Senate a choice, if I understand correctly, a choice between legal fees and children's health. The Senator from Alabama pointed out that as a State attorney general he had the option to retain private counsel to engage in this litigation which is going on in 30-some odd States around the country, and that he chose not to do it, but that many State attorneys general chose to hire private counsel to pursue this litigation against the tobacco companies.

Now we understand, as the distinguished Senator from Alabama pointed out, there are fee arrangements not known to the public under which there could be billions of dollars in fees paid to these lawyers who in effect were acting on behalf of State governments——

Is that right, I say to my friend from Alabama?

Mr. SESSIONS. You are correct. The Senator is correct.

Mr. MCCONNELL. Engaged in the business of the public to recover the Medicaid costs. And we are not sure how much those fees are.

Now, it is suggested that the Federal Government, the Congress of the United States, ratify—we will have a proposal at some point this year or next year—ratify what is referred to as the global tobacco settlement. So the distinguished Senator from Alabama is simply saying that this is a matter of public concern.

It will actually, if it is passed, be a matter of Federal law. If we are going to sanction this kind of agreement, the distinguished Senator from Alabama is saying we would like to make a decision as how best to deploy the public money in this global settlement. Some of the public money, Mr. President, is obviously legal fees for those who, on behalf of State governments, brought these lawsuits.

The distinguished Senator from Alabama is not being unfair, it seems to me, to the lawyers. As I understand the amendment, he is saying, up to $5 million per State or at a rate of $250 an hour, whichever is less——

Mr. SESSIONS. Less.

Mr. MCCONNELL. Would be the capped fee arrangement for these private lawyers doing public business at the behest of the State attorneys general. And $5 million, Mr. President, is not a bad year's work, not a bad 2 years' work—for many Americans not a bad lifetime's work.

So the distinguished Senator from Alabama is not saying that these lawyers, if you have been hired by the State government, you have to do it for nothing. All he is saying in effect is you don't get to gouge us. So he has set here a reasonable limit, some would argue maybe even too generous, and saying any excess amounts that have been agreed to should be diverted to the children of America at the National Institutes of Health to fund research for children and children's diseases.

I think it is an outstanding amendment. I commend the distinguished Senator from Alabama for his amendment. I think it makes an awful lot of

sense. It is clearly an amendment in the best interest of the children of America. So, Mr. President, I thank the Senator from Alabama for his leadership on this issue.

I yield the floor.

Mr. FORD addressed the Chair.

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

Mr. FORD. Mr. President, would the Senator from Alabama help me here a little bit? I want to be sure—the eloquence of his amendment has already been stated on the floor. Let us be sure, because this is a very complex piece of legislation. And I yield to everyone because I am not a lawyer and so, therefore, I have a hard time understanding side agreements, protocols, but I am learning. I am on the jury.

As I understand it, your amendment applies to the $368.5 billion settlement?

Mr. SESSIONS. That is correct.

Mr. FORD. Inside there?

Mr. SESSIONS. The Senator is correct.

Mr. FORD. All right.

Now, that is not the bill. That is not the total bill here. There is also added on to that about $24 billion more for tort liability. That is in addition to that. And then the lookback penalties, which is if the reduction of youth smoking is not sufficient to meet the criteria set, there will be another $42 billion. So we are talking about $435 billion here now, not $368.5 billion.

So I want to be sure that we all understand where we are going. We are beginning to put so much weight on this agreement that it is going to fall, and then we will lose, I think, all those goals that we have set for ourselves.

But one of the items yet to be decided is the plaintiff attorney's fees.

Your amendment does not get to that?

Mr. SESSIONS. It does, yes. Yes.

Mr. FORD. I am talking about the private litigants now.

Mr. SESSIONS. No, not the private litigants.

Mr. FORD. So private litigants, their attorneys are yet to be compensated. So you add those on to the $435 billion. Now, if you are talking about $10 to $14 billion in the other place, I wonder if we could just add a low figure $10 billion, so we are now getting to around $495 billion, almost $500 billion. So I want to be sure that we all are on the same wavelength.

Then we are talking about the new taxes. That is another $50 billion. That is another $50 billion. That is just over a few years. That is not over the term of the contract. So you add that on and you are at about $530 billion. So if there is a possible doubling of lookback penalties, we are talking about another $42 billion.

So I want to be sure everybody understands that $368.5 billion is just within a range for the States for those Medicaid payments. The Federal Government will get about 60 percent; States will get about 40 percent.

There are a lot of things here I thought we ought to be sure about.

The Senator's amendment, I wanted to be sure that it was in the $368 billion, and not in addition to.

Mr. SESSIONS. Let me clarify that as best I can.

Mr. FORD. I think we are all going to have to work at this pretty hard.

Mr. SESSIONS. To put it real simply, almost every State that entered into this litigation hired a law firm to represent the State. Some of them used their own attorneys, I believe, but most hired private plaintiff lawyers to represent them. They then entered into agreements to pay them so much money.

Now those attorneys general, now those plaintiff lawyers, now the tobacco lawyers have come to this body and asked us to approve a global settlement, "but don't talk about attorney's fees," they say, "because we're going to take care of that between the plaintiff lawyers and the tobacco lawyers. We're going to work that out between us."

What we are saying is, that needs to be public. The public needs to know. It ought to be capped to a reasonable fee, and not be a windfall, because in many of these cases they hardly filed the lawsuits before the settlement was agreed to, so almost no legal work has been done, yet they would stand to receive perhaps billions of dollars in legal fees. It is a matter we have to deal with.

Mr. FORD. I thank the Senator. I hope you understand what I am trying to do. It is a huge, a humongous piece of legislation. The $368 billion is just the beginning. It is now, in my judgment, at about $525 to $530 billion. And we have not talked about the private litigants' attorney's fees, which are an add-on. You are not bothering that.

I think it might be well, Mr. President, if I submit these figures, have them on a per year basis and with some question marks. There are other add-ons that will be question marks. And the attorney's fees are question marks. I think I will just put this in for a matter of the RECORD just so everybody will understand.

Mr. President, I ask unanimous consent that this be printed in the RECORD.

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

NEW FEDERAL REVENUES FROM TOBACCO INDUSTRY

	Per year [1]	Over 25 years
Core Tobacco Settlement.	$15 bil.	$368.5 bil.
Additional tort liability	Up to $1 bil.	Up to $23.86 bil.
"Lookback" penalties	Up to $2 bil.	Up to $42 bil.
Attorneys fees	????	????
Subtotal	Up to $18 bil. (+?)	Up to $434.36 bil. (+?)

NEW FEDERAL REVENUES FROM TOBACCO INDUSTRY—Continued

	Per year [1]	Over 25 years
New Excise Taxes	$2 bil.	$50 bil.
Subtotal	Up to $20 bil.	Up to $484.36 bil.
Possible doubling of Lookback penalties.	Up to $2 bil.	Up to $42 bil.
Subtotal	Up to $22 bil.	Up to $526.36 bil.
Other add-ons?	????	????
Total	????	????

[1] Annual figures begin in 5th year of settlement, when fully implemented.
1995 Tobacco Industry Contribution to GNP: $44.7 bil.

Mr. FORD. I thank the Senator for helping me here.

Mr. SESSIONS. If the Senator will yield.

Mr. FORD. Yes.

Mr. SESSIONS. I do think that, depending on the wording of these understandings between the attorneys general and lawyers, that the fee may be a percentage of the whole $500 billion that the Senator referred to.

Mr. FORD. Because it is not $368 billion, I say to my friend from Alabama.

Mr. SESSIONS. Yes. I appreciate your correcting that.

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

Mr. SESSIONS. Yes.

Mr. HARKIN. Who has the floor?

The PRESIDING OFFICER. Senator FORD has the floor.

Mr. FORD. I yield the floor.

Mr. HARKIN. I wonder if I might inquire of the author of the amendment, the Senator from Alabama, a question.

I was reading it over, and as I read the amendment, under the first section, paragraph A of your amendment, you put a limitation on the per-hour rate of attorneys, and then there is a cap total of $5 million that applies per State?

Mr. SESSIONS. Yes.

Mr. HARKIN. The $5 million applies to per-State maximum.

Mr. SESSIONS. That would be the maximum, but if they could not justify the fee by hour, they may not get that.

Mr. HARKIN. I understand that, but it is a maximum of $5 million in any regard.

Now, this has to do with attorney's fees paid in connection with a State recovering money. This does not have to do with the so-called proposed big settlement that is going to come to us in the future. This applies to States.

I wonder how we, here, can limit attorney's fees in a State action?

Mr. SESSIONS. I am delighted to try to answer that. It is a very unusual thing that is happening to this Senate and we have been asked by the attorneys general, by the defendants, the tobacco companies, too, in fact, by legislation legislate a lawsuit. So it is unusual.

They are asking us to do that because many of the things that they want, each side wants, cannot be accomplished through private litigation. They want to, in effect, control new tobacco companies that have not been

making tobacco and have not made people sick before, they want to control them and others.

So they have asked this body for a lot of reasons to ratify this through our legislation. To that degree, they have asked us to ratify.

I think we need to find out what the attorney's fees are. I think as part of our legislation our legislation ought to control legal fees and we ought not to pay any more than that mentioned in this amendment.

That is, basically, where we are.

Mr. HARKIN. I listened to the Senator make the explanation but I thought the amendment was going to go toward limiting attorney's fees if there is a global settlement, this thing we are being asked to do at some point. We do not know if it is this fall, next year, or whatever, when we will be asked to ratify a so-called global settlement.

But your amendment does not just speak to that, it speaks to ongoing cases in the States. For example, as I understand it, the State of Mississippi just settled, the State of Florida just settled, other States will maybe be settling. Your amendment seems to me to apply to those States that make those settlements. It has nothing to do with the proposed universal or global settlement that we will be asked to ratify at some point later on.

That is why I wonder, by what right or power do we have in the Federal Government of saying to a State government, a State attorney general and the State government that you can't, in your agreement, whatever your agreement is, you have to limit attorney's fees?

That seems to me to be an odd kind of a thing for us to do—the Federal Government telling the State government when you make your agreement, here is all you can do. It does not seem to me to be constitutional.

Mr. SESSIONS. I would like to respond. I think you raise a very interesting point.

First, I say it is unusual that the States would come to this body and ask the Congress of the United States to ratify a lawsuit, but they have.

Our bill does not take effect and does not apply unless this body enacts a global tobacco settlement. It is the last sentence in the amendment. In other words, we do not, and this legislation does not attempt to intervene in litigation that is ongoing unless there is a global legislation by the Congress of the United States, in which case we would then also deal with attorney's fees as we should.

Mr. HARKIN. Again, I understand and I appreciate the Senator pointing that out. Mississippi made an agreement, Florida has made an agreement, maybe there will be a couple of other States that make agreements, what if later on we make a global settlement, do they have to go back and renegotiate all the attorney's fees? That is what I wonder.

How can we tell a State what they have to do prior to our reaching this national settlement—and whether we reach it or not, I do not know. What would happen, for example, to a State like Mississippi that has already negotiated and make their deals—I guess, I assume they have.

Mr. SESSIONS. My understanding is that States that have settled have conditioned their settlement on the requirements of the congressional global settlement. If there is no congressional action, then their settlements will be in full force and effect, but if it is, they are agreed to be vitiated by the congressional action.

Mr. HARKIN. The Senator was not aware of that. I appreciate that.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in opposition to this amendment. I have just seen this amendment this evening for the first time, but I know the Senator from Alabama has offered it in the regular order of business.

I have had a few minutes to read it over. I commend to my colleagues the suggestion they should read this very closely. This amendment is the dream of the tobacco companies. The Senators who have risen to speak on behalf of this amendment from the tobacco-producing States I think have given evidence of the fact that this is another one of the last gasps of this industry.

Let me tell you why what appears to be so reasonable on its face is, in fact, a loaded deck for the tobacco companies again.

My friend, the Senator from Alabama, wants to limit attorney's fees and to take any excess and put it into health research for children. Now, who in the world could oppose that?

But look closely. He does not want to limit the attorney's fees for tobacco company lawyers. No. He just wants to limit the attorney's fees for those on the plaintiffs' side, the States that have brought this action. Now that is curious. If he is afraid that the attorneys, who will ultimately all be paid by tobacco companies when this is all over, are going to charge too much money, he only wants to limit the hourly rate to $250 an hour to attorneys representing the plaintiffs in this action. So he protects these fat cat law firms that have represented the tobacco companies forever, who can charge $500 an hour, $1,000 an hour, he does not care. His interest is only the attorneys for the plaintiffs.

That does not make any sense. All of the money is coming out of the same pot. If he wants to make this a reduction in the lifestyle of attorneys, why does it not apply to defense attorneys? Why does it not apply to tobacco company attorneys? No, his only interest is the attorneys who stepped forward and filed these lawsuits on behalf of the States.

Now, they have been characterized by their critics this evening as a pretty motley crew. Remember that 40 different States decided through their own elected attorneys general that they would bring these lawsuits under fee arrangements so that they would have the legal talent to be able to process the most complicated litigation in the history of the United States.

Mr. SPECTER. May I interrupt my distinguished colleague for a moment to say there will be no further rollcall votes tonight. I have just been able to make that determination, and I know there are many Senators on the campus waiting to find out what is going to happen.

I regret interrupting Senator DURBIN, but I think that is worth a statement. We have the list fairly well pared down. When Senator DURBIN finishes, I will announce the prospects for tomorrow.

Mr. DURBIN. I am pleased to be interrupted with that good news.

Isn't it curious that this effort to provide research funds for children's health, funded by excess attorney's fees, would only apply to attorney's fees in excess for the plaintiffs, that the law firms representing Philip Morris and RJR and all the tobacco companies can charge whatever they care to charge.

Now, I think that pierces the veil of what this is all about.

But let's read on. What else is the Senator from Alabama setting out to do here?

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I yield for a question.

Mr. SESSIONS. Would the Senator be agreeable to this amendment if we reworded it, in fact, make it apply to the tobacco lawyers? I will certainly feel good about that.

The reason it was done this way is because many of the plaintiffs' attorneys apparently have it on a contingency fee basis, probably have filed lawsuits, may be entitled to hundreds of millions of dollars and have done very little work. It would be an unjust enrichment, it appears to me.

I would certainly entertain that amendment. I think it is a suggestion that we ought to incorporate.

Mr. DURBIN. I think that is an improvement, but let me read on.

The reason why this amendment should not be considered, why the tobacco companies will jump for joy if it is adopted, is that it will discourage any State from bringing its lawsuit against the tobacco companies.

The Senator from Alabama, for reasons I do not understand, has decided that no State of the 40 that filed suits, no matter how deeply they are involved in this litigation, can pay outside attorney's fees beyond $5 million,

which sounds like a huge sum of money until you consider States like Minnesota.

Minnesota has been preparing for trial on January 19, has now collected millions of documents from these tobacco companies, has warehouses in London and in Minneapolis. They have attorneys scouring through the documents and processing them. They are preparing to go to trial.

In my home State of Illinois, I do not think we have made nearly that progress in moving toward litigation. But the Senator from Alabama does not care that the attorneys in Minnesota have been working overtime for months and the attorneys in Illinois may not have been.

He says, we are going to pick an arbitrary figure—no State can pay their attorneys no matter how much work they have put into this, any more than $5 million, period.

Now, that is fundamentally unfair. It really does not reflect the effort that has been put in by these attorneys in these States.

Let me tell you what else he is doing, and I think this is a pretty crafty move by the tobacco companies. By putting this provision in the law to limit attorney's fees, he will have the attorneys come forward in these States and say to the attorney general, "Well, listen, if we cannot, after all of this discovery and all of this preparation even recover the amounts that we have expended in attorney's fees, we certainly cannot take this to trial," so the tobacco companies will have their way. The tobacco companies do not want these cases to go to trial. They want to discourage that from happening.

In fact, representatives of those companies have told me point blank if any case goes to trial there will be no global settlement. The Senator from Alabama is offering them a great improvement here in saying that they do not have to worry about a trial now because attorney's fees are going to be strictly limited.

Well, they will be jumping for joy at RJR and Philip Morris if this Senator's amendment is adopted this evening, because by limiting the attorney's fees and saying that there will be a strict limitation of the amount that can be paid to the plaintiffs' attorneys he is, in fact, discouraging, if not stopping litigation and trials.

You will have accomplished with your amendment what the tobacco companies have been unable to accomplish to this point. You will have stopped these cases and they cannot move forward.

I do not think that is what the Senator set out to do when he explained this amendment. But I think that is the net result of it.

It is interesting to me as you look into it, what will happen to the States that have settled, Mississippi and Florida, what will happen to their attorney's fees? If I read this correctly, this may or may not apply to it. It is not clear. This amendment is not drawn in a way that can tell you it definitely applies in the case of Mississippi and Florida. The Senator offers it for prospective payment of attorney's fees. Yet, we already have two cases settled and they are not addressed.

And then this whole question of the amount to be paid attorneys, a $250 rate. I don't know what a reasonable rate is in the Senator's home State. I don't know what attorneys might charge in any State, whether it is New York, Minnesota, Illinois or Alabama. But I think the Senator has chosen a rate that is unrealistic—unrealistic in terms of what these attorneys general face.

Keep in mind that most of the attorneys general in the United States looked to these lawsuits and said right off the bat, "We don't have the resources to sue these tobacco giants. We have to bring in the resources and services of attorneys who will, in fact, represent us." Of course, those attorneys coming in to file those lawsuits expected to be compensated if they won—only if they won. Contingency fees are based on that. I know from my experience with the Senator in the Judiciary Committee, he doesn't think very kindly of contingency fees, particularly in his own State. But I think, quite honestly, this is a clear illustration that if a contingency fee was not awarded to an attorney, the attorney general would not have had this army of lawyers to go forward.

When I heard comments from some of the Senators from tobacco-producing States, it is clear that they resent these lawyers, these attorneys general, for bringing these lawsuits and they want to get even with them, they want to nail them and say, "We are going to limit your fees. You thought there was money in this, but there won't be any money in this. We will limit you as to how much you can recover."

I don't think that is fair. It is curious to me at this time, when we are talking about whether or not the Federal Government is going to impose its will on the States, that we have an amendment from a Senator from Alabama, which suggests that we in Congress should impose on 40 different States, 40 different attorneys general, a fee arrangement that we happen to think is reasonable.

Well, let me tell you what this is all about. The tobacco companies were embarrassed when the amendment was disclosed that gave them a $50 billion windfall in the tax bill, an amendment which we hope to repeal. They had hoped to initiate the negotiations in the tobacco settlement by saying: Before we sit down at the table and reach an agreement, give the tobacco companies $50 billion.

I think the public sentiment and the votes of this Senate will see it another way. Now the tobacco companies come in with this amendment. They want to see this amendment adopted because now they come to the table and say to each of these States: There is a new arrangement. You can't pay your attorneys. You can't go to trial. We have you where we want you. We don't care what your contingency fee agreement is going to be. You are limited to what we in Congress think attorney's fees should be and how much they should be paid.

Well, I think this amendment should be defeated. I think this amendment is one the tobacco companies will enjoy, one that the American people will regret. The States, including my own, that had the courage to step forward and file these lawsuits against the tobacco companies should not be penalized at this point in time. They have done a great service to this Nation. Each attorney general—Democrat, Republican or Independent—who decided to enter into an agreement with attorneys to represent them did it with the understanding that they will be held accountable for this. The Senator says that these are secret agreements. Well, in my home State, I can tell you that whether there was a secret agreement or not, the gentleman who entered into it, our attorney general, will be held accountable for it. Can he justify it? Did he say to the taxpayers from Illinois we have recovered enough money to justify the contingency money paid the attorneys? Of course, and he is held accountable.

The Senator suggests this is done in secret with no accountability. I think he is wrong. I hope when this is all said and done, we will defeat this amendment, and that we will not give the tobacco industry a victory this evening or tomorrow when we vote, such as they secured at the close of debate on the tax bill. These tobacco companies have to be told, whether they are trying to stop the States from bringing these actions through this amendment by the Senator from Alabama, or recouping $50 billion in the stealth of the night, that the party is over. The tobacco companies just can't have their way anymore. I think we have to stand up for the people who are best represented by these lawsuits—the consumers, the children, those who unfortunately are going to be the losers if this amendment is adopted.

At this point, I would like to move to table this amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask if the distinguished Senator from Illinois will withhold that motion for the present time. We cannot proceed to a

rollcall vote tonight under a determination made earlier by the majority leader, which I announced as soon as we had heard it. There may be other Senators who wish to speak to this amendment. The Senator from Illinois would be preserving his position, in any event, since we cannot vote tonight, to carry this matter over until first thing tomorrow morning. We are beginning at 9:30, so that we can consider at that time if there are any other Senators on the floor who wish to speak.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw the motion?

Mr. DURBIN. I will withdraw it, as long as at 9:30 we will proceed to the same order of business and the amendment will be the amendment of the Senator from Alabama and we can proceed to my amendment after we have considered all amendments in the second degree.

Mr. SPECTER. Mr. President, that is agreeable to this manager of the bill. So that all Senators will be on notice that a motion to table will be pending. Of course, if it is not tabled, then we can't proceed to the underlying amendment.

Mr. DURBIN. I withdraw the motion to table, with that understanding.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. SPECTER. I thank my friend from Illinois.

Mr. President, we have made some progress in limiting the number of amendments. We have been advised by Senator WELLSTONE that he is prepared to withdraw a filed amendment on Pell grants. Senator WELLSTONE is prepared to withdraw a filed amendment on infrastructure, which leaves one pending Wellstone amendment on Head Start. I have been advised that Senator WELLSTONE is prepared to enter into a unanimous-consent agreement for 1 hour, equally divided, providing he has an opportunity to modify his amendment. I will not ask unanimous consent for the moment on that.

Senator WELLSTONE has arrived on the floor. Mr. President, since the Senator has just arrived, perhaps I can ask my colleague if the information is correct that the Senator is prepared to enter into a unanimous-consent agreement for 1 hour, equally divided, on his Head Start amendment on the understanding that it may be modified, and he is prepared to withdraw the other two amendments, one relating to Pell grants and one to education infrastructure?

Mr. WELLSTONE. Yes. I say to my colleague from Pennsylvania, that is correct. I am prepared to lay this down tomorrow and debate it for 1 hour, if there are no second-degree amendments.

Mr. SPECTER. We can enter into a unanimous-consent agreement right now that there be 1 hour, equally divided, with no second-degree amendments in order and then a motion on or in relation to the amendment to be offered at the conclusion of 1 hour of debate. I make that unanimous consent request.

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

Mr. SPECTER. Mr. President, did I understand my colleague from Minnesota to say that he preferred to offer and debate the amendment this evening?

Mr. WELLSTONE. I had been home and I followed the debate on the amendment of the Senator from Alabama, and I had wanted to come over here and respond to that.

Mr. SPECTER. Mr. President, I renew my question. Did my colleague say he was prepared, after he discusses the amendment by Senator SESSIONS, to debate the issue today so we can vote tomorrow morning?

Mr. WELLSTONE. No. Mr. President, I would be prepared to lay the amendment down tomorrow morning as early as he wants.

Mr. SPECTER. I thank the Senator.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1125, AS MODIFIED

Mr. SESSIONS. Mr. President, I would like to modify the amendment to reflect the change, which I send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1125), as modified, is as follows:

Strike the last word in amendment.

No. 1078. As amended, and insert the following: "repealed".

"SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs or defendants) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the settlement agreement, such fees shall—

"(1) not be paid at a rate that exceeds $250 per hour; and

"(2) be limited to a total of $5,000,000.

"(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

"(1) court order;

"(2) settlement agreement;

"(3) contingency fee arrangement;

"(4) arbitration procedure;

"(5) alternative dispute resolution procedure (including medication); or

"(6) other arrangement providing for the payment of attorneys' fees.

"(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

"(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

"(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself, and

"(2) make public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

"(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

"(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement."

Mr. SESSIONS. Mr. President, this is in the nature of a technical change. It doesn't change the basic import of the amendment.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I respect the motivation of my colleagues who are offering amendments on the proposed global tobacco settlement tonight. As we all know, the issues surrounding this settlement prove easy to frame, but difficult to resolve.

I have been listening carefully to this debate, and the timing is very interesting to me.

Here we are now in September. Everybody would like to see this session end sometime near the end of October, or early in November, at the latest.

But as far as the proposed global tobacco settlement goes, people around here seem to be assuming it is going to happen when, really, basically, nothing is being done.

Yet, tonight we are making arguments and amendments on the assumption that something is going to get enacted.

I would suggest to my colleagues, though, that this discussion is premature. We do not have all the details of the agreement. No one, that is no one, does, not even any of the parties to the agreement has final legislative language.

We have not even reached a discussion in this body of the most general question we have to answer before we decide if the Senate will consider the global tobacco settlement: do we want to further regulate the use and sale of tobacco products in order to protect the public health and bring a degree of accountability and finality to the surge in tobacco-related litigation.

More precisely, the question we face during the remaining weeks of this session is whether the global tobacco settlement proposal should be implemented and, after we make that decision, then amendments would be in order.

Mr. President, I don't think anybody in this body despises the use of tobacco more than I. Frankly, I think tobacco use is wrong, it is deleterious to health, and it basically can ruin people's lives.

There is no question that—in the eyes of almost every research scientists—tobacco use causes cancer.

There is no question that it causes cardiovascular, respiratory, and other similar diseases, and still we treat it as though it is a substance that has every right to exist.

As long as it does have the right to exist as a legitimate business in this country—and I believe that it will continue to be available—then it seems to me that we have to resolve these problems in an amicable, decent manner that is in the best interests of this country.

As I see it, there is not much happening on the proposed tobacco settlement.

There is no use kidding ourselves, the $368 billion settlement proposed by the attorneys general and most of the tobacco industry—all except Liggett & Myers—as I understand it, is an interesting proposal.

There is no question, that offer is a substantial sum of money. It is to be paid over a 25-year period and, if my calculations are correct, the tobacco companies will be able to write off about a third of the cost of that settlement at the expense of the taxpayers.

There are many, many issues that have to be resolved on the tobacco settlement if we are going to have one at all. Let me name just a few of them, in no particular order of importance.

No. 1 would be an evaluation of the totality of the settlement. That is, as I have said, whether this Congress should seize the window of opportunity presented by the tobacco proposal which offers the possibility of significant advances in public health and liability reform. Are the public health gains it offers something we wish to pursue? Are the legal reforms it contains sound public policy? Are the two in appropriate balance?

No. 2 would be whether the costs associated with implementation of this agreement should be treated for tax purposes as ordinary business expenses?

Third would be the appropriate role of the Food and Drug Administration in the regulation of tobacco products. This is an extremely complicated issue. It involves an evaluation of the FDA's current legal authority, the regulations FDA has promulgated on youth tobacco use and the Greensboro court decision, and the future authority called for in the agreement.

The fourth issue is an examination of the constitutional limitations posed by an agreement which some believe abrogates their first amendment, free speech rights.

The fifth issue is what I call the "show me the money" issue. I challenge anyone to undertake an exhaustive review of the 68-page proposed settlement and then delineate clearly how the $368 billion in funds will be allocated. For example, many participants in the agreement have said there are funds for children's health. On what page? It simply isn't there.

And even for the amounts stipulated in the agreement, there is no definition of how the funds will be divided among states or parties to the agreement.

The sixth issue is a consideration of civil justice concerns, such as changing traditional plaintiffs' rights to seek redress through the courts.

The seventh issue is how those who were not parties to the original agreement will be treated. One company, for example, Liggett & Myers, has now signed agreements with about 25 States and all of the Castano class members. How should those agreements be factored into the settlement?

The eighth issue is related. Should there be an accommodation for those who manufacture, sell, or use vending machines or for others who have been engaged in legal businesses and have made a livelihood with products or services that might not be continued after a settlement is finalized?

Here's another important issue. The ninth issue we need to address is that of documents disclosure. Some in this body have called for full disclosure of all tobacco-related documents before any settlement is considered. Others believe we will never get to a settlement if we become enmeshed in an investigation of abuses extending back over 30 years.

One of the greatest advantages of having a tobacco settlement is the public benefits that may derive from it for our children and indeed our society as a whole.

As we all know, 3,000 kids start smoking a day—teenagers, that is—1,000 of whom will become addicted over their lifetimes. These numbers are only going up, and it is no secret that part of the reason is that the tobacco industry has basically enticed these kids into smoking.

Without a tobacco agreement, we will not be able to put meaningful resources into solving these teen tobacco use problems. It is questionable whether we could ever provide the same nationwide incentives or resources to not only slow down teenage smoking, but perhaps end it forever.

And since we are debating the National Institutes of Health funding bill, I might mention that without the tobacco settlement, we won't be able to have as many funds as we would otherwise have for biomedical research.

It is also apparent that if we break the cigarette companies, we are not going to be able to have 25 years of continual multibillions of dollars paid into a settlement agreement system for the benefit of our society as a whole.

There are so many other issues that I hesitate to even begin. But the fact is the proposed settlement is complex, it is difficult, and Congress basically has done nothing about it since it arrived here on June 20.

It is true we have held three hearings in the Judiciary Committee. They have been interesting hearings. They have enlightened us to a degree. We think we now know the issues involved. We have listened to the attorneys general. We have listened to people representing the tobacco industry. We have listened to constitutional experts. We have listened to health care specialists.

And, frankly, we are going to hold some more hearings on this. But it seems to me that we need to address the proposed tobacco settlement with a timetable and a process that will literally cause it to be done. We aren't there yet, and piecemeal amendments on an appropriations bill won't get us to that point.

If the tobacco settlement is not completed by the end of this particular session, I fear we may never have a tobacco settlement. If that is so, we will lose this one-time opportunity to help our children and perhaps to help keep millions of kids from ever starting to smoke or chew tobacco.

If we lose that opportunity, it will be pathetic.

It is no secret that the tobacco industry has virtually won every case but one in the history of litigation in this matter. In that one particular case it was a $750,000 verdict. If I understand it correctly, that is on appeal. And that will be dragged out for another 10 years by very, very good lawyers who are very, very capable of doing exactly that.

So, if we do not move ahead and we don't solve these problems, we are going to find ourselves in a morass where we are right back to business as usual, and the tobacco companies will be making billions of dollars at the expense of the society at large with no help to our young people in this society and not much money for research other than what we can generate through congressional appropriations. In the end, we lose all of the advantages that we could achieve.

In fact, there are several things which must occur if we are even going to try to move forward to an agreement, or move an agreement forward.

First, the President of the United States has to get off the dime and start leading on this issue.

In July, we heard the President would speak out a few days before his planned August 15 vacation. It didn't happen.

Earlier this week, we heard the President was supposed to speak out about the settlement this Thursday.

Let's speak the plain truth here. Without the President's leadership, the tobacco agreement can't happen.

The proposed settlement was announced on June 20. At that time President Clinton called the concessions attained by negotiators from the tobacco industry "unimaginable." He also tasked top executive branch officials with the job of reviewing the settlement, consulting with the public health community, and advising him on whether or not this agreement adequately protects the Nation's public health interests.

Eleven weeks have passed with no final word at all from the White House on what, if any, changes the President wishes to see. Almost daily we hear, or so it seems, rumors that the President will speak—only to find out that he does not.

The President's silence in this area speaks volumes.

It has been speculated in the press that the President will say that the level of funding needs to be increased, that the FDA's regulatory authority needs to be strengthened, and that there needs to be greater accountability on the part of the tobacco companies if the reduction targets are not met, especially among the Nation's teenagers. But this is only speculation at best.

Should President Clinton support the idea of moving forward, he needs to tell our American people, and he needs to reveal what changes, if any, he deems to be necessary.

We need the President to speak out and tell us precisely where he stands and whether he believes there should be an agreement, and an agreement this year.

We need him to help us to understand where we are going on this issue. We need to know how much political capital he is willing to expend on this issue, and we need to know whether he is really serious about solving these problems.

With 3,000 children starting to smoke each and every day, I don't believe the Clinton administration can afford to delay this any longer.

Second, I call on parties to the agreement to resolve ambiguities and to help produce legislative language agreed upon by all parties so that Congress can be crystal clear about the details of the proposal and therefore can plan and judge it accordingly.

If the President chooses to take advantage of this one-time opportunity, the parties to the agreement have a responsibility to settle ambiguous points within the settlement agreement and provide the Congress with their version of the settlement in legislative form.

Today, I am challenging the parties to the agreement to do so, to provide us with the details of the agreement beyond the 68-page prospectus.

I, for one, am willing to look at it. I think the other committee chairmen who are involved are willing to look at it as well. We are willing to see if we can mold together an agreement that literally will be in the best interests of the public at large.

Let me add that several weeks ago I sent the proposed agreement to legislative counsel and asked them to try to draft a bill based on the language of the settlement. We found that these expert draftsmen were presented with more questions than answers. So the parties need to get together and help us to formulate the legislative language. I am calling upon them to do that. If there are problems or ambiguities that have to be resolved, we will help them with that.

Third, the parties who negotiated this settlement presented it to Congress must also produce others willing to champion this unprecedented public health opportunity. Beyond the several attorneys general, the plaintiffs bar, and public health groups, few have seized on the settlement as a viable option. Major legislation such as the settlement envisions has never been approved absent widespread support. And we aren't there yet, which is another reason why these amendments we are considering tonight are premature.

The fact is we will not be there without the President and without an awful lot of hard work on the part of all of us here.

Fourth and finally, we must consider how we resolve this issue of document production. The proposed agreement provides that previously undisclosed documents be publicly disclosed through a national tobacco document depository open to the public and located centrally here in Washington, DC. These documents would include documents from the files of the tobacco companies, including those relating to internal health research, documents that we have not been able to get up until now.

Any documents already produced in the attorney general actions would be immediately deposited, and additional existing documents would be placed in the depository within 3 months of the enactment of the bill.

Despite this provision for open disclosure, some in Congress—those who question the settlement most—have proposed immediate disclosure of these documents. The documents in the Minnesota case alone brought by Attorney General Hubert Humphrey, who has testified before our committee, amount to 33 million documents. Such massive disclosure is neither practicable nor possible in the presettlement arena.

Naturally there are attorneys all over this country who believe that the settlement will never make it through and they are trying to look out for their clients. Internal documents which have not yet been released could be invaluable in such suits.

But the greater good demands that we look at an agreement which could bring us tremendous public health advances, and it appears that agreement could actually be hindered by an exhaustive investigation of internal tobacco documents.

I can't blame the cigarette companies for not wanting to produce the documents in advance—although I cannot in any way condone some of their past reprehensible behavior. I simply question whether it is the appropriate role of Congress to conduct discovery for private litigants.

I think we are all indebted to the negotiators for stimulating a potentially fruitful public discussion on the public health issues attendant to tobacco.

I commend the States attorneys general, especially those involved in the class action litigation. I commend the public health representatives who have been speaking out, and the representatives of the tobacco industry for advancing the ball in a meaningful direction.

The climate has been created for the Congress and the public to have opportunities to make significant strides on this whole set of tobacco issues.

It is clear that the Senate is only in the beginning stages of this process. Five congressional hearings having been held, and more are planned.

I urge my colleagues to let the process work. Let us move a proposal in the Judiciary Committee. Many of my colleagues here tonight are members of that committee, and we will have ample opportunity for full discussion.

I just have to doubt if this is the right time and the place, on the Labor-HHS appropriations bill, to be raising these issues that could blow the settlement out of the water.

I personally believe we ought to move that settlement forward.

My study has led me to conclude it is a one-time opportunity to do something for our kids in this society.

It is a one-time opportunity to make significant advances in biomedical research, and it is surely a one-time opportunity to have the tobacco companies fully cooperate in providing all of their internal research for the benefit of the public health at large.

There are so many benefits that could derive from a decent settlement, if we can formulate one and keep the parties together.

It is time now for the President to speak out.

He was supposed to speak out this Thursday. Now they have put it off for another week, knowing that every week that it is put off it is less likely that we can pass something in this Congress.

Let me make a prediction. I believe that we are going to lose this historic opportunity if we do not seize the opportunity, bite the bullet, do the work that is necessary, get the involvement of the companies, the attorneys general and others who are interested in

this process, and come up with a package, that literally, will realize all of the public health gains I have been talking about, and more.

It is no secret that the tobacco industry may not proceed with the settlement if the North Carolina case, which does indicate that FDA does have some right to regulate in the area of nicotine, is overturned on appeal. Many legal experts say that the Greensboro case is iffy at best and that it could very easily be overturned on appeal. In fact, I think there are many good arguments for overturning it on appeal based on present law and our understanding of present law.

But let me admonish my colleagues that if that case is overturned on appeal, I am not so sure that the tobacco industry is going to proceed with a settlement anyway, because they might just continue to take the risk that juries in the respective States will almost invariably find that those who smoked all of their lives assumed the risk, or were contributorily negligent in doing so. That is why they have won these cases in large measure right up to today.

I was in Pittsburgh, PA, when the first anticigarette tobacco case was brought, Pritchett versus Liggett & Myers, by the then fabled McArdle law firm. Jimmy McArdle, was one of the leaders, if not the leader in the whole country, in paving the way for tobacco litigation. He scared the daylights out of tobacco companies, but lost, one of few times that great lawyer did not prevail in court.

So I have watched this litigation for all of these years. If that case in North Carolina is lost, we will lose a major incentive for the tobacco companies to come to the table.

Or let's put it another way. If Minnesota Attorney General Hubert Humphrey wins his case, the tobacco companies may very well decide not to go forward anyway. Or, conversely, if General Humphrey loses, what is the incentive for the tobacco companies to stay in the deal?

It would be a message to every other attorney general in the country. Already they have decided to fight right to the end the case brought by the Attorney General of Texas. What is the incentive to continue?

Right now we have an opportunity for all sides to put something together. The attorneys general have put inordinate amounts of time and effort into this matter, and there is an obligation on our part to try to resolve it.

But without Presidential leadership, it is very unlikely that we can resolve it. If we have the President's endorsement, then I think we have to have leadership here in the Congress to move forward, and to do what is right.

No matter what we do, it is going to be difficult because there are those in the Senate and in the House who resent anything done to the tobacco industry. And there are those who feel that anything the tobacco industry wants should be blocked.

My feeling is that the benefits that could come from a legitimately and well put together tobacco settlement clearly outweigh the desire of some to just kill the industry, when in fact they don't have the tools to do so.

There is no doubt in my mind that the $368 billion figure has to change. We have to give serious consideration to the tax implications, as some in this body have suggested. We have got to have some clear-cut approach toward FDA authority.

We have to do a number of things that literally will make that settlement more acceptable. And we have to bring all sides and all parties together, and we have to bring the weight of the Federal Government, the weight of the administration, the weight of the legislative branch of Government, and ultimately the weight of the courts into bringing this all together so that the public at large can benefit greatly.

Personally, I am willing to devote substantial effort toward that end. I know other committee chairmen, who have various jurisdictional areas in this matter, are willing to work on it as well.

In all honesty, we are not going to resolve this by bits and pieces in amendments to legislation like this.

With regard to the amendment of the distinguished Senator from Illinois, let's face it, the language in the Balanced Budget Act was pretty ambiguous. I see any way that language could be binding; it is too ambiguous.

The language, in my opinion, is not really going to require any tobacco settlement to pay for child health insurance. Nevertheless, it would be nice to clarify that matter, and we could do that in a true tobacco settlement.

With regard to attorneys' fees, I share some of the view of the distinguished Senator from Alabama. I agree that there should be a limitation. This should not be a ripoff situation where we have a feeding frenzy on attorney's fees. On the other hand, there are attorneys who have worked long and hard and spent a lot of money and a lot of effort and time, and without whom the settlement would not have been brought to this point. They do deserve some compensation for that.

I think we were all well aware that the issue of attorneys' fees is going to have to be solved in any tobacco settlement that happens.

I do not believe we can easily solve tonight the problem that has been raised by the Sessions amendment that would retroactively limit attorney fees which have already been a matter of contract between States and private counsels.

But we can solve the problem as to how much of this money that actually has to be put up over 25 years is going to go for attorneys' fees.

That is something we are going to have to work to solve. It needs to be done fairly; it needs to be done with wisdom, as with all other aspects of this agreement, in totality.

The way to do it isn't by nit-picking or just by amendment after amendment in the Chamber. We could literally get into 100 tobacco amendments on just this appropriations bill alone.

I think the way to do it is to get the President to speak out. Let's keep holding our hearings. Let's get a final legislative draft and look at it. Let's bring the parties together and demand that the attorneys, the attorneys general, the public health groups, and the tobacco companies who originally negotiated the deal work to provide us with a draft. Let's reform and refine that draft, factor in the President's perspective, and the views of others who did not participate, such as the farmers, and let's move forward to resolution of this issue in the best interests of the American people.

I just wanted to make these comments because I am very upset that we keep playing around with this issue. Frankly, if we let it go beyond the end of this year, it may be very difficult, it maybe impossible, to do next year.

I ask unanimous consent that Bruce Artim be granted access to the floor for the remainder of the session.

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

Mr. HATCH. I yield the floor.

Mr. SPECTER addressed the Chair.

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

Mr. SPECTER. Mr. President, a few administrative matters here.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to amendment No. 1121.

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

AMENDMENT NO. 1095, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate turn to the consideration of amendment No. 1095 to S. 1061 very briefly and temporarily for disposition.

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

Mr. SPECTER. On behalf of Senator LANDRIEU, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 44, line 2, strike "$5,606,094,000" and insert "5,611,094,000".

On page 85, line 19, further increase the amount by $5,000,000.

Mr. SPECTER. This amendment, Mr. President, provides for an additional $5 million for the adoption opportunities

program, bringing the total in the bill to $18 million. The amendment is offset by further reductions in administrative expenses. It has been cleared on both sides, and accordingly I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1095), as modified, was agreed to.

AMENDMENT NO. 1125

Mr. SPECTER. Mr. President, very briefly on the pending amendment offered by the distinguished Senator from Alabama, I think the debate this evening has been very useful. The comments by the distinguished Senator from Utah are cogent. We have had the hearings as noted by Senator HATCH in the Judiciary Committee. It is tempting to eliminate the very substantial tax break which is presented in the reconciliation bill. Perhaps that is something that can be done now although the considerations advanced by the Senator from Utah are very weighty.

The amendment offered by the Senator from Alabama to curtail the attorney's fees is very much worth considering. I am not sure that the proper place for it is on this bill because we really do not know all the underlying facts. When you talk about $250 an hour, that is a substantial sum of money on an hourly rate. When you talk about a total of $5 million, that is a substantial sum of money. The reports are that the attorney's fees in the agreement run into the billions. It may well be that before an intelligent legislative decision can be made on this matter, we will have to know a great deal more about the arrangements made by each State with the attorneys, what their work has involved, evaluation of the contingent nature, that is, a likelihood of failure so that a contingent fee is set and some consideration on the likelihood of success because if there is no settlement, then there are no attorney's fees to be paid, and that may be a fact-specific inquiry which will take some considerable time ultimately by the Judiciary Committee.

But in any event, the stage is set. There are other Senators who want to discuss this issue. We will proceed to the conclusion of it when we resume consideration of the bill tomorrow morning at 9:30.

I yield the floor.

Mr. WELLSTONE. Mr. President, might I ask the manager a question? I had come to the floor to speak tonight, but I know it is late and people may be anxious to leave. What would be the order of business tomorrow? Is there additional time on the amendment of the Senator from Alabama?

Mr. SPECTER. Mr. President, if the Senator will yield, I will be glad to respond. The pending amendment will remain in the Chamber. The Senator from Illinois, [Mr. DURBIN], had made a motion to table and then had withdrawn it at my request so that Senators who were not here might have an opportunity to debate tomorrow morning. But that will be the amendment which we will return to at 9:30 tomorrow morning.

Mr. WELLSTONE. Mr. President, I wonder whether, with the support of my colleagues, rather than taking up more time tonight, I might ask unanimous consent to be included in the sequence of that order to be able to speak once we start for 5 minutes or 10 minutes? I will not do it tonight.

Mr. SPECTER. Mr. President, if I may respond, I don't think there is any unanimous consent order required. If the Senator is here tomorrow morning when we proceed with the bill, I am sure he will be recognized.

Mr. WELLSTONE. I thank the Chair. I will wait until tomorrow, then, to speak.

Mr. SESSIONS addressed the Chair.

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

Mr. SESSIONS. I want to express my appreciation to the distinguished chairman of the Judiciary Committee, Senator HATCH, for his remarks. I appreciate them. His committee, the Judiciary Committee, of which I am a member, has begun wrestling with these very complex issues. I think he is exactly correct. It is a matter that requires the leadership of the President. He is going to have to step up to the plate and bring his departments of the U.S. Government on board if there is to be an agreement. It has so many possibilities of going awry.

I think, personally, I have not decided whether this legislative body, the Congress, ought to get involved in this lawsuit or not. It may be the right thing for us to do. Then again it may turn out that it is not. But if we do, I think it is appropriate that we limit the amount of attorney's fees in these cases. Under the fee agreements that I understand are now in place, attorneys, private attorneys, who have been hired by the States have been involved in litigation maybe only a few weeks and could stand to receive tens of millions, even billions of dollars. In fact, most published reports indicate that fees could be as high as $10 billion to $14 billion in this litigation.

That is far too much. That money needs to go to children. That is what these lawsuits were about, to have that money go to children for children's health, and that is what this bill would be involved with. So I feel very strongly about that.

As to this being a tobacco industry bill, I am surprised the Senator from Illinois said that because I am supporting his amendment which would add another $50 billion, $60 billion to the tobacco industry, at least take away any benefit that now may come to them in that amount—a very significant issue. And I have come down on his side.

I simply say, just as that amendment that came through to change perhaps the funding for the tobacco industry to save them a large amount of money was not fully debated, likewise the attorney's fees that have been out there have not been debated. As a matter of fact, they have not been discussed. At the Judiciary Committee hearing at which I appeared with Senator HATCH, I asked about attorney's fees of several of the attorneys general, and I got only evasive answers.

So then I submitted written questions to them asking for detailed explanations of what kind of fee agreements had been entered into and asked them to respond to me in writing. Over a month has passed, and we have heard nothing from them. So I say there is a side agreement, an unhealthy, secret agreement, it appears, between the attorneys for the States and the tobacco industry, that the attorneys general and the States are saying they are not responsible for.

You cannot do that. Mr. President, as an attorney, let me say this. An attorney's fidelity must be totally to his or her client, and in this instance, these attorneys, these plaintiff attorneys who have been hired to represent most of the States involved who have contingent fee agreements with their States need to have their total loyalty to the State. But if they are over there on the side entering into a fee agreement negotiation with the tobacco industry and saying to the American people and the people of the various States involved, "Don't worry about the fee agreement, the tobacco industry is going to pay that," make no mistake about it, that is money taken from the children. That is money taken from the settlement that would go to benefit the health of people who have suffered from smoking. It is a side agreement that is not healthy.

I have serious questions in my mind as a practicing attorney whether or not that is ethical because, you see, if that private side agreement between the tobacco people and the attorneys about how much money they get falls apart, those attorneys get no money—perhaps. And maybe the tobacco company can say, well, if you will just agree to this restriction or that restriction, we will agree to pay you two or three more billion dollars in attorney's fees. That is the kind of unhealthy relationship that should never occur in serious litigation, and this is certainly serious litigation.

The Senator from Kentucky from the other party indicated that this settlement may exceed $500 billion. We cannot allow 10–20 percent of that money to go to attorneys, many of whom have filed lawsuits so recently that the ink is hardly dry on them. They have done very little litigation. Yet we are at the

point of the tobacco industry coming in and agreeing to settle and pay it all and the litigation would presumably end and then they would get these huge sums in legal fees. I think it is a very important matter, and as far as this Senator is concerned I will not support any agreement, I will not support any global settlement legislation from this body that does not fully disclose every dime that is being paid, and I don't think we should.

In addition to that, I think this body ought to make clear that if any settlement does occur, we should cap the amount of legal fees. I think $250 an hour is fine pay for any good lawyer, and that is the maximum they ought to be paid. If they are not worth that—they do not normally charge that—they should not get $250. But we say no more than $250 an hour and no more than $5 million per State. So that is 50 States to perhaps pay $5 million, and we could save substantial sums of money, Mr. President, that could go to benefit children's health in this country and not be involved in windfalls to attorneys who may have done very little work at all.

I think this is a good bill. I just point out that, of course, if there is a global settlement and there needs to be some changes in the actual formula or caps involved in the payment of attorney's fees, that could be made a part of it. But I think this body right now needs to send a message to the people of this country that we are going to insist on full disclosure and we are going to put some reasonable limits on how much money can be spent on attorney's fees.

AMENDMENT NO. 1125, AS MODIFIED FURTHER

Mr. SESSIONS. Mr. President, at this point I would like to further modify my amendment to address the concerns of the Senator from Iowa with regard to the ongoing State suits versus the national tobacco settlement.

I send that to the desk at this time.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment will be so modified.

The amendment (No. 1125), as modified further, is as follows:

Strike the last word in amendment No. 1078, as amended, and insert the following: "Repealed.

"SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs or defendants) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the National Tobacco Settlement Agreement, such fees shall—

"(1) not be paid at a rate that exceeds $250 per hour; and

"(2) be limited to a total of $5,000,000.

"(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

"(1) court order;

"(2) settlement agreement;

"(3) contingency fee arrangement;

"(4) arbitration procedure;

"(5) alternative dispute resolution procedure (including mediation); or

"(6) other arrangement providing for the payment of attorneys' fees.

"(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

"(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

"(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

"(2) made public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

"(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

"(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement."

Mr. SESSIONS. Mr. President, the effect of this amendment would be to make sure this amendment applies to tobacco attorneys, too. It would limit their fees if they were in excessive amounts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1122

Mr. MACK. Mr. President, my colleague Senator GORTON has introduced an amendment which would return federal funding for education programs serving grades K–12 directly to school districts. Currently, nearly one third of all the money spent on education by the federal government ends up at the Department of Education. However, of that amount, only 13.1 percent actually reaches local school districts.

Mr. President, the Federal Government currently administers so many education programs which it cannot efficiently control, nor can it determine if it is money well spent. The vast number of these programs are redundant and could be easily combined. Over the years, as new ideas and innovations in education have been enacted, we have not reviewed programs currently in place which serve similar purposes. The result has been a growing Washington bureaucracy, with more federal regulations affecting the day-to-day workings of our local schools.

Clearly, when it comes to the education of our young people, one size does not fit all. This amendment would remove Washington bureaucrats from what should be local decisions. Parents, teachers, and local school officials are far better prepared to determine how best to use scarce resources. We should express our confidence in parents, our teachers and our principals to decide how best to use limited resources to meet the needs of children—who ultimately are the ones we must serve. Washington bureaucrats, far removed from these local situations, cannot accurately make those decisions.

Mr. President, I am sure that during debate on this amendment and debate on this bill, we will hear from others in this body about the need to preserve Congress' role in providing for the education of our nation's children. Certainly, there is a role for Congress in this area, but I believe it is a more limited role.

I must point out that this amendment would not reduce by one dime the amount of funding provided by the federal government for education nationwide. Instead, it will ensure that the status quo which has sentenced our schools to mediocrity will be reformed to enable parents, teachers and local decisionmakers to enact innovative reforms to our education system.

Mr. President, I believe in this approach because I believe in parents—who have the biggest stake in their parent's success and fulfillment. I believe in teachers—who, everyday, stand before classrooms of children and challenge their minds with knowledge and ideas, who inspire them to dream and imagine, who help them open the doors to success. These are the ones we should seek to help, because their efforts will determine how America fares in the 21st century—they will determine whether we continue to lead in the world or whether we will allow that leadership to fall on some other nation.

I am confident that our parents, teachers, and students can build the best education system in the world, if only Washington "experts" will just get out of the way. Let's show them that Congress believes in their abilities to make the right decisions for the future of our children by supporting this amendment. I thank the chair and I yield the floor.

MEDICARE COMMISSION PROVISION

Mr. FEINGOLD. Mr. President, I want to thank the Senator from Iowa [Mr. HARKIN], for his efforts to include language in this appropriations bill relating to the Bipartisan Commission on the Future of Medicare. I also want to thank his colleague, the senior Senator from Iowa [Mr. GRASSLEY], who chairs

the Senate Special Committee on Aging, for joining me in advocating some additional direction to the Commission with respect to long-term care. I very much enjoy working with Senator GRASSLEY on the Aging Committee, where he has continued a long tradition of bipartisanship.

Mr. President, the language added to the bill at our request touches on one aspect of an enormously important segment of health care, namely long-term care. I have been deeply involved in long-term care issues for nearly 15 years, and have advocated significant reforms to our current system both at the State and Federal level.

Mr. President, many will recall that as part of the Balanced Budget Act of 1997, we created the so-called National Bipartisan Commission on the Future of Medicare. Established because of the need to reform and modernize the principal health care system of our Nation's seniors, that Commission will examine a host of issues relating to health care coverage and will make recommendations that we hope can lead to an improved Medicare system, one which will not only deliver better health care but also provide some relief from the growing pressure Medicare has been placing on our Federal budget.

One of the key issues to be examined by the Commission is the area of chronic disease and disability.

Mr. President, effective treatment of individuals with chronic health care needs requires a combination of acute and preventive care, disease management, health monitoring, and long-term care services and supports. However, as it is now structured, the Medicare fee-for-service program responds to specific and discrete episodes of care through separate providers, and often discourages timely, coordinated cost-effective chronic care.

Mr. President, more than 20 percent of Medicare beneficiaries today have chronic health care needs, and they are the fastest growing segment of the Medicare population. A major part of the health care for these beneficiaries with chronic needs are the long-term care services and supports which are separately financed by beneficiaries and their families, or, for those without personal resources, by Medicaid and the States.

This latter group of people with chronic care needs, those who are eligible for both Medicare and Medicaid, help make up a particularly important group of beneficiaries. The so-called dually eligible make up about one-sixth of the population of these two programs, but account for nearly one-third of program expenditures and rightly have captured the attention of policy makers as one of the critical targets for policy reforms in the two programs. As a recent hearing of the Aging Committee revealed, the lack of coordination between these two programs, and more generally between Medicare and long-term care, creates perverse incentives for cost-shifting in the health care system, and often results in excess cost, inappropriate care, or no care at all.

Mr. President, while the National Bipartisan Commission on the Future of Medicare is already directed to examine this critical population, our proposal goes further specifically calling on the Commission to examine the potential for coordinating Medicare with cost-effective long-term care services.

Mr. President, I want to underscore the language we had included in the bill does not limit or even specify what the Commission might consider in reviewing the potential for coordinating Medicare with long-term care services. But there are a number of matters deserving the Commission's attention that I want to highlight, including the success of a number of States, such as Wisconsin, in developing effective long-term care programs built on flexible delivery systems that deliver more cost-effective, individualized care. The Commission should also take a particularly close look at efforts which build upon the existing system of informal supports, often provided by family members and friends, that currently account for the vast majority of long-term care provided in this country.

More generally, while the primary focus of the Commission will be the future of Medicare, as the Commission calculates the future cost of the current Medicare program, I urge it take into consideration the total costs of care for individuals with chronic illnesses and disabilities, including the cost of long-term care services and supports, whether those costs accrue to Medicare, Medicaid, private insurers, or beneficiaries and their families. It is neither good budgeting policy nor good health care policy to partition off health care service planning, making changes to one program while ignoring the effect those changes will have in other areas.

Mr. President, unlike the near-term focus of the budget process, the recommendations that we expect the Commission will make regarding Medicare will be based on a much longer and broader view. Some of the defects of the current Medicare program are arguably the result of short-term budget considerations that have led to unintended, sometimes expensive consequences. By taking a broader view, the Commission can avoid some of these past errors, and possibly contribute to one of the highest health care priorities we have, the need for significant long-term care reform.

AMENDMENT NO. 1074

Mr. CAMPBELL. Mr. President, I strongly support the amendment offered by my distinguished colleague from Arizona, Senator MCCAIN. The amendment would dedicate an additional $100 million to research on Parkinson's disease, an effort driven by my accomplished mentor and dear friend, Morris K. Udall.

The statistics are staggering. While over a million Americans battle Parkinson's at a cost of $26 billion annually, the Federal commitment to Parkinson's research is only $27 million. While it is not only impossible but unfair to try and determine what disease should get more funding for research while another gets less, these statistics say unequivocally that Parkinson's deserves more.

While I have many fond memories of Mo, his thirty years of unparalleled service to this country, his ever present wit and his statesmanship, one of my fondest memories is of a circumstance in which he exhibited rarely matched courage and integrity. While both in the House of Representatives, I had the honor of crusading with Mo to remove a painting from a wall in the Capitol that was both offensive and demeaning to Native Americans. That painting, that symbol of dominance, hung for years. Mo Udall took it down. He took down many such injustices during his tenure in Congress.

Parkinson's has robbed us of too many valuable people. I feel very strongly that the 64 Members of the Senate who cosponsored this bill should follow through on their initial—overwhelming—show of support and adopt the amendment.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 8, 1997, the Federal debt stood at $5,411,318,696,295.51. (Five trillion, four hundred eleven billion, three hundred eighteen million, six hundred ninety-six thousand, two hundred ninety-five dollars and fifty-one cents)

Ten years ago, September 8, 1987, the Federal debt stood at $2,360,222,000,000. (Two trillion, three hundred sixty billion, two hundred twenty-two million)

Fifteen years ago, September 8, 1982, the Federal debt stood at $1,107,230,000,000 (One trillion, one hundred seven billion, two hundred thirty million)

Twenty-five years ago, September 8, 1972, the Federal debt stood at $435,645,000,000 (Four hundred thirty-five billion, six hundred forty-five million) which reflects a debt increase of nearly $5 trillion—$4,975,673,696,295.51

(Four trillion, nine hundred seventy-five billion, six hundred seventy-three million, six hundred ninety-six thousand, two hundred ninety-five dollars and fifty-one cents) during the past 25 years.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to regulations previously adopted by the Board implementing sections 204, section 205, and section 215 of the Congressional Accountability Act of 1995.

Section 204 concerns the extension of rights and protections under the Employee Polygraph Protection Act of 1988. Section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act. Section 215 concerns the extension of rights and protections under the Occupational Safety and Health Act of 1970.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988, THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT, AND THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors ("Board") of the Office of Compliance is publishing proposed amendments to its regulations implementing sections 204, 205, and 215 of the Congressional Accountability Act of 1995 ("CAA" or the "Act"), 2 U.S.C. §§1314, 1315, 1341. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These sections of the CAA will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress (the "Library") on December 30, 1997, and this Notice of Proposed Rulemaking ("NPRM") proposes to amend the Board's regulations implementing these sections to extend the coverage of the regulations to include GAO and the Library. Several typographical and other minor corrections and changes are also being made to the regulations being amended.

The regulations under sections 204, 205, and 215 were adopted in three virtually identical versions, one that applies to the Senate and employees of the Senate, one that applies to the House of Representatives and employees of the House, and one that applies to other covered employees and employing offices. This NPRM proposes that identical amendments be made to the three versions of the regulations. The proposal to amend the regulations that apply to the Senate and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the Senate, the proposal to amend the regulations that apply to the House and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the House of Representatives, and the proposal to amend the regulations that apply to other employing offices and their employees is the recommendation of the Executive Director of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice is also available in the following formats: large print and braille. Requests for this notice in large print or braille should be made to Mr. Russell Jackson, Director, Services Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, at (202) 224–2705 (voice), (202) 224–5574 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and purpose of this rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438, was enacted on January 23, 1995. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch.

Sections 204, 205, and 215 apply three of these laws. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections under the Employee Polygraph Protection Act of 1988 ("EPPA"), by providing generally that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002(1), (2), (3). Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), by providing generally that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of section 5 of the Occupational Safety and Health Act of 1970 ("OSHAct"), by providing generally that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, sections 204 and 205 became effective on January 23, 1996, and section 215 became effective on January 1, 1997. However, "with respect to the General Accounting Office and the Library of Congress," the CAA provides that sections 204, 205, and 215 "shall be effective . . . 1 year after transmission to the Congress of the study under section 230." Sections 204(d)(2), 205(d)(2), 215(g)(2) of the CAA, 2 U.S.C. §§1314(d)(2), 1315(d)(2), 1341(g)(2). This "study under section 230" is a study of the application of certain laws, regulations, and procedures at the General Accounting Office ("GAO"), the Government Printing Office ("GPO"), and the Library of Congress ("Library"), which the Board was directed to undertake by section 230 of the CAA, as amended, 2 U.S.C. §1371. The Board transmitted the completed study to Congress on December 30, 1996, and sections 204, 205, and 215 will therefore become effective with respect to GAO and the Library on December 30, 1997.[1]

The CAA requires that the Board adopt regulations to implement sections 204, 205, and 215, and further requires that these regulations be the same as the substantive regulations promulgated by the Secretary of Labor to implement the provisions of applicable statute, except if the Board determines, for good cause shown, that a modification would be more effective for the implementation of the rights and protections under these sections. 2 U.S.C. §§1314(c), 1315(c), 1341(d). The Board has adopted regulations implementing these sections with respect to employing offices other than GAO and the Library, and the purpose of this rulemaking is to adopt regulations implementing these sections with respect to GAO and the Library as well.

2. Record of earlier rulemakings

To avoid duplication of effort in proposing and adopting regulations with respect to GAO and the Library, the Board plans to rely, in part, on the record of its earlier rulemakings. The regulations implementing sections 204 and 205 of the CAA were proposed, adopted, and issued during the latter part of 1995 and the first part of 1996, and, during that period, the Board solicited comment and explained the basis and purpose of the regulations in several notices published in the CONGRESSIONAL RECORD. On September 28, 1995, the Board published an Advance Notice of Proposed Rulemaking ("ANPRM"), in which the Board solicited comments before promulgating proposed rules under several sections of the CAA, including sections 204 and 205. 141 CONG. REC. S14542–44 (daily ed. Sept. 28, 1995). On November 28, 1995, the Board issued NPRMs proposing regulations under sections 204 and 205, among others, 141 CONG. REC. S17652–64 (daily ed. Nov. 28, 1995), and on January 22, 1996, the Board published Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations under these sections, 142 CONG. REC. S262–74 (daily ed. Jan. 22, 1996). The Board also proposed and adopted separate regulations, pursuant to section 204(a)(3) of the CAA, authorizing the Capitol Police to

[1] The study under section 230, as well as copies of the December 30, 1996 letters from the Board transmitting the study to Congress, are available for inspection in the Law Library Reading Room, at the address and times stated at the beginning of this Notice. The study may also be viewed on the Office of Compliance's Internet web site at either http://www.compliance.gov/230.html or http://www.access.gpo.gov/compliance/230.html.

use lie detector tests. 141 CONG. REC. S14544–45 (daily ed. Sept. 28, 1995) (NPRM); 142 CONG. REC. S260–62 (daily ed. Jan. 22, 1996) (Notice of Adoption, etc.). The adopted regulations were then approved by Congress, and, on April 23, 1996, the Board's Notices of Issuance of Final Regulations were published in the CONGRESSIONAL RECORD setting forth the text of the final regulations implementing several CAA sections, including 204 and 205. 142 CONG. REC. S3917–24, S3948–52 (daily ed. Apr. 23, 1996).

The Board published proposed regulations to implement section 215 on September 19, 1996, 142 CONG. REC. H10711–19 (daily ed. Sept. 19, 1996), and published its Notice of Adoption and Submission for Approval for these regulations on January 7, 1997, 143 CONG. REC. S61–70 (Jan. 7, 1997). The House and Senate have not yet approved the section 215 regulations, and, accordingly, these regulations have not yet been issued.[2]

3. Proposed amendments

The Board is presently aware of no reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees. The Board therefore proposes in this NPRM to expand the coverage of the regulations already adopted under sections 204, 205, and 215 to include GAO and the Library and their employees, and to make no other substantive change to the regulations.

a. Regulations Under Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988. The Board's two regulations implementing section 204 of the CAA—*i.e.*, the exclusion for employees of the Capitol Police, and the regulations covering all other employing offices except GAO and the Library—were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3917–24 (Apr. 23, 1996). In the regulations for employing offices other than the Capitol Police, the scope of coverage is established by the definitions of "covered employee" in section 1.2(c) and "employing office" in section 1.2(i). The Board proposes to amend these regulations by adding any employee of GAO or the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office."

b. Regulations under Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act. Regulations implementing section 205 for employing offices other than GAO and the Library were issued in final form and published in the April 23, 1996 issue of the CONGRESSIONAL RECORD, 142 CONG. REC. S3949–52 (Apr. 23, 1996). The scope of coverage of these regulations is established by the definition of "employing office" in section 639.3(a)(1). As presently drafted, the definition in section 639(a)(1) incorporates by reference the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), which includes all covered employees and employing offices other than GAO and the Library. The Board proposes to amend these regulations by adding to the definition of "employing office" a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library to the definition of "employing office."

c. Regulations under Section 215—Rights and Protections Under the Occupational Safety and Health Act of 1970. Regulations implementing section 215 for employing offices other than GAO and the Library were adopted by the Board and published in the January 7, 1997 issue of the "CONGRESSIONAL RECORD, 143 CONG. REC. S61–79 (Jan. 7, 1997). The scope of coverage of these regulations is established by the definition of "covered employee" in section 1.102(c), the definition of "employing office" in section 1.102(i), and a listing in both sections 1.102(j) and 1.103 of entities that, pursuant to the regulations are included as employing offices if responsible for correcting a violation of section 215 of the CAA. The Board proposes to amend these regulations by adding any employee of GAO or of the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office" and to the entities listed in sections 1.102(j) and 1.103 that can be included as employing offices.

In addition to the proposed changes described above, several typographical and other minor corrections are being made to the regulations being amended, including a few corrections and changes to the list of Department of Labor's regulations under the OSHAct that are incorporated by reference into the regulations adopted by the Board under section 215 of the CAA.[3]

4. Request for Comment

The Board invites comment on these proposed amendments generally, and invites comment specifically on whether there is any reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees.

Recommended method of approval. The Board proposes that it will adopt three identical versions of the amendments and recommends: *(1)* that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, *(2)* that the version amending the regulations that apply to the House of Representatives and employees of the House of Representatives be approved by the House by resolution, and *(3)* that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

The Board expects to adopt the amendments and to submit them to the House and Senate for approval by three separate documents, one for the amendments under section 204 of the CAA, one for the amendments under section 205, and one for the amendments under section 215. This procedure will enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the Board adopts the amendments under section 215, the Board recommends that the House and Senate approve those amendments together with the regulations.

Signed at Washington, D.C., on this 5th day of September, 1997.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby proposes the following amendments to its regulations:

AMENDMENTS TO REGULATIONS UNDER SECTION 204 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

It is proposed that the regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3917–3924 (daily ed. Apr. 23, 1996), be amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"Sec. 1.2 Definitions

* * * * *

(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * * ".

[2] Although the Board's regulations implementing section 215 have not yet been issued, section 411 of the CAA provides that, in proceedings to enforce most provisions of the CAA, including section 215, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." 2 U.S.C. §1411.

[3] In the regulations implementing section 204 of the CAA, in the definitions of "employing office" and "covered employee" in sections 1.2(c) and (i), the references to the Office of Technology Assessment ("OTA") and to employees of OTA are being removed, as OTA no longer exists. In the regulations implementing section 205 of the CAA, the title at the beginning of the regulations is being corrected. In the regulations implementing section 215 of the CAA, in the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j) of those regulations, "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations. Furthermore, in Appendix A to Part 1900 of the regulations, several editorial and technical errors are being corrected in the cross-references to the Secretary of Labor's regulations under the OSHAct and recent changes in the Secretary's regulations are being incorporated. These corrections comport with the Board's stated intention to incorporate by reference the Labor Secretary's substantive regulations in effect at the time the Board approved the regulations under section 215 of the CAA, and to update the list of incorporated regulations when necessitated by the Secretary's changes to those regulations. *See* 142 CONG. REC. H10711, H10715 (daily ed. Sept. 19, 1996) (NPRM under section 215); section 1900.1(c) of the Board's regulations under section 215, 143 CONG. REC. S61, S67 (daily ed. Jan. 7, 1997).

AMENDMENTS TO REGULATIONS UNDER SECTION 205 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

It is proposed that the regulations implementing section 205 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3949–52 (daily ed. Apr. 23, 1996), be amended by revising the title at the beginning of the regulations, and the introductory text of the first sentence 639.3(a)(1), to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

* * * * *

"*§ 639.3 Definitions.*

"(a) *Employee office.* (1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. § 1301(9), and either of the entities included in the definition of "employee office" by section 205(a)(2) of the CAA, 2 U.S.C. § 1315(a)(2), that employs—

"(i) * * * ".

* * * * *

AMENDMENTS TO REGULATIONS UNDER SECTION 215 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66–69 (daily ed. Jan. 7, 1997), be amended as follows:

1. EXTENSION OF COVERAGE.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"*§ 1.102 Definitions.*

* * * * *

(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

"*§ 1.103 Coverage.*

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee;

"(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

"(3) each joint committee of the Congress;

"(4) the Capitol Guide Service;

"(5) the Capitol Police;

"(6) the Congressional Budget Office;

"(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

"(8) the Office of the Attending Physician;

"(9) the Office of Compliance;

"(10) the General Accounting Office; and

"(11) the Library of Congress.".

2. Corrections to cross-references.—By making the following amendments in Appendix A to Part 1900, which is entitled "REFERENCES TO SECTIONS OF PART 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(d) OF THE CAA"

(a) After "1910.1050 (Methylenedianiline." insert the following:

"1910.1051 1,3-Butadinene.

"1910.1052 Methylene chloride.".

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"SUBPART L—SCAFFOLDS

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training.".

(d) Strike "1926.556 Aerial lifts.".

(e) Strike "1926.753 Safety Nets.".

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 a withdrawal and sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:55 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 700. An act to remove the restrictions on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band od Cahuilla Indians.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 700. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band od Cahuilla Indians; to the Committee on Indian Affairs.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

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–2880. A communication from the Acting Secretary of Veterans Affairs, transmitting, a draft bill of proposed legislation to remove a statutory provision; to the Committee on Veterans' Affairs.

EC–2881. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule relative to migratory bird hunting (RIN1018-AE14) received on August 27, 1997; to the Committee on Indian Affairs.

EC–2882. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Urine Surveillance" (RIN1120-AA68) received on August 26, 1997; to the Committee on the Judiciary.

EC–2883. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2884. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic

collection and industrial espionage; to the Select Committee on Intelligence.

EC–2885. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to private delivery services received on August 29, 1997; to the Committee on Finance.

EC–2886. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–37 received on August 29, 1997; to the Committee on Finance.

EC–2887. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to weighted average interest received on September 3, 1997; to the Committee on Finance.

EC–2888. A communication from the Secretary of Agriculture, transmitting, a draft bill of proposed legislation entitled the "Agricultural Fair Practices Enforcement Authority Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2889. A communication from the Secretary of Agriculture, transmitting, a draft bill of proposed legislation to establish the position of Under Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2890. A communication from the Acting Administrator, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to a schedule of fees to be charged, received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2891. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to a change in disease status received on September 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2892. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to bartlett pears received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2893. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to tart cherries received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2894. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to quarantined areas received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2895. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to limes received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2896. A communication from the Assistant Secretary of State (Legislative Affairs), the report of the Executive Summary and Annexes to the U.S. Arms Control and Disarmament Agency for calendar year 1996; to the Committee on Foreign Relations.

EC–2897. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons; to the Committee on Foreign Relations.

EC–2898. A communication from the Assistant Secretary of State (Legislative Affairs), the report of a memorandum of justification relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–2899. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "The Potato Research and Promotion Plan" (AMS–FV–96–703, CN–97–003, DA–97–09) received on September 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2900. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on horse protection enforcement for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2901. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "Mid-Session Review of the (Fiscal Year) 1998 Budget"; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–2902. A communication from the Secretary of the Interior, transmitting, a draft bill of proposed legislation entitled "The Revised Statute (R.S.) 2477 Rights-of-Way Act"; to the Committee on Energy and Natural Resources.

EC–2903. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2904. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Public Land Records" (RIN1004–AC81) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC–2905. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, a rule relative to wildlife refuges in Alaska (RIN1018–AD93) received on August 22, 1997; to the Committee on Energy and Natural Resources.

EC–2906. A communication from the Acting Deputy Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report on Damaged and Threatened National Historic Landmarks for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–2907. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Indiana Regulatory Program" (IN–127–FOR) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC–2908. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Kentucky Regulatory Program" (KY–211–FOR) received on August 26, 1997; to the Committee on Energy and Natural Resources.

EC–2909. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "Coal Moisture Rule" (RIN1029–AB78) received on August 25, 1997; to the Committee on Energy and Natural Resources.

EC–2910. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conflicts of interest (RIN1991–AB26), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2911. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to certificate requirements (RIN1991–AB31), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2912. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conservation standards received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2913. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule received on September 3, 1997; to the Committee on Finance.

EC–2914. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–52; to the Committee on Finance.

EC–2915. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates" (RIN0938–AH55) received on September 4, 1997; to the Committee on Finance.

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–224. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Federal Government's program to manage and dispose of spent fuel from the United States nuclear power plants is substantially behind schedule and failure to take appropriate action to enable said Federal Government to take title to and possession of this material in a timely and efficient manner coul result in the need to construct and operate one or more long-term spent nuclear fuel storage facilities in Massachusetts and New England; and

Whereas, forty per cent of New England's power is from nuclear plant generation which is the highest percentage for any region in the entire United States; and

Whereas, New England's capability to meet the clean Air Act requirements is highly dependent upon continued availability of our nuclear power plants; and

Whereas, continued operation of our nuclear power plants reduces New England's dependence on the importation of foreign oil; and

Whereas, the Department of Energy is contractually required to begin to take title to and possession of spent fuel on January 31, 1998; and

Whereas, an integrated spent fuel management system is necessary which should include, but not be limited to, four essential components:

A central facility for interim storage until a permanent repository is made available;

A transportation infrastructure for the safe and efficient transfer of spent fuel;

A central repository for permanent deep geological disposal; and

A provision to prioritize the acceptance of spent nuclear fuel from shut down reactor sites; and

Whereas, more than $12,000,000,000 has been paid into the nuclear waste fund of which over $1,000,000,000 has been paid by the ratepayers of New England and current congressional budget restraints preclude proper use of the funds consistent with schedule requirements; and

Whereas, legislation to rectify the nuclear waste storage problem have been introduced in this one hundred and fifth session of the United States Congress: Therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests that the United States Congress enact legislation to address the problems relative to the disposal of nuclear waste and that members thereof from the Commonwealth take a leadership role in insuring that the financial, energy and environmental interests of the ratepayers of the Commonwealth are protected; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the Presiding Officer of each branch of the United States Congress and to the members thereof in this Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FAIRCLOTH, from the Committee on appropriations, without amendment:

S. 1156. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–75).

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. REED:

S. 1154. A bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 1155. A bill to amend title 23, United States Code, to make safety a priority of the Federal-aid highway program; to the Committee on Environment and Public Works.

By Mr. FAIRCLOTH:

S. 1156. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CRAIG:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34; to the Committee on Finance, for not to exceed 7 days of session pursuant to section 1023 of Public Law 93–344.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FEINGOLD (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. KOHL, Mr. BREAUX, Ms. LANDRIEU, Mr. D'AMATO, and Mr. WELLSTONE):

S. Res. 119. A resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. MACK, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. LEAHY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KOHL, Mr. BIDEN, Ms. LANDRIEU, Mr. SARBANES, Mr. REID, Mr. DODD, Mr. INOUYE, Mr. LIEBERMAN, Mr. KERREY, Mrs. BOXER, Mr. MOYNIHAN, Mr. DOMENICI, Mr. KENNEDY, Mr. HATCH, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. JOHNSON, Mr. KYL, Mr. MURKOWSKI, Mr. ASHCROFT, and Mr. INHOFE):

S. Res. 120. A resolution expressing the sense of the Senate on the occasion of the death of Mother Teresa of Calcutta; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 1155. A bill to amend title 23, United States Code, to make safety a priority of the Federal-aid highway program; to the Committee on Environment and Public Works.

THE HIGHWAY SAFETY PRIORITY ACT

Mr. KERREY. Mr. President, there is a national health epidemic in America that does not receive the attention it deserves. This epidemic is responsible for the loss of 1.2 million pre-retirement years of life a year; more than is lost to cancer or heart disease. It is the leading cause of death for Americans between the ages of 15 and 24. Last year, more than 41,900 Americans died from this epidemic and more than 3 million suffered serious injury. In Nebraska alone, the epidemic claimed 293 lives in 1996 up from 254 the year before. The only good news has been that in Nebraska, during the first 6 months of this year, the death rate has slowed slightly. Most tragic, is the fact that this epidemic is almost 100 percent preventable.

This epidemic I am talking about is death and injuries related to driving. While America has made significant progress in reducing traffic accident rates, deaths, and injuries have trended upward in the 1990's.

Traffic accidents impose extraordinary costs on our health care system. About $14 billion a year in health care costs are attributable to traffic accidents. Taxpayers bear $11.4 billion of that cost. In terms of lost productivity, property damage and health care costs, these accidents extracted $150 billion out of the economy for the last year that statistics are available.

The most important point is that traffic accidents are almost completely preventable. The smallest actions of a driver can make the difference between life and death. One lapse in judgment, one moment of inattention can end in tragedy. As drivers, too often, we take for granted the immense power and responsibility we possess when behind the wheel. As public officials we need to be constantly attentive to the need to make our transportation system safer.

The Congress is working on legislation to reauthorize the Nation's basic highway law. It is one of the most important bills the Senate will consider. I strongly believe that we should use this opportunity to commit ourselves to enhancing safety on America's highways and byways. In that spirit, I introduce the Highway Safety Priority Act.

This legislation systematically makes clear that safety is a priority in highway construction and maintenance programs. It sends a strong message to Federal, State, and local transportation planners that they should focus on enhancing safety.

I encourage my colleagues to study and support the Highway Safety Priority Act which I introduce today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1155

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 "Highway Safety Priority Act".

SEC. 2. SAFETY OF FEDERAL-AID HIGHWAYS.

(a) APPROVAL OF 3R PROJECTS ON NATIONAL HIGHWAY SYSTEM.—Section 106(b)(1) of title 23, United States Code, is amended by inserting before the period at the end the following: "and includes the use of full-width lanes and shoulders".

(b) STANDARDS.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

"(3) SAFETY.—To the maximum extent practicable, a design described in paragraph

(1) shall include the use of full-width lanes and shoulders to enhance highway and bridge safety."; and

(2) in subsection (p), by adding at the end the following: "The laws (including regulations, directives, and standards) shall ensure appropriate roadside safety improvements, lane and shoulder widening, alignment and sight distance improvements, and conspicuous traffic control devices and pavement markings.".

(c) CERTIFICATION ACCEPTANCE.—Section 117(b) of title 23, United States Code, is amended by inserting before the period at the end the following: ", including standards that preserve and enhance the safety and mobility of highway users".

(d) SET ASIDE FOR 4R PROJECTS.—Section 118(c)(2)(B) of title 23, United States Code, is amended by inserting before the period at the end the following: "and that improves safety while reducing congestion".

(e) METROPOLITIAN PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by inserting "safety and" after "maximize";

(2) in subsection (f)—

(A) in paragraph (1), by inserting "safely and" after "more";

(B) by redesignating paragraphs (4) through (16) as paragraphs (5) through (17), respectively;

(C) by inserting after paragraph (3) the following:

"(4) The need to prevent accidents involving rail and road users, including bicyclists, pedestrians, and motor vehicles, and to reduce the frequency and severity of such accidents.";

(D) in paragraph (12) (as redesignated by subparagraph (B)), by inserting "safe and" after "enhance the"; and

(E) in paragraph (14) (as redesignated by subparagraph (B)), by inserting "safety," after "economic,"; and

(3) in subsection (g)(2)(C)—

(A) in clause (i), by inserting "and safety" after "operational"; and

(B) in clause (ii), by inserting "safety and" after "maximize the".

By Mr. CRAIG:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34; to the Committee on Finance, pursuant to the order of for 7 days of session pursuant to section 1023 of Public Law 93–344.

DISAPPROVAL LEGISLATION

Mr. CRAIG. Mr. President, I am introducing today a bill to disapprove the President's line-item veto of a provision providing tax relief when an agricultural production facility is sold to a farmer cooperative—a veto that has produced a cry of outrage from Idaho's farm families.

I am disappointed that the President vetoed this provision of the Tax Relief Act of 1997. This provision had strong bipartisan support in both the Senate and the House. This type of tax relief deserves to be debated on the merits and enacted into law.

Because of the large number of ultimate beneficiaries involved in this kind of tax provision, it is my opinion that this item was erroneously identified as a candidate for a line-item veto.

In Idaho, for example, in a single coop, there are 1,130 family farm members who have been interested in this kind of tax law change for a long time.

Changes in agricultural policy over recent years are intended to make American agriculture more market based. Prior changes in tax laws raised hurdles for agriculture at a time when world markets were becoming more competitive. Current tax law allows some advantages to corporations and other entities that are denied to farmer cooperatives.

To allow family farmers in Idaho and across America to remain productive and effective in this changing environment, our tax laws need further revision. The provision the President vetoed would have helped, by allowing farmer cooperatives, by expanding their operations and compete more fully and fairly.

I do not believe the President vetoed this provision without reservations. The White House has said publicly that the issue of ensuring the competitive ability of farmer cooperatives should be addressed. The administration had technical objections which, I believe, we should be able to work out.

It is my hope, and it is fully my intention in introducing this bill today, that Members of Congress, from both sides of the aisle, and the administration can now sit down and work out the details of similar legislation and produce a win-win solution—one that helps farm families and addresses technical concerns expressed by the administration.

I also want to address some important procedural matters.

I am optimistic that, ultimately, legislation providing relief to farmer cooperatives and making any necessary and reasonable technical changes, will move on a track totally separate from this bill. That is my hope and intent.

But we are constrained by procedure and timing in the introduction of this bill. Introduction of this bill, in this form, no later than today, is the only way to keep all procedural options open to the Congress.

The Line Item Veto Act prescribes the precise form and content of this type of bill. Therefore, this bill refers to one other vetoed item besides the farmer cooperative item I have addressed. It is my understanding that persons supporting that item already are working out its consideration on a separate track.

I hope and expect that the same will be true of the farmer cooperative item many in this body have supported. I stand ready to work with my colleagues and the administration on any reasonable, technical changes needed to enact such needed tax relief into law.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–1 and 97–2 as transmitted by the President in a special message on August 11, 1997, regarding Public Law 105–34.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 632

At the request of Mr. KOHL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 729

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 729, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes.

S. 1003

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1003, a bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

At the request of Mr. GRAHAM, the name of the Senator from Michigan

[Mr. LEVIN] was added as a cosponsor of S. 1042, supra.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Missouri [Mr. BOND], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Georgia [Mr. COVERDELL], the Senator from Connecticut [Mr. DODD], the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Florida [Mr. MACK], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Ohio [Mr. DEWINE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. JOHNSON], the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week."

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from Nebraska [Mr. KERREY], the Senator from California [Mrs. FEINSTEIN], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENT NO. 1078

At the request of Mr. DURBIN, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 1078 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1085

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 1085 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1086

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 1086 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1095

At the request of Ms. LANDRIEU the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. JOHNSON], the Senator from Ohio [Mr. DEWINE], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of amendment No. 1095 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. HARKIN the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of amendment No. 1101 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1109

At the request of Mr. SPECTER the names of the Senator from Delaware [Mr. ROTH], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1109 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1117

At the request of Mr. FORD the names of the Senator from Tennessee [Mr. THOMPSON] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of amendment No. 1117 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1121

At the request of Mr. SPECTER the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of amendment No. 1121 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1122

At the request of Mr. GORTON the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of amendment No. 1122 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

SENATE RESOLUTION 119—RELATIVE TO MILK PRODUCERS

Mr. FEINGOLD (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. KOHL, Mr. BREAUX, Ms. LANDRIEU, Mr. D'AMATO, and Mr. WELLSTONE) SUBMITTED THE FOLLOWING RESOLUTION; WHICH WAS REFERRED TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY:

S. RES. 119

Whereas the basic formula price for milk established by the Secretary of Agriculture under Federal milk marketing orders fell to a 6-year low of $10.70 in May 1997 following months of substantial price volatility and remained at similarly low levels throughout the summer of 1997;

Whereas the basic formula price for milk announced for each month since April 1997 has been below the cost of producing milk for milk producers in all regions of the United States, as calculated by the Department of Agriculture;

Whereas income losses to milk producers resulting from low milk prices have imposed economic hardship on milk producers in all regions of the United States;

Whereas lost income to milk producers may create economic losses to businesses and result in loss of jobs in rural communities;

Whereas milk producers, rural residents, and agribusinesses in rural areas have petitioned the Secretary of Agriculture to implement an emergency milk price floor to provide price relief to milk producers;

Whereas the Secretary of Agriculture has authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to establish minimum prices paid to milk producers covered by Federal milk marketing orders; and

Whereas the Secretary of Agriculture has authority under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253) to use informal rulemaking to reform Federal milk marketing orders: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should immediately use the authority of the Secretary under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to establish a temporary emergency minimum milk price that—

(1) is equitable to all producers nationwide; and

(2) provides price relief to economically distressed milk producers.

Mr. FEINGOLD. Mr. President, I rise to submit a resolution which I hope all of my colleagues will support. Milk is produced in every State of this country and in recent months the dairy farmers who produce that milk have suffered from unusually low milk prices. I am pleased to be joined in offering this resolution by the Senator from Pennsylvania [Mr. SPECTER], my senior Senator from Wisconsin [Mr. KOHL], the Senator from New York [Mr. MOYNIHAN], and both Senators from Louisiana [Mr. BREAUX and Ms. LANDRIEU] all of whom have worked hard over the past 10 months to find solutions to the problem of low milk prices.

The resolution we are introducing today expresses the sense of the Senate that the Secretary of Agriculture should use his administrative authority under the Agricultural Marketing Agreement Act of 1937 to set a temporary emergency price floor under milk prices.

Mr. President, as I am sure many Members are aware, milk prices have fallen in the past several months to levels far below the amount it costs many dairy farmers to produce that milk. In fact, the basic formula price for milk as calculated by USDA for every month since April has been below the cost of producing milk for all regions of the country—including the lowest cost milk producers in California. This situation might be bearable if dairy farmers had any assurance that prices might rebound—that the financial strain they are under would be alleviated—but many predictions about milk prices over the past 10 months have simply proven inaccurate.

Last fall, milk prices fell from $14.13 per hundred pounds in October to $11.61 in November. This dramatic decline in milk prices was nearly unprecedented. And while milk prices were strong prior to the milk price collapse last fall, the higher prices of mid-1996 reflected the extremely high cost of feed last year which left dairy farmers with little to show from those high milk prices. Feed is the single most important, and most expensive, input to milk production. It is frequently the case that the cost of the input—in this case, forage and feed grains such as corn—is reflected in the cost of the output—milk. So while some dairy producers may have found 1996 to be a good year, many more were struggling under high feed bills that still had to be paid long after the strong milk prices had evaporated.

Despite the milk price crash late last year, many dairy farmers had expressed optimism for 1997 as milk prices incrementally rose early this year, and were expected to continue to rise throughout the year. Many of my colleagues joined me and other dairy State Senators in asking the Secretary of Agriculture to take administrative steps to shore up milk prices, such as making advance purchases of cheese and other dairy products for the school lunch and breakfast programs and to export more dairy products under the Dairy Export Incentive Program. The Secretary took a number of steps in that regard that may have facilitated the slight increase in milk prices and we thank him for his efforts.

Unfortunately, the milk price recovery was not sustained and in May, the basic formula price for milk hit a 6-year low of $10.70 per hundredweight and remained at roughly that level throughout the summer. Even the mailbox milk prices—that is, the milk prices that farmers are actually paid including all premiums—were below the cost of production for many milk producing regions of the country this summer. These tight margins have squeezed even the most efficient operators and have placed a great deal of financial stress on small- to mid-size family dairy farms who are less able to absorb the price shocks.

While the recently announced basic formula price for August increased milk prices by about $1.00 per hundredweight, few farmers believe this is enough for them to continue to pay their bills through the fall and many farmers are skeptical that prices will increase much beyond this level.

Mr. President, it has been a long summer for dairy farmers who have come to Washington today to demand our action and our support. They have brought with them thousands of petitions from farmers, rural residents, and agribusinesses seeking emergency price relief for milk producers. It is in response to those petitions, the hard work that has gone into gathering the signatures, and the months of exasperatingly low milk prices that we introduce this resolution today.

Mr. President, I urge my colleagues to support their dairy farmers by supporting this resolution.

This resolution simply expresses the sense of the Senate that the Secretary of Agriculture should use the substantial administrative authority and discretion the Congress has provided him under the Agricultural Marketing Agreement Act of 1937 to provide temporary emergency price relief to dairy farmers throughout the Nation. The resolution stipulates that such price relief will be provided in a manner that is equitable to farmers throughout the country. As many of my colleagues know, dairy policy has frequently been embroiled in regional battles over pricing. This resolution stipulates that all producers will receive the same price relief regardless of where they milk their cows.

Many Senators have already asked the Secretary to implement this type of emergency price floor. Earlier this year over 30 Senators from all regions of the country contacted the Secretary urging that he provide price relief for economically stressed dairy farmers. And those requests came even before prices hit bottom this summer. I urge those Senators to join me in sponsoring this resolution.

Agriculture Secretary Dan Glickman, however, has indicated that he needs more than just letters from Senators to provide this type of emergency price relief. Rather, he indicated in a July 9 letter to the distinguished chairman and ranking member of the Senate Agriculture Committee [Mr. LUGAR and Mr. HARKIN] that he needs Congress to provide a more formal expression of support for temporary emergency price relief for dairy farmers. This resolution, when agreed to by the Senate, will provide the Secretary with the

support he needs to provide milk price relief.

The resolution, while directing the Secretary to take action, provides him with flexibility in providing price relief. If milk prices do indeed recover this fall, a price floor may be unnecessary and the Secretary will be able to take that into account. However, analysts are unsure as to what milk prices will ultimately be this fall when they normally reach their peak. High levels of nonfat dry milk stocks may continue to depress prices through the end of the year.

Some might ask why dairy farmers should be given this assistance. The answer, Mr. President, is that a temporary emergency price floor is necessary because unlike other commodity producers, dairy farmers were singled out in the Federal Agricultural Improvement and Reform Act by having their only support mechanism—price supports—phased out. No other commodity program was terminated by the 1996 FAIR Act. Dairy farmers were not provided with the "Freedom to Farm" payments that have been provided to wheat and feed grain producers each year regardless of crop prices. These payments, also known as transition payments, were provided to crop producers in order to help them transition to a market without Government intervention. However, no transitional income assistance has been provided for milk producers even though their commodity program has been, in effect, eliminated.

Similarly, while wheat and feed grain producers, as well as producers of many other commodities, have federally subsidized crop insurance available to help them manage their production risk, and in some cases, their price risk as well, there is no USDA insurance program for milk production.

While producers of other commodities may be able to hedge their price and production risk using high volume futures and options markets that have operated in those commodities for decades, dairy farmers have no such markets to rely on. While futures and options markets exist for dairy products, the trading volumes for most of these markets are so low that few farmers are able to use them.

For whatever reason, Mr. President, dairy farmers were not provided the tools to weather a transition to a more market oriented agricultural sector.

Mr. President, I am not a strong advocate of Government intervention in dairy markets. I have seen the types of division and inequity that Federal involvement in dairy policy and milk prices can create in the dairy industry. So, I do not introduce this resolution lightly. But if there was ever a time for the Federal Government to step in to help dairy farmers, it is now. During the month of August, I traveled throughout Wisconsin conducting the listening sessions which I hold in each county, each year. And in the 15 years I have represented Wisconsin farmers, I have never seen a greater sense of despair among farmers and other rural residents.

Mr. President, there is a sense in the countryside that Washington, DC, has turned a blind eye to the low milk prices of 1997. While that might be a misperception, as I know many of my colleagues have worked with me to find solutions to low milk prices, it is understandable that farmers feel this way. Farmers began asking for this type of price relief at the end of 1996 and 9 months later, nothing has come of that request. That must change.

Mr. President, we must act now to provide some very short-term relief that will help economically distressed dairy farmers through this milk price crisis. We can do that by passing the resolution we are introducing today. The long-term solutions to volatile milk prices and farm income are more nebulous and we must work to address them. But first, we must take some steps to lessen the immediate financial strain on farm families throughout the Nation.

I urge my colleagues to support this important resolution.

Mr. SPECTER. Mr. President, I rise today to join with my colleague from Wisconsin, Senator FEINGOLD, in submitting a sense of the Senate resolution calling for the Secretary of Agriculture to immediately establish a temporary emergency minimum milk price that is equitable to all producers nationwide, and that provides price relief to economically distressed milk producers. We are joined by Senators KOHL, MOYNIHAN, BREAUX, and LANDRIEU.

I have been working with my colleagues in the Senate over the past year in order to provide a more equitable price for our Nation's milk producers. Last year, dairy prices set an all-time high, with an average price of $13.38 per hundredweight. The price reached its peak in September at $15.37 per hundredweight, but the market experienced its largest drop in history during November, falling to $11.61 per hundredweight, which represents a 26 percent decline. During this same period, the cost of the dairy production reached a record high due to a 30–50 percent increase in grain costs.

This record drop in prices has placed a tremendous strain on our Nation's dairy farmers, who have been forced to sell their milk for a price below the cost of production for much of the past year. In an attempt to provide some relief, and to ensure that thousands of small dairy producers were not forced out of business entirely, I joined with 19 of my Senate and House colleagues on November 22, 1996, in writing to Agriculture Secretary Glickman, urging him to take action to help raise dairy prices. Secretary Glickman responded on January 7, 1997, by announcing several short-term actions to stabilize milk prices. While these actions did have a small positive effect in increasing dairy prices, they did not provide adequate relief to our nation's dairy farmers.

In order to hear the problems that dairy farmers are facing first hand, I ask Secretary Glickman to accompany me to northeastern Pennsylvania, which he did on February 10. We met a crowd of approximately 750 angry farmers who complained about the precipitous drop in the price of milk.

During the course of my analysis of the pricing problem, I found that the price of milk depends on a number of factors, one of which is the price of cheese. For every 10 cents the price of cheese is raised, the price of milk would be raised by $1 per hundredweight. I further learned that the price of cheese was determined by the National Cheese Exchange in Green Bay, WI. According to a report created by the University of Wisconsin, there was an issue as to whether the price of cheese established by the Green Bay exchange was accurate or not. The authors of the report used a term as tough as manipulation. Whether that is so or not, there was a real question as to whether that price was accurate. Therefore, 3 days after the hearing in northeastern Pennsylvania, I introduced a sense-of-the-Senate resolution with Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, COLLINS, and GRAMS. The resolution, which passed by a vote of 83–15, stated that the Secretary of Agriculture should consider acting immediately to replace the National Cheese Exchange as a factor to be considered in setting the basic formula price for dairy.

In my discussions with Secretary Glickman, I found he had the power to raise the price of milk unilaterally by establishing a different price of cheese. Therefore, on March 10, I wrote to Secretary Glickman and urged him to take immediate action to establish a price floor at $13.50/cwt on a temporary, emergency, interim basis until he completed his action on delinking the National Cheese Exchange from the basic formula price.

This subject was aired during the course of a special hearing before the appropriations subcommittee on March 13. At that time, Secretary Glickman said that the Department of Agriculture had ascertained the identity of 118 people or entities who had cheese transactions that could establish a different price of cheese. He told me that the Department had written to the 118 and were having problems getting responses. I suggested it might be faster to telephone those people. Secretary Glickman provided my staff with the list of people, and we telephoned them

and found, after reaching approximately half of them, that the price of cheese was, in fact, $.164 higher than was being reported on the Cheese Exchange. On March 19, I again wrote Secretary Glickman and informed him of the results of my staff's survey. This price difference translates to a $1.64 per hundredweight addition to the price of milk.

On April 17, I introduced two pieces of legislation to revise our laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hard-working farmers. The legislation goes to two points. One is to amend the Agriculture Market Transition Act to require the Secretary to use the price of feed grains and other cash expenses in the dairy industry as factors that are used to determine the basic formula for the price of milk and other milk prices regulated by the Secretary. Simply stated, the Government should use what it costs for production to establish the price of milk, so that if farmers are caught with rising prices of feed and other rising costs of production, they can have those rising costs reflected in the cost of milk.

The second piece of legislation would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and require the Secretary to report back to Congress within 150 days on the rate of voluntary compliance with the survey. This bill was successfully attached to the 1997 supplemental appropriations bill which was signed into law on June 12, 1997.

On Tuesday, May 6, 1997, the Department of Agriculture announced that they were replacing the National Cheese Exchange in Green Bay, WI, with a survey of cheddar cheese manufacturers in the United States in order to determine the price of cheese for use in setting the basic formula price. I am pleased to report that last Friday, the basic formula price jumped to $12.07, an increase of $1.21 over last month, as a result of increased cheese prices measured by this new cheese survey.

While we have made some progress in providing relief to farmers, there is much more that needs to be done. This sense-of-the-Senate resolution will ensure that farmers receive the necessary support they need to continue to produce milk. This resolution makes it clear that in emergency situations, the Secretary of Agriculture should set a temporary minimum price for dairy that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers, I urge my colleagues to join with Senator FEINGOLD and me as we work together to revise the current dairy laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hard-working farmers.

SENATE RESOLUTION 120—EXPRESSING THE SENSE OF THE SENATE ON THE OCCASION OF THE DEATH OF MOTHER TERESA OF CALCUTTA

Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. MACK, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. LEAHY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KOHL, Mr. BIDEN, Ms. LANDRIEU, Mr. SARBANES, Mr. REID, Mr. DODD, Mr. INOUYE, Mr. LIEBERMAN, Mr. KERREY, Mrs. BOXER, Mr. MOYNIHAN, Mr. DOMENICI, Mr. KENNEDY, Mr. HATCH, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. JOHNSON, Mr. KYL, Mr. MURKOWSKI, Mr. ASHCROFT, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas, the American people are greatly saddened by the death of Mother Teresa of Calcutta;

Whereas, Mother Teresa founded the Missionaries of Charity, which now operates numerous orphanages, hospices, and other centers of charitable activity in the United States and around the world, offering compassionate care to those who are too often shunned by other institutions;

Whereas, Mother Teresa has been recognized as an outstanding humanitarian and has received: the first Pope John XXIII Peace Prize (1971); the Jawaharlal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); the Presidential Medal of Freedom (1985); and the Congressional Gold Medal (1997);

Whereas, Mother Teresa became only the fifth person ever awarded honorary U.S. Citizenship (1996);

Whereas, Mother Teresa inspired people worldwide through her selfless actions and altruistic life;

Whereas, Mother Teresa embodied benevolence, compassion, and mercy and brought the face of God to humanity: Now, therefore, be it

Resolved, That the Senate—

(1). Expresses our deep admiration and respect for the life and work of Mother Teresa, and extends to her missionaries of Charity our sympathy for the loss they share with the world;

(2). Recognizes that Mother Teresa's work improved the lives of millions of people in the United States and around the world, and her example inspired countless others;

(3). Encourages all Americans to reflect on how they might keep the spirit of Mother Teresa alive through their own efforts; and

(4). Designates September 13, 1997 as a National Day of Recognition for the humanitarian efforts of Mother Teresa and of those who have labored with her in service to the poor and afflicted of the world.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Calcutta, India, Mother Teresa's House of the Missionaries of Charity.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

HARKIN (AND FEINGOLD) AMENDMENT NO. 1123

Mr. HARKIN (for himself and Mr. FEINGOLD) proposed an amendment to amendment No. 1111 proposed by Mr. SPECTER to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of line 3 in the pending amendment insert the following: ": *Provided further*, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the role increased investments in health research can play in reducing future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services".

THE SMALL BUSINESS REAUTHORIZATION ACT OF 1997

BOND (AND KERRY) AMENDMENT NO. 1124

Mr. BOND (for himself and Mr. KERRY) proposed an amendment to the bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, as follows:

At the end of Section 201, insert the following:

"(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

"(1) by inserting '(i)' before 'Each intermediary'.

"(2) by striking '15' and inserting '25',

"(3) by adding at the end of the paragraph, '(ii) The intermediary may expend up to 25% of the funds received under paragraph (1)(B)(ii) to enter third party contracts for the provision of technical assistance.'"

At the end of Section 504, insert the following new section:

"SEC. 505. ASSET SALES.—in connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees on Small Business in the Senate and House of Representatives a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale."

On page 76, line 1, strike "Administration" and add the following: "the technical and environmental compliance assistance programs established in each state under section 507 of the Clean Air Act Amendments of 1970, or state pollution prevention programs.".

On page 76, line 16, strike "regulations." and insert the following paragraph: "regulation including cooperating with the technical and environmental compliance assistance programs established in each state

under section 507 of the Clean Air Act Amendments of 1970 or state pollution prevention programs in the provision of counseling and technology development to help small businesses find solutions for complying with environmental regulations.".

On page 16, line 8, after "used" add the following "to provide intensive management, marketing and technical assistance as well as".

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

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

On page 28, line 2, add the following new subsection:

"(E) COLLATERAL REQUIREMENTS.—Adequacy of collateral provided by the small business shall be one factor evaluated in the credit determination. Collateral provided by the small business concern generally will include a subordinate lien position on the property being financed, and additional collateral may be required in a case-by-case basis, as determined by the Administration."

Strike out sections 411 through 418 and insert in lieu thereof the following:

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act—

"(1) The term 'bundling of contract requirements' means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(2) The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by one or more small business concerns or was suitable for award to one or more small business concerns.

"(3) The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following new subsection (e):

"(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

"(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) MARKET RESEARCH.—

"(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. When a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) ADMINISTRATION REVIEW.—The third sentence of subsection (a) of such section is amended—

(1) by inserting after "discrete construction projects," the following: "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,";

(2) by striking out "or (4)" and inserting in lieu thereof "(4)"; and

(3) by inserting before the period at the end the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Subsection (k) of such section is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this title).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a

bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

At an appropriate place, insert the following:

SEC. ___. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Small Business Administration may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

SESSIONS (AND OTHERS) AMENDMENT NO. 1125

Mr. SESSIONS (for himself, Mr. CRAIG, and Mr. FAIRCLOTH) proposed an amendment to amendment No. 1078 proposed by Mr. DURBIN to the bill, S. 1061, supra; as follows:

At the end of the amendment, add the following:

SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action involved in the settlement agreement, such fees shall—

(1) not be paid at a rate that exceeds $250 per hour; and

(2) be limited to a total of $5,000,000.

(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

(1) court order;

(2) settlement agreement;

(3) contingency fee arrangement;

(4) arbitration procedure;

(5) alternative dispute resolution procedure (including mediation); or

(6) other arrangement providing for the payment of attorneys' fees.

(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(2) made public disclosure of the time accounting under paragraph (1) and any fee

agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Ernest J. Moniz to be Under Secretary, Department of Energy; Michael Telson to be chief financial officer, Department of Energy; Mary Anne Sullivan to be general counsel, Department of Energy; Dan Reicher to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, Department of Energy; Robert Gee to be Assistant Secretary for Policy and International Affairs, Department of Energy; and John Angell to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

The hearing will take place Thursday, September 18, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, October 7, 1997, at 9 a.m., in SR-328A. The purpose of this hearing is to examine food safety issues and recent food safety legislation proposed by the U.S. Department of Agriculture.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 9, 1997, at 10 a.m., in open session, to consider the nomination of Gen. Henry H. Shelton, USA, to be Chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, September 9, at 10 a.m., for a hearing on campaign financing issues.

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

ADDITIONAL STATEMENTS

ISLAMIC AND ARAB BUSINESS INVESTMENT CONFERENCE

• Mr. ABRAHAM. Mr. President, I rise today to express my sincere best wishes to those individuals who are participating in the Islamic and Arab Business Investment Conference in Detroit, MI. The objective of this conference is to bring Islamic and Arab leaders together to focus upon business investment opportunities in North America and around the world. This event which begins on September 12, 1997, is worthy of recognition.

Mr. President, I commend each person who will participate in this important conference, which in effect advances and demonstrates the continuing positive contributions of Muslim and Arab Americans. Through lectures, round table discussions, and exchange of ideas, I am confident that this conference will continue to build upon the relationships which exist between the United States and the Muslim and Arab communities.

Many in the Islamic and Arab communities have given generously of their time and energy in preparation for this conference. They are to be commended for their efforts and I am pleased to recognize this event in the U.S. Senate.•

TRIBUTE TO FLORIDA A&M UNIVERSITY: "COLLEGE OF THE YEAR"

• Mr. GRAHAM. Mr. President, as we send our children and grandchildren back to school to begin another academic year, we as a nation focus on the vital role of education.

Florida is proud of its role in developing and nurturing colleges and universities of excellence that have educated generations of America's leaders. One of those institutions, Florida A&M University, has been cited as "College of the Year" by the editors of Time magazine and The Princeton Review.

The editors cited the school's outstanding enrollment of National Achievement Scholars, its position as the only historically African-American college to offer four Ph.D programs, and dramatic enrollment growth.

This well-deserved national recognition is a tribute to the students, alumni, and staff of Florida A&M University. It also reflects the outstanding leadership of President Frederick Humphries, who has led the institution with vision and dedication since 1985.

When classes began this academic year, enrollment exceeded 10,000 students, up from 3,200 in the mid-eighties. Florida A&M University enrolled its largest freshman class ever this fall.

Further, the number of bachelors' degrees awarded since 1991 has more than tripled, from 463 in 1991 to 1,524 last year, surpassing Howard University as America's leading granter of undergraduate degrees to African-American college graduates.

During this decade, Florida A&M University, along with Harvard, has been a leader in attracting National Achievement Scholars. Florida A&M University led the Nation in 1992 and 1995; Harvard in 1993 and 1994.

While all this was occurring—enrollment growth, more degrees awarded and more scholars enrolled—overall admission standards increased. In the past 10 years, Scholastic Aptitude Test scores of Florida A&M University-bound students rose more than 200 points.

Mr. President, I have been honored to visit Florida A&M University on many occasions. I have experienced the special spirit on campus, in the classrooms, and among the greater Florida A&M University family of alumni, faculty, administrators, and students.

Our State and Nation are better because of Florida A&M University and its commitment to educational excellence. Congratulations, Rattlers.

Mr. President, I ask that an editorial published in the Tallahassee Democrat newspaper on August 26, 1997, be printed in the RECORD.

The editorial follows:

WHY FAMU'S TOP ACHIEVEMENTS RATE NATIONAL PRESS

Vestiges of a past when men and women were judged by the color of their skin are still with us. And one of those monuments of intolerance ranks as one of Tallahassee's brighter stars, Florida A&M University.

In an age where segregation is illegal, the natural question is, Why have two universities: one white, one black?

But the reason for FAMU's existence is as strong today as it was when black people were driven from pillar to post and denied higher education. Time Magazine and the Princeton Review lauded FAMU as the premier producer of black graduates and for its work in establishing doctorate programs.

HE RECRUITED STUDENTS, LINED UP JOBS

Consider what wonders FAMU has performed with students in need of opportunity. Since 1991, the school tripled the size of its graduating classes. President Frederick Humphries' peripatetic efforts landed those graduates hundreds of jobs with major corporations, thus pumping into our mainstream new generations of black achievers able to earn their own way.

His development of new doctoral programs opened new avenues of academic success, and his linkages with the federal government brought dollars and prestige to FAMU and to Tallahassee.

We're still moving toward that day when we'll all be judged by the content of our character, not solely by the color of our

skin. But until we get there, institutions such as FAMU are an integral and necessary part of the journey.

In an age of voluntary segregation—when the rich and well-to-do take their tax dollars, culture and opportunities beyond the pale of our cities—hundreds of thousands of blacks and poor whites are left to flounder in the race for jobs and college placement.

For those students, the nurturing influence of institutions such as FAMU cannot be denied.•

TRIBUTE TO HONOR PETER WOLF TOTH

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Peter Wolf Toth who has completed a project to present each State with a handmade wooden totem pole that incorporates local and historical figures from all across the Nation. I commend his outstanding gift to our Nation.

Peter came to the United States through extraordinary circumstances. He escaped with his mother from the Soviet takeover in Russian-occupied Hungary. Traveling through Budapest, Yugoslavia, and Austria, Peter eventually settled in Akron, OH. His interests led him to educate himself in American history, specifically with a focus on native American lore, tribal cultures, and contributions to our lifestyle today.

Peter recently completed a project where he carved out enormous totem poles by hand and presented one to each of the fifty States to show his gratitude to our country.

His totem pole to New Hampshire was presented in 1984 and it stands in Opechee Park in Laconia, NH. The dedication ceremony that September drew a crowd of over 3,000 people.

Peter's immigration into this country, as well as his hard work, should stand as an example for all Americans. It is no doubt that he is worthy of great recognition and praise for his devotion to the United States.

Mr. President, I want to pay great homage to Peter Wolf Toth for his outstanding commitment to the United States. We are indebted to his amazing gifts and talents that he chose to share with all of us.•

TRIBUTE TO JUDGE ALAN GOLD

• Mr. GRAHAM. Mr. President, I am honored to welcome Judge Alan Gold to the Federal bench in the Southern District of Florida. For more than 25 years, Alan Gold has served the State of Florida with honor and distinction. I have no doubt that his outstanding service will continue in his new assignment. On September 15, Judge Gold will be sworn in, along with Mr. Donald Middlebrooks, in ceremonies in Miami, FL.

Much of my confidence in Judge Alan Gold comes from his lifelong commitment to the people of our State. He began his career more than 25 years ago, when he represented Dade County in both State and Federal courts.

In 1975, Alan Gold moved into private practice, where he developed wide recognition and respect as a leader in land use and environmental law.

In 1984, when I was Governor, I appointed Judge Gold to Florida's Land Management Study Committee, a vital post given our State's long period of rapid population growth. In addition, Judge Gold served Florida for 6 years as general counsel to the Florida High Speed Rail Transportation Commission, an entity created by the State legislature in 1984 to develop a high-speed rail transportation and magnetic levitation demonstration project.

Mr. President, in addition to his substantial professional experience, Judge Gold will bring respected academic credentials to the Federal bench. In 1989, nearly 25 years after completing a masters in law at the University of Miami School of Law, Judge Gold was invited to join his alma mater's faculty as an adjunct professor. It was a wise invitation to an outstanding role model for future generations of legal professionals.

As a result of his distinguished efforts in the public interest and in private practice, Alan Gold was appointed to Florida's Eleventh Judicial Circuit Court, where he has served with integrity and competence. His peers and colleagues have overwhelmingly endorsed his abilities. In a 1994 survey of regional attorneys by the Dade County Bar, 92.8 percent of respondents rated Judge Gold's performance as qualified or exceptionally qualified.

As a circuit court judge, Alan Gold served both in the family and criminal divisions, where he presided over felony jury cases. Despite the demands of a heavy caseload, Judge Gold continued his efforts to improve the legal system for Florida communities, families, and individuals. He was appointed to the Florida Supreme Court's Family Court Steering Committee and has recently chaired an effort to develop a model family court.

During the confirmation process, Judge Gold's support transcended partisanship. In addition to the support from Senator CONNIE MACK and myself, he earned strong endorsements from U.S. Representatives LINCOLN DIAZ-BALART of Miami and E. CLAY SHAW of Fort Lauderdale.

Mr. President, Judge Alan Gold has long provided an example of academic diligence, legal acumen, judicial excellence, and determination to serve Floridians. I am pleased that he will join the Federal bench, and extend my congratulations to him, his family, and the Senate for its prompt review and confirmation of this worthy nominee.•

MICHIGAN STATE CONFERENCE OF THE NAACP

• Mr. ABRAHAM. Mr. President, I rise today to extend my best wishes to those who will participate in the 61st annual convention of the Michigan State Conference of the NAACP. This event will be held in Saginaw, MI, on September 12, 1997.

As race relations continue to be at the forefront of American life, this convention provides an opportunity for delegates to openly discuss issues which confront not only their communities, but everyday lives. The NAACP convention will focus on finding programmatic solutions to such issues as, education, violence, crime, homelessness, and drug abuse. It is through open dialog and the exchange of information that concrete solutions to these issues will be found. I commend the delegates and organizers of this convention for their steadfast desire to address the racial and social problems facing the United States today.

Again, I extend my heartfelt best wishes on this special occasion.•

TRIBUTE TO GUYANESE INDEPENDENCE

• Mr. LAUTENBERG. Mr. President, I rise to commemorate the May 27, 1997 31st anniversary of the independence of the Republic of Guyana. The word "Guyana" is an indigenous word that means land of many waters. But Guyana is also a land of many peoples, with East Indians, Africans, Chinese, Amer-Indians, and Europeans counted among its ancestors. Guyana is also a country that embraces freedom of religion, which allows Christians, Muslims, and Hindus to worship side by side.

My colleagues may be aware that Guyana achieved independence and observed its first free and fair election in 1992, after more than three centuries of British, French, and Dutch colonialism. Guyana's first constitution bore the influence of British legal traditions, and former President Jimmy Carter supervised the team of international observers to guarantee the fairness of the 1992 elections.

Guyana's three decades of unpopular and repressive rule slowed economic progress, but Guyanese are working to overcome these hurdles. I hope that they will succeed.

Guyanese-Americans have much to be proud of. Their history is rich, and I hope the future of Guyana will be bright.•

TRIBUTE TO THE SHELBURNE MUSEUM

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Vermont's Shelburne Museum on the occasion of its 50th anniversary. The museum,

sometimes referred to as New England's Smithsonian, will celebrate its anniversary on September 27, 1997 with a myriad of activities for people young and old.

The museum's founder, Electra Havemeyer Webb, was a pioneer collector of Americana and American folk art. Today, the museum collects, preserves, and studies art as well as history with an emphasis on the New England area. Thirty-seven exhibit buildings spanning across 45 scenic acres include three galleries, 7 furnished historic homes and over 80,000 objects. The historic buildings and collections reflect our transition from an agricultural to an industrial nation.

The Shelburne Museum has become an important cultural resource for Vermont and the Nation. In a rapidly changing world its collections as well as its programs provide the public and scholars alike with an opportunity to reflect on and explore the central themes of ingenuity, craftsmanship and creativity.

The museum embodies a spirit of celebration which provides visitors from across the country and around the world with a unique perspective into the region's history. As a learning tool, it plays a significant role in reminding patrons that the past can often provide a key to the future.

Mr. President, I wish the Shelburne Museum many more years of continued success in service to our community.•

A MORE COMPLETE PICTURE

• Mrs. MURRAY. Mr. President, on September 3, during floor deliberations the senior Senator from Washington presented a story of a most tragic situation on the Yakama Indian Reservation in his call for support of an appropriations rider that would require tribal governments to relinquish their right to sovereign immunity in order to receive Federal funding.

In 1994, a tragic accident involving a tribal police officer en route to the scene of an ensuing robbery resulted in the death of 18-year-old Jered Gamache. Before I proceed, I want to express my deepest sympathies to the Gamache family for this devastating loss. As a mother of two, I find it almost unbearable to contemplate such a loss. It is always painful to lose a loved one, but the loss of a child is something no parent should have to face.

The issues involved here are very controversial and everyone involved has strong views. In the interest of airing views from all sides regarding section 120 of the Interior appropriations bill, I have agreed to submit a statement on behalf of the Yakama Indian Nation in response to the chairman's comments. I ask that the statement from the Yakama Indian Nation be printed in the RECORD.

The statement follows:

YAKAMA INDIAN NATION ASTONISHED BY GORTON FLOOR STATEMENT WHEREIN HE MADE ANALOGY OF TRIBAL POLICE OFFICER ACTING WITHIN HER SCOPE OF DUTY AND NEW YORK COPS WHO BRUTALIZED A HAITIAN IMMIGRANT

TOPPENISH, WASHINGTON.—The Yakama Indian Nation today responded with both amazement and sadness to statements made Wednesday on the Senate floor by Senator Slade Gorton (R-Wash.), wherein the Senator made an analogy of a 1994 accidental vehicular death involving a Tribal police officer responding to an emergency call (regarding an urgent armed robbery in progress), to the intentional brutal beating and sodomization recently inflicted by New York City policemen against Haitian immigrant Abner Louima.

In what appears to be an attempt to justify a far-reaching amendment he has inserted into an appropriations bill that would eradicate tribal sovereign immunity, the senior Senator from Washington has chosen to exploit the victimization of Abner Louima and a tragic car accident that occurred on our reservation.

The facts of the case cited by Gorton should be brought to light as should the point that a close associate of the Senator, Yakima County Prosecutor, Jeff Sullivan, declined to pursue a criminal prosecution (for "disregarding the safety of others") against the tribal police officer involved in the accident.

On October 25, 1994, Tiffany Martin, a fully trained police officer of the Yakama Indian Nation responded to an emergency call for assistance from the Yakama County Sheriff's office. There was a burglary in progress at a convenience store and the closer police force in the city of Wapato had not responded. Officer Martin proceeded in her police vehicle northbound on Route 97 with both sirens and overhead flashers on. During her response a second call came in indicating that gun shots had been fired and the situation was clearly quite urgent. As the officer approached a particular intersection, where she initially had a green light, she slowed her vehicle down (she estimates to between 30 and 35 miles per hour), noticing a van stopped at the intersection with its turn, signal on. Apparently next to the van and hidden from the officer's line of sight was another vehicle. Confirming that the stopped vehicle was aware of her presence, she accelerated and went through the intersection as the light turned yellow and then red. The van remained stopped but the vehicle next it, being driven by 18 year old Jered Gamache went forward and his vehicle and the police car collided. Gamache died as a result of injuries suffered in the collision. The tribal police force has expressed great remorse to the Gamache family and the officer herself has suffered tremendously and emotionally as a result of the accident.

While we have the greatest sympathy for the family of Jered Gamache and can understand their pain we can not understand how a member of the United States Senate could suggest that this accident is somehow analogous to the celebrated Louima beating in New York. Senator Gorton has stated that since Mr. Louima is going to be suing New York City for millions of dollars so too should the Gamache family be able to sue the Yakama Nation for a similar amount. With all due respect, this is not an analogy worthy of a former state Attorney General. The New York policemen who beat Louima broke the law. Our tribal police officer was acting within her scope of duty and following routine procedures. While it is tragic, there are unfortunately a large number of innocent bystanders all across this country who are accidentally hurt or killed by law enforcement officers discharging their duties. The fact remains that police officers and the governments they work for are protected by a sovereign immunity provided they have acted within the line of duty in a non-negligent manner. Would the Senator characterize, as he did on the floor, that a claim against, say, a King County, Washington policeman involved in an accidental vehicular death as "identical or similar" to the claim Mr. Louima will be pursuing against New York?

Contrary to the Senator's assertions, the Gamache family has not been denied legal recourse due to tribal sovereign immunity. In fact, the Gamache family has a filed civil suit which is currently pending in the Eastern District Federal Court of Washington state, trial is set for December 8, 1997. The Gamache family is pursuing this claim under the Federal Tort Claims Act (28 USC 2671), which is the same statute under which they would pursue a claim if any other federal law enforcement official (FBI, National Park Service ranger, etc.) has been involved in their son's death. The Federal Tort Claims Act (FTCA) is the statute involved as the Yakama Nation was operating its tribal police department under a contract with the Interior Department pursuant to the Indian Self-Determination Act and the tribal police officer was acting as a federal agent. United States District Judge Fred Van Sickle will determine whether the officer involved showed contributory negligence which led to the accident and will further determine whether she was properly acting within the scope of her duty. The standards for these terms under FTCA are the standards as they exist within Washington state law. Not only are the Gamache's being given legal recourse, but it is taking place in the "neutral" federal court which the Senator wants to direct all cases coming from Indian reservations.

Perhaps this is a good example of the dangers of making law based on anecdotal situations, particularly when the facts have not been properly brought to light.•

CONGRESSMAN GEORGE CROCKETT, JR.

• Mr. ABRAHAM. Mr. President, I rise today to pay my respects to former Michigan Congressman George Crockett, Jr. Congressman Crockett represented the people of Detroit in the House of Representatives from 1980–1991 and before that as a Recorder's court judge from 1966–78.

Undoubtedly, Congressman Crockett's legacy will be his tireless work on behalf of civil and human rights. As a private attorney, as a judge, and as an elected official Congressman Crockett sought to provide legal protection to all Americans, especially African-Americans and other minorities. As is always the case with dynamic leaders, there are many who disagreed with Congressman Crockett and his actions. Never questioned, however, was his integrity and honesty.

Congressman Crockett exemplified a lifetime of commitment to public service. In the words of Congressman

Crockett's friend and colleague, Michigan State Representative Ted Wallace, "Men like George Crockett never die. His spirit and name will live on forever."•

MEDIA COVERAGE IN BOSNIA

• Mr. LEVIN. Mr. President, I rise today to talk about media coverage in Bosnia and the importance of a fair, free, and independent media to the safety of United States and allied forces, the implementation of the Dayton peace accords, and peace for the Bosnian people.

Recent events in the Serb area of Bosnia have served to highlight the disruptive role that the media, particularly television, can play as we have witnessed what Gen. Wesley Clark, NATO's Supreme Allied Commander, characterized as "organized disorder."

It was the potential for television-incited violence that led me to propose in my floor speech of July 30 the deployment of the EC–130E Commando Solo aircraft to jam Bosnian Serb television and to broadcast television and radio programming directly to the Bosnian people. I also made that proposal in writing to National Security Adviser Sandy Berger and Secretary of Defense Bill Cohen. I understand that the deployment of Commando Solo is under serious consideration at the Pentagon at the present time.

In making my proposal, I specifically cited a provision of the Agreement on the Military Aspects of the Dayton Peace Agreement that gives NATO's Stabilization Force Commander the authority to do all that he deems necessary and proper to protect the SFOR and to carry out its responsibilities.

I should note at this point that the High Representative, Mr. Carlos Westendorp, a position that was created by the Dayton peace accords to oversee the implementation of the civilian aspects of the accords, has been invested with similar authority. The Peace Implementation Council, in its May 30, 1997 Sintra Declaration, declared as follows:

> The authorities of Bosnia and Herzegovina, the Entities and the common institutions will be expected to give every possible form of practical assistance with respect to licenses, frequencies, free access by the High Representative to news media and the ability of the OBN (Open Broadcast Network) and other independent media to broadcast.
>
> The Steering Board is concerned that the media has not done enough to promote freedom of expression and reconciliation. It declared that the High Representative has the right to curtail or suspend any media network or programme whose output is in persistent and blatent contravention of either the spirit or letter of the Peace Agreement.

So there is ample authority in both the senior military and civilian authorities representing the international community in Bosnia to take action to address the misuse of Bosnian Serb television and other media outlets.

I was pleased to note that the North Atlantic Council, on August 30, acting pursuant to a request from the High Representative authorized SFOR "to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or letter of the Peace Agreement, in accordance with the Sintra Declaration."

The North Atlantic Council further reaffirmed that "SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organizations." I ask unanimous consent that a North Atlantic Council press release that contains these decisions be printed in the RECORD at the conclusion of my remarks.

Mr. President, there have been a number of media reports and commentaries concerning the agreement that was reached on September 2 concerning the release of the Udrigovo television tower northeast of Tuzla. Several commentaries have criticized the agreement, under which the tower was returned to Pale's control, as being a capitulation to Karadzic. I believe this is a misreading of the situation.

Under the agreement, SFOR turned over the Udrigovo tower in return for four commitments from Pale. Those commitments are as follows:

First, all media will refrain from making inflammatory reporting against SFOR and international organizations supporting the execution of the Dayton accord. This includes television, radio, and the print media.

Second, television will regularly provide 1 hour of programming during prime time each day without exception, during which our political views will be aired.

Third, television will provide Ambassador Westendorp, the new High Representative, one-half-hour programming during prime time in the next few days to introduce himself and explain the events which took place in Brcko, Bijelina, and Banja Luka. Such time will be unedited and not commented on in advance or after airing by TV commentators.

Fourth, Republika Srpska will participate in a full and consistent manner in a Media Support Advisory Group conducted by the Office of the High Representative to discuss and regulate the work of the media in accordance with the spirit and the letter of the General Framework Agreement for Peace, the formal name of the Dayton accord.

I ask that a copy of the Memorandum of Agreement that contains these conditions be printed in the RECORD at the conclusion of my remarks.

If fulfilled, these commitments should reduce the threat to United States, allied forces, and the personnel of the various international organizations in Bosnia. They will also ensure that the views of Karadjic's opponents will be heard, which is very important, particularly in the run-up to the municipal elections.

Mr. President, I am skeptical that Karadjic and his henchmen will live up to the terms of this agreement. It is most important to note, however, that Pale has for the first time formally acknowledged its media obligations and cannot complain if NATO uses force if it doesn't meet them. The ball is in Pale's court and I, for one, will strongly support decisive action by NATO, such as the use of Commando Solo, if Pale continues to misuse the media.

The material follows:

STATEMENT BY THE NORTH ATLANTIC COUNCIL, 30 AUGUST 1997

> The North Atlantic Council met today to continue its consideration of the developing situation in the Republic Srpska. It reaffirmed yesterday's statement by the Secretary General condemning recent violence and confirming that SFOR will continue to carry out its mission firmly but fairly and will not tolerate the use of force or intimidation.
>
> Council responded positively to a request by the High Representative to authorize SFOR to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or the letter of the Peace Agreement, in accordance with the Sintra Declaration.
>
> In addition, Council reaffirmed that SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organizations.

DEPARTMENT OF THE ARMY,
HEADQUARTERS 1ST INFANTRY DIVISION,
Bosnia Herzegovina, 02 September 97.

MEMORANDUM OF AGREEMENT FOR RELEASE OF UDRIGOVO TOWER (CQ334489)

As per coordination between Ambassador Klein and Mr. Krajisnik, the turn over of the tower will occur with agreement of the following points:

1. RS media, TV, radio, print media, refrain from making inflammatory reporting against SFOR and international organizations supporting the execution of the Dayton Accord.

2. RS TV will regularly provide one hour of programming during prime time each day without exception, during which other political views will be aired.

3. RS TV will provide Ambassador Westendorp ½ hour during prime time in the next few days to introduce himself and explain the events which took place in Breko, Bijelina and Banja Luka. Such time will be unedited and not commented on in advance or after airing by RS TV commentators.

4. RS agrees to participate in a full and consistent manner in a Media Support Advisory Group conducted by OHR to discuss and regulate the work of the media in accordance with the spirit and the letter of the GFAP.

The signing of this document by the signatures below will release SFOR from the Udrigovo tower as soon as they can safely

depart the morning of 2 September. The crowds at the tower will depart tonight, and 10 RS police and technicians may remain.

DAVID GRANGE.
DRAGO VUKOVIC.
GEN. KANSIK.•

SUBMITTING CHANGES TO THE BUDGET RESOLUTION ALLOCATION TO THE APPROPRIATIONS COMMITTEE

• Mr. DOMENICI. Mr. President, to comply with the provisions of Public Law 105–33, the Balanced Budget Act of 1997, that amend the Congressional Budget Act of 1974, I hereby submit a revised allocation for the Appropriations Committee pursuant to section 302(a) of the Budget Act.

This revised allocation includes all previous adjustments made to section 201 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, and to the Appropriations Committee budget authority and outlay allocations pursuant to section 302 of the Budget Act.

This revised allocation also includes an adjustment to the Appropriations Committee budget authority and outlay allocations pursuant to section 205 of House Concurrent Resolution 84 regarding priority federal land acquisitions and exchanges.

The revised allocation follows:

	Budget authority	Outlays
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,909,000,000	283,122,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,721,000,000	832,262,000,000•

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of fiscal year 1997 to be printed in the RECORD. The third quarter of fiscal year 1997 covers the period of April 1, 1997, through June 30, 1997. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act for fiscal year 1997.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1997

Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
$143,028	2,550	0.00027	$562.32	$0.00006
43,336	0		0.00	
59,148	0		0.00	
97,617	0		0.00	
41,864	2,578	0.00313	2,080.10	0.00252
50,841	97,800	0.05394	14,656.48	0.00808
40,023	0		0.00	
50,582	0		0.00	
97,617	0		0.00	
382,528	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1997—Continued

Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
33,378	0		0.00	
82,527	0		0.00	
20,625	0		0.00	
52,198	0		0.00	
50,755	0		0.00	
62,350	0		0.00	
41,864	0		0.00	
53,135	0		0.00	
77,822	0		0.00	
43,394	0		0.00	
90,218	0		0.00	
100,503	0		0.00	
62,491	0		0.00	
12,042	0		0.00	
35,217	0		0.00	
38,762	0		0.00	
118,346	0		0.00	
44,496	0		0.00	
232,926	0		0.00	
39,578	0		0.00	
164,923	800	0.00007	227.88	0.00002
71,425	1,950	0.00059	1,645.26	0.00050
50,582	0		0.00	
38,762	0		0.00	
125,121	0		0.00	
28,054	0		0.00	
13,199	0		0.00	
121,600	0		0.00	
91,527	0		0.00	
382,528	0		0.00	
77,040	0		0.00	
96,062	0		0.00	
164,923	0		0.00	
97,506	2,200	0.00043	478.44	0.00009
230,836	0		0.00	
251,855	5,050	0.00029	1,153.77	0.00007
85,350	14,151	0.00316	11,691.64	0.00261
65,258	0		0.00	
44,910	0		0.00	
38,444	0		0.00	
65,258	0		0.00	
50,841	0		0.00	
18,477	0		0.00	
22,240	0		0.00	
121,600	0		0.00	
76,388	0		0.00	
47,286	0		0.00	
251,855	0		0.00	
73,454	0		0.00	
43,336	0		0.00	
38,357	5,420	0.00951	3,790.69	0.00665
29,826	0		0.00	
21,919	0		0.00	
16,457	0		0.00	
44,496	0		0.00	
104,638	0		0.00	
50,818	1,384	0.00086	1,129.45	0.00070
104,638	0		0.00	
91,527	0		0.00	
83,872	0		0.00	
62,755	0		0.00	
124,195	0		0.00	
38,357	3,670	0.00644	3,025.02	0.00531
143,028	0		0.00	
71,425	0		0.00	
62,491	0		0.00	
100,503	0		0.00	
230,836	0		0.00	
83,872	0		0.00	
77,040	0		0.00	
90,835	6,804	0.00139	1,050.96	0.00021
163,870	0		0.00	
232,926	0		0.00	
37,990	0		0.00	
97,506	6,325	0.00123	1,451.85	0.00028
73,454	0		0.00	
31,770	0		0.00	
11,158	0		0.00	
10,108	0		0.00	
16,371	0		0.00	
32,752	0		0.00	
50,755	0		0.00	
109,107	0		0.00	
47,525	0		0.00	
53,135	3,373	0.00186	3,111.39	0.00172
40,023	0		0.00	
176,220	0		0.00	
90,835	0		0.00	
63,649	0		0.00	
83,692	0		0.00	
44,289	0		0.00	
9,473	0		0.00	
44,910	0		0.00	
53,158	0		0.00	
46,609	0		0.00	
176,220	0		0.00	
37,990	0		0.00	
37,266	0		0.00	
96,062	0		0.00	
76,388	0		0.00	
94,702	0		0.00	
109,107	0		0.00	
85,350	0		0.00	
70,009	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1997—Continued

Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Total	154,055	0.08317	46,055.25	0.02883•

CONFERRING STATUS AS AN HONORARY VETERAN OF THE U.S. ARMED FORCES ON LESLIE TOWNES (BOB) HOPE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 153, H.J. Res. 75.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 75) to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The Senate proceeded to consider the joint resolution.

Mr. SPECTER. Mr. President, it is my privilege today to ask that the Senate approve legislation to confer the status of honorary veteran of the U.S. Armed Forces to Leslie Townes (Bob) Hope. This resolution, House Joint Resolution 75, which was unanimously approved by the Senate Committee on Veterans Affairs on June 12, 1997, is identical to a companion resolution, Senate Joint Resolution 36, which I, as chairman of the Committee on Veterans Affairs, was honored to introduce on July 28, 1997. I am pleased to say that the ranking member of the committee, Senator JOHN D. ROCKEFELLER IV, and 47 other Members of the Senate joined me as cosponsors of this resolution when I introduced it.

Mr. President, the Members of this body, and the American people as a whole, are acutely aware of the contributions Bob Hope has made to the Nation. His service to country—and; most particularly, to its soldiers, sailors, marines, and airmen over a period exceeding 50 years—are legion. If any person in this country merits such an unprecedented honor—and Mr. President, it is my understanding that no person has ever before been conferred the status of honorary veteran of the U.S. Armed Forces—surely, it is Bob Hope.

As I have stated, Bob Hope's contributions to this Nation are well known to all of our citizens. Less well known is the fact that Bob Hope is a naturalized American, having emigrated from his native England when he was just a boy. I am the son of a naturalized American—an immigrant who walked across Europe with barely a ruble in his pocket so that he could make his way to this country. So I know first hand that a person of humble origins can scale the heights of this country. Few, though, have scaled the heights that Bob Hope has scaled.

When I say Bob Hope has scaled the heights, I am not referring to his success as an actor, a comedian, or businessman—though his success in all three areas has been considerable. When I say Bob Hope has scaled heights, I am thinking of his place in the hearts of his adopted countrymen.

Who in this country is more beloved by a broader spectrum of his fellow citizens than Bob Hope—people of all ages, races, religions, and beliefs? Perhaps none more than Bob Hope. For the past 50 years, this country's fighting men and women could count on Bob Hope to lift their spirits and morale when they faced the prospect of making the ultimate sacrifice. In World War II, in Korea, in Vietnam and, most recently, in the Persian Gulf, Bob Hope and his troupe were there to remind our fighting men and women that they were not forgotten, that their suffering was appreciated. Bob Hope was always with the troops—especially during the holidays—enduring hardship, and often significant physical danger, so that he might encourage those facing greater hardship and danger. Three generations of veterans will never forget how much he cared.

Those three generations of veterans wonder how they might properly recognize Bob Hope. He is already a recipient of the Nation's highest civilian decorations, the Congressional Gold Medal and the Presidential Medal of Freedom. President Carter hosted a White House reception in honor of his 75th Birthday. President Clinton bestowed upon him the Medal of the Arts. He has received more than 50 honorary doctorates, and innumerable awards from civic, social, and veterans organizations. But Bob Hope cannot say that he is a veteran—in my mind, one of the most honorable appellations one can carry. This legislation will remedy that.

I ask that all of my colleagues join me in approving legislation designating Bob Hope an honorary veteran of the U.S. Armed Forces. And I thank the former Commandant of the U.S. Marine Corps and the current president of the USO, Gen. Carl Mundy, for spearheading this effort.

Mr. SESSIONS. Mr. President, I ask unanimous consent the joint resolution be considered read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The joint resolution (H.J. Res. 75) was considered read the third time and passed.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 10, 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 10. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of the second-degree amendment of the Senator from Alabama, Senator SESSIONS, No. 1125, to the amendment of Senator DURBIN, No. 1078, to S. 1061, the Labor-HHS appropriations bill.

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

PROGRAM

Mr. SESSIONS. In accordance with the previous order, I announce that tomorrow the Senate will immediately resume consideration of Senator SESSIONS' second-degree amendment, No. 1125, to Senator DURBIN's amendment No. 1078 to S. 1061, the Labor-HHS appropriations bill.

As Members are aware, the Senate has been able to dispose of all but a few amendments remaining in order to the bill this evening. Time agreements were able to be reached on a couple of the pending amendments.

With that in mind, all Members' cooperation will be appreciated in scheduling time agreements and floor actions on the remaining amendments. Therefore, Members can anticipate rollcall votes throughout the Wednesday session of the Senate, as we attempt to complete action on this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Wednesday, September 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1997:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 30, 1998, VICE JOYCE A. DOYLE, RESIGNED.

DEPARTMENT OF STATE

EDWARD M. GABRIEL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

U.S. POSTAL SERVICE

ERNESTA BALLARD, OF ALASKA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2005, VICE SUSAN E. ALVARADO, TERM EXPIRED.

DEPARTMENT OF STATE

ROBIN LYNN RAPHEL, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 9, 1997, withdrawing from further Senate consideration the following nomination:

EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA M. MCMAHON, OF NEW HAMPSHIRE, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.

HOUSE OF REPRESENTATIVES—*Tuesday, September 9, 1997*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Kansas [Mr. RYUN] for 5 minutes.

RAILWAY ABANDONMENT CLARIFICATION ACT OF 1997

Mr. RYUN. Madam Speaker, I am here today to discuss one of the most fundamental rights contained in the Constitution, the right to own private property. My bill, the Railway Abandonment Clarification Act, protects private property owners whose land once held a railway. Specifically, it returns powers to the States to determine how to develop railways into trails.

It boils down to this: The farmer owns a piece of land. The farmer allows a railroad to lay a railway, that is, the ties and the tracks, across his land, and to use the land. He grants the railroad an easement, but keep in mind, the farmer still owns the land.

When the railroad stops operating its trains and removes the tracks and railroad bed, again, the farmer still owns the land. However, the problem is that the Federal Government currently tells farmers they cannot use their own land. Instead, the Government tells farmers that the land belongs to the public.

Now, let us talk for a moment about how in the world private land becomes public.

In 1983, Congress passed the National Trails Act, which took power from the States and determined that when a railroad removes its tracks, the land is not abandoned—no tracks, no ties, and yet, the land is still not considered abandoned. It seems to me that this is a prime example of the absurdity of Federal Government. The way this 1983 law is written, the Federal Government not only prevents the farmer from using his land, but it invites special interest groups to come and use the farmer's land for recreational purposes. These special interest groups are granted permission for interim use of the farmer's land. The Federal law tramples on the property owner's rights and it tramples on the rights of many State governments.

Kansas law, for example, says that when a railroad ceases to use its tracks on the farmer's property and the trains stop rolling, the use of the land automatically reverts to the rightful landowner.

The Founding Fathers wrote the fifth amendment to the Constitution to protect private property rights. While best known for its protection against self-incrimination, the fifth amendment also contains what we call the "takings clause" which states, "no person shall be deprived of property without due process of law, nor shall private property be taken for public use without just compensation." This clause provides a constitutional shield that specifically rejects the idea that the Government can seize the property of landowners without compensation, regardless of what public good is accomplished.

In the first 10 years after the enactment of the National Trails Act, the Government took property from 62,000 landowners, and thousands more have lost their property in just the last few years. Not one of these aggrieved farmers, landowners, or homeowners has received any compensation for their loss. It is evident that our constitutional right to own property is eroding, and this must stop.

My bill will head us in the right direction. The Railway Abandonment Clarification Act ensures that farmers and property owners have the use of their own land. It conforms Federal railway abandonment law to the Constitution. It preserves a State's right to determine private property issues, and it continues to encourage trail development.

I want to make it clear that my bill does not repeal the National Trails System Act. It does return constitutionally granted powers to the States and allows them to determine how trails will be developed.

As a runner, I have covered many miles on trails, more than I care to count, and I appreciate good surfaces to run on. But my own desire to run on a trail should not come at the expense of a property owner, whose constitutional rights rest in the balance.

Again, the farmer owns the land, he owns the soil and everything beneath the ties and the tracks. The ties and the tracks belong to the railroad. When the railroad removes those ties and tracks, there is nothing left but the land owned by the farmer.

Somehow, the Federal Government does not believe that Kansans and Americans know how best to use their own land. Instead of making the rights of private property a priority, the Government has made recreational use a priority.

This error in Federal legislation needs to be rectified. My bill would change the law and restore private property rights issues to the State, and ensure Kansas farmers and property owners the use of their own land by conforming the national railway abandonment law to the Constitution.

Madam. Speaker, I urge my colleagues to support this bill and to restore private property rights to Americans.

AUTOMATIC DEPORTATION CAN BE UNJUSTIFIED AND CRUEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, last year in a combination of procedural outrage and substantive outrage, we enacted into law, over the objection of myself and many others, provisions which made deportation automatic in a number of cases where deportation is inhumane, disruptive not just to individuals, but to other countries, and wholly unjustified.

No society has an obligation to tolerate within its midst people who are a danger to others, people who disrupt the lives of others. We have had deportation laws on the books to protect us in those situations, although they have

not always been enforced with the vigor which should have obtained.

Last year, reacting to the terrorism and other things that happened, we passed legislation to try to improve our internal security. Much of that was sensible and I voted for it. Some of it was simply abusive, demagogic, and cruel. One example was what we did in deportation.

What we said was, in effect, if one has ever been convicted of a felony, one will be automatically deported, despite the virulence of the offense, and in particular, regardless of whether or not in the interim one had become a good citizen.

Let me give an example of what this outrageous law now requires. I recently received a letter, in July, just before we broke, from Michael Carter from the Center of Health and Human Services, a drug treatment center in my district. He told me about a client of his.

He says, this man has been in recovery for 6 years and he is receiving treatment. Due to recent changes in immigration laws, he is being deported due to a charge of possession of heroin in 1989. Since that time, he has had no further incidents, but he is being deported.

Let me read this essay from this dangerous criminal that this Congress is insisting be deported, and let me make it very clear, this is not the fault of the Immigration Service. They have to deport this man because we made it mandatory, foolishly, cruelly, and without justification.

Dear Congressman, I am a 31-year-old man that came to this country when I was 3 months. I was brought up an American and that is all I know how to be. In 1986, I lost three of my fingers in an industrial accident in work. I went through 3 years of surgery and physical therapy. Unfortunately, I found relief from my pain through the use of drugs. I know it was the wrong thing to do, but I got a false sense of comfort from it.

In 1989, I was arrested in Providence, Rhode Island, for heroin and I got 2 year's probation. I made it through those years without incident. I got help for my problem in therapy. I have never been in jail and I am still in therapy.

Let me just note here, as his counselor has said, he has since that time been free of drugs, free of any incident. He had a drug problem. He should not have had it; he acknowledges it. He was found guilty of possession, no violence, no theft; he hurt himself, no one else. He was sentenced only to probation. Now he is going to be automatically deported.

Let me read a little bit more.

Two years ago I applied for citizenship while I was going to trade school. Instead of citizenship, I was arrested. This month I was deported. I go back to court on the 4th of August. I graduated from the New England Tractor Trailer School of Rhode Island, and I have my class A driver's license. I have a corporation interested in giving me a job, but it is on hold.

Sir, I made some mistakes when I was a young man, a kid. But my convictions are 9 to 12 years old and I am showing you my record, and you will see I have had most of the charges dismissed. I have 3 young children, babies, age 3, 5 and 6 years of age. My oldest daughter has cystic fibrosis and she needs the care and love of both of her parents, sir.

I am not a bad person. I am not a terrorist. I am a man who made some mistakes when I was a foolish kid. Sir, I love my children very much, more than life itself, and I have the means to support my children very well with the career I intend to make for myself. I can go anywhere in this country and get a good job driving tractor trailers. I do not know how to write or read Portuguese. I know just enough language to get by.

Where am I going to live? How am I going to eat? I don't know the answers to these questions myself. I am terrified. All of my family is here. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father?

I am a 31-year-old Catholic that wants to work hard, pay his taxes, become a citizen, vote, raise my children the best I know how and help them live the American dream. Sir, in my heart and soul I am an American. I love this land and I would die for it.

But he is going to be deported. This is a man, now 31, who when he was very young, after an accident, became addicted to heroin. He should not have been addicted to heroin. He was sentenced to 2 year's probation. He completed that sentence successfully. He has now been in treatment. He has for 8 years been a good citizen. He has since that time brought three children into the world whom he is trying to bring up and protect.

By an arbitrary and thoughtless act of this Congress, well, I should not say thoughtless, unfortunately, thought went into it, he will be deported, no matter how good a citizen he is. No matter how clearly we can establish that he is no threat to anyone, he will be deported and he will be sent to a country which is a foreign country to him.

I hope we will, in this House, change the law and prevent this sort of injustice from being visited on this individual, his children, and other people.

CENTER FOR HEALTH AND
HUMAN SERVICES, INC.,
Fall River, MA., July 24, 1997.

DEAR CONGRESSMAN FRANK: —— is my client. He has been in recovery on this clinic for 6 years and receiving treatment. Due to recent changes in Immigration laws, he is being deported due to a felony charge (possession of Heroin in 1989). Since that time he has had no further incidents. Due to the new law, having had a prior felony, Immigration wants to deport him.

Both he, his family, and I are asking for any assistance you might to be able to provide, to prevent this from happening.

—— is thirty one years old, a father of three US citizen children and has a wife soon to obtain citizenship. He had three fingers severed on his left hand and is partially disabled, but does have a CDL license, Class A.

He wants to work and provide for his family, however, if he is deported, he will not be able to parent his children for five years. Any assistance would be highly appreciated.

Thank you,

MICHAEL D. CARTER, MA, LMHC.

FALL RIVER, MA.

DEAR CONGRESSMAN FRANK: Im a 31 year old man that came to this country when I was the age of 3 months, I was brought up an american and that's all I know how to be. Anyway Sir, about two years ago I decided to go back to trade school, because in 1986 I lost three of my fingers in an industrial accident in work. I went through three years of surgery and physical therapy. Within the second year I unfortunately found relief for my physical and emotional pain through the use of drugs. I know now it was the wrong thing to do but I got a false sense of comfort from it. In 1989 I was arrested in Providence RI for herion. I got two years probation, and I successfully made it through those years without incident. I got help for my problem and therapy which I'm very grateful for. I never been in jail sir and I'm still in therapy which I'm very grateful. Two years ago I applied for my citizenship while I was going to school. But instead of my citizenship I was arrested by the I.N.S. This month I was deported, I go back to court on the 4th of August. I appealed this decision, I graduated from New England Tractor Trailor School of Rhode Island I now have my C.D.L. class A driver's license, I have a lot of corporations that are interested in giving me a job, a career sir. But because of what's happening to me it's on hold, Sir, I made some mistakes when I was a young man, "A kid". But all three convictions are nine to twelve years old. I'm showing you my record sir and you'll see I have almost 75 percent of the charges brought against me were dismissed because I didn't do wrong and I didn't do things the way they said I did and I proved it. Sir I have three young children, babies ages three, five and six years of age. My oldest daughter has Cystic Fibrosis, and she needs the care and love of both of her parents. Sir I'm not a bad person, I'm not a terrorist. I'm a man who made some mistakes, when I was very foolish kid. Sir I love my children very much, more than life itself, and I have means to support my children very well with the career I intend to make for myself.

Sir I can go anywhere in this country and get a good paying job driving tractor trailers. Sir I love this country. I came to this country in 1966 and this country is all I know. I don't know how to write or read Portuguese. I know just enough language to get by. Sir where am I going to live, how am I going to eat. I don't know these questions myself, I'm terrified Sir. All my families are here in the U.S. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father for. Sir why even live anymore. I'm scared Sir. I'm sorry for the people who died in Oklahoma, but I didn't kill them. I didn't blow up the Trade Center. I'm sorry for the people who lost their children, the children who lost their father, the wife who lost her husband. But that's what the country is doing to me and my family. I'm a 31 year old Catholic that want to work hard, pay his taxes, become a citizen and vote, raise my children the best I know how and help them live the American Dream. Like my parents did, work hard and they became citizens of this great land. Sir in my heart and soul I am an American. I love this land and would die for it if I had to, to protect it and protect democracy here and

in the world. I don't know if you can help someone like myself a statistic to the I.N.S., but a father and financier to my family. If you can help me in anyway, I thank you and am in your debt and prayers for my lifetime, "thank you Sir."

Thank you Congressman Barney Frank.

WHAT IS REALLY NEEDED FOR CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker. The only thing more complicated today, Madam Speaker, than our current campaign finance system is the Tax Code. But the solution of ridding the ills of the current system is not by making things more complicated, as much of the legislation that is being offered today in Congress does.

Now, some have suggested that our first amendment rights should be curtailed in order to create some type of mythical level playing field for Federal elections. Now, the minority leader, the gentleman from Missouri [Mr. GEPHARDT], was quoted this year as saying, in Time Magazine, 1997, February 3, "What we have here are two important values in direct conflict. Freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both."

Quite frankly, I find this viewpoint wrong. In fact, I believe one can have freedom of speech and healthy campaigns. The American people should never be forced to lose a part of their precious freedom in order to pursue a socially engineered campaign finance system.

The courts have been very clear that the Government cannot restrict the freedom of American citizens in an effort to implement strict expenditure and contribution limits. In Buckley versus Valeo the U.S. Supreme Court, in 1976, ruled that "In the free society ordained by our Constitution, it is not the Government, but the people, individually as citizens and candidates and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign."

What we need to do is to enforce the campaign finance laws that are already on the books and then work together to simplify the laws so the American people are being well served.

The modern campaign finance system was dramatically affected in 1908 during President Teddy Roosevelt's administration, when corporate contributions were banned. Congress then mandated in 1910 that Federal candidates disclose all campaign contributions.

Congress thoughtfully extended a corporate ban to include labor unions beginning in 1943. Corporations and unions, after these bans, could then only give to Federal candidates through Political Action Committees, PAC's. PAC's are separate, segregated funds that pool voluntary contributions from designated classes of individuals such as members of unions and employees of a company to give or spend in Federal elections.

Now, the Hatch Act in 1940 had also limited all campaign contributions to $5,000. The Hatch Act was then applied to union PAC's when union contributions were banned from Federal elections.

Now, as we all know, the flurry of campaign finance laws in the 1970's revolved around the Watergate scandal. The legislation from the 1970's imposed limits on contributions, required uniform disclosure of campaign receipts and expenditures, and established the Federal Election Campaign Commission, the FEC, as a central administrative enforcement agency. A part of these reforms that limited certain expenditures was struck down by the Supreme Court in the hallmark case of Buckley versus Valeo.

These laws imposed limits of $1,000 per individual every election on contributions to candidates, parties, and PAC's, and a $5,000 limit for PAC's every year. An aggregate limit was set on individuals and PAC's at $25,000 per year that could be given to all Federal candidates, parties, and PAC's.

Again, what is needed now is not to make the laws more complicated. Rather, simplicity is the path to strengthening our system and gaining credibility with the American people. We can also gain a tremendous amount of credibility with the American people by actually investigating and enforcing the current law.

So, Madam Speaker, this morning my message is, like the Tax Code, simplicity and enforceability are what is needed today in the campaign finance reform matter. No matter what laws are put in place, we will have smart people stretching those laws. We need to enforce the laws that are on the books and keep them simple and understandable.

IMMEDIATE FUNDING FOR EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, Democrats this week will continue our effort to improve our Nation's public schools. We believe strongly that every child in America should have access to quality public education. Unfortunately, the Republican leadership keeps trying to erode support for public schools. House Democrats' priorities for education include reducing overcrowding in schools, as well as rebuilding crumbling schools.

The dire need to invest in the physical infrastructure of our schools is a matter that every Member of this body has become very familiar with in the last several weeks, and I am referring of course to the delayed opening of the school year right here in the District of Columbia. Because of the decrepit physical conditions of many schools in the District of Columbia, the opening of the school year has been postponed by a minimum of 3 weeks. Talk has surfaced in recent days that the 3-week extension may not be enough, and this is indeed a sad state of affairs. Many school systems across the Nation, including schools in my home State of New Jersey, are badly in need of physical improvements and other upgrades to meet the challenges of the 21st century.

The General Accounting Office has noted that approximately one-third of all schools serving 14 million students are now in need of substantial repair or outright replacement. The GAO has also noted that half of the Nation's schools have at least one unsatisfactory environmental condition. Indeed, as school enrollment continues to grow in the coming years, the need for additional space and modern facilities will be more acute than ever.

For this school year, 1996–97, elementary and secondary school enrollment was a record 51.7 million. That record has been broken by this year's all-time high enrollment figure of 52.2 million. In other words, from last year to this year, the record was broken again.

To put it in perspective, there are more students enrolled in school now than there were when the baby boomers reached their peak school enrollment number in 1971. According to the Department of Education, school enrollment is projected to climb to a whopping 54.6 million by the 2006 school year.

In addition to the need to repair decaying schools, we also need to modernize schools so our students will have the resources they need to compete in today's economy. The National Center for Education statistics have noted that only 4 percent of schools have enough computers to allow regular use by each student. Forty-six percent of schools lack the electrical wiring necessary for computers in all classrooms. A mere 9 percent of classrooms are currently connected to the Internet. More than half the Nation's schools lack the needed infrastructure to access the Internet or network their computers.

The Department of Education estimates that over the next 10 years, 6,000 new schools will be needed in response to the increases in student enrollments.

I wanted to mention, Madam Speaker, that in addition to the effects deteriorating schools can have on the health of children, we must also keep in mind the harmful effects that overcrowding and decaying schools can have on the quality of education to students. I know from my own experience in my own district, having gone around to some of the schools, how limited classroom space, cramming students in the gyms or labs or other facilities can really have a very negative impact on students' attitudes, as well as teachers' attitudes in the classrooms. For these reasons, Madam Speaker, the Democrats are making school construction one of our top priorities within our education agenda.

Last night I was joined in a special order by the gentlewoman from New York [Mrs. LOWEY] who has introduced legislation that proposes to provide local school districts with 50 percent intrasubsidies for new construction and renovation. The plan includes a $5 billion Federal jump-start and has the goal of increasing school construction by 25 percent over the next 4 years. This is the type of thing that we need.

We finished the budget about a month ago, and a big part of that was addressing the needs of higher education, more accessibility, more affordability for higher education. But right now there is this big gap in the whole effort to upgrade our education programs in this country, and a big part of that gap is the need for new schools and to upgrade existing, crumbling schools and to address the issue of overcrowding.

I want to pledge that we, as Democrats, are going to make this a major priority. We are going to pressure the Republicans, the Republican leadership, into addressing this issue and endorsing a plan similar to that of Mrs. LOWEY or some other plan that addresses the need for school construction. It is not something that is going to go away; it is something that is only going to get worse, and there is a need for a Federal partnership with local governments and State governments to address this issue.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Maine [Mr. ALLEN] is recognized during morning hour debates for 5 minutes.

Mr. ALLEN. Madam Speaker, I want to talk about campaign finance reform this morning. I want to say that campaign finance reform does not have to be a partisan issue. It is becoming a partisan issue, but it does not have to be. The question before this Congress is whether we are going to spend millions of dollars and months of time investigating and never get to the step of actually doing some legislating.

I believe that we came here to legislate reform and that we ought to do it. Investigations, millions of dollars and months of hearings, are not enough.

I said that campaign finance reform does not have to be a partisan issue. The freshmen have proved that. The gentleman from Arkansas [Mr. HUTCHINSON], a Republican freshman, and I from Maine, have been cochairing a bipartisan freshman task force composed of six Republicans and six Democrats.

After 5 months of hearings, after 5 months of negotiations, after 5 months of consultations with experts from outside this Congress, with people who represented organizations, who participated in the 1996 election in one way or another, with advocates ranging from those who want to take all limits off campaign spending to those who want to put more limits on candidate spending, after all of that activity, we came up with a proposal, with a bill. It is H.R. 2183. It is the bipartisan Campaign Integrity Act of 1997. It is truly bipartisan.

What does this act do? Well, quite simply, it takes the biggest of the big money out of politics. All of the hearings that are going on on the House side and on the Senate side involve what is called soft money. These are the $500,000, the $1 million contributions to the national parties, and they did not used to be able to be used for television ads, but that is what they are used for today; that is what they were used for in 1996. We need to stop that practice. We need to ban soft money.

The Campaign Integrity Act does that, H.R. 2183. We take the biggest of the big money out of politics by banning soft money. No Federal candidate, no Member of Congress, no Member of the Senate could raise soft money either for the national party committees or for State party committees.

We also make sure that we speed up the process of candidate disclosure so those of us running for office would have to report our contributions on a monthly basis and do so electronically.

Third, we make sure that people will not be able to run third party ads and not tell the public who they are. So there would have to be a filing with the Clerk of the House and with the Secretary of the Senate to make sure that third party independent groups identify who they are and identify how much money they are spending.

As I said, this act is truly bipartisan. The question is, when will the Republican leadership of this House allow a vote on the bipartisan Campaign Integrity Act? When will it happen? We are not asking for a vote next year, we are not asking that this issue once again be put off sometime into the indefinite future. We are saying, act now, do not just investigate now.

This issue will not go away. The American people will not let this issue go away, and this House should not go home, this House should not adjourn without having a vote on a bill to ban soft money.

I suggest to my colleagues that H.R. 2183, the bipartisan Campaign Integrity Act of 1997, is that bill. We need a vote on that bill and all we ask from the Republican leadership is a vote on this House floor.

EDUCATION AND CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Madam Speaker, I have been intrigued by the comments of my two colleagues who just preceded me in addressing the House, the gentleman from Maine [Mr. ALLEN] and the gentleman from New Jersey [Mr. PALLONE]. I am compelled, based on their commentaries, to make a few observations.

First, with respect to the challenge that was made to Republicans on the issue of supporting school construction, neither party has a monopoly on virtue on this particular subject. The question is, how are we going to fund school construction, and which party is truly standing for proposals that will increase school construction?

Back in my home State, when I was majority leader of the California State Assembly, we passed more money for education last year than had been appropriated in almost 30 years. Members then went home after the session and congratulated themselves for that accomplishment. But the reality was that the victory was somewhat Pyrrhic in nature, because in California the manner in which school construction is funded is impeded in two significant ways.

In California, like with the Federal Government, we pay construction contracts with a labor union prevailing wage. The California prevailing wage law works like this: if a school is being built in a rural area of the State, the government pays those with whom it contracts the highest union wage paid to workers in urban areas like San Francisco or Los Angeles, where the cost of living is significantly higher. Rural government contracted construction workers earn wages and benefits averaging some $26 an hour on the cost of the contract. This has a significant negative impact on the number of schools that can be built or have infrastructure repairs.

We Republicans have tried to reform rules like this and make them more reasonable, because we know that only one-half of a school can be built under these windfall agreements for the market price of a whole school. We have not yet been able to overcome the political clout of the labor bosses who

contribute heavily to our friends on the other side of the aisle. Is it a coincidence that we get very little support from these colleagues in our calls for reform?

The other thing that impedes school construction on a national and statewide basis is the degree and extent of the topheavy government education bureaucracies that siphon away money from schools.

As a Republican, I believe we ought to block-grant education dollars directly to our schools, and not pour them down the rathole of bureaucrats in Washington. Why should bureaucrats steal 30 to 40 percent of education dollars to feed their bureaucracies, and deny those funds to our children and teachers and local schools? With reform, we would have more school construction, we could pay teachers more, we could end the problem of oversized classrooms.

Why hasn't this occurred? Because time and again, those who support the status quo and derive political and financial support from the status quo obstruct reform. They would much rather see 30 to 40 cents of every education dollar go to pay bureaucrats in Washington or in State governments, rather than see that money returned to our local school districts and go directly to school construction and education needs.

I make a pledge to my friend and colleague from New Jersey, Mr. PALLONE: I will consistently vote in this Chamber at every opportunity to take money from bureaucrats and send it directly to the schools.

I return a challenge to him and to my friends on the Democrat side of the aisle. Our colleague, the gentleman from Pennsylvania, Mr. PITTS, will be bringing up a bill shortly in this Chamber, that is very simple: it would require 90 cents on every education dollar must go directly to the schools, and not to bureaucracies. I challenge them to support this bill, and let their rhetoric match their actions. My guess is that when this bill comes up for a vote, Republicans will almost unanimously vote for it. I also suspect we will not get significant support from our friends on the other side of the aisle. Why? Because they would have to stand up to those who profit from the status quo—those from whom they draw so much political financial support.

Finally, when my friend from Maine, Mr. ALLEN, talks about campaign finance reform, he joins the daily refrain from Members of his party proferring the same sentiments. Why is that in their indignation they never talk about the one real, meaningful degree of campaign finance reform injustice? I have yet to hear a single colleague from the other side of the aisle stand up and condemn the compulsory taking of union dues from working Americans, and having that money used for political purposes contrary to the wishes of those workers. They cry foul over hundreds of millions of dollars taken without permission from working Americans, and having that money funneled almost exclusively into the campaign coffers of Democrats, despite the fact that 40 percent of every AFL-CIO worker in this country is a registered Republican.

In California, if a Republican wants a job in a union shop, he or she must join that union as a condition of employment. When they join that union, money is taken from their paychecks without their permission to fund the political causes of the labor bosses. That is not right, yet these same guardians of good government who pontificate on campaign finance reform each day here have yet to condemn it.

If we are going to have meaningful campaign finance reform, let us start from the ground up and end a system of compulsory stealing of money from those who earn it at the expense of democracy—and freedom.

COMPASSION AND DEMOCRACY GO HAND IN HAND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning hour debates for 4 minutes.

Mrs. CLAYTON. Madam Speaker, the world lost two well-known, highly respected and dearly loved women in the last week, Mother Teresa and Princess Diana.

Mother Teresa. Mother Teresa, early in her life, committed herself to an order of the nunnery and that would have been sufficient in itself, because she had a high calling, and it was indeed commendable and honorable that she did that, but that is not the reason she was dearly loved.

Princess Diana was both titled and wealthy and had style. Again, those attributes and privileges were advantages for her, but again, that is not the reason there was such deep love and emotion for her. In both of their lives, I think we learned that the attribute of compassion was the quality that people endeared from them, or were endeared to them because of.

It was their compassion, their ability to reach out, their ability to be concerned, their ability to embrace others, to reach out beyond their own points of comfort. It was their ability to support and embrace the poor, their ability to support and embrace the lepers, to care enough for the aged or to hug a person with AIDS, their ability to welcome the unwanted, their ability, or certainly Mother Teresa's ability, to comfort the dying.

So as we give tribute to their lives, we have an opportunity, as legislators, to reflect to what extent do we reach out beyond our ability of comfort?

We are having the opportunity to appropriate resources. Do we appropriate resources that also will benefit the poor, the hungry; or have we, as legislators, in the recent years found it very fashionable to have the poor as a political football, to make them scapegoats for our frustration? Has it become very fashionable in this land of immigrants to now have a harsh reality, a harsh attitude? And the reality of that is to find ways to not extend the full service and benefit of our country.

In this country where we say equality and access and fairness are landmarks of our democracy, it has become fashionable to say that affirmative action is no longer the byword, fair play is only for a few and privileged.

I think we have an opportunity to reflect, as we reflect on their lives, what makes this country great. This is a great democracy. It is great beyond its great defenses. That makes us strong. It is certainly great beyond our technology and our great wealth. That makes us competitive and the envy of the world. What makes this democracy great is its compassion, its ability to open its arms to all of the people.

As we continue our legislative responsibility, I think we have the opportunity and the privilege, and I hope also the desire and the need to make sure the appropriations and the promulgation of policies and laws we make also reach to those who are unfortunate, the poor, the hungry, the unwanted.

There are two bills that I would commend to my colleagues to consider. One is Hunger Has a Cure. It simply is a bill now that has more than 100 cosponsors, and I encourage all my colleagues to consider it. It simply says that we care enough about those without food to make sure we provide it.

The second one is to make sure we have equal opportunity for minorities to have access to agriculture resources to end the discrimination that has been documented.

My bill simply says, it is agriculture, equity, and accountability.

I commend both of those bills in the spirit of compassion, fairness of opportunity, what makes this country great in the life of Mother Teresa and the life also of Princess Diana. It is an opportunity to remember our caring about people and our compassion.

FUNDING FOR IMPORTANT PRIORITIES AND OBEYING EXISTING LAWS FOR CAMPAIGN FINANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Madam Speaker, there is much that the lady from North Carolina had to say with which I agree,

and we are honored to serve in this Chamber where we can both agree and disagree about a variety of subjects. I would simply hearken back to one of the most poignant and pointed observations ever made in this city just down The Mall when Dr. King came here in the early 1960's and dreamed of an America where his children would be judged not by the color of their skin, but by the content of their character.

And, yes, the appropriations process is very important. That is why I hope the gentlewoman and many others on the other side of the aisle will join with Members of the new majority to appropriate funds to those who most need the funds.

One example of that will come later in our Labor-HHS appropriations bill with an amendment I offer to put an additional $18 million into funding for Impact Aid school construction, because there is a Federal role to be played, both because of sacred and solemn treaty rights and obligations to native Americans, and also to the many children who are dependents of those in military service and who live on military bases both here in the United States and abroad.

To be sure, Madam Speaker, we confront many issues of great and grave importance in our constitutional Republic, but I would like to address one that I think has been discussed a great deal this morning during the morning hour, and that has to do with campaign finance reform.

Madam Speaker, it is ironic that so many of my liberal friends come to this floor now crying for campaign finance reform. Indeed, Madam Speaker, it is akin to having Bonnie and Clyde, during their heyday, call a press conference to demand that there be a cop on every block, on every street corner in America. That is the incredible irony.

Madam Speaker, there is one central truth with which we should all agree, and that is that everyone should obey existing laws. Indeed, Madam Speaker, as we read the revelations in recent headlines, it is becoming painfully apparent that there are serious questions involving members of the executive branch and the actions they have taken that appear to be in violation of those same campaign finance reform laws.

Indeed, Madam Speaker, one need only remember back a few months ago to hear the words of the Vice President of the United States when he deigned to claim that there was "no controlling legal authority," end quote, to keep him from making fundraising calls on Federal property. Indeed, as records later revealed, the Vice President of the United States made several fundraising calls from his office on the White House grounds. That is in clear contradiction to existing law and to the precedents and the ethics of government where, Madam Speaker, as the gentlewoman from Missouri knows from her own experience, and indeed Members on both sides of the aisle know, we are told from day one that as Members of Congress, we are not here to solicit campaign funds on Federal property. We are not supposed to make use of the taxpayers' dollars to place money in the campaign till.

Campaign finance reform? Certainly. But reform begins with a recognition of existing law. That is why hearings continue in the other body; that is why hearings will take place under the aegis of this House, the Committee on Government Reform and Oversight, to check and to examine the many disparate claims and the disturbing revelations which we read of almost daily. That is why, despite the great hue and cry for campaign finance reform, we need in this House, we need in this Nation, to take charge and to examine the deeds of those who perhaps have not obeyed existing law.

CAMPAIGN FINANCE SYSTEM IS BROKEN AND OUT OF CONTROL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. ESHOO] is recognized during morning hour debates for 1 minute.

Ms. ESHOO. Madam Speaker, 8 months ago the President asked the Congress to have a campaign finance reform bill ready for him to sign by the Fourth of July, Independence Day. I think perhaps the President should have then specified the year, 1997. What has happened? Nothing. No hearings, no markups, no bill, no reform, no action.

Our campaign finance system is broken. It is out of control. Hearings and news reports continue to expose a corrosive and insidious system, a system that has cast a shadow of public disrespect, of doubt, of disillusionment, not only on our system, but on this institution. And we know that we can do much better.

In fact, the American people insist on it; and they are right. They are ahead of this system, and they know that something can be done.

Yet despite the hearings, the headlines and the public pressure, the majority continues to defer action, deny a vote and disregard the will of the American people.

We insist that a campaign finance reform bill to ban soft money be brought to the floor of the House before the Congress adjourns this year.

LET US FIX WHAT IS BROKEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. FARR] is recognized during morning hour debates for 1 minute.

Mr. FARR of California. Madam Speaker, what is really going on in Congress? We are hearing the Republican leadership, and the Republican committees in the House and the Senate are conducting hearings. They want to investigate and they want to smear.

However, Congress was elected to legislate. We are lawmakers. We can fix what is broken. Why is it that the Republican leadership does not want to fix what is broken?

The GOP has failed to meet every deadline on campaign reform. No hearings on the bills, either Democrat or Republican bills, no vote on the rules, no schedule, no nothing. We are elected to make the law. Every time the Democrats were in control, we passed campaign reform. It was either vetoed or filibustered before it got into law.

Why do the Republicans not want to use that power to pass campaign reform? The answer simply is, they want to hear and smear, not fix.

Madam Speaker, I ask one simple question: When do we get to vote on campaign reform?

AMERICAN CITIZENS WANT ACCOUNTABILITY IN CAMPAIGN FINANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized during morning hour debates for 2 minutes.

Mr. THUNE. Madam Speaker, I too am very interested in the whole subject of campaign finance reform. As a first-time freshman Member of this body, I found out how difficult it is to try and run a campaign and to raise money.

As we talk about trying to reform the law and trying to figure out exactly what would be the best framework and structure in which to govern campaigns in this country, one of the things that is clear is, we have to find out what things are not working today. We have seen a lot of evidence of late that through the various investigations there are a lot of things that were done that were not consistent with the existing law. We have to find those out.

People get up on the other side and say, well, we need to change the law. Frankly, I think they would much rather change the subject.

I would simply ask the question, what is it that my colleagues would have us to change? John Huang, Charlie Trie, Webb Hubbell, what are the things that my colleagues would have us change about all this process?

As I have traveled the State, my State of South Dakota, some 77,000 square miles, people want a government that is accountable. They want to know that when they elect people to these offices that they can, in fact,

trust that the job that they have elected us to do will get done and it will be done in good faith and honesty and integrity.

I am a cosponsor of a bill which I would like to see considered in this body. It is very simple. It says simply, first, no foreign contributions. That seems to be a fairly straightforward assumption.

Second, it says that 65 percent of the dollars that we raise to run campaigns should come from the State or district in which we live or reside. In other words, the people that can contribute to campaigns ought to be the people who can vote for us. That too, to me, seems to be a very simple premise of campaign finance reform.

Third, it would limit PAC contributions to 35 percent of the dollars that go into a campaign.

Those are three very fundamental, simple reforms that I think would clarify what the rules are of this process, and would enable us to have a campaign system that is much cleaner, much fairer, and that the people of this country will know that they are getting accountability from the government that they deserve.

TRIBUTE TO JUDGE GEORGE CROCKETT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized during morning hour debates until 9:50 a.m.

Mr. BONIOR. Madam Speaker, it is with great sadness that I learned on Sunday of the death of our former colleague, Judge George Crockett. Martin Weil in his obituary today in the Washington Post I think captured it very well. This is one of the more remarkable men to have lived in this century.

Judge Crockett was a man who represented Detroit's inner city in Congress for 10 years after compiling a long and often controversial record as a defender of civil rights and unpopular causes. He was described as a kind of folk hero to his constituents of Michigan's 13th District.

Milestones in his career included his service as the defense attorney in the celebrated conspiracy trial of 11 Communist leaders in New York almost 50 years ago. Judge Crockett was cited by the trial judge for contempt of court and served a prison term.

On Capitol Hill he was known for demonstrating the same willingness to stand up for cherished beliefs in the face of withering criticism that had characterized his long career as a lawyer and a judge. In the words of the 1986 edition of the Almanac of American Politics it said, Judge Crockett was a man of steely self-assurance and has done what he considers his duty in much less friendly environments than the House of Representatives.

While in the Congress, he was one of the first Members arrested at the South African embassy and protested against the white minority government. He was an enormously powerful man who had an incredible record in law and in labor work and as a judge. He raised a beautiful family.

My condolences go out to his wife and his children and his grandchildren. He will be sorely missed. He was a man who had a great impact on this country, and I extend the condolences of Members of this body to his family.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. NEY] at 10 a.m.

PRAYER

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

We are grateful, O God, that we can be strong in our own faith, and yet be understanding of others; that we can express our own beliefs in word and deed, and yet be appreciative that all persons have the same freedom to express their faith; that we can be confident in our own convictions and yet be patient with those that see the world in different terms.

O loving God, who has given life and love to every person, we express our thanksgiving for the traditions of our Nation, that heritage of religious liberty that has blessed our faith and strengthened our Nation. Keep us all in Your grace, O God, now and evermore. 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.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado, Mr. BOB SCHAFFER, come forward and lead the House in the Pledge of Allegiance.

Mr. BOB SCHAFFER of Colorado 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 43, nays 347, not voting 44, as follows:

[Roll No. 371]

YEAS—43

Allen	Filner	McDermott
Andrews	Ford	McNulty
Berry	Furse	Millender-McDonald
Bonior	Gejdenson	Miller (CA)
Coyne	Gephardt	Mink
Davis (FL)	Hastings (FL)	Olver
DeFazio	Jackson (IL)	Pallone
DeGette	LaFalce	Pelosi
DeLauro	Lewis (GA)	Radanovich
Dingell	Lowey	Slaughter
Doggett	Maloney (NY)	Stark
Eshoo	Manton	
Farr	Matsui	

Stump
Thurman
Torres
Waters
Woolsey
Yates

NAYS—347

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Whitfield
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—44

Baker
Barcia
Boucher
Carson
Chenoweth
Conyers
Cox
Crane
Dellums
Engel
Foglietta
Gonzalez
Goodling
Hefner
Hilliard
Hinchey
Hoyer
Leach
McCollum
McDade
McHugh
Moran (VA)
Nadler
Oberstar
Owens
Parker
Pomeroy
Quinn
Rangel
Reyes
Riggs
Sanders
Schiff
Schumer
Serrano
Skaggs
Stenholm
Sununu
Towns
Velázquez
Weldon (PA)
Weygand
Wicker
Young (AK)

□ 1022

Mrs. SMITH of Washington and Messrs. KINGSTON, RUSH, COOKSEY, CHRISTENSEN, EHLERS, REDMOND, DOYLE, and TAYLOR of North Carolina changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The results of the vote were announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on rollcall No. 371, I was inadvertently detained. Had I been present, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). The Chair will entertain fifteen 1-minute speeches on each side.

TIME TO CLEAN UP DEPARTMENT OF JUSTICE

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

Mr. BARR of Georgia. Mr. Speaker, when I served under President Reagan as U.S. attorney, one of my colleagues told me of a defendant, a public official who had just been convicted of corruption, who said, "Mr. U.S. Attorney, we knew what we were doing was wrong, but nobody ever told us it was jail wrong."

Well, Mr. Speaker, America was fortunate back then that we had U.S. attorneys and a Department of Justice that were concerned with people who were doing "jail wrong" things and prosecuted them. Now we have an Attorney General who is not only not concerned with prosecuting those who do wrong, but the best this Attorney General will do is to decide whether to decide whether to decide if we will have an independent counsel to investigate clear evidence of wrongdoing by the Vice President.

Mr. Speaker, America yearns for the days when wrongdoers faced a Federal justice system that actually went after the bad guys. The time has come to clean up the Department of Justice.

TRIBUTE TO WILLIAM PASCRELL, SR.

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

Ms. HOOLEY of Oregon. Mr. Speaker, I have the sad obligation today to join this House in mourning the death of the father of the gentleman from New Jersey [Mr. PASCRELL], my friend and colleague.

Mr. Speaker, I did not have the pleasure of meeting William Pascrell, Sr., but I understand that he embodied many of the personal qualities that we admire in this country.

William Pascrell, Sr., was the son of immigrants, a self-made man, a lifelong railroad worker. After retirement, he gave of his time freely to charity. We all know how difficult it is to lose a loved one, so I think I can speak for every Member of this House in saying that we are deeply saddened by this loss.

CONGRESS SHOULD CONSIDER "RENO DIVORCE"

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

Mr. HAYWORTH. Mr. Speaker, those of us in the majority join with those in the minority mourning the death of William Pascrell, Sr. We pass along best wishes to the gentleman from New Jersey [Mr. PASCRELL] and to the gentleman's family.

Mr. Speaker, I listened with great interest to the comments of the gentleman from Georgia [Mr. BARR], a former U.S. attorney, and the gentleman from Georgia is absolutely right.

Mr. Speaker, there is a difference between deliberation and dilatory tactics. Sadly, this Justice Department, in deciding to decide to perhaps one day to decide if there should be independent counsel to check into the alleged wrongdoing of the Vice President, is delaying and stonewalling.

Mr. Speaker, with all due apologies to the gentleman from Nevada [Mr.

GIBBONS], perhaps this body should examine its own form of Reno divorce to see what we can do under the Constitution to examine the actions or the inaction of this Attorney General because, Mr. Speaker, it is important that those elected to high office obey existing law.

DEMOCRATS COMMITTED TO CAMPAIGN FINANCE REFORM

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

Mr. PALLONE. Mr. Speaker, I want to join with the gentlewoman from Oregon [Ms. HOOLEY] in expressing sympathy for the gentleman from New Jersey [Mr. PASCRELL] on the death of the gentleman's father.

Mr. Speaker, Democrats are determined to bring campaign finance reform to the floor, despite the Republican leadership's reluctance to do so. The problem with congressional elections is that they cost too much, and increasingly the average American cannot run for Congress. The public feels that their vote does not count because of the influence wealthy people have through their ability to contribute large sums of money to a campaign.

My home State of New Jersey sets a very good example of a public financing system that we use for our Governor's race that is going on now. Contributions to the Governor's race, I should mention, are limited. But more important, the amount of private money is capped and then matched with public funds, so that the overall expenditures of the race remain basically even for Democrat and Republican candidates.

□ 1030

I would like to see the same type of system for congressional raises. I believe the public would support this as an alternative to the current race for dollars. Democrats, Mr. Speaker, will continue to press for campaign finance reform.

NATIONAL EDUCATION STANDARDS

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

Mr. TIAHRT. Mr. Speaker, I was saddened several months ago when I heard the President abandon the teachers in America. He called for 1 million volunteers to teach our children to read.

In Kansas, the teachers have not abandoned our children. They are teaching reading and writing and math and history and science and other important things. They have not turned from their job responsibility, even if the President has turned his back on them.

Now the President wants to create more government and establish national education standards. Sounds good. I am from the government and I am here to help. But we have done that before. We have national standards. It is for Pentagon procurement. We call them MILSPECS. They are very complicated. Because of those MILSPECS, we bought a $750 pair of pliers.

Now they want to transfer that technology to education. Let us not go there. The States have that responsibility and States like Kansas have established quality performance accreditation educational standards. Kansas has not abandoned educational standards. Let us not complicate education standards and get the equivalent of a $750 pair of pliers. Let the States do their job.

FAST TRACK TRADE AUTHORITY

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

Mr. TRAFICANT. Mr. Speaker, stating that exports to Mexico have increased, the President now wants fast track for all of Latin America. In a way that is true.

Check this out. Last month, Fruit of the Loom cut 2,400 jobs in Louisiana, citing no regulations and cheaper labor. As a result, Fruit of the Loom is exporting factories and machinery overseas. This is out of control, Mr. Speaker.

First, the President donates his boxer shorts to charity, then literally takes the tax deduction for it. Now the President wants to donate our BVDs, Mr. Speaker, and give us a training voucher for a job in Latin America.

Beam me up. This is not fast tracking. This is backtracking. I yield back the Constitution that mandates a two-thirds ratification vote of the U.S. Senate to enact a treaty, if anybody abides by the Constitution around here.

SCHOOL CHOICE

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, for America's poorest children education is their most direct path out of poverty. In fact, even children in truly horrible schools manage to escape destitution by dint of relentless determination and honest hard work. But children should not have to pass through metal detectors on the way through the schoolhouse door. If kids are more consumed by the fear of violence than the hope of earning an A on the next exam, the great challenges they face become even greater.

Confronted by school violence and disorderly classrooms, to whom can these children turn? I believe they ought to turn to their parents, of course. But what if their parents lack the freedom to pull their children out of harmful schools? While the status quo interests join together to say "too bad" or join together in offering more hollow promises, Republicans offer America's children hope in the form of school choice and education savings accounts.

Hope is too scarce a commodity to most of our Nation's poorest communities. School choice and education savings accounts level the playing field and offer hope by treating families like real customers and children like real Americans.

CAMPAIGN FINANCE REFORM

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

Mr. SNYDER. Mr. Speaker, on June 11, 1995, in a very famous photo, the Speaker of the House and the President of the United States shook hands and committed themselves to campaign finance reform. Over 2 years later, we have had over 85 bills introduced and none passed. Why is that? Because it is a tough issue. It is a very difficult issue that not only divides parties but divides us among our own parties.

I encourage the membership to take a look at H.R. 2183, the freshman bill. It is bipartisan. It does the doable. It stops the large donations from unions, corporations, and wealthy individuals, those huge soft money donations that threaten our system.

H.R. 2183, I believe, takes a step in the right direction, not a bill for all time but it is a good, important first step.

NUCLEAR WASTE POLICY ACT

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

Mr. GIBBONS. Mr. Speaker, the rhetoric surrounding H.R. 1270, the Nuclear Waste Policy Act of 1997, is often technical and rarely illustrative in a personal manner, where the impact will be the greatest. Many American cities around this country are going to be affected by this act. Typical American cities such as St. Louis, MO, will become nuclear refuse hubs as radioactive waste is transported and funneled from subsidized nuclear powerplants through St. Louis to the proposed nuclear storage site in Nevada. Residents of St. Louis should know that this waste will travel along Interstate 70, next to North Memorial Drive and the Mississippi River, meaning that if an accident were to occur and a small fraction of the shipping cask's contents were released, it would be sufficient to contaminate a 42-mile square

area that would take 460 days to clean up. This would devastate downtown St. Louis, endanger the people living there, contaminate the Mississippi River, threaten every city and person downstream.

Mr. Speaker, my colleagues were sent to Congress to serve and protect their constituents, not mandate a physical, environmental, and economic disaster upon them.

BIPARTISAN CAMPAIGN FINANCE REFORM

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

Mr. ALLEN. Mr. Speaker, campaign finance reform does not have to be a partisan affair. It can be a bipartisan affair. In fact, the freshmen of this Congress, six Republicans and six Democrats, worked on a task force and developed the Bipartisan Campaign Integrity Act of 1997. It takes the biggest of the big money out of politics and it does something else: It takes the contentious issues off the table.

There are those on the Republican side who simply want to do something about labor unions. But they know that is a deal breaker. There are those on the Democratic side who want to do something about candidate spending limits, but those over here think that is a deal breaker.

The fact is, we can take the biggest of the big money out of politics. We need to support the Bipartisan Integrity Act of 1997, the freshman task force bill. In this Congress we should legislate, not just investigate. I urge all my colleagues, especially those on the Republican side, to join the 11 Republicans and many Democrats who support this bill.

MOTHER TERESA

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

Ms. GRANGER. Mr. Speaker, several years ago a newspaper reporter assigned to cover Mother Teresa of Calcutta decided to follow her around for an entire day to see what a day in the life of the Saint of the Gutters was really like.

After visiting several hospitals and feeding the hungry, the reporter followed Mother Teresa to a sewer on the outskirts of town. The tiny woman proceeded to get down on her hands and knees in the middle of the sewer where she began talking to the destitute people living there. The reporter standing on the safety of the concrete street above looked down to Mother Teresa, shook his head and said, I would not do that for a million dollars. Mother Teresa looked up to the reporter and said, "I wouldn't either."

This story captures the essence of a great humanitarian, a woman who touched lives with her Missionary of Charities and saved souls with her message of Christ. Politically incorrect and yet morally courageous, this heroic woman touched the lives of millions with her conviction, her commitment, and, most important, compassion.

Mr. Speaker, I hope we can all join together in the memory of Mother Teresa and work to make America a little more like her, a place where individuals matter, character counts, a place where people love their neighbors and respect themselves and, most important, a place where service and sacrifice are not things people do for money but things people do for free.

MORE ON CAMPAIGN FINANCE

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

Mr. TURNER. Mr. Speaker, I rise in support of H.R. 2183, the bipartisan freshman campaign finance reform bill. Abraham Lincoln once wrote that with public trust, everything is possible. And without it, nothing is impossible. He recognized that a democracy cannot work unless people have confidence and trust in their government.

Over the last few decades, this essential trust has been undermined, not only by periodic scandals but by the everyday practice of raising huge sums of money from wealthy contributors and special interests. Year after year, both parties raise larger and larger amounts of what people in Washington call "soft money," but my folks back home in Texas call "hard cash."

People cannot help but wonder whether their government is for sale to the highest bidder. The reforms that we propose are not intended to help or hurt either party. These reforms are designed to help restore the people's confidence in the independence of their Representatives and in the integrity of their government. The only way to regain people's confidence is to pass campaign finance reform.

STANDARDIZED FEDERAL TESTING

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

Mr. THUNE. Mr. Speaker, in the area of education there has been a lot of talk lately about the importance of testing. I would like to talk today about something we do not hear as much about. That is the importance of learning.

Some people think we do not have enough standardized testing. They think we need to spend more than $90 million on a new Federal test to tell parents how their kids are doing.

Right now schools in my home State of South Dakota and other States around the country already give students two standardized tests. Both of those tests are given in March and both take about a week to administer.

Now, President Clinton wants another standardized test. It would also be given in March and it would take about a week to administer. That means students back home in South Dakota would spend the entire month of March not learning but testing.

Think about it. Would you like to spend three solid weeks filling in the oval next to the correct answer with a No. 2 pencil? I cannot think of anything I would dislike more unless it is spending $90 million to do it. That is why I am urging my colleagues to vote for more learning in our schools and less pointless, redundant standardized Federal testing.

SUPPORT BIPARTISAN CAMPAIGN FINANCE REFORM

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

Mrs. MINK of Hawaii. Mr. Speaker, the people of this Nation have a right to expect that the Congress act upon issues that are raised. We are now investigating campaign financing, and every day we hear about this unregulated, unlimited, huge sums of money being poured into our national parties and other independent committees.

Almost all of the bills that have been offered for consideration have one provision in common, and that is ban the soft money contributions that are currently unregulated.

All of us run under a Federal election law that regulates our contributions, no more than $1,000 per election, no more than $5,000 in PAC contributions. Why is it not so simple for this Congress to pass a bill that bans soft money? There is absolutely no justification for our just sitting here and listening to this debate without action. The people have a right to expect this Congress to be responsive. We have the legislation before us to do it. Let us act today.

NATIONAL STANDARDS

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

Mr. ROGAN. Mr. Speaker, the issue du jour for the Clinton administration is to create national education testing standards. I find this ironic in light of today's newspaper account: Former Democrat Secretary of Health, Education, and Welfare Joe Califano has just published a comprehensive report on America's schools. He described them as a "candy store" for illegal

drugs being available to our Nation's school children.

The Clinton Department of Education's response to this report was, in typical ostrich fashion, to ignore it. They replied that our schools are essentially safe and drug free, so "let's get back to the issue of national standards."

Mr. Speaker, it seems to me that the bipartisan "national education standard" we ought to be working for is safe schools that are drug free. How else can we guarantee our children a world-class education? That should be the first priority of President Clinton and his administration. We Republicans will happily work with him to achieve this national standard that we can all be proud of, and pass on a legacy to children that will endure the test of time.

TRIBUTE TO GEORGE W. CROCKETT

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

Ms. KILPATRICK. Mr. Speaker, I rise to pay tribute to Congressman George W. Crockett who recently passed. Congressman Crockett was a fighter for justice, a student of the Constitution who believed that the Constitution should apply to all of America's people.

□ 1045

We honor you, Judge Crockett. I want you to know from the bottom of my heart, as my Congressman and for the people who are now in the 15th Congressional District, we will carry your spirit, we will continue the fight, and we too believe that the Constitution of the United States is for all of its citizens.

Rest assured that your memory will live, that your spirit will instill in us the power to continue, the power to fight, and the power that the Constitution really is for the people, by the people. May you rest in peace.

REJECT WHOLE-SCHOOL REFORM

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

Mr. SHADEGG. Mr. Speaker, as a parent there is no issue, absolutely no issue more important to me than the education of my children. For us as a Congress there ought to be no issue more important than education, and that issue is critically important to the American people. But, Mr. Speaker, the Labor-HHS bill, H.R. 2264, which we will debate today, holds in it a wolf in sheep's clothing on the issue of education.

I am deeply committed to education reform, but, Mr. Speaker, I believe that the parents and the teachers and the students and the administrators in my school and in any school district know how to reform my school and give our children the best education possible. This bill contains a wolf, a wolf which says, well, we are going to support school reform but only whole school reform, only top-down dictated Federal school reform. Do it by our model, and get the money; do not do it by our model and do not get the money.

We do not need top-down school reform. I urge my colleagues to reject whole-school reform.

VOTE ON CAMPAIGN FINANCE REFORM SHOULD BE SCHEDULED THIS MONTH

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

Mr. MILLER of California. Mr. Speaker, many of us this morning are demanding that Speaker NEWT GINGRICH schedule a vote on campaign finance reform this month. Rest assured that we will continue to make this demand until it is complied with.

This is not an issue that either party can avoid. Massive unregulated contributions of the so-called soft money have corrupted both parties and have corrupted this institution. Yet it is the Republican Speaker of the House and the Republican Leader of the Senate who are today standing in the way of reform.

Today, money in politics affects everything lawmakers do, even our health and safety. For example, the Meat Institute and the Grocery Manufacturers reportedly spent over $300,000 in the 1996 elections. And today they are in the Congress actively lobbying against new proposed meat inspection standards in the wake of the massive outbreak of E. coli.

America should make it clear to those in charge of this House; they should tell Speaker GINGRICH and tell those in charge of the Senate, Majority Leader LOTT, that they want him to ban soft money; that they want the Congress back so their voices can be heard and they want it done this month.

ENFORCE EXISTING LAWS ON CAMPAIGN FINANCE

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

Mr. KINGSTON. Mr. Speaker, it is unbelievable to hear Democrats talk about campaign finance reform and the need for it while they are strangely, strangely silent on the subject of criminal violations apparently by Members of their party in this administration.

Point in case. U.S. Code 18–1956 prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership or control of the funds. This prohibition would cover the tens of thousands of dollars donated to the Democratic National Committee by dirt poor Buddhists.

If they do not like that law, here is another one; 18 U.S. Code 600 prohibits promises of contracts or other benefits as consideration, favor or reward for political activities such as the Democrat Department of Commerce trade missions in exchange for political donations.

Or this, 18 U.S. Code 601 prohibits the withholding of a benefit or program of the United States from any person who refuses to make a campaign contribution.

There are dozens and dozens of laws that are already on the books that have apparently been violated and the Democrats have no interest whatsoever in trying to enforce the existing law. Let us do not try to confuse things. Let us enforce existing law, then move on to campaign finance reform.

TOBACCO INDUSTRY IS LEADING SOFT MONEY CONTRIBUTOR IN THE COUNTRY

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

Mr. DOGGETT. Mr. Speaker, if there is even a single violation of the existing laws, be it Democrat or Republican, prosecute it fully, but do not hide behind the latest tabloid news to thwart campaign finance reform.

To any American who wonders why we need that reform, thumb through the bipartisan budget agreement and come across title XVI, entitled Technical Amendments Related to the Small Business Job Protection Act and Other Legislation. Under that title turn to page 322 and learn that one of those small businesses that just got protection was $50 billion for the tobacco industry.

Anyone who thinks that is unrelated to campaign contributions is probably sitting at home waiting for the tooth fairy to arrive.

Ladies and gentlemen, the fact that the tobacco industry is the leading soft money contributor in this country demonstrates the need along with this provision to reform our campaign finance laws in time for the 1998 elections. But Speaker GINGRICH, one of the beneficiaries of the current system, refuses to schedule it for debate. That is why we will have yet another motion to adjourn because of the refusal to deal with this issue.

VOTE AGAINST NUCLEAR WASTE POLICY ACT OF 1997

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

Mr. ENSIGN. Mr. Speaker, I rise to voice my strong opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997, which the Committee on Commerce is expected to address soon.

This legislation will have devastating impacts not only on the State of Nevada but on 43 other States in the Union. H.R. 1270 proposes sending thousands of high-level nuclear waste shipments from 109 locations across 43 States to a single repository in Nevada.

More than likely, these shipments will cross Members' districts, by their schools, their churches, hospitals and playgrounds in the process. Here is a very small sampling of the possibilities of that nuclear waste, as it travels across the country, if there is an accident.

Before we vote in support of H.R. 1270, we should ask ourselves: What if this was my district? The possible consequences are chilling. We must all be responsible stewards of our constituents' best interests and vote against H.R. 1270.

DEMOCRATS FAVOR MORE INFRASTRUCTURE MONEY FOR PUBLIC SCHOOLS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the real issue is, I believe, my Republican colleagues have lost their way to school. Rather than filling up the Labor-HHS bill with all kinds of distracting issues dealing with education, they do not realize that our children are in crumbling schools, our children are in schools that are overcrowded.

School enrollment in the United States last year broke the all time high record set by baby boomers in 1971 and has continued to grow. A new Department of Education report found more than 52 million children enrolled in our schools, and yet Republicans rejected the idea of Democrats that wanted to infuse infrastructure money into our communities so that we could rebuild our schools.

Do my colleagues realize that our schools in America need extensive repair, that our children are being threatened by peeling paint, falling ceiling tiles, and crumbling walls? Our Republican friends will mess up the Labor-HHS bill and fill it with all kinds of amendments that are not relevant to providing protection for our children.

Yes, our Republican friends have lost their way to school. We, the Democrats, will find our way, continue to support public education, provide for moneys to improve and encourage our children to learn the right way, the safe way, and rebuild the falling infrastructure in our public schools. That is finding our way to schools in America and that is the side Democrats will be on.

LIMIT USE OF TAX DOLLARS FOR FREE NEEDLE EXCHANGE PROGRAMS

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

Mr. COBURN. Mr. Speaker, coming before us today is a bill that has an allowable thing for the Secretary of Health and Human Services to control, and it is called free needle exchange programs.

The reason I am up here talking about it is we know a whole lot about how to help people succeed. Our Government is getting ready to spend our tax dollars to help people fail by enabling drug addicts to have needles available to them, to violate the law, to use our tax dollars to have clean needles.

There have been two studies in North America on this subject. Both of them show there is an increased transmission of HIV associated with free needle exchange programs and that there is an increased usage of drugs. We know that that happens. We know that in alcoholism.

One of the precepts in treating alcoholism today in our country is do not enable the patient to fail by enabling their alcoholism. We need to apply that same thing when it comes to drug addiction in this country.

I hope that my colleagues will support this limitation on using American tax dollars for free needle exchange.

STOP THE ATTACK ON WORKERS' SAFETY IN THE COUNTRY

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

Mr. DAVIS of Illinois. Mr. Speaker, I am amazed at the continuous efforts to cut occupational safety and health, efforts to scale back protection for workers in dangerous, hazardous, and unsafe situations, efforts to take back and turn around those hard-won gains which have only come about as a result of tragedy after tragedy.

I have even heard individuals on the floor of this House talking about taking money from OSHA in order to help disabled children. And surely disabled children need all of the help that we can give them, but why run the risk of injuring, maiming, or even killing workers in order to help children?

I say let us stop the attack on workers' safety in this country.

SOCIAL SECURITY WILL BE SHORT OF FUNDS AS EARLY AS 2005

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to talk about what I consider one mistake in our balanced budget agreement. I would start by asking the question: What tax has this Government increased 36 times since 1971? The answer is the Social Security tax.

More often than once a year we have been increasing the Social Security tax on American workers. It needs explanation. When Congress enacted the Social Security law in 1935, it was financed by a pay-as-you-go program, where existing workers pay in their tax to support the benefits of existing retirees. It has always been so. As there are fewer and fewer workers contributing their taxes to more and more retirees, Social Security keeps running short of money, and the tax is increased. It is not a sustainable program. That is why it is a mistake for this Congress, for this Government, for this President not to start working on long-term solutions for Social Security.

Dorcas Hardy, a former Commissioner, says we are going to be short again of enough money coming in from those workers as early as 2005. Last year I introduced the Social Security Solvency Act that holds seniors harmless and does not increase taxes on workers. The Social Security Administration predicts that the legislation would keep the System solvent for at least the next 75 years. Let us do something about it Social Security.

FEDERAL GOVERNMENT SHOULD PARTNER WITH STATE AND LOCAL SCHOOLS TO SOLVE EDUCATIONAL PROBLEMS

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

Mr. GREEN. Mr. Speaker, there are 52 million students in public schools today. Fifty-two million students. That is more than at the height of the baby boom generation. The question is are these students receiving the best education?

Students from kindergarten to high school need a positive learning environment, an environment where students can ask questions, and teachers are accessible for individual tutoring, where students and teachers want to teach and want to learn. Students are not receiving enough help and enough support to learn at an adequate level.

This is not the fault of the teachers. Look at the numbers. Fifty-two million students. There is a serious overcrowding problem. Schools are overcrowded, the buildings are unsafe. Thousands of students across our Nation go to school in buildings with leaky roofs and broken windows while students in the District of Columbia here wait until the roofs are fixed to start school.

Teachers are stretched to their limits. In some classrooms teachers are teaching more than 40 students. We need more teachers and more help for teachers. Teachers provide that personal contact and that mentorship. With an increase in teachers, they can accurately assess the needs of their students and focus on that learning.

These are concerns affecting children every day. We need to partner with our local schools and our States to make sure we solve our educational problems.

LOW-DOSE IRRADIATION FOR RED MEAT

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

Mr. GANSKE. Mr. Speaker, I want to talk about something important to the health of our citizens. In 1994, the Food and Drug Administration was asked to approve the use of low-dose irradiation for red meat. Irradiation kills bacteria like E. coli. It could prevent meat recalls and public scares like that we witnessed for Hudson Beef last month.

Statutorily, the FDA had 180 days to act on this petition. To date, they have failed to do so.

□ 1100

Mr. Speaker, I have a personal interest in this. As a physician, I know that low-dose irradiation is safe and it could prevent a lot of illness relating to ground beef. I also was sick from food poisoning last summer and I can tell Members that had I been immunosuppressed or an elderly person, the result may not have been as good as it was.

Mr. Speaker, I will soon introduce legislation to protect American consumers by giving approval for the use of low-dose irradiation for red meat, hamburger, so that you can cook your hamburgers medium rare if you would like. It would amend the labeling requirements so that people would know that the are buying low-dose irradiated meat, and it would require restaurants to notify consumers of that choice. This is something we ought to do for the health of all of the people of our country.

MOTION TO ADJOURN

Mr. DOGGETT. Mr. Speaker, in view of the Speaker's failure to schedule campaign finance reform, I offer a privileged motion.

The SPEAKER pro tempore (Mr. NEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas [Mr. DOGGETT].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 29, nays 367, not voting 37, as follows:

[Roll No. 372]

YEAS—29

Allen
Berry
Conyers
Coyne
Davis (FL)
DeFazio
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Frank (MA)
Gejdenson
Hastings (FL)
Lewis (GA)
Lowey
Manton
McDermott
McNulty
Miller (CA)
Mink
Pallone
Pelosi
Slaughter
Stark
Thurman
Torres
Woolsey

NAYS—367

Abercrombie
Ackerman
Aderholt
Andrews
Armey
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—37

Archer
Baesler
Baker
Bateman
Bono
Brown (CA)
Burr
Carson
Delahunt
Dellums
Engel
Foglietta
Gephardt
Gonzalez
Hilliard
Hostettler
Hoyer
Kennedy (MA)
Matsui
Meek
Moran (VA)
Norwood
Oberstar
Owens
Pascrell
Pomeroy
Quinn
Rangel
Reyes
Riggs
Sanders
Schiff
Schumer
Serrano
Tierney
Towns
Velázquez

□ 1121

Mr. HEFNER changed his from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, July 31, 1997, 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. 2264.

□ 1124

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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BEREUTER, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, September 8, 1997, the bill was open for amendments from page 11, line 1, through page 25, line 8, and pending was the amendment offered by the gentleman from Indiana, [Mr. SOUDER].

Is there further debate on the amendment?

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I would like to explain the content and purpose of this amendment, which I strongly support.

This would increase OSHA's Compliance Assistance Program by 50 percent, $23 million over the recommended amount of $45 million. Compliance assistance funding has been increased, but the increase has been insufficient.

The increase in funding to this vital program would be offset by decreases to funding for Federal enforcement funding by $21 million, there is already $127 million for enforcement in the bill, and executive direction and administration by $2 million, of which there is $6.5 million in the bill.

So we would leave the bulk of the enforcement dollars there. We would leave the bulk of the administration dollars there, but would put the dollars toward what we promised to do when we got elected, and that is to try to work more with the businesses and the workers at the factories, at the small businesses and companies around this Nation, to avoid accidents, serious accidents in particular, rather than do the more harassing type of things that we have heard so many stories about on the floor.

We have heard a lot from Members here about the importance of health and safety laws. This is not a debate about health and safety laws, this is a debate about how best to protect the safety and health of our American workers. Is it better preserved by harassing or better preserved by working together with the businesses?

We try to address these concerns in this amendment through onsite consultation programs, by designated State agencies conducting general outreach activities and providing technical assistance at the request of the employers, training and education grants, fostering and promoting voluntary protection programs that give recognition and assistance to employers who establish occupational safety and health programs, and the OSHA Training Institute. This amendment would reduce the overhead and administrative costs. It is a clear tradeoff.

Mr. Chairman, I believe this is wanted. We have heard from Members of Congress during this debate that we have a tremendous backlog. Why not? In some States the demand for onsite State consultations for small businesses is so high that a small business owner who has asked OSHA for help can take up to a year for a consultation visit.

This is ridiculous. The businesses want to work to try to make their environment safe, but cannot find out what they need to do. We need to focus on prevention, rather than harassment.

Let me give you an example that we heard in the hearing with Mr. Dear and talked about, the head of OSHA, in an oversight hearing.

There was a question about roofers and whether or not in asbestos that if you are chewing gum while you are working on a roof, it increases your risk. There was a rule put in fining businesses if their employees were found to be chewing gum on the roof.

I am not sure what the point of this was, whether the businesses were supposed to hire a gum Nazi, who goes up on the roof to try to find out whether somebody is chewing gum, or every 20 minutes you haul the people down off the roof and have a mouth inspection.

Mr. Dear's reaction was, yes, this regulation seemed a bit petty. The focus should have been to have the companies tell the employees, look, it is true; if you chew gum, you might inhale more through your mouth than you should.

The problem comes when you put somewhat nonsensical rules in that are impossible to enforce, businesses just give up. Instead, we have what seems to be harassment on chewing gum or on other things, as opposed to focusing on the type of tragic deaths we have heard about here on the floor.

□ 1130

This amendment would try to address that. We have debated last evening and at the end of last week taking some of the OSHA funds, which is an increase, and nobody proposed to eliminate OSHA, to cut OSHA, and nobody was trying to wipe out the health and safety efforts in this country.

What we are saying is, we do not think there is any evidence, and nobody has disputed this, deaths have gone down whether or not Congress has increased OSHA, cut OSHA, or kept OSHA flat funding. The way OSHA currently works there has been no impact on the deaths.

We heard, well, we are going to try to do more in compliance. But we wanted to move the increase over to vocational education. We were defeated. We wanted to move the increase over to disabled students. We were defeated. We heard about these great efforts to try to do compliance. OK, here is an amendment that says, we clearly see from the facts that the spending on OSHA has not had an impact on the rate of deaths, so let us try to reform OSHA internally.

I believe that this amendment, like the others, is likely to get the support of the majority of this party. I do not know whether this amendment will pass, but an interesting thing is occurring. I want to make, again, this point. What is happening in these amendments in title I, and I think Members will see this in title II and I think they will see this in title III and in title IV, is that the majority of our conference is, to say the least, very uncomfortable with this bill. We are concerned about the specifics of this. Most of us in this party voted for the budget agreement.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. Mr. Chairman, as we go through this process we understand

we are going to spend more money. Now, the question is, Will it be in new programs or old programs, and what will the priorities be within this? That is what we are attempting to do here. It is not a filibuster, but a genuine debate about the priorities. This amendment moves it to compliance as opposed to enforcement.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

Mr. Chairman, businessmen are a lot like politicians. There are good ones and there are bad ones. This amendment risks torpedoing this bill. Make no mistake about it, it is a killer amendment as far as this bill is concerned.

Second and more importantly, it risks killing additional American workers, and it risks seeing more permanently disabled workers. It seeks to take a large amount of money from the enforcement provisions of OSHA, and moves it instead into the voluntary compliance programs at OSHA.

As I said twice before on this floor, Sylvio Conte, who used to be the ranking Republican on this floor before he died, Sylvio and I were the two Members of this House who held up all OSHA funding until OSHA agreed to establish a voluntary compliance program. I am proud of that. I am also proud of the fact that voluntary compliance has already increased in budgetary terms over the past 3 years by 80 percent. But I would point out that that has occurred at the same time that the enforcement provisions, the enforcement budget for OSHA, has declined by $10 million. I do not think it can afford to decline by more.

The result of this amendment will be to add literally decades to the time it takes for the small number of OSHA inspectors in each State to inspect each eligible business at least once. In Georgia it already takes 277 years for OSHA to reach every business and inspect it once. This will increase that number of years to 346.

Do Members really believe that is responsible protection for workers? In Missouri it will increase the number of years it takes to reach each business from 339 years to 424 years. I do not think that is responsible. I would point out, this amendment does not even apply to the gentleman's home State, the gentleman who offered the amendment, because this amendment only cuts Federal enforcement. It has no effect in States that have State-run programs.

So what it will mean is that it will cut enforcement protections in my State by about 25 percent, it will cut enforcement inspectors by about that amount, it will do the same thing in the State of the gentleman from Illinois [Mr. PORTER] and in States like ours, but in States like Indiana, Iowa, Kentucky, or Minnesota, it will have no effect whatsoever. That makes no sense. I doubt that is the gentleman's intent, but that is the effect of it.

Second, I would point out, as I said earlier, there are good businessmen and there are bad businessmen, just as there are good politicians and bad politicians. The effect of this amendment is to spend a lot more money reviewing the practices of the good guys, and it gives OSHA a whole lot less capability to review the practices of the bad guys.

I want to give Members just one example of why we need the twin tools of enforcement as well as voluntary compliance. There was a corporation in Maine called the DeCoster Co. DeCoster participated in a voluntary compliance program under OSHA which allowed them to partner with OSHA, rather than be subject to their traditional inspection enforcement.

But sadly, the country found out that DeCoster was a "bad apple," and they manipulated that program. The company transferred a single machine guard from machine to machine, taking pictures of each machine with the guard attached. It then sent those pictures to OSHA, claiming that the guards had been attached to all of the machines.

The company's actions were so egregious that the company was ultimately hit by OSHA for enforcement, and they were hit with a $3.8 million fine, and deservedly so.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. OBEY. Mr. Chairman, the list of violations by that company is stunning. They failed to properly guard machines. They failed to lock up dangerous equipment when not in use. They failed to provide respiratory protection for workers. They failed to provide protective clothing.

DeCoster's workers were shipped in from south Texas and stranded in inhuman conditions. They were forced to live with sewers that were so backed up that they had to discard their used toilet paper in a trash can. They were given a chance by OSHA to comply voluntarily, and they misused and abused that chance, and that is why OSHA had to come in with enforcement actions.

Mr. Chairman, I would like to read just three paragraphs from a newspaper article entitled, "A Shameful Legacy." It reads as follows:

> The transgressions for this company date back nearly a decade when the Federal Government fined him in 1988 for 184 workplace violations, including hiring illegal aliens. Last year, OSHA inspectors found immigrant workers living in cockroach- and rat-infested housing and forced to work in hazardous settings. The violations included having workers handle chicken waste with their bare hands.
>
> Former Labor Secretary Robert Reich called DeCoster's operation "* * * as dangerous and oppressive as any sweatshop I've ever seen."

Now, it just seems to me that the responsible thing for this Congress to do is exactly what the committee has done. We have provided an 11-percent increase in the voluntary compliance operations at OSHA. We have provided roughly a 1-percent increase for the rest of OSHA operations, which means that in real dollar terms, the rest of those operations will already suffer a real dollar reduction in terms of the services they are able to provide.

We have already had a 17-percent reduction in the number of inspections around the country under the new OSHA administration, under Joe Dear. This amendment is really a gutting amendment. It guts this bill. It guts the ability of OSHA to prevent additional fatalities by being able to inspect and fine where they need to.

Mr. Chairman, I would urge the House on both sides of the aisle to recognize the committee has produced a balanced approach to this problem, and I would ask the House to reflect that same balance when it votes on this amendment.

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

Mr. Chairman, I rise in support of this amendment. I think it spells out philosophically where we stand and where we think we should be going in this country in a different priority, and where the dollars are being spent within the setting of OSHA.

Nobody is asking for a cut or a reduction in OSHA spending in this amendment, but it is a question of whether we are going to allocate our dollars toward enforcement, or toward helping those good guy-bad guy businesses that my colleague, the gentleman from Wisconsin, was talking about, the good guy businesses, who are genuinely interested in the safety and well-being of their work force, helping them understand what they must do to reach that compliance.

I think it is real important that we note that the current numbers of spending are about $45 million for helping the good guy businesses, helping those people that are genuinely interested in improving the safety of the work force, they get about $45 million of the OSHA dollars, where the enforcement part is about $127 million.

This entire debate that has been going on in these amendments to this particular appropriation bill has been about priorities of spending. What we are saying here is that our priority is higher in helping those businesses that

are genuinely interested in reaching compliance and the safety and well-being of their work force.

They want people to come in and show them areas where they could be safer and could provide a better workplace for their work force. There are not enough dollars currently to do that. That is why we are suggesting we reallocate dollars from one portion of OSHA to another.

I think this fits very much in line with what has been going on the last couple days as it relates to this particular appropriation bill. I would like to bring my colleagues up to speed on the last three amendments that we have voted on, and what the priorities of this conference and the other conference are, because I think it spells out where we stand and what we think is important in terms of where the Federal dollars are being spent. We had one amendment that suggested we take the increase in OSHA spending, and this is not a cut in OSHA spending, but we take the amount that was increased and we move it to vocational education.

The two conferences were very lopsided in their votes on this. The Republican conference voted 155 to 156 to move the increase in OSHA spending to vocational education; that is, take the increased dollars from OSHA and move it over to an education program. The other side voted 35 to 180.

There is a clear split here in the philosophy of these conferences as to which issue and which program is most important that we spend the dollars on; in this particular vote, an increase in OSHA spending, a move to education, the Republican conference voted 2 to 1 to go ahead and do that. The other side was almost unanimous the other way.

Another one we had, another amendment, was to increase spending, again in the OSHA area, and move that to help disabled children in the IDEA Program; that is, the Disabled Children Education Program. Again, it is a movement from the OSHA account, and again, not a cut in the OSHA account. But the new dollars that were being added to this, the increase in spending over last year's level, the idea is to move those dollars to this education program to help the most needy students in our country, the disabled students.

Again, the conferences were very split on this. The Republican conference voted 164 to 59, again, a 2 to 1 agreement within the Republican conference, that these dollars should in fact be moved over to help our disabled children. The other side was 3 to 200. So again, we see the different priorities here between the two conferences.

That is what this debate is all about. One conference agrees that the money should be spent to increase spending in OSHA, and again, there is no debate about whether it should be cut back, it is a debate about whether it should be increased, if those increased dollars should go to OSHA or they should go to help disabled students. Again, the conferences are very split, with the Republican conference voting 2 to 1 that the money should go to help the disabled students versus an increase in spending in OSHA.

We had one more that took the increase in OSHA to another education program. That was 152 to 59 in the Republican conference, again, a 2 to 1 priority to put the money into education versus increase the amount of money spent on OSHA.

Now today we are really debating an amendment that is within the OSHA parameters itself: should the money go to the enforcement, which is what has turned off so many people in the country, or should OSHA be prepared to go into the businesses, tell them how to comply with the rules, help them see how to provide the safest workplace for their work force, and then allow them to meet those requirements; or should it be writing out fines and scaring businesses so that they are afraid to see the OSHA person.

Businesses out there are very interested in the safety of the work force. I come from the business world, and I know businesses are extremely interested in the safety of their work force. That is a top priority in virtually every business we saw.

What we wanted in the business world was the ability to provide the safest workplace possible for our work force. What we did not want was to be so overburdened with rules and regulations that we threw up our hands and said, we can't comply with these rules no matter what we do, and even if we try, the Government is going to come in here and fine us for something because they have so many rules nobody could possibly understand them.

□ 1145

That is what businesses did not want.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentleman from Wisconsin [Mr. NEUMANN] has expired.

(By unanimous consent, Mr. NEUMANN was allowed to proceed for 1 additional minute.)

Mr. NEUMANN. Mr. Chairman, what this amendment is doing is getting us to the point where the businesses that would like to provide the safest workplace possible have the ability to do that, working in conjunction with OSHA. OSHA becomes a workplace-friendly assistant in providing the safety for the work force, as opposed to a threat with so many rules and regulations that nobody can abide by them.

Mr. Chairman, I would close my argument by reminding people that the enforcement part is getting 3 to 1 more than the compliance part, or the part that would actually help businesses provide the safer workplace.

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

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman from Wisconsin [Mr. NEUMANN] gave the House some interesting comparisons in the difference in voting patterns between the Democratic Caucus and the Republican Caucus.

I find those interesting, but what I think needs to be understood is that what the committee tried to do is not to find a Democratic answer or a Republican answer to these problems, but to find a bipartisan American answer, and it came up as the committee product and I think it ought to be supported.

Mr. Chairman, the gentleman says that OSHA ought to engage in voluntary compliance activities and not mandatory enforcement activities. My response is that they ought to do both, because we have, as I said earlier, good businessmen and bad businessmen. We have 6 million businesses in this country. We have only 900 Federal inspectors to review the activities of those companies. It seems to me that those numbers alone indicate that there is a lot of work to be done to protect workers' lives in both the voluntary compliance portion of OSHA's responsibility and the enforcement compliance portion.

Mr. Chairman, I would hope that Congress would recognize its obligation to also support both.

Ms. PELOSI. Mr. Chairman, reclaiming my time, whatever the good intention of the gentleman from Indiana [Mr. SOUDER] to have this legitimate discussion about how funds are spent at OSHA, the gentleman from Wisconsin [Mr. NEUMANN] made it very clear that once again we see this within the context of the Republican majority trying to gut the ability to have safety in the workplace.

Mr. Chairman, while hiding behind children in America, disabled children at that, the Republican majority is trying to say: Give us a few crumbs for these children, while we jeopardize the economic security and the safety of their parents in the workplace.

Mr. Chairman, the argument made by the gentleman from Wisconsin [Mr. NEUMANN], and others on the Republican side, ignore completely the reforms of the Clinton administration as far as OSHA is concerned. I put some on the RECORD yesterday, and would just only like to add a few more to say that compliance assistance is a major emphasis of the new OSHA under the Clinton administration.

The new OSHA uses commonsense enforcement to emphasize results, not

redtape. The old OSHA practice of setting standard priorities was haphazard. The new OSHA instituted a priority planning process to focus on the most important issues.

Why, then, does the Republican majority want to gut the ability to promote safety in the workplace? This amendment slashes Federal funding for workplace safety and health by 16.5 percent. It would lead to a cut in about 300 FTE's in OSHA's enforcement efforts. OSHA's staff of compliance officers could be cut by 25 percent. I repeat, despite the good intentions of the gentleman from Indiana [Mr. SOUDER], OSHA's compliance staff would be cut by about 25 percent.

Mr. Chairman, experience shows that without credible OSHA enforcement presence, fewer employers will request consultation assistance and be willing to engage in a cooperative effort to partner with OSHA. In fact, the National Association of Occupational Safety and Health Consultation Programs, which as the Chairman knows represents the State agencies to help private business with consultation, they have said that firm, fair, and effective enforcement of workplace safety and health standards is essential to reducing occupational fatalities, injuries, and illnesses. That is why they oppose this amendment.

They also say enforcement and consultation are complementary approaches to the same end. Any effective strategy for achieving overall safety and health compliance must include both approaches in balance.

Mr. Chairman, that is what the bill of the gentleman from Illinois [Mr. PORTER] strives to do, and I rise in defense of the committee bill. The Souder amendment would transfer $25 million from the OSHA Federal enforcement account. Enforcement and compliance assistance are both important. The committee bill strikes an appropriate balance.

Since fiscal year 1995, compliance assistance funding has increased by 79 percent. At the same time, funding for enforcement has decreased by 5 percent. Removing the careful balance between compliance assistance and enforcement has consequences in terms of protecting American workers from death and injury.

The CHAIRMAN pro tempore. The time of the gentlewoman from California [Ms. PELOSI] has expired.

(By unanimous consent, Ms. PELOSI was allowed to proceed for 1 additional minute.)

Ms. PELOSI. Mr. Chairman, I urge my colleagues to oppose the Souder amendment. Protect American workers. Keep funding priorities in balance. Support the bipartisan committee bill and reject once again, for the fifth time since Friday, this attempt on the part of the Republican majority to gut enforcement of safety in the workplace.

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

Mr. Chairman, I rise in strong support of this amendment as making simply good sense for America, urging OSHA to work with employers to ensure safety, rather than to threaten employers.

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

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Chairman, I just wanted to respond to the comments that we just heard and put some of this in perspective. I think it is sad when we start using words like "gutting" and "slashing," when in fact there is no change to the OSHA funding level in this particular amendment proposal. There is no change to funding at all.

Mr. Chairman, the only question is whether it goes to the enforcement part or to the part that helps businesses provide compliance and provide a safe workplace. Mr. Chairman, I heard the gentleman from Wisconsin [Mr. OBEY] say that we need both. We definitely need to do both of these, and for a change I absolutely agree with the gentleman. We do need to do both.

Mr. Chairman, what this amendment is doing is creating more of a balance between how much we spend in each place. We are currently spending $127 million on enforcement and only $45 million on the other portion of this, or the compliance portion. What this amendment is doing is trying to create a stronger and a better balance between these two so that the OSHA group can become a group that is worker friendly and that can actually accomplish the goal of providing a safer workplace for our work force.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, let me briefly state that I think this amendment strikes the right balance. I said, in discussing a similar OSHA amendment last evening, that as a young man I worked on a construction site and I was dependent upon the people who managed that site for my safety. If they were negligent, if they had dangerous practices, I could have been injured on that site.

Mr. Chairman, I think worker safety is important to all Americans. One of my colleagues recently commented that the last thing any employer in America would ever do would be to call the Federal agency charged with worker safety and invite them in to help look at a job site and improve safety on that job site. Why? Because they would be desperately afraid that that organization, OSHA, rather than working to solve the problem, rather than giving them advice on how to avoid future injuries, would simply punitively punish them for what they had done, slap fines on them, slap them on the wrist and issue a critical report.

Mr. Chairman, we need a balance. Human conduct is easy to understand. We need to achieve goals with both the carrot and the stick. This is a measure to say let us give a little bit more incentives. Americans, humans respond to incentives. This says let us shift some of this money to incentives to protect workers rather than just punitive measures.

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

Mr. SHADEGG. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, to reiterate this point, because we heard this last night, this is what Mr. Dear wants to have OSHA go to. We are not trying to wipe out the agency. He wants to move to working more toward businesses. We started that process and we are merely accelerating a process that the committee acknowledges that they want to do. Nobody accuses them of slashing and gutting.

Mr. Chairman, we have to make some adjustments in the rhetoric here on the floor. In consultation visits with the State money for grants, we have made 26,000 visits, which is $1,200 a visit. When they do the inspection, they made 35,000 for $125 million, which is $3,000 per inspection.

Mr. Chairman, we can reach more of these businesses. It will not take 277 years to get to every business in America. Furthermore, not every business in America is a violator. If we fund more for conferences, more for consultations, more for working with businesses, then we can have a declining amount in enforcement focused on those who are not following through. So when we have the follow-up to see whether the people have worked with it, and the checking, we can have more targeted enforcement because we will have more people understand.

Mr. Chairman, that is what we are doing. We need an adjustment in the rhetoric on the floor in this debate.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, it seems to me that we can improve the climate on job sites across America by this kind of measure. My brother is in the construction business in Tucson, AZ. He builds homes. And he, rather than having a working relationship with OSHA, lives in daily fear of OSHA. That is not the kind of model we ought to be encouraging. That is not the kind of structure which will enhance to the greatest degree possible worker safety in this country.

Mr. Chairman, I commend the gentleman from Indiana and I join him in his amendment. I think it does strike the proper balance for worker safety in this country, which is achieved through both incentives to improve worker safety and punishments for those who choose to be negligent, choose to have unsafe work sites, and choose to cause injuries by their own negligent conduct.

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

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman indicates that we ought to set OSHA up so that businessmen can respond to positive incentives.

The CHAIRMAN pro tempore. The time of the gentleman from Arizona [Mr. SHADEGG] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SHADEGG was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I was under the impression that what we learned when we reformed welfare is that there are some people who respond to positive incentives and some people who respond to negative incentives, and we need to have both in order to make the world work.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, that is precisely what I believe the gentleman's amendment does. It strikes a proper balance between incentives and punishment. And, indeed, that is what he seeks to do by the amendment, and that is what I believe he is doing.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, and if I could complete my thought, I was simply going to say that I think that many businesses respond to those positive incentives because they know that if they do not, they have the possibility of fines coming at them. That is why we are trying to preserve the balance between the programs.

Mr. SHADEGG. Mr. Chairman, again reclaiming my time, I guess I have a more positive view of human nature than does the gentleman from Wisconsin [Mr. OBEY]. I do not believe that those businesses across America respond to worker safety challenges just because they are afraid of OSHA. Indeed, I believe employers across America genuinely care about safe working conditions for their employees.

Indeed, the businesses I know recognize that skilled and valuable employees who become injured are a grave loss to them. That skilled and valuable employees who are lost to a job site because of an injury, they do not fear the OSHA penalty. Of course that is something that causes them problems, but they fear the economic impact they lose by the loss of that employee. I do not think it is appropriate to give them as a motive the belief that all they do is respond positively because of their fear.

Mr. OBEY. Mr. Chairman, if the gentleman would again continue to yield, that is not what I am suggesting. What I am suggesting is that there are plenty of both types of businessmen and we need to be able to respond to both types.

Mr. SHADEGG. Mr. Chairman, again reclaiming my time, what I think this amendment shows is that we believe there is not a proper balance. We believe there ought to be more incentives.

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

Mr. Chairman, continuing the discussion that we have been having here this morning, I would rise to suggest that while the majority of businesses in fact want to do the right thing regarding their employees, it makes economic sense, it makes good sense as employers who care about their employees. The reality is that this is about balance. And when, in fact, there is a problem, when, in fact, someone is knowingly proceeding to create a situation that is dangerous for workers, OSHA has to have the ability to respond and to protect workers and, as well, protect the majority of businesses by standing up to those that proceed in a way that hurts workers.

□ 1200

We have heard this morning various comments and discussions about what Joseph Dear has been doing and OSHA, what has been done, no question about it, moving on the right track, reinventing OSHA, moving more toward the notion of education and voluntary compliance, and those are the kinds of things that we want to see done.

I am in full support of that. I want very much to see that continue as an emphasis. But I think that it is important to understand what Mr. Dear himself believes about this amendment. I would like to read a statement that he has just issued this morning:

> When I began the task of reinventing OSHA in 1993, one of the first realizations we at the agency had was that in order to be fully effective, OSHA must utilize a full range of tools and options. We carefully crafted a program that was a balance of compliance assistance and enforcement, knowing that a credible enforcement effort is necessary to ensure that employers would not look upon the agency as merely a paper tiger.
>
> The effort in the House to shift 16 percent of OSHA's budget, $23 million, from enforcement to compliance assistance does not serve either the program or America's workers well. Under the new OSHA, serious violators know they will face serious consequences. The Agency has demonstrated it does not penalize those employers who take workplace safety and health seriously and act in good faith. It is unthinkable that the new OSHA's proven track record, short though it may be, should be cutoff at this critical juncture with the shortsighted shift in priorities.

I would agree. I would urge my colleagues to vote "no" on this amendment.

Frankly, as a member of the Committee on Agriculture, I understand as well, working on food safety issues, that there is a direct relationship between what my constituents are concerned about in food safety as consumers and what happens in terms of OSHA. When we look at the fact that we have now through Hudson Foods seen the largest recall in the history of the country in meat, and we know that they were, in fact, under investigation by OSHA for violations on safety, there is a relationship. There is a relationship when they are cited for their place of employment not being kept clean and orderly or in a sanitary condition and that pieces of chicken and chicken fat were allowed to accumulate on the floors and under elevated platforms in the fillet and cut-up department, thus causing slip and fall injuries.

I would suggest it not only causes slip and fall injuries but that it also caused sanitary problems that related to what was happening there at the plant that resulted in the recall of meat and the safety of the public being jeopardized as it related to food safety.

There is a relationship. When Hudson was cited for drainage not being maintained when they used their wet processes, it is not only a safety issue, it is a food safety issue and a worker safety issue.

I would urge my colleagues to vote "no" on this amendment. I appreciate the fact that the focus that is desired by my colleagues is on education and on voluntary compliance. I support that. But it is very important that we have a balance that allows in those situations, which I believe are few but serious, it is critical for the health and safety of the public and American workers that OSHA have the ability to step in and protect health and safety.

Mr. SOUDER. Mr. Chairman, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I believe I heard the gentlewoman state a figure that was beyond where the amendment went. The amendment only takes 20 percent of enforcement and moves it to compliance. It leaves 80 percent of compliance dollars there at the Federal level and the State compliance dollars there, so there is nearly $200 million of the $220 million left in enforcement. It increases the compliance only $20 million. I wanted to make it clear that 80 percent of the enforcement is still there.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentlewoman from Michigan [Ms. STABENOW] has expired.

(By unanimous consent, Ms. STABENOW was allowed to proceed for 1 additional minute.)

Ms. STABENOW. Mr. Chairman, I appreciate the fact that the dollars are still there for enforcement. My concern is that this amendment would cut OSHA's enforcement staff by 25 percent. I think, given the climate in which we are in, the concerns about food safety, the concerns about worker safety, the injuries and deaths that are still occurring across the country, I

would suggest 25 percent is too much and it goes in the wrong direction and we need to maintain the balance.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, we have heard a lot during the discussion on this amendment about moving funds from Federal enforcement to Federal compliance assistance. I have to tell my friend from Indiana and my colleague from across the border in Wisconsin that that is exactly what I have been doing as chairman of the subcommittee for the last 3 years. We have consistently moved more money into compliance assistance and taken the money from Federal enforcement and made a better balance.

The gentleman from Arizona said we have got to find balance in this. How do we find balance? Do we do it by simply saying, "I know what balance is?" "Balance is more my way than anyone else's way?" No, we find it by sitting down between majority and minority and working out where there is an acceptable balance. In doing so, we must recognize that the minority has a greater concern with those businesses that violate the law and do so, as some do, intentionally. We have a greater concern with trying to find a cooperative way to have business and government work together.

I believe that we have found, through the process of negotiation, the right balance in this account. We have increased money for compliance assistance overall by 22 percent, and the increase for enforcement is only 1 percent in the bill.

This funding decision has moved us further in the direction of compliance assistance. We have done so consistently over the last 3 years. I think the amendment is simply one that would do exactly what I believe cannot be done, and that is lose the bipartisan basis upon which this bill has reached this point and eventually, I would be afraid, lose the bill entirely.

I would say to the gentleman that we have done what the gentleman wants us to do philosophically and that this amendment can only provide mischief and lead to the bill being defeated, which I think would be a terrible mistake.

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

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to recite the numbers to demonstrate the change that has occurred since the gentleman from Illinois [Mr. PORTER] has become chairman.

The enforcement portion of OSHA's budget has declined by 5 percent in those 3 years. The compliance portion of the budget has been increased by 80 percent, from $45 to $81 million. I think that is a very large swing in emphasis which continues under this bill. I hope that the House will recognize the good efforts made by the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman.

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

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the Compliance Assistance Program, which I realize is only part of all the compliance efforts, is $45 million and it was $30 million, or roughly $34 million prior to the $11 million increase. So the increases sound larger, but, in fact, the dollar amount of a smaller increase in enforcement is about two-thirds of the dollars of the increase in compliance.

When we came in, in the authorizing committee and were first working with OSHA reform, we were proposing much more dramatic changes. I understand that inside this you have moved it in the right direction. Part of what this debate is about is that at one point we were talking like 75/25. Now we are talking such small, incremental changes and what we are, in effect, doing is upping that incremental change but still leaving the disproportionate balance for enforcement at almost 3 to 1, exact opposite of what we started with.

This amendment in trying to respond, many of us wanted to move the dollars over to education. But if we are going to keep it in OSHA, then we think that we should have accelerated that process. We are not disagreeing on the thrust of where you and the ranking minority member were going, but we believe it should of occurred at a faster rate.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 14, as follows:

[Roll No. 373]

AYES—164

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—255

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Camp
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Herger
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty

Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Obey
Olver
Ortiz
Oxley
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—14

Baker
Cannon
Carson
Cox
Dellums
Gibbons
Gonzalez
Hilliard
Oberstar
Owens
Quinn
Schiff
Serrano
Towns

□ 1227

Mr. PASCRELL and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Mr. EWING and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, on rollcall No. 373, I was unavoidably detained. Had I been present, I would have voted "no."

□ 1230

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

Page 24, line 2, after the dollar amount, insert the following: "(reduced by $25,000)".

Mr. SHADEGG. Mr. Chairman, let me begin by bringing my colleagues two bits of what I think will be good and welcome news. The first is that having gone through more than 2 days I believe of debate on title I to this bill, this is the last amendment to title I and with luck we can debate it with relative speed.

I want to compliment the members of the committee and the subcommittee. At two separate points in this legislation, the bill sets what I think are important standards for the expenditure of the moneys being appropriated. I think it is critical that we do that. Our task here is to ensure that the moneys that we take from taxpayers and allocate to various programs are spent in the most effective and efficient way possible. To ensure that, at two separate points in this bill, the bill sets a limit on the maximum amount of money which may be paid to an employee or a contractor of the National Institutes of Health to perform under a grant of $125,000. At a separate point in the bill, it sets a similar limit. This limit is imposed upon independent contractors and administrators who are performing work for the Job Corps, and it says that no one shall be paid under the funds appropriated in this bill at a rate of more than $125,000, as a contractor or administrator, as their salary for one year.

Mr. Chairman, the amendment before us simply says that while I agree that a cap of $125,000 is an appropriate limit for a researcher at the National Institutes of Health, I submit that it is an excessive salary and a misuse of the funds appropriated under this bill to pay an administrator or a contractor under the Job Corps program, whose function is to educate and train children, a salary of $125,000 a year. The amendment says that the salary for an administrator or a contractor within the Job Corps, whose job it is to inspire and train our youth, should not be excessive.

Why is it important that we change that number? Because every dollar that goes to administration within the Job Corps program is taken away from education and training. I think it is appropriate that we say, let us use those dollars to the greatest extent possible to educate and train the disadvantaged youth within the Job Corps program. Let us not use them to pay what is in America today an excessive salary.

And so the amendment I have offered says that the maximum amount allocable under the legislation for one year's salary for an administrator within the Job Corps or a contractor or employee performing that function would not be $125,000 a year, but rather would be $100,000 a year.

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

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Did the gentleman say that this is the last amendment to title I?

Mr. SHADEGG. I did.

Mr. OBEY. In that case on this side of the aisle, we would be delighted to accept the gentleman's amendment.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, we will be delighted to accept the amendment, too.

Mr. SHADEGG. Mr. Chairman, I am thrilled with the willingness to accept the amendment, and I accept that.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from Arizona [Mr. SHADEGG].

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $3,616,068,000, of which $225,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $2,500,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $203,452,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $299,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That, of the funds made available under this heading, not more than $4,600,000 shall be made available and shall remain available until expended for loan guarantees for loans made by non-Federal lenders to health centers under section 330(d) of the Public Health Service Act as amended by Public Law 104–299, and that such funds be available to subsidize guarantees of total loan principal in an amount not to exceed $53,300,000: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $105,624,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act,

$6,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $85,000,000: *Provided further*, That the Secretary may use up to $1,000,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

Mr. OBEY. Mr. Chairman, could I interrupt to ask which page the Clerk is on? I think Members had been under the impression that we were still reading title I.

The CHAIRMAN pro tempore. The Clerk is currently on page 29.

The Clerk will resume reading.

The Clerk read as follows:

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,343,737,000, of which $20,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer.

In addition, $45,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out section 40151 of Public Law 103-322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,513,020,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,513,004,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $209,403,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $874,337,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $763,325,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,339,459,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,047,963,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $666,682,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $354,032,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $328,583,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $509,811,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $269,807,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $198,373,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $62,451,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $226,205,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $525,641,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health $744,235,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $211,772,000.

AMENDMENT NO. 34 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I ask unanimous consent to have an amendment that I have at the desk read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would like to know which amendment that is.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves the right to object.

Will the gentleman from Oklahoma identify the amendment for the Clerk?

Mr. COBURN. Yes, Mr. Chairman, page 25, 26, and 37.

Mr. OBEY. I am sorry, Mr. Chairman, we are already past that point in the bill and I am constrained to object.

The CHAIRMAN pro tempore. Objection is heard.

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

Mr. Chairman, it is important, the whole purpose for this bill is to make sure that we have a fair and open and honest debate on what is occurring in this bill. I have been standing at this point patiently trying to be polite as we read this bill, wishing to be recognized and not interrupting. Although I may not have followed the exact protocol of the House, nevertheless I have been standing here prepared to offer this amendment which was preprinted, which was available.

This is an amendment that should be considered by this House. The reason it should be considered is there are several thousand people in the United States who are HIV positive who will not be able to get drug treatment. This amendment brings money for those people. If this body wants to on a technical error deny people triple drug therapy that will prolong their life and delay the onset of AIDS, then so be it.

But it is a shameful act if in fact we do not consider a debate or a characterization of this amendment.

AMENDMENT NO. 34 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I ask unanimous consent that this amendment be heard and considered on the floor of this House. Lives are depending on it, thousands of lives are depending on it. It is unconscionable that we would not even debate additional moneys for people who will die should this therapy not be available to them. I would beg and plead with the gentleman from Wisconsin that he would allow consideration of this amendment.

The CHAIRMAN pro tempore. Pending the request, the Clerk will designate the amendment for clarity.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. COBURN:

Page 25, line 18, after the first dollar amount, insert the following: "(increased by $34,868,000)".

Page 26, line 22, after the dollar amount, insert the following: "(increased by $51,000,000)".

Page 37, line 1, after the dollar amount, insert the following: "(reduced by $2,388,000)".

Page 41, line 8, after the dollar amount, insert the following: "(reduced by $22,668,000)".

Page 44, line 16, after the dollar amount, insert the following: "(reduced by $4,812,000)".

Page 45, line 11, after the dollar amount, insert the following: "(reduced by $5,000,000)".

The CHAIRMAN. Is there objection to consideration of the amendment?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply make this point. I stood on the floor just a moment ago and interrupted the Clerk to make certain that Members understood exactly where she was, because I did not want Members to miss their opportunity to offer amendments. I did that as a courtesy to Members who I knew had amendments, but it is not my responsibility to then do their job for them. Their job is to be ready to offer the amendments at the appropriate point in the bill. I went out of my way to try to alert people to the fact that the Clerk was in title II. I cannot help it if the gentleman did not respond to that.

The fact is that we have already almost doubled the account the gentleman wants to add some more money to. We went in this bill from $167 to $299 million. That is hardly a failure to meet our responsibilities.

The fact is that this committee has already well responded to this issue. I would further point out that the House has been informed that this bill is going to be debated this week and next week. We have not attempted in any way to cut off debate, but we are certainly not going to allow the gentleman to ignore the rules of the House for the purpose of extending debate after we purposely engaged in a courtesy that alerted people to where the Clerk was in the bill. At this point, I am sorry, but I object.

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

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Oklahoma.

□ 1245

Mr. COBURN. Mr. Chairman, I would say to the gentleman from Wisconsin [Mr. OBEY], there is no question that I am not a career legislator, and there is no question that I do not have the Parliamentary skills of a skilled, long-term legislator like the gentleman. But there is nothing wrong with the intent of my heart and my desire to bring forth an issue that has to do with life and death, although my skills as a legislator are somewhat less.

Mr. OBEY. Mr. Chairman, I reclaim my time under my reservation to say I have not questioned the gentleman's heart or motives in any way. I attempted to do him a courtesy. He did not take advantage of it. That is not my fault.

I am not going to allow Members to get around the rules in order to continue to engage in a protracted filibuster, and I do object.

The CHAIRMAN pro tempore (Mr. BEREUTER). Objection is heard.

Mr. COBURN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. Does the gentleman yield back the time on his pro forma amendment or does he wish to proceed?

Mr. COBURN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. COBURN] has 3 minutes remaining.

Mr. COBURN. I would like to continue discussing this amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma is recognized for 3 minutes.

Mr. COBURN. Mr. Chairman, this debate is characterized by the gentleman from Wisconsin [Mr. OBEY] as a way to delay this bill. That is completely false and not true. This amendment comes at the heart of everything that I have been trying to do on the HIV epidemic in this country, and to not allow an amendment to offer additional treatments, lifesaving treatments, is wrong.

Yes, this committee did increase that funding, but there still are going to be 30,000 Americans who will not have triple drug therapy available to them. Unfortunately, most of them will not be associated with what we most often identify with, because many of the ones that have been in programs that have been there long-standing will have the treatment.

The people that will not get this treatment are going to be African-American women, they are going to be IV drug users, they are going to be people who have no means whatsoever to fend off this disease. We have spent billions of dollars researching this disease, and now we bring forth an amendment.

I stood at this stand trying to be polite, failing to interrupt. My mistake, there is no question, I would say to the gentleman from Wisconsin [Mr. OBEY], but I did not intend to go around the rules of this House. I did not intend to be an obstructionist. I intended to offer this amendment to save the lives of people who will not, will not, have these drugs available to them.

If, in fact, this House says that we should not offer this amendment because we did not interrupt at the proper time while somebody else was speaking in an attempt to be orderly and to be appropriate, then so be it. I find that disgusting. I find it unconscionable that our House would not consider this amendment, if in fact it is unimportant to this body to treat everyone in this country who has HIV.

If it was any other disease that was killing people, the No. 1 killer between 25- and 44-year-old people in this country, this body would not have any question about considering any amendment at any time to make sure that that took place.

The fact that this is viewed as only an obstructive amendment and is not taken for the purposes for which it was offered is offensive to me, but, most importantly, it is offensive to those poor people who will not be treated.

Mr. Chairman, this is a genuine amendment. It takes money from programs and brings them down to the President's own request. It takes no money below anything that the President asked for. It uses those moneys that were in excess to help people who do not have insurance, who are unaided by any other way, to allow triple drug therapy for them in the treatment of this deadly and dreaded disease.

I would beg the House to reconsider the position. I would ask the gentleman from Wisconsin [Mr. OBEY] once again to reconsider his position. If not, then I will be resigned to the will of the House, but I am embarrassed and ashamed of the position of the House.

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

Mr. Chairman, I simply want to repeat some facts and make a point. The program that the gentleman seeks to add money to has already been increased by the committee under the leadership of the gentleman from Illinois [Mr. PORTER] this year in this bill from $167 million to $299 million. I challenge you to find a larger percentage increase in a large program in the bill. It will be very difficult to do.

I think, under the circumstances, the gentleman from Illinois [Mr. PORTER] and the subcommittee, and the full committee that reported this bill to the House on a bipartisan basis, have more than responded to the need.

Now, the gentleman is perfectly entitled to his view that there ought to be more. But the fact is the newspapers have been full of accounts from Members who are offering these amendments, including the gentleman, that they intend to keep us here for a long, long time on this bill.

The rules of the House require Members to be here in a situation in which they are prepared to offer their amendments at the proper time. Because it was apparent to me that we were already in title II, even though it was a Parliamentary disadvantage to the committee and to myself, I interrupted the Clerk's reading in order to note to the House that we were already far ahead into title II.

That should have alerted the gentleman. I extended a courtesy to him. The gentleman should be thanking me instead of attacking me.

Mr. Chairman, I would simply say that I have tried to be courteous to Members on both sides, and I have tried to extend many courtesies, including the opportunity to strike the last word many times, when the normal course of events in the House and the normal rules would not provide for that.

With all due respect, I am sorry the gentleman did not offer his amendment at the proper time, but the rules are meant to eventually enable the House to produce legislation. I think we have been more than fair to those who have been taking a good deal of time. I think the committee has been more than fair to the program at hand.

This subcommittee takes a back seat to no one, certainly the gentleman from Illinois [Mr. PORTER] does not, the gentlewoman from California [Ms. PELOSI] does not, and other Members, when it comes to dealing with this problem.

I would say that I think the most sensible thing for the House to do at this point is to move on. There are a good many other amendments, and I have already been informed by the gentleman and others that we will be here for at least 2 weeks on a bill that was expected to take 2 days. I think I have been very patient, but I do not intend to be a sap.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

I want to associate myself with his remarks about the fine work of the subcommittee under the leadership of the gentleman from Illinois [Mr. PORTER], and our ranking member, and the gentleman from Wisconsin [Mr. OBEY], to increase the funding for the ADAP program by $132 million. These funds for drugs for people with HIV and AIDS is very, very important.

The gentleman's attempt to put in an amendment to increase that number, while taking money from other areas that affect people with AIDS, I think is not well-founded.

Had the gentleman offered the amendment, I would have opposed it. As one who has had over 13,000 people die of AIDS in my district, I believe I have some standing on this issue. I certainly want the highest figure, and the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] worked for the highest figure, and will continue to work with the administration for an even higher figure by the end of the day, but not at the expense, for example, of the Office of Civil Rights, which works to end discrimination against people with HIV-AIDS and against a number of other functions within our bill.

Mr. Chairman, I have frequently said this bill is lamb-eats-lamb. That is to say, everything in it is good; there is no place to go get an offset. Unfortunately, the gentleman's offsets are not productive, and, indeed, work counter to the interests of people with HIV-AIDS.

Mr. Chairman, once again I commend the gentleman from Wisconsin [Mr. OBEY] for his courage on this issue.

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

Mr. Chairman, I think what we have reached here is a situation where this House can decide fundamentally do we want to allow Members to be heard on what are critical issues in this bill or do we want to adopt a gag procedure that says we are not going to allow you to address issues having to do with treating AIDS patients, issues with how our title X family planning amendments are going to be passed, issues that are very important in constructing this bill and determining what the will of the House is.

What I would like to do, Mr. Chairman, is once again try to do this in an effort of accommodation, without having to disrupt the procedures of this Committee of the Whole or the Whole House, and ask unanimous consent that we return to page 25, line 18, and proceed to consider the bill from that point forward.

Mr. OBEY. Mr. Chairman, once again, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. McINTOSH. Mr. Chairman, in that case, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McINTOSH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 42, noes 375, not voting 16, as follows:

[Roll No. 374]

AYES—42

Aderholt	Hilleary	Sabo
Bachus	Hostettler	Scarborough
Barr	Jones	Schaffer, Bob
Barton	Largent	Shadegg
Bryant	Manzullo	Shimkus
Cannon	McIntosh	Smith, Linda
Chenoweth	Neumann	Snowbarger
Coburn	Norwood	Souder
Combest	Pappas	Strickland
Doolittle	Pitts	Thune
Duncan	Riley	Tiahrt
Graham	Rogan	Wamp
Hastert	Royce	Weldon (FL)
Herger	Ryun	Yates

NOES—375

Abercrombie	Deal	Hinojosa
Ackerman	DeFazio	Hobson
Allen	DeGette	Hoekstra
Andrews	Delahunt	Holden
Archer	DeLauro	Hooley
Armey	DeLay	Horn
Baesler	Deutsch	Houghton
Baker	Diaz-Balart	Hoyer
Baldacci	Dickey	Hulshof
Ballenger	Dicks	Hunter
Barcia	Dingell	Hutchinson
Barrett (NE)	Dixon	Hyde
Barrett (WI)	Doggett	Inglis
Bartlett	Dooley	Istook
Bass	Doyle	Jackson (IL)
Bateman	Dreier	Jackson-Lee (TX)
Becerra	Dunn	Jefferson
Bereuter	Edwards	Jenkins
Berman	Ehlers	John
Berry	Ehrlich	Johnson (CT)
Bilbray	Emerson	Johnson (WI)
Bilirakis	Engel	Johnson, E. B.
Bishop	English	Kanjorski
Blagojevich	Ensign	Kaptur
Bliley	Eshoo	Kasich
Blumenauer	Etheridge	Kelly
Blunt	Evans	Kennedy (MA)
Boehlert	Everett	Kennedy (RI)
Boehner	Ewing	Kennelly
Bonilla	Farr	Kildee
Bonior	Fattah	Kilpatrick
Borski	Fawell	Kim
Boswell	Fazio	Kind (WI)
Boucher	Filner	King (NY)
Boyd	Flake	Kingston
Brady	Foglietta	Kleczka
Brown (FL)	Forbes	Klink
Brown (OH)	Ford	Klug
Bunning	Fowler	Knollenberg
Burr	Fox	Kolbe
Burton	Frank (MA)	Kucinich
Buyer	Franks (NJ)	LaFalce
Callahan	Frelinghuysen	LaHood
Calvert	Frost	Lampson
Camp	Furse	Lantos
Campbell	Gallegly	Latham
Canady	Ganske	LaTourette
Capps	Gejdenson	Lazio
Cardin	Gekas	Leach
Castle	Gephardt	Levin
Chabot	Gibbons	Lewis (CA)
Chambliss	Gilchrest	Lewis (GA)
Christensen	Gillmor	Lewis (KY)
Clay	Gilman	Linder
Clayton	Goode	Lipinski
Clement	Goodlatte	Livingston
Clyburn	Goodling	LoBiondo
Coble	Gordon	Lofgren
Collins	Goss	Lowey
Condit	Granger	Lucas
Conyers	Green	Luther
Cook	Greenwood	Maloney (CT)
Cooksey	Gutierrez	Maloney (NY)
Costello	Gutknecht	Manton
Cox	Hall (OH)	Markey
Coyne	Hall (TX)	Martinez
Cramer	Hamilton	Mascara
Crane	Hansen	Matsui
Crapo	Harman	McCarthy (MO)
Cubin	Hastings (FL)	McCarthy (NY)
Cummings	Hastings (WA)	McCollum
Cunningham	Hayworth	McCrery
Danner	Hefley	McDade
Davis (FL)	Hefner	McDermott
Davis (IL)	Hill	McGovern
Davis (VA)	Hinchey	

McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Bentsen
Bono
Brown (CA)
Carson
Dellums
Foley
Gonzalez
Hilliard
Johnson, Sam
Ortiz
Owens
Schiff
Serrano
Solomon
Towns
Wolf

□ 1321

Mr. OBERSTAR and Mr. MCDERMOTT changed their vote from "aye" to "no."

Messrs. PITTS, DOOLITTLE, CANNON, SHIMKUS, SCARBOROUGH and BARR of Georgia changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services and Education, in a colloquy.

Mr. Chairman, I know that the gentleman from Illinois is aware of the food safety initiative that the President has made a top priority as a result of increased incidence of food-borne illness in the United States. I know, from serving on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that we have provided $28.8 million to improve inspections done by the Food and Drug Administration and expand preventive safety measures.

The other significant component of the food safety initiative is found in the bill we are considering today for the Centers for Disease Control and Prevention. The major contribution the CDC will make to the food safety initiative deals with surveillance. We need to not only monitor the food supply, but to develop a rapid response to outbreaks due to food-borne illnesses.

Mr. Chairman, the CDC received an allocation of $2.4 billion in this year's bill, which is $86 million more than the administration requested. I know by tradition the committee does not specify how the CDC must use the additional funds; however, it is clear that the committee has provided the resources necessary to fully fund CDC's portion of this new and promising food safety initiative.

Mr. Chairman, I would ask could the gentleman from Illinois comment on the committee's view of the importance of the $10 million of the additional funding provided for the CDC going toward the agency's involvement in this food safety initiative?

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

Mr. FAZIO of California. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, it is appropriate, I believe, to highlight, as the gentleman from California does, the importance of food safety activities conducted by the Centers for Disease Control and Prevention. As the gentleman mentioned, the committee bill increases funding for the CDC above the President's request, including the funding for the infectious diseases program which supports CDC's food safety efforts.

Mr. Chairman, we understand from the CDC that with the funds provided in the committee bill, the agency would increase funding for food safety by $10 million to a total of $14.5 million. The committee strongly supports the CDC in its efforts. The importance of food safety activities has been reinforced with recent headlines about disease outbreaks traced to food-borne infectious agents.

AMENDMENT NO. 16 OFFERED BY MRS. CHENOWETH

Mrs. CHENOWETH. Mr. Chairman, I offer an amendment to a portion of the bill already passed, and I ask unanimous consent just to discuss it.

The CHAIRMAN pro tempore (Mr. BEREUTER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. CHENOWETH:

In the item relating to "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", insert after the first dollar amount (before the comma) "(reduced by $9,000,000)"; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount "(reduced by $9,000,000)".

In the item relating to "ADMINISTRATION ON AGING—AGING SERVICES PROGRAMS", insert after the dollar amount (before the colon) "(increased by $4,725,000)".

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Idaho [Mrs. CHENOWETH]?

Mr. OBEY. Mr. Chairman, reserving the right to object, I am happy to yield to the gentlewoman from Idaho to discuss her amendment under my reservation, and then I want to explain why it is that I am going to do what I am going to do.

Mrs. CHENOWETH. Mr. Chairman, I wish I were clairvoyant across this body so that I would understand what the gentleman from Wisconsin wants to do. But I do know, having watched the gentleman, not only from the time that I have been in this body but before that, I really feel that in his heart the gentleman would be sympathetic to this particular amendment, and I think that most House Members would be.

Mr. Chairman, this amendment is fairly benign. It is something that we are all very, very concerned about, and that is that we increase funding for senior citizens' meals in senior citizens centers. We do that by transferring out of title X family planning, which would be declined by $9 million. That would bring it back to where the 1997 levels were, and then we would be able to increase senior citizen congregate meals $4.75 million, which again would simply establish the meals and the funding for the senior citizen meals at 1997 levels.

□ 1330

Like I say, not being clairvoyant, I am not quite sure what the gentleman from Wisconsin has in mind, but I believe that my amendment is consistent with his thinking and his actions in the past.

I very much appreciate this consideration. Our senior citizens are having a very, very difficult time on fixed incomes. Most of the time, the time that they spend in the senior citizen centers is the only time that they can get out of the house and be able to spend time with their peers and having enjoyable times.

Mr. OBEY. Mr. Chairman, reclaiming my time under my reservation, let me recite again for Members who have come to the floor what the situation is.

After the adoption of the last amendment to title I, the Clerk began to read title II. There were a number of Members on both sides of the aisle who were entitled to offer amendments in title II. I stood and asked the Clerk to stop reading to make clear to the House where she was in the bill so that Members who had amendments could be alerted to the fact that they should be offering their amendments at that time.

I cannot recall a single instance in which a committee manager has done that before in the years I have been in this House. I did it even though it disadvantaged the committee because I wanted to be fair to Members who were offering amendments. No amendments were offered. We passed some 10 pages of that section.

At this point there are a number of amendments that are no longer eligible to be offered at this point in the bill.

The Chenoweth amendment, the committee had determined that we were going to accept the Chenoweth amendment, if the gentlewoman offered it, because we regarded it as a reasonable amendment in contrast to the other amendment that engendered controversy, which tries to increase an account which we have already increased by almost 100 percent in the bill.

As a courtesy to the majority, I am willing to withdraw my objection to consideration of the gentlewoman's amendment, but not without an appreciation of the fact that the committee has bent over backward to be fair to each and every Member who had an opportunity to offer an amendment.

It is the responsibility of this committee, when we are informed through the press and on the floor by two gentlemen last night that they intend to keep us here for more than 2 weeks on this bill, it is our responsibility to move the bill forward wherever we can. Despite that fact, in this instance I am willing to withdraw my objection to this amendment but only this amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Chairman, I think that a number of us here, when the bill moved much quicker than we expected, as I was watching television this afternoon and saw the gentleman from Wisconsin [Mr. OBEY] make his remarks calling attention to the fact of where we were, and I fully recognize that the gentleman from Wisconsin [Mr. OBEY] did that, my heart stopped. Once I got it going again, I came right over here to the floor.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to point out that memories are short.

Last year, Mr. KENNEDY, on our side of the aisle, came to the floor asking to offer an amendment which the Clerk had just passed by two paragraphs. He was denied that opportunity to do so by the majority. So were a number of other Members who missed their amendments. So that is the normal order of things around here.

Members are expected to know their own business, and we are not engaging in any action that has not been engaged in under the rules of the House, and correctly so by the majority.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman. I just wish that I did have the parliamentary experience and skill on the floor of the House that Mr. KENNEDY does have and does possess. But there are a number of us who missed a step this afternoon. For that, we are deeply sorry and deeply grateful that we can move ahead.

Mr. Chairman, what are senior congregate meals?

Let me tell my colleagues. Again, I repeat, for many senior citizens, especially those who are alone or on fixed incomes, senior centers provide a place to congregate and an excuse to get out of the house and be able to socialize.

Just as important, senior centers provide low-cost, hot, nutritious meals. But without adequate funding for the congregate meals program, few local senior centers could afford to provide these very much needed hot meals.

I have been in close touch with our senior citizens. Here, in fact, coming from McCall, ID, are just some of the signatures, line by line by line, of the senior citizens' signatures from just one senior citizen center. This is so important for our seniors. They have given so much to our country.

The fact that we would extend more funding to family planning for healthy, vigorous teenagers and cut the funding for senior citizens is something that I think, on second thought, that we really do not want to do. I appreciate the Members of the House for their consideration on this. I especially appreciate the gentleman from Wisconsin for his consideration.

I have received hundreds and hundreds and hundreds of signatures in support of funding for nutritious meals for our senior citizens. My amendment is the essence of our American agenda. It is fiscally proper and morally responsible, Mr. Chairman.

So why is title X funding being increased?

Well, I cannot answer this, but I believe it is the priorities of the American people that we make sure that our senior citizens are fed well, healthy, and nutritiously. The thing that we have got to remember is that title X programs have been shown to be inefficient, ineffective, and riddled with criticism and controversy.

Since title X was enacted, the teenage out-of-wedlock rate has actually doubled and the teenage abortion rate has actually doubled and the increase of sexually transmitted disease has increased to a point where 1 in 4 sexually experienced teenagers are infected every year.

Mr. Chairman, when we get back to our districts next week and visit our elderly constituents of the local senior center, will we be able to look into their eyes and tell them that abortion counseling is more important than hot meals to be served at our senior centers?

I think we all feel about the same way on this, that our seniors need to not only be cared for; we need to live up to our promises with our senior centers and to our senior citizens. But they need to be honored and respected in the manner that I believe this amendment will do.

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

Mr. Chairman, let me say to the gentlewoman from Idaho that I determined, and the gentleman from Wisconsin [Mr. OBEY] agreed earlier, that we could accept this amendment and we do accept it. I certainly agree with the gentlewoman's remarks regarding the senior citizens' programs. I do not agree at all with the gentlewoman's remarks regarding title X.

But the point I would like to make is that it is very difficult when you are reading a bill paragraph by paragraph or section by section to return to an earlier part of the bill when someone misses the point at which they are to offer an amendment. Once you do that, you have to do it for everyone who misses the opportunities the rules provide, and pretty soon you have chaos on the floor. You do not have an orderly procedure and no one knows where you are.

I would say to the gentlewoman from Idaho that I believe that the gentleman from Wisconsin is being very gracious in allowing this amendment to be taken up at this point, and that I hope all Members on both sides of the aisle will be very vigilant in watching as we read the bill so that we can have amendments offered at the proper time.

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

Mr. Chairman, I rise in support of the Chenoweth amendment. I do want to say, I appreciate our colleagues on both sides of the aisle for not objecting to consideration of this amendment at this point. I think it perhaps proves the point that the gentleman from Oklahoma [Mr. COBURN] and I were making, that these are very vital and important issues and ought to be addressed on the floor of the House.

I cannot tell my colleagues how important this program is that the Chenoweth amendment seeks to obtain additional funding for. Last Christmas, Ruthie and I both volunteered with a program run out of our local hospital that delivers hot meals to indigent senior citizens who otherwise would have no hope for having a nutritious meal. To see the love and thanks in their eyes as we rang the doorbell and delivered those meals told me how important this program is for those citizens in this country.

I have to, frankly, agree with the gentlewoman from Idaho [Mrs. CHENOWETH], it would be difficult for me to go back home and say, we chose to have family planning services above those meals. I think she is doing us a great service by bringing this amendment forward, setting forth clearly that this House is in strong support of those programs for meals for senior citizens at the centers and in their homes.

I want to commend her on that effort and, again, thank Members on both sides of the aisle who allowed this issue to come forward. Hopefully, we will be able to see a full discussion of all of the issues that we have in this bill so that we can truly say that the House of Representatives today and in the coming days has debated the priorities in one of the most important funding bills of our entire government.

As we have said earlier in the debate, there are some fundamental differences about whether we want to continue to fund programs that primarily affect people here in Washington or do we want to send this money out to programs that are doing good things for real Americans outside of the beltway?

My choice is for the latter, and I will continue to support amendments that seek to redirect priorities in this bill in that manner.

Mr. Chairman, that is the remainder of my comments on this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today in strong support of the amendment to H.R. 2264 offered today by my friend and colleague from Idaho, Mrs. CHENOWETH. The amendment will restore the unjustified cut in funding for the Older Americans Act's Congregate Meals Program included in H.R. 2264.

As we make the tough choices needed to balance our budget, we cannot forget the needs of our senior citizens, most of whom live on fixed incomes and have limited means.

The importance of Congregate Meals for the senior citizens of New Jersey and across this Nation cannot be overstated. In 1996, the Mercer County, New Jersey Office on Aging reported that 1,483 persons received almost 119,839 nutritious meals provided in part under the Older Americans Act. For many of these senior citizens, the meals provided at the 13 senior centers in Mercer County represented their main meal for the day. There is abundant evidence that senior citizens who live on their own suffer from poor nutrition and depression, and the Congregate Meals Program is critical to keeping people healthy and out of expensive long-term care institutions.

Equally important is the fact that Congregate Meals often form the nucleus of senior citizen outreach efforts. The meals are social events by which seniors are connected with other critical services. The Mercer County Office on Aging informs me that the Congregate Meals Program serves to draw in senor citizens to their 13 senior centers. A senior who arrives at the center to eat a nutritious meal will also improve their social skills and learn about other services and opportunities.

The situation is much the same in Ocean County as well. I have received word from Phil Rubenstein, executive director of the Ocean County Office of Senior Services, that tomorrow approximately 600 individuals will eat a meal and enjoy the company of others at a Congregate nutrition site.

Unless the cuts in this important program are restored, senior citizens centers across this country will have a harder time conducting their outreach efforts, and seniors will suffer from reduced opportunities to receive other important services as well.

In conclusion, cutting Congregate Meals is extremely shortsighted and will only serve to undermine the effectiveness of an array of senior citizen services provided under the Older Americans Act. I urge all of my colleagues to support the Chenoweth amendment to H.R. 2264.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the amendment offered by the gentlelady from Idaho.

Mr. Chairman, let me emphasize something I have said time and time again here on the House floor: Senior nutrition programs are Government and local partnerships that work. They provide humanitarian assistance to old Americans who are grateful for the helping hand of their neighbors.

Congregate Meals programs, in particular, give seniors the opportunity to get out of their homes, socialize, and eat nutritious, low-cost meals. In short, they allow seniors to feel like they are a part of the community.

At a time when the senior population in our country is growing rapidly, Congress needs to expand its support for senior meal programs. It makes good fiscal sense to support them—because a dollar spent on senior nutrition programs goes a long way. In fact, Federal funding for Congregate Meals and Meals On Wheels actually saves money in the Medicare and Medicaid programs.

Mr. Chairman, I urge my colleagues to vote for the Chenoweth amendment, and help restore funding for Congregate Meals programs to fiscal year 1997 levels.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Does the gentleman from California [Mr. MILLER] withdraw his point of order?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The point of no quorum is considered withdrawn.

Does the gentleman from California withdraw his demand for a recorded vote?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The amendment is agreed to.

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

Mr. Chairman, I am pleased that the gentleman will join with me in a colloquy. I am very grateful for the hard work that he and his subcommittee have put into this 1998 Labor, HHS and Education appropriations bill. My constituents and I are very pleased with the increased attention to health issues and funding in this bill.

Mr. Chairman, I want to bring to the gentleman's attention one issue of great concern to the residents of the Sixth District of Arizona, the growing incidence of osteoporosis.

As you know, Mr. Chairman, osteoporosis affects 28 million Americans. The problem is especially acute in Arizona, where fully 14 percent of the residents are afflicted with osteoporosis. For these reasons, I would ask the gentleman that as he goes into conference on the Labor, HHS and Education appropriations bill, that he give consideration to the Senate report language suggesting an osteoporosis public education campaign. Such a campaign would target young women to assist them in maintaining appropriate health behaviors that can have a significant effect on bone strength that can last a lifetime. Funding for such a campaign would come from the amount designated by the bill for the Office on Women's Health.

Mr. Chairman, I would ask that the gentleman consider the startling trends in osteoporosis as we proceed to conference and that the gentleman keep the affected families in mind.

Again, I thank the gentleman for his time and consideration of this important issue.

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

Mr. HAYWORTH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentleman from Arizona is correct. The prevalence of osteoporosis is startling. The American public should be made aware of the health benefits of proper diet and exercise that can affect long-term bone health.

□ 1345

The gentleman should know that my wife, Kathryn, is also very interested in this issue. She has recently written the Secretary of Health and Human Services in support of the gentleman's intended effort in this regard, and I will take the gentleman's request under advisement and thank him for his work on this issue.

Mr. HAYWORTH. Mr. Chairman, again I thank the chairman of the subcommittee.

The CHAIRMAN pro tempore. If there are no further amendments at this point, the Clerk will read.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment made in order under the rule, which I would like to bring up at this time.

The CHAIRMAN pro tempore. The Clerk will designate the amendment if it is in order at this point.

Mr. ISTOOK. Mr. Chairman, I understand there may be another Member that has an amendment that would, in the normal course of things, precede mine, so I would reserve my right to bring it up before we conclude title II.

The CHAIRMAN pro tempore. Does the gentleman ask unanimous consent to withdraw his amendment, because the gentleman's amendment is not in order at this time?

Mr. ISTOOK. Yes, Mr. Chairman, at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $436,961,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $20,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $27,620,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $161,171,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1998, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendment number 24.

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

The text of the amendment is as follows:

Amendment No. 24 offered by Ms. JACKSON-LEE of Texas:

In the item relating to "NATIONAL INSTITUTES OF HEALTH—NATIONAL LIBRARY OF MEDICINE", insert after the first dollar amount (before the comma) "(reduced by $2,500,000)".

In the item relating to "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", insert after the first dollar amount (before the comma) "(increased by $2,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is of great interest to our community and this Nation, as we talk about the education of our children and providing them with opportunities, that we also give them the ability not to start their matured, adult life too early. My amendment goes to the general concern in this Nation of increasing the funding by $2 million to prevent teenage pregnancy. In particular, this amendment deals with the Centers for Disease Control and Prevention with the intent to provide the CDC more dollars for their CDC teen pregnancy prevention program.

The concept of this program I find very valuable and interesting, in that it works to enhance coalitions in the community that would work together to provide the necessary skills and tools for our young women, our teenage girls, our preadolescents to themselves prevent teenage pregnancy.

For example, this program deals with youth development, involving building the special talents of individuals, leadership training, job skills opportunities and achievement, prevention skills development, including family life and planning of education through school health education and after-school programs, educational enhancement, community service, and role modeling.

It also does something that is extremely important for a young girl just about to cross the precipice of adolescence, the creation of supportive environments including enhancing constructive parent-child communications, school policies and norms, community opinion leaders' support, and dialog between individuals.

For many of us who may think that the teenage pregnancy issue will go away or has gone away, let me simply say to my colleagues that every year approximately 1 million teenagers in this country become pregnant and 90 percent of those pregnancies are unintended.

The teenage pregnancy rate for women under 20 has increased by more than 20 percent since the early 1970's. Of the 1 million teens who become pregnant, about half give birth, about 40 percent choose abortion, and the remaining 10 percent miscarry.

How many of us have heard the tragic stories on prom night, where teenagers have given birth at their prom night, which should be an exciting night of joy and enthusiasm but turns into a criminal offense and sometimes the ending, tragically, of a newborn baby; and of course, the terrible devastation on family and that young teenage mother.

There are significant social and economic costs associated with premature parenthood for the child, the parent, and for society at large. Fewer than 60 percent of teen mothers graduate from high school by age 25. When we begin to talk about welfare reform, this is where we should begin.

In my district, Mr. Chairman, I am very proud that we have begun to convene those who are proposing to coalesce around these very issues of teenage pregnancy prevention. They are already working individually, and I have convened them over the last year and intend to have them work together.

Mr. Chairman, I would hope that we would continue to emphasize this coalition effort and that Texas Southern University, under the guidance of Dr. Bobby Henderson, will be part of this pivotal responsibility.

Because of that, Mr. Chairman, I would like to raise a question with the gentleman from Illinois [Mr. PORTER] on this very important issue of teenage pregnancy prevention and my amendment and the issue of the importance of teenage pregnancy prevention.

I am offering an amendment to include an extra $2 million to this, recognizing the $13.7 million and, as well, recognizing the very hard work of this committee. It is my intention in the spirit of conciliation to withdraw this amendment; however, my district has a very high concern with the issue of teenage pregnancy and I want to implore of the committee, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I would like to raise the question that although the committee does not traditionally segregate funds, I do want to note that Houston, the fourth largest city in the Nation, does not have this CDC teen pregnancy prevention program designated.

I would like to work with the gentlemen to engage this city, the fourth largest city in the Nation, with several groups that are working on teenage prevention, that they may be organized in a coalition and might be eligible for such funds under the CDC teen pregnancy prevention program.

I rise today to offer an amendment to H.R. 2264, the Labor-HHS-Education appropriations bill. This amendment increases funding by $2 million for the Centers for Disease Control and Prevention with the intent that these funds be used for their teen pregnancy prevention program and offsets that increase with a $2 million reduction in the $3.6 billion funding for the Health Resources and Services Administration.

The teen pregnancy program operated by the CDC is a demonstration program in operation in 13 communities around the country. This pregnancy prevention program works with existing programs in these communities to help them develop a unified effort to prevent teen pregnancy. They identify problems, strengths, and offer solutions for resource shortages that are community based. They do not try to change the message of the community pregnancy prevention programs, but instead work to amplify their messages by molding them into one voice.

Currently, the teenage pregnancy program at CDC is funded at $13.7 million. With the additional funds, the teen pregnancy program will be able to expand their work into other communities. This $2 million is important to our fight to prevent teenage pregnancy.

Every year approximately 1 million teenagers in this country become pregnant and 90 percent of those pregnancies are unintended. The teen pregnancy rate for women under 20 has increased by more than 20 percent since the early 1970's. Of the 1 million teens who become pregnant, about half give birth, about 40 percent choose abortion, and the remaining 10 percent miscarry.

There are significant social and economic costs associated with premature parenthood for the child, the parent, and for society at large. Fewer than 60 percent of teen mothers graduate from high school by age 25—compared to 90 percent of those who postpone

childbearing. According to one study, early childbearing reduced schooling by 1 to 3 years.

In addition to lower educational status, early childbearing has an impact on the economic status of teens by affecting employment opportunities, marital options, and structure. Teen mothers are four times as likely as women who have their first child after adolescence to be poor in their twenties and early thirties and are more likely to have lower family incomes later in life.

Teenage girls have a higher risk of pregnancy complications—including maternal mortality and morbidity, miscarriages and stillbirths, premature births, and nutritional deficiences—than adult women.

The personal impact of teenage childbearing is two-fold, diminishing the opportunities of both the mother and the child, for the children of teenage parents are more likely to become teenage parents themselves, thus perpetuating the cycle of poverty.

In addition to the personal and societal costs of teen pregnancy the economic costs are terrific, totalling more than $20 billion each year. This amount could be halved if childbearing were postponed until the mother was age 20.

Early childbearing may be delayed with education and a supportive environment. Teens who have healthy parent-child communications, high self-esteem, and high educational aspirations are more likely to postpone childbearing.

It is critical to our children's future that we focus our attention on preventing adolescent pregnancy. I would now ask my colleagues to support this amendment. However, because we have agreed to work with the chairman and ranking member to help Houston and the 18th Congressional District in the area of funding for teenage pregnancy prevention. I now withdraw this amendment.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we would certainly be more than willing to work with the gentlewoman. I do not know the mechanism by which CDC designates the places where the program is to be conducted, but I certainly am willing to work with the gentlewoman.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. PORTER. Mr. Chairman, if the gentlewoman will continue to yield, I would certainly be willing to work with the gentlewoman and with the CDC to see that we can address this need in the gentlewoman's community.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman and thank the ranking member, Mr. Chairman.

In conclusion, I might note that the different locations are west and east, and in the State of Texas we only have one, and in the fourth largest city in the Nation we do not have such a program. I would look forward to working with the gentleman from Wisconsin [Mr. OBEY] and appreciate both his kindness and his very hard work on this legislation.

Mr. Chairman, in the spirit of working with the ranking member and compromising on this issue, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois in a colloquy, if I may.

I would like first to thank the gentleman from Illinois [Mr. PORTER] for his fine work on this usually contentious piece of legislation. I know he and his staff have worked long hours to craft this piece of legislation, and I appreciate all of his hard work and dedication.

I want to engage the gentleman in a colloquy regarding the Centers for Disease Control AIDS prevention funds. Let me first say that I believe we should all have compassion for the victims of AIDS. I support continued funding for AIDS treatment prevention and care. However, it seems to me that the Federal AIDS education campaign has emphasized condoms first and treated abstinence as a largely unrealistic goal, even though medical experts agree that it is the most medically sound response.

I believe the focus should be changed to personal responsibility on the part of those infected. I am specifically concerned about the viability of groups such as PFOX, the Parents and Friends of Ex-gays. PFOX is a national organization that reaches out to men and women who want to leave the gay lifestyle. PFOX's ultimate message is that homosexuals have options. No one has to be gay and enter its subculture, instead, they can be heterosexual or live a life of abstinence. My question relates to the eligibility for CDC prevention funds.

Are there any restrictions in this bill that would prevent those funds from being allocated to groups or organizations such as PFOX that advocate abstinence as a means of AIDS prevention?

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to my friend from South Carolina that as long as those organizations meet the usual eligibility requirements for CDC AIDS prevention grants and receive high scores in the peer review process, there is nothing in this bill to restrict them from receiving CDC funds.

Mr. INGLIS of South Carolina. Reclaiming my time, Mr. Chairman, I would ask, second, would it be permissible for me to enter into this record an encouragement of the Centers for Disease Control to consider allocating funds to groups, such as PFOX, that promote abstinence as a means to prevent the spread of AIDS?

Mr. PORTER. Mr. Chairman, if the gentleman would again yield, certainly that would be permissible, and I would encourage these groups to apply for AIDS prevention funds.

I would like to emphasize, the committee encourages CDC to support local grantees that advocate a wide range of AIDS prevention measures, including abstinence and other effective techniques.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for his time.

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

Earlier we had a discussion about several amendments to this bill that would have affected funding in title X, the family planning program; and I must inform my colleagues on the House floor that there are still some additional amendments that Members would like to see considered here.

I appreciate the consideration which was given to the gentlewoman from Idaho [Mrs. CHENOWETH] and her very important amendment to take funding from that program and fund a program that had been reduced in funding to provide meals to senior citizens.

Some of the other amendments that I think are critically important in this area have to do with policy preferences that really should be debated by this Congress. For example, should we be fully funding research to prevent breast cancer in this country?

I think it is a critical issue. More than 1 out of 10 women will be struck with breast cancer sometime during their lives. My mother-in-law is currently undergoing treatment for a recurrence of breast cancer. We need to talk to those women and act to reassure them that this Government is doing everything possible to ensure that research is being done to find the cause of breast cancer, to find treatment that works and to make sure that that is widely available and known in the scientific community.

I think these issues are very important, and I guess I would ask my colleagues to be considerate as we are moving forward in discussing what are legitimate differences of priorities in these spending bills and allow us to move forward with amendments and not adopt a procedure that would gag some of the very important ones.

We do not have hundreds of amendments that have been passed over. It is not as if it is going to make it impossible to reach final consideration on this bill, but it is a very important question on priorities within this title that, due to the procedural restrictions in the way it is being discussed, may not be addressed.

I would ask my colleagues to allow us to move forward with those amendments. There are not many, but there are a few very, very important ones that we need to address in this Congress.

Mr. Chairman, let me also say that I think that this whole debate has been very helpful in crystallizing some of the fundamental differences in approach. Many of us believe that the budget agreement is something that the Congress and the President, that we all need to live up to, but that within that agreement there are serious questions on priorities.

Do we want to fund programs that primarily fund bureaucracies here in Washington or do we want to take those funds and redirect them to programs that get outside the beltway in the area of education, funds that will get to our schools so that they can implement programs to help the disabled and students who need their education improved; in the area of health, making sure we do research at NIH that will benefit patients and not create bureaucracies at the Department of HHS; in the area of labor, to make sure that what we are doing there in regulatory agencies actually improves safety in the workplace, improves conditions of American workers so that they have a chance to have a good job and a good opportunity that will be safe for them.

These philosophical debates fall into a general category of who do you trust. Do you trust the bureaucracies in Washington or do you trust people, local government, private institutions, State governments to do what is best for their communities?

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I think it is an important debate that we have in this Congress. Frankly, it is a debate that has been glided over as we have discussed in the last few months the budget agreement, because people got lost in terms of numbers and funding and appropriations and tax cuts and they lost track of that more fundamental question that we want to redirect our attention to here in Congress and, that is, what is the appropriate role of the Federal Government in these different programs.

Mr. Chairman, as we move forward, I understand there will be disagreements about particular amendments, I understand that some people may question motives. I would ask them not to, but to take seriously what is being discussed in each of these amendments and vote their conscience, so that we can go back to the American people and say, this Congress has discussed these issues and we look forward to continuing that in the coming days, in working with the chairman of the subcommittee and the ranking member on the other side of the aisle, to make sure that we have a full and healthy debate, not only on the details but on those general philosophical questions.

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

Mr. MCINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. I would say to the gentleman, he started by talking about medical research and particularly research on breast cancer. I am sure that the gentleman is aware that despite in 1996 a need to cut $9 billion from the discretionary——

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentleman from Indiana [Mr. MCINTOSH] has expired.

(On request of Mr. PORTER, and by unanimous consent, Mr. MCINTOSH was allowed to proceed for 3 additional minutes.)

Mr. PORTER. Mr. Chairman, if the gentleman will continue to yield, that despite the need to make very deep cuts in spending in this bill and despite a budget resolution that would have made very deep cuts in funding for the National Institutes of Health, 80 percent of whose money goes to local academic medical research centers all across America, we raised funding for NIH by 5.7 percent. This increase occured while everything else in the bill was being cut. Last year we increased NIH by 7.5 percent and this year increased it by 6 percent. The increases for the National Cancer Institute were higher than the NIH average and we have placed biomedical research at a very, very high priority in crafting the Labor-HHS bill.

I would also say to the gentleman that as he was speaking, I was told that the amendments that were passed over are now being redrafted in a reach-back form that the gentleman from Indiana believes is in order. If so, those will be able to be heard. I also want to assure him that our purpose here in providing the process and debate is to shape this bill and that we want to provide everyone who wishes to participate in that process every opportunity, within the bounds of the other business that the House must conduct, to do that. I hope at the end of this process we will all have looked back on the process and said it was done in a fair way, it was done in a way that gave us an opportunity to participate and that we can live with the result.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, let me say I appreciate the efforts of the chairman to assist in redrafting those amendments so they can be discussed on the House floor at the appropriate moment in the bill, and his staff has been suggesting ways in which we can do that. I am told that, yes, the two should be able to be redrafted and be able to be offered at a later time and at an appropriate point in debate. I do appreciate the general notion that the gentleman has worked very hard to increase funding for medical research. I would, however, remind the House that the entire bill, when looked at from that perspective, is increasing on the order of 10 percent, and so our efforts are to even go beyond the good work that the chairman has done in getting funds for that medical research and suggest ways that perhaps we can find even more funds from programs that in our view at least are perhaps lower priorities and should not be increased. I know we have a philosophical disagreement on title X.

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

Mr. MCINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. The bill is not being increased by 10 percent and a great deal of the increase in the overall bill is from entitlement programs.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MCINTOSH] has again expired.

(By unanimous consent, Mr. MCINTOSH was allowed to proceed for 30 additional seconds.)

Mr. MCINTOSH. Mr. Chairman, I yield to the gentleman from Illinois to finish his point.

Mr. PORTER. About 7 percent.

Mr. MCINTOSH. Seven percent on the discretionary programs. Our goal essentially in this area is to help the chairman even do better and perhaps go beyond that 7 percent in the medical research area, because we view that as a key priority, where the Government can help people. It is not a huge bureaucracy, it is a research program that as the chairman pointed out, 80 percent of it is beyond Washington and being done in some of our best medical universities around the country.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $298,339,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities

and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $223,100,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center; *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,151,943,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $101,588,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $47,412,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $71,530,429,000, to remain available until expended.

For making, after May 31, 1998, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1998 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COBURN. Mr. Chairman, if I might inquire as to when in the debate amendments would be allowable that are restraining amendments or limiting amendments or blocking amendments as far as prohibitions. Could we have a ruling of the Chair?

The CHAIRMAN pro tempore. If the gentleman could identify those amendments by name and number.

Mr. COBURN. Manzullo-Coburn in terms of needle exchange. Coburn in terms of CDC, use of funds.

The CHAIRMAN pro tempore. The Chair would advise that the Istook amendment, for example, is made in order at the end of title II under the unanimous consent request that is functioning as a rule for consideration of this bill. That would come at the end of page 63. The Chair would entertain comments about the other amendments that are thought to be pending but is not prepared to engage in a parliamentary decision at this point.

Mr. COBURN. Might we have a decision as to an amendment that prohibits the use of Federal funds on needle exchange programs; should that come at the end of title II as well?

Mr. PORTER. Mr. Chairman, it is our understanding that that comes in the general provisions of the bill at the end. That was our understanding.

Mr. COBURN. May we have a ruling that that is where that would come?

The CHAIRMAN pro tempore. Would the gentleman identify the name and the number of the amendment?

Mr. COBURN. It is Coburn, and I believe it is 35.

The CHAIRMAN pro tempore. The gentleman from Oklahoma is advised that it comes at the end of the bill. Amendment 35, that would be on page 102.

Mr. COBURN. I thank the Chair.

Mr. Chairman, there is another amendment, a Coburn-Ackerman amendment, that prohibits the use of CDC moneys for blind testing for infants for HIV testing.

The CHAIRMAN pro tempore. This would be the Coburn amendment No. 36?

Mr. COBURN. I believe so.

The CHAIRMAN pro tempore. That was also drafted to come at the end of the bill. That would be on page 102.

The Clerk will read.

The Clerk read as follows:

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,581,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 191 of Public Law 104–191, not to exceed $1,679,435,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1998, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles, I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $660,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,000,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $300,000,000: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), $415,000,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 104-134 for fiscal year 1996 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1997 and 1998.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $1,000,000,000 to become available on October 1, 1998 and remain available through September 30, 1999: *Provided*, That of funds appropriated for each of fiscal years 1998 and 1999, $19,120,000 shall be available for child care resource and referral and school-aged child care activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,245,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1998 shall be $2,245,000,000.

POINT OF ORDER

Mr. SHAW. Mr. Chairman, I make a point of order against the social services block grant provision in title II of the bill on the grounds that it violates clause 2(b) of rule XXI of the rules of the House.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. SHAW. Mr. Chairman, clause 2(b) of rule XXI states that no provision changing existing law shall be reported in any general appropriation bill. Specifically, in the social services block grant provision of title II of the bill, the amount to which States are entitled under section 2003(c), beginning on line 24 of page 41 of the Social Security Act, is reduced from $2,380 million to $2,245 million. This change of authority over the entitlement amount falls under the jurisdiction of the Committee on Ways and Means and clearly violates rule XXI 2(b), which prohibits legislating on an appropriations bill. Therefore, the point of order applies, and I urge the Chair to sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. PORTER. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained. The provision is stricken.

The Clerk will read.

The Clerk read as follows:

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A and 1110 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100-485, $5,565,217,000, of which $537,165,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $99,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103-322.

Funds appropriated for fiscal year 1998 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 1998 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $255,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV-E of the Social Security Act, $3,200,000,000.

For making payments to States or other non-Federal entities, under title IV-E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $810,545,000: *Provided*, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $159,636,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,921,000.

AMENDMENT NO. 15 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. BURTON of Indiana:

Page 44, line 24, after the dollar amount, insert the following: "(decreased by $1,000,000)".

Page 73, line 15, after the first dollar amount, insert the following "(increased by $1,000,000)".

Mr. BURTON of Indiana. Mr. Chairman, this is a noncontroversial amendment, I believe. My cosponsor is the gentlewoman from Colorado [Ms. DEGETTE].

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This regards the We The People Program, and the goal of the We The People Program is the most fundamental of American purposes, the perpetuation of American democracy. The We The People Program is conducted across our Nation in elementary, middle, and high schools, preparing students to take their civic obligations very seriously.

The program's material grounds students in the basic text of American democracy, including the Declaration of Independence, the Constitution, the Bill of Rights, and the Federalist Papers, and follow the development of American constitutional principles throughout our Nation's history.

Since its inception 9 years ago, more than 22.6 million students have studied and benefited from the We The People Program, and at least 70,000 teachers have utilized their materials. The $5.5 million funding level provided for in this amendment was originally proposed in the President's budget and was supported by 62 Members from 32 States that signed a letter to the gentleman from Louisiana, Chairman LIVINGSTON, supporting the $5.5 million level.

Members other than myself who have testified on behalf of this program include the gentleman from North Dakota [Mr. POMEROY], the gentleman from California [Mr. THOMAS], the gentleman from Alabama [Mr. BACHUS], the gentleman from Massachusetts [Mr. NEAL], and the gentleman from Indiana [Mr. HAMILTON].

Every Federal dollar for this worthy program secures at least $10 in matching support from the private sector.

There is a 10 to 1 ratio from the private sector for this program.

The CBO has scored this amendment as revenue neutral or negative. This is offset by a transfer of funds from another area on page 44, line 24, where we are decreasing the amount by $1 million and adding $1 million after the first dollar amount on page 73, line 15.

Mr. Chairman, we believe this is a worthwhile project. It is one that everybody in the country I think would support, almost without exception. Young people today really need to know about the Constitution. They really need to understand what the Federalist Papers were all about. They need to understand the Bill of Rights. This program shows by its history that it is very worthwhile and benefits everybody in this country, but particularly our young people.

Ms. DEGETTE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to urge my colleagues to support the Burton-DeGette amendment, and I want to thank the gentleman from Indiana [Mr. BURTON] for his support and efforts on behalf of We The People. I can think of no better lesson for the students of this country than the value of bipartisanship where we can find it, and this amendment is a great example in this regard.

I know firsthand how well this program works, because there is a high school back in my district in Denver, East High School, whose students have done extraordinarily well in the We The People competitions over the last decade. East High School has been among the top 10 finalists seven times in the last 9 years, and they won the competition in 1992. This year they came to Washington once again and won honorable mention by placing in the top seven of the national competition.

I know about East High School's great achievements because for several years in the early 1990's I was a volunteer coach for the East High School Bill of Rights team, and I will tell you that these high school students, even though I was a practicing attorney, often knew a lot more about the Bill of Rights as a result of the We The People program than I did. So I am a strong proponent of this program, and I believe that not only should it be continued at the high school level, but extended to junior high schools as well.

Mr. Chairman, a lot of times we as policymakers all ask ourselves the question, how do you solve the problem of a disenchanted and cynical electorate? I do not think there is a magical solution, but I think programs like We The People come very close to providing as good a remedy as we will ever get.

In an era where political ambivalence, voter apathy, and distrust of government characterizes too many of our constituents, it is essential that we should support a program for high school and junior high school students to learn about their government and learn how important players they can be.

The $1 million in the Burton-DeGette amendment provided to We The People will allow it to expand its Project Citizen Program designed for students in grades 6 through 9, the optimum age, according to researchers, for building student interest in civic life and politics.

Project Citizen calls on students to work together on a class project to identify and study a public policy issue of particular interest to them. Project Citizen focuses students' attention on behalf of State and local governments, which are often neglected in civics courses and textbooks, even though they are the levels of government most often utilized and immediately affecting the lives of citizens.

The increased funding will be used to fully implement the Project Citizen Program in all 50 States and help it become as quality a civic education program for middle school students as the We The People Program is for the high school students.

When we first started working on this program at East High School, very few schools actually participated. In the 10 years since the program began, though, over 75,000 teachers have implemented the We The People Program in the classroom. I think that this growth in 10 years speaks for itself about the success of the program. This program, I believe, can really change attitudes toward government and toward what government can do in our society.

Mr. Chairman, for those reasons, I really again applaud my colleague from Indiana [Mr. BURTON] for offering this amendment with me, and urge my colleagues to accept the Burton-DeGette amendment.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we accept the amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, on this side we also accept the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentlewoman from Colorado [Ms. DEGETTE] and the gentleman from Indiana [Mr. BURTON] for offering this amendment. This program is a valued program, and it does teach children about the Bill of Rights and about our civic system of government in this United States.

I must also say that I think the same students studying the Government would be surprised to find out that here in the people's House, we are unable to get an issue as important to the electoral process and to the participation of the American people within the electoral process, a matter of campaign finance reform, scheduled in the House of Representatives.

These very same people who are studying about the Bill of Rights and the Constitution of the United States and guaranteeing one man-one vote, a fundamental finding of the Supreme Court, will find out that it is not one man-one vote, not one person-one vote, but it becomes something other than that when you engage in the soft money exploitations of the campaign laws of this country.

We are witnessing hearings now that continue to discover the overwhelming amounts of soft money that have been plowed into campaigns, some disclosed, which we are finding about; unfortunately, much of it not disclosed, that we have not yet found out about, soft money that has flowed to both parties, that dramatically amplifies the voice of those individuals giving soft money to both parties, entities such as the Philip Morris Co., R.J. Nabisco, Federal Home Loan, Union Pacific, Southern Pacific, Atlantic Richfield, Walt Disney, Chevron, Coca Cola, Boeing, AT&T, the telecommunications corporation, and Anheuser-Busch. The list goes on and on and on.

What it adds up is millions and millions of dollars that have been funneled to each party, to overwhelm the basic limitations that we have in this system to try to make sure that individuals can participate with meaning in the election of Members of the House of Representatives.

So while I strongly support this amendment and this program, and I commend the authors of this amendment for bringing it to the floor, I think that we ought to fully understand that it is not all as these young people will study.

The hard-ball realities of politics is that there is a filibuster going on in this House against bringing campaign finance reform to the floor of the House so the body can work its will, so we can have competing proposals on the floor, so hopefully we can get rid of the soft money that has become sewer money, that is undermining the processes in this House, that is undermining our electorial process, and, in fact, caused people to stay away from the elections in this country because they do not believe that their vote counts, they do not believe that their voice matters, they believe that the big special interests are those who win day in and day out.

It is very hard to argue against the public on that matter, because the fact of the matter is that the big special interests are engaged in both parties. They are betting on both black and

red. If they were at the roulette table, they cannot lose. They cannot lose.

The fact of the matter is it ought not to be allowed to continue, and we ought to have the right in this House before we get out of this House this year, in this month of September, we ought to be able to have a free and open debate on campaign finance reform. But we are not able to have that.

Therefore, continuing the process against the actions of the Republican leadership here to bottle up campaign finance reform, I will be asking for a vote on this amendment, and I encourage Members to support this worthy amendment dealing with the program of We The People.

Ms. FURSE. Mr. Chairman, I rise today to support the Burton-DeGette amendment to increase funding for civic education by $1 million, from $4.5 million to $5.5 million. The "We the People * * * Citizens and the Constitution" civic education program is a proven educational program which provides teacher training and resources with the goal of preparing elementary, middle, and high school students to become contributing members of the American civic culture. The program focuses on the U.S. Constitution and the Bill of Rights and fosters civic competence and responsibility among students.

The "We the People * * * Citizens and the Constitution" civic education program has been especially successful in my district. This year students from Lincoln High School in Portland, OR placed third in the national competition, and last year Lincoln High placed first in the country. It is an honor to represent these hardworking students and to support continued investment in this program.

The "We the People * * *" program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I urge my colleagues to support the Burton-Gette amendment and continue the expansion and success of civic education for our children.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently, a quorum is not present.

Does the gentleman from California insist on his point of no quorum?

Mr. MILLER of California. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. Pursuant to clause 2, rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 375]

ANSWERED "PRESENT"—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

□ 1443

The CHAIRMAN pro tempore. Four hundred nine Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. MILLER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 13, as follows:

[Roll No. 376]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss

Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—3

Bass
Ensign
Thomas

NOT VOTING—13

Becerra
Berry
Boehner
Carson
Dellums
Gonzalez
Hilliard
Owens
Schiff
Serrano
Smith, Linda
Torres
Towns

□ 1453

Messrs. THOMAS, BASS, and ENSIGN changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). The Chair will advise Members that their failure to be in the Chamber in a timely fashion is delaying the proceeding of the Committee, and the Chair requests their cooperation.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,000,000.

AMENDMENT OFFERED BY MR. SOUDER

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

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 45, after line 11, insert the following:

REVISION OF AMOUNTS

The amounts otherwise provided by this title are revised by reducing the amount made available for "Health Resources and Services Administration—Health Resources and Services" (and the amount specified under such heading for the program under title X of the Public Health Service Act to provide for voluntary family planning projects), and increasing the amount made available for "National Institutes of Health—National Cancer Institute", by $40,690,000 and $36,000,000, respectively.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I make a point of order that the amendment violates clause 2, rule XXI. The Congress cannot, through a reachback amendment, add funding to an unauthorized account. And when the Congress itself periodically authorizes legislation, they vacate the generic authorizations, and it seems to me under these circumstances that the amendment is out of order.

The CHAIRMAN pro tempore. Does the gentleman from Indiana [Mr. SOUDER] wish to be recognized on the point of order?

Mr. SOUDER. Mr. Chairman, I believe that the amendment is germane. I understand the concern. I would like to address the House on the point of order.

The CHAIRMAN pro tempore. The gentleman may be heard on the point of order.

Mr. SOUDER. Mr. Chairman, the question of the point of order goes back to our earlier discussion, which was there was a group of amendments that we intended to offer at an earlier point, and when one failed, several failed. We have tried to craft an amendment that we felt would be in order by inserting a different section.

Mr. Chairman, my amendment would move funds from title X over to the National Cancer Institute for breast cancer research. I am disappointed because, as we tried to search through, it was not completely clear as to whether it would be able to withstand a point of order. I am terribly disappointed that the minority party would object and exercise this point of order to stop us from moving funds to breast cancer and from title X.

□ 1500

I am disappointed because I think we have tried to work together through this bill and we have tried to recraft the amendment to make it in order.

The CHAIRMAN pro tempore (Mr. BEREUTER). Are there other Members who wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Under the precedents of July 12, 1995, as recorded in House Practice at page 142, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not "merely perfecting" for purposes of clause 2(a) of rule XXI.

The Chair is not aware of an authorization of appropriations for the National Cancer Institute beyond fiscal year 1996, 42 U.S.C. 285a–8.

The Chair finds that appropriations for the National Cancer Institute have been the subject of periodic authorization as first cited in section 417(B) of the Public Health Services Act. Consequently, reliance on organic law as the source of authorization is no longer well placed.

Because the most current statutory authorization lapsed with the fiscal year 1996, the proposal to appropriate for the National Cancer Institute is not authorized.

The point of order is sustained.

AMENDMENT OFFERED BY MR. COBURN

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

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 45, after line 11, insert the following:

REVISION OF AMOUNTS

The amounts otherwise provided by this title are revised by increasing the amount made available for "Health Resources and Services Administration—Health Resources and Services" (and the amount specified under such heading for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act), reducing the amount made available for "Agency for Health Care Policy and Research—Health Care Policy and Research", reducing the amount made available for "Administration for Children and Families—Refugee and Entrant Assistance", reducing the amount made available for "Office of the Secretary—General Departmental Management" from general Federal funds, and reducing the amount made available for "Office of the Secretary—Policy Research", by $34,868,000, $2,338,000, $22,668,000, $4,812,000, and $5,000,000, respectively.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, this amendment would shift $35 million from various programs that have been funded above the President's request, programs that have been funded above the President's request in the State AIDS drug assistance programs. The funds would be redirected primarily from administrative accounts that do not directly benefit people into an ADAP program which directly benefits hundreds of thousands of people infected with HIV.

As assistance to those who have HIV, this program provides medicine for lower income, uninsured individuals who are HIV positive but do not qualify for Medicaid. Pressures on the State ADAP groups have led 35 States to implement emergency measures in the last year leaving 23 States to cut patients or restrict their access to medically necessary drugs in fiscal 1997.

In 1996, for the first time in the history of the HIV epidemic, AIDS deaths declined. They declined because of triple drug therapy. Unfortunately, that decline was not manifested or recognized in women. AIDS deaths actually increased. Unfortunately, that decline was not recognized in minority populations or in children. Those deaths actually increased.

What this amendment is designed to do, although the chairman of this committee has worked hard to increase the funding, there will still be between 30,000 and 70,000 Americans who are HIV infected, who are uninsured and low income, who will not have availability of these drugs.

When I am in Oklahoma, at least once a month I work in a free clinic. Routinely we cannot have available funds through ADAP for people with HIV to receive triple drug therapy. Does this solve all the problem? No. The moneys that are taken for this program are coming from moneys that have been appropriated above what the President of the United States requested for the various areas which it has been taken and are moved to help those people who otherwise will not have an opportunity to have this drug therapy.

I said earlier, if this was any other disease other than HIV, where a million people were infected and did not know they were, where 350,000 Americans have died and another 350,000 are living with AIDS, there would be no question that this body would fund medicines for every one of them. To oppose this amendment on the basis of saying we have done enough is not a good enough answer to the people in Oklahoma, to the people in New York, to the people in Florida who do not have this therapy. They deserve to have this therapy, regardless of how they contracted this disease. It can prolong their life. It can vastly improve the quality of their life.

Let us talk about where this money comes from: $2 million comes from the Agency for Health Care Policy and Research overhead associated with that; refugee and entrance assistance, $22 million comes from that. Do we have more of an obligation to those coming into our country than we have to our citizens born here and infected with this virus that we are not going to have available drugs for?

Finally, it comes from the Office of the Secretary of Health and Human Services, General Department, Management and Policy Research, a total of almost $10 million.

I would ask this body to consider this question: If you had a friend who could not afford to spend the $6,000 to $7,000 a year to buy these drugs and we are spending money in other areas in this bill, we are increasing bureaucratic overhead, we are increasing salaries of bureaucrats while those, the poorest of the poor, those with the inability to pay for themselves are dying because we choose not to fund this appropriately.

Mr. Chairman, had I been able to find moneys, other moneys funded above the President's request, this request would have been much larger. And it breaks my heart that we cannot find the moneys to take care of the people in this country that have this dreaded disease.

I beg this House to support this amendment, to not listen to the AIDS action groups who want to continue to fund their programs as long as their little group is funded when those who are of minority status, when those who are women who have done nothing to contract this disease do not have available to them a way to have this disease treated.

We all hope some day for a cure for this disease. We do not have a cure. But we certainly have a way to buy time for those that cannot afford these medicines.

I beg the Members of this body to not say we have done enough. We have not done enough. Tell that to the first person who is not going to get this treatment.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

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

Could I ask the gentleman from Oklahoma a question. Does he represent Okmulgee?

Mr. COBURN. Mr. Chairman; will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. COBURN. Yes, Mr. Chairman, I do.

Mr. OBEY. Mr. Chairman, let me say, I was born in the gentleman's district. I was born in Okmulgee.

Mr. COBURN. Mr. Chairman, I knew the gentleman had redeeming qualities.

Mr. OBEY. Mr. Chairman, my father was the only man in America who moved to Oklahoma during the Depression to get a job. I was born there by accident.

I would simply say that I do not think the folks in Okmulgee would vote for this amendment if they fully understood it.

This bill already increases funding for AIDS drugs from $167 to $299 million. That is an increase of 79 percent. Last year, this committee also increased funding for this program by $117 million. That means that this committee in 2 years time, under the leadership of the gentleman from Illinois [Mr. PORTER] has raised this account from $50 to $299 million. I would say that that is going a far piece to meet our responsibilities in this area.

I would also point out that the area that the gentleman chooses to take the money from, the major area, is an especially savage source for his money. We had a major debate in this country last year on welfare reform. We, I think,

properly cut back on the benefit levels that we were going to provide for immigrants. I do not think that our immigration policy ought to be used as a substitute for an international welfare policy.

But refugees are a far different matter. Refugees come to this country, whether they came to this country because they were Russian Jews escaping the Soviet Union or whether they came to this country because they were Hmong refugees who fought and bled and died to help our GI's in Vietnam and in Laos and lost their country because of it.

When those refugees come to this country, they come to this country not because a local government or a State government has asked them to but because the Federal Government has told them to come.

We have cut back aid to refugees when they come to this country from the first 36 months that they live here to 8 months. The gentleman's amendment would cut that back some more.

I want to talk to my colleagues for a moment about one group of refugees who I do not think we should be savaging by the gentleman's amendment. That is the Hmong. That is spelled H-m-o-n-g. They were known as the Montagnards in earlier times. They were used by the CIA as operatives during the Vietnam war and as secret battlefield allies in our secret Laos campaign.

They made great personal sacrifices for this country, including the loss of their homes and the loss of their lives to assist our country. They rescued downed American pilots. They sabotaged the Ho Chi Minh Trail at our request. They guarded high-technology mountaintop navigational facilities in Laos at our request, which allowed all-weather air strikes against North Vietnam. And they fought as ground troops for 10 years to reduce the opportunity for the North Vietnamese to fight Americans in South Vietnam.

Ten percent of their entire population died as a result, including women and children and the elderly. And they lost their homeland to Communist forces. They were forced to live in refugee camps, some of them for many years. Some of them are just now, after that long agonizing period of time, finally coming to the United States. Those refugees should not be dumped on to the shoulders of local property taxpayers or State governments. Gov. Pete Wilson is correct when he objects to the fact that the United States makes immigration and refugee policy and then dumps the consequences on States and local taxpayers.

The United States for very good reasons determined that these Hmong refugees had sacrificed their all.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

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

Mr. OBEY. Mr. Chairman, they sacrificed their all on behalf of America's troops in Vietnam, America's pilots in Vietnam and Laos. Now the reward that they would get under this amendment is to have scaled back further the benefits which some of these folks get in return for the favors they did to the United States.

□ 1515

I think that that action on our part would be unconscionable, and so I would ask the gentleman to recognize that the source of his money is wrong; and in my view, the gentleman from Illinois [Mr. PORTER] has already more than amply funded the account into which he wants to put the money, and I would ask on a bipartisan basis that we reject the amendment.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the last word.

The gentleman from Wisconsin is correct, the chairman of this subcommittee has done an unbelievable job of trying to raise the funding of what is a very, very crucial health issue in this country, and I commend the gentleman from Illinois [Mr. PORTER] for his work and I commend the gentleman from Wisconsin [Mr. OBEY] for, in fact, his work also.

But when we are faced with the reality that there are 1,000 new patients utilizing ADAP per month, then, quite honestly, the growth that we have was not quite enough.

The chairman was very responsive to the request of a number of Members for a specific amount, and as this year has gone on, and this process, quite honestly, we realize that it is not enough; that as States, 35 as the gentleman from Oklahoma has stated, start putting conditions on those who quite frankly will die without this potential treatment that will not cure them, but it will slow the growth of the disease until possibly we can find a cure, then in fact the gentleman from Wisconsin is right, to some degree we are prioritizing where the American people's money is spent.

Prioritizing it when we take it away from bureaucrats in Washington is a relatively easy thing; where we give a benefit to some and not to others, that becomes much tougher. Hopefully, Congress will see in the future that if we eliminate more bureaucrats, we do not have to make choices between those who get and those who do not.

But, in fact, we have a very distinct population that we know are sick, that in fact the population that is affected is shifting from predominantly males now to women and infants, to those that we are going to be emotionally tied to in the future; that their hope for life is on our ability to recognize the progresses of science and of medicine and to make sure that in fact no person who is sick is deprived of a way to access that medicine.

We will have individuals in this country without additional funding for ADAP that will fall through the cracks. They will not and cannot be recognized for Medicaid payments. And in fact, 16 States instituted waiting lists for access to certain protease inhibitors. Thirteen States have capped ADAP enrollment. Fifteen States capped or restricted access to protease inhibitors. Eleven States reduced the numbers of drugs covered by ADAP.

To my colleagues on the floor, I would only say there is a wrong trend. For those of us who have to deal with health issues, the gentlewoman from California [Ms. PELOSI] and others on the minority side have worked tirelessly to make sure that the concerns and the real health problems of many in this country have been addressed. And they are not limited just to those with HIV; they span across party lines.

And I would suggest to my colleagues this has no party affiliation; this is an issue about health. My only concern is that for those patients, be it those with HIV or others who have visited my office this year, who will not be back next year because we have stymied the development of new drugs or because we have underfunded those that we have, will in fact be the losers, not those of us here, not the American taxpayer. In fact, the loser is the one who we could not get the treatment to.

This is about treatment, it is about compassion, it is about prioritizing where the Federal dollars are spent.

I am confident that this body will in fact make the right decision and increase this funding even more so that in fact those who are most at risk will receive the benefit they are due.

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

Mr. Chairman, I rise with a great deal of sorrow to speak against this amendment because despite the perhaps good intentions of our colleague, the gentleman from Oklahoma [Mr. COBURN], for offering it, it smacks of so much cynicism that I oppose it very, very sadly.

It seems that for the first half of the week, or beginning last Friday, the Republican majority decided to exploit the good intentions of the American people and the attitude of the American people toward disabled children in order to have a political advantage for the Republicans. And now they are trying to exploit the appropriate sentiment that the American people have for people with AIDS by introducing this most unproductive amendment.

As I say, perhaps the maker of the motion and those who support it come to the table with good intentions, but the appearance of this amendment is

one that really does violence to all of the hard work that has been done by our chairman, the gentleman from Illinois [Mr. PORTER], by our ranking member the gentleman from Wisconsin [Mr. OBEY], and so many people who have worked so very hard to increase the funding for AIDS prevention, research and care and nondiscrimination against people with HIV/AIDS.

As has been indicated by our ranking member, the gentleman from Illinois [Mr. PORTER] has increased the funding in this bill for AIDS and ADAP, ADAP is AIDS Drugs Assistance Program, by over $132 million. Is that enough? No. Do we need more? Yes. But that is an issue that should have been taken up in the budget talks, when we were giving tax breaks to the wealthiest people in America and funding defense programs without question, instead of going into what I call our lamb-eat-lamb bill of Labor, Health and Human Services and Education.

So that instead of trying to grandstand on the misery of people with HIV and AIDS, we could be increasing the funding without having it come at the expense of women's health, which is cut in this amendment. Women's health which saw a significant increase in fiscal year 1997 funding could suffer reductions in programs encouraged by the subcommittee, including National Centers of Excellence in Women's Health, implementation of the National Women's Health Information Center and the Missiles to Mammogram program. Or reductions in minority health, which would adversely impact a variety of programs aimed at improving the health status of disadvantaged populations.

And the list goes on and on. As we cut the administration of the Secretary's office, we decrease the ability of the Department to meet the needs of the people of our country.

But do not only take my word for it. Those people who are in the trenches every single day, helping to meet the needs of people with HIV/AIDS, for example, AIDS Action, on behalf of 2,000 community-based organizations which they represent, urge opposition to the amendment. And they say, "Although additional funds for ADAP is needed, the majority of the offsets for this amendment come at the expense of other important public health programs. Chairman PORTER has carefully crafted a bill that addresses the entire AIDS portfolio. In the broadest context of AIDS health care services, this amendment would upset that delicate balance."

Or then we have a message from NAPWA. NAPWA is the National Association of People With AIDS. It does not represent groups, it represents individuals, and it opposes the amendment by saying, "While new resources are desperately needed for the ADAP program, we should not have it at the expense of the needs of refugees or even the needs of the Federal agency that has to administer these funds."

Or the National Organization Responding to AIDS, NORA. NORA is a coalition of over 175 health, labor, religious, professional, and advocacy groups which collectively represent the broadest possible consensus of issues concerning HIV and AIDS policy legislation and funding. NORA opposes the amendment by saying, again, "Although additional funding for ADAP is certainly needed, the offsets would come from other public health programs, such as health care for the homeless, migrant health centers and other health programs which serve vulnerable populations. The additional offsets from administrative and policy research accounts help ensure that scarce Federal resources are spent effectively, and they should not be kept back."

The organizations that day-to-day work with people with HIV/AIDS urge prevention programs advocate for more research and certainly advocate for more funding for the ADAP program, and all oppose the amendment of the gentleman from Oklahoma. I certainly welcome the opportunity to put forth on this floor at any chance we get, the fact that there is need for more funds or for ADAP, and certainly in conference and certainly at the end of the day we should have more funding, but not at the expense of women's health and not at the expense of minority health.

I urge our colleagues to vote "no" on the Coburn amendment.

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

Mr. Chairman, I would simply say this in response to the gentlewoman from California, that the gentleman from Oklahoma [Mr. COBURN] is the one who is in the trenches. Here is a man who understands what is going on with the AIDS epidemic in this country, and he has come to the floor today to pour out his heart and his soul to make sure that money is used for the people for whom the money has been intended. And I think it would be grossly unfair to say that the gentleman is exploiting the very people whom he is trying to help.

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

Mr. MANZULLO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think there are some very basic questions we have to ask in this country. We have an epidemic that involves well over 1 million people, almost one-half of 1 percent of our population.

We talk about priorities, for example, how many Montagnards are going to come into the country this year? The funding level is $3 million above last year. I doubt that one new Montagnard will come into the country this year that the gentleman from Wisconsin [Mr. OBEY] explained that that money was for. The fact is that this money will treat 6,000 people. It will prevent them from dying.

Now, we hear that the AIDS Action Council and NAPWA and NORA oppose this. They are the groups that have the money. They do not have any problem because they are taking care of their groups. This is for money to go to States to buy drugs for those people who are not currently being served by any of these organizations. Yes; they are outside of it. They are the people that are the least advantaged in this program.

The question I would like to ask is, Why is it not good enough to fund this for everyone who has HIV that cannot get treatment? I cannot use his name, because I am a doctor bound not to divulge, but I have a patient and he cannot get treated. The drug companies have been very beneficial in trying to get us medicines, so this young man, 27 years of age, is going to die in less than a year because he has moved from HIV to full-blown AIDS because he cannot, George cannot have the money because Oklahoma is out of money, because the money is not available for him to have it.

Despite what we do for the hundreds of people that come in that have HIV, that do not have the material means to get it, the drugs, we do not have enough.

To say that we are cynical and that we are exploiting the very people that we are trying to help, I have been a practicing physician for 15 years, I have delivered babies, and one of my most favorite patients, 8 years old, just died of AIDS. Her mother was HIV positive when she was born. We did everything to try to save her life.

It sorrows me greatly that my intentions are questioned, that I would be accused of exploiting people, that my honor in terms of trying to correct this epidemic and the efforts that I have made, that my motives would be questioned.

I think it is very unfortunate that a statement such as that is made on the floor of this body. Never have I accused anyone in this body who has, from their heart, tried to make changes in the laws of this country to help people, accused them of being exploitative. I think it leads us away from where we need to be.

There are 1 million people with HIV in this country. We have an obligation in this epidemic to do everything to stem the tide, and that means treat these 6,000 people who presently do not have the medicine. That is all we are talking about, 6,000 lives that will not be here next year when we decide we need to get more money.

Six thousand lives, give them a chance to live. Give them the same opportunity that somebody that is

hooked in with NAPWA, that is hooked in with NORA, that is hooked in with some of the preexisting, set organizations.

The fact is, there are a lot of people running out there that do not have that ability, do not have that access.

□ 1530

It is working well in the communities that have a large number of people with HIV. It is not working well in the communities that do not. In the States that are lower population, there are tons of people who are not getting treatment.

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

Mr. Chairman, I want to stand again to thank the gentleman from Illinois [Mr. PORTER], our chairman, for working so hard in a bipartisan way to bring our committee together and the caucus together to support what I believe has been a very fair bill. Again, we have had a difficult time in this committee and we have for all the years I have been serving on it because we have to make a lot of tough choices. For those, the gentleman from Oklahoma [Mr. COBURN], I want to say with great respect to our colleague who has been working in the trenches and understands the pain and suffering out there, we understand it and our chairman understands it as we go through those difficult decisions. Our chairman has been an extraordinarily supportive advocate, probably the most strongest advocate for the National Institutes of Health, working to prevent the scourge of AIDS, working to focus attention on research so we can finally end the pain and suffering.

I would like to ask the gentleman from Oklahoma [Mr. COBURN] as we are making these difficult decisions why on July 11, 1996 he voted for an across-the-board cut for the Labor-HHS appropriations bill. I want to remind the gentleman that the across-the-board cut had a definite negative impact on AIDS research and prevention, and as we fight to establish priorities, we have to be very careful that when we support an across-the-board cut as the gentleman did on July 11, 1996, this directly negatively affected the work that we are doing in that regard.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. I would be happy to answer that. I was involved in trying to get an across-the-board cut in every appropriations bill in 1996. The purpose for that is to try to control the spending so we could balance the budget. There is no question it affected priorities of mine just like it affected priorities of other people who voted on that. The decision that I made was simply, is it a more valiant effort to try to save money so we will have money to spend in something like this in the years to follow. The fact is we are going to steal another $300 or $500 billion from our children over the next 5 years in this supposed balanced budget agreement.

Mrs. LOWEY. Reclaiming my time, I just want to remind the gentleman again and my colleagues that as we work so hard to balance our priorities, across-the-board cuts can negatively impact the important work that the National Institutes of Health is doing and in providing for the invaluable dollars we need to buy these important drugs.

I would just alert him that we welcome him as a supporter to these very important issues, and again I would urge my colleague to vote down this amendment because for those of us who care deeply about this issue, this again is a shameful and cynical way to deal with our priorities. I just want to remind the gentleman that that vote cost $12 million in prevention money, $30 million in research and $20 million in care.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. Let me simply remind once again that this committee in the past 2 years has already increased the account the gentleman wants to put money into from $50 million to $299 million. He would seek to increase that money even more and he would seek to do so by gouging the refugee account, which is there to meet our obligations to refugees who have met their obligations of friendship to the United States. I would urge the defeat of the amendment.

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

Mr. Chairman, I did not even know about this particular problem, or even the program until my staff brought it up, a program in which multiple drugs are applied to help people with AIDS, and that it is one of the most exciting measures that individuals have to keep life sustained. I would like to sincerely thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] for what they have done in this bill. It is a pretty well balanced bill. I sincerely would like to thank the gentleman from Wisconsin [Mr. OBEY], who in his opposition to this bill spoke clearly on the issue, went through any politics, and it was very well done. But, Mr. Chairman, the one thing that is probably the most disheartening portion of this entire body is where instead of going to the issues, we start throwing politics into it. Tax breaks for the rich, the gentlewoman from California brings up. When we take a look and we throw politics into it or if a Republican does something that is not caring, and if it is a Democrat that wants to go after AIDS money, then it is caring for the children. Well, this is. I think the gentleman has got an issue in which he believes in on an issue-oriented basis and he is fighting for it.

When we take a look at education and the politics, being subcommittee chairman when they say the Republicans are cutting education. For example, the President wanted the direct lending program. It costs $5 billion more a year, and we wanted to eliminate it but yet they said we are cutting education instead of talking to the issues.

On this particular issue, there are certain areas in which I believe the Federal Government has got a direct responsibility. No, I do not think the Federal Government ought to give money for the National Endowment for the Arts. That is a difference in issue. But I do believe that where we have a function that is not a States rights issue, it is in medical research. States cannot do that. They do not have the wherewithal to do it. We give it to the universities to take care of problems like the gentleman is trying to take care of. When we talk about 6,000 people that are going to be helped by this amendment and their life is going to be sustained, to bring politics into it to me is one of the worst things. Either you believe in it or you do not. I happen to believe that the gentleman is well-intentioned.

I am going to support the amendment. I really did not know how I was going to support on the issue, and I listened back and forth to the debate and I thought the gentleman from Wisconsin [Mr. OBEY] gave a very convincing argument based on the issues and not on politics.

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

Mr. CUNNINGHAM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding. I want to frame this issue for what it really is. We have a lot of money out there being spent for AIDS treatment, AIDS programs, for people with AIDS. But we do not have a lot of money out there for people who have HIV right now, who do not have AIDS yet. As a matter of fact, we do not even know who half a million of them are. The purpose of this amendment is for those people that we do know who they are. This is for 6,000 people who know they have HIV, who cannot get drug treatment. That is what this is about.

The contrast is we have a group that says we have done enough. How much is doing enough when somebody is going to die between now and next year? When 6,000 people are going to die? If this was not this epidemic that got such a tainted reputation from its start because it was associated with

life-styles and it became associated with life-styles, this is a disease, it does not care if you are gay or straight, if you are a man or a woman, or what color your skin is, if you are a newborn baby or an older woman, it does not like us. To say we have done enough, that 6,000 people between now and this time next year are not going to get the drugs to prevent them from converting to full-blown AIDS, I think it is just regrettable. It is regrettable that we are going to use the argument, we are going to let the politics of AIDS guide what we do on this, the politics that allow an extra 500,000 people to become infected, the politics that says we are not going to treat this as an epidemic and treat it in public health standing. We are not going to allow that to happen.

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

Mr. Chairman, I worry that this debate is not really about increasing funding for AIDS patients, but instead it becomes a cynical attack on other very deserving programs. For one thing, how anybody could say that we on this side of the aisle are stating that this is enough, they do not know the gentlewoman from California [Ms. PELOSI]. Have my colleagues ever heard the gentlewoman from California say we have done enough for AIDS prevention, AIDS research, and AIDS care? Never. This is not what this is about. This is about taking one deserving program and pitting it against another for funding and, on emotional value, against other deserving programs.

We know there is an AIDS epidemic. But let us talk about funding AIDS programs by cutting the B–2 bomber program, $2.2 billion for each B–2 bomber that will not even fly in the rain. Would that not be a good way to fund AIDS programs, AIDS research, AIDS care, and AIDS prevention?

Let us talk about AIDS prevention. Why are we not talking about education and programs that teach our children about safe sex and about contraception? Why are we not talking about needle exchange programs so that we will prevent AIDS in the first place? Let us stop talking about pitting one deserving program against another. Refugees are deserving. Civil rights programs are deserving. Veterans are certainly deserving. AIDS patients need care, we need the research, and we need to take care of every single AIDS patient in America. This is America. We have enough. We could take care of every AIDS patient if we chose, and we could do it without pitting these funds against other deserving funding programs. We must have the will. That is what is missing. It appears that we do not have the will to take care of deserving people unless we take away from other deserving programs and other deserving populations.

I say, Mr. Chairman, let us vote against this amendment and let us make sure we support all deserving programs and not pit one against the other.

Ms. PELOSI. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from California.

Ms. PELOSI. I thank the gentlewoman for yielding and for her very eloquent statement about the difficult choice that is presented.

I do want to say though to the gentleman from Oklahoma [Mr. COBURN] that the issue between the House and the Senate on the amount of funding in the bill for the ADAP program is not resolved between the House and Senate. The Senate conference may present an opportunity for there to be more funding available from the defense budget to put into the ADAP program and I would hope, listening to his eloquent presentation about the need for more ADAP funds, that he would be an advocate with us for receiving that funding from transferring it from the defense budget for domestic priorities as is possibly suggested.

Mr. COBURN. If the other gentlewoman from California might yield for a moment, first of all, I was one of the Republican conservatives who voted against the B–2 bomber, and I have every time. I would love to see that money.

Ms. PELOSI. I did want the gentleman to also know that again, reiterating what the gentlewoman from New York [Mrs. LOWEY] said, that it was a blow to us when the gentleman voted for the across-the-board cut, over $50 million cut. Actually it adds up to $52 million. The exact amount of this amendment, he cut in an across-the-board cut last year. So when an amendment of this kind comes along proposed by someone who supported a cut of exactly this amount of money in prevention, research, and care at the expense of minority health, women's health, and other worthy programs within this piece of legislation, it raises questions.

□ 1545

Those questions can easily be answered when we go into conference or negotiate with the Senate about what our 602(b) allocation will be and the opportunity of funding coming from the defense budget to the 602(b) for this Labor-HHS bill. I would hope that the recognition of need will not go away. It will still be there.

May I just say another thing. The gentleman said there is no help for people with HIV. ADAP drugs are administered to people with HIV, and, in fact, the best prospects are when people take these drugs earlier, because the immune system has not been as devastated as it would be in a person who has a more veteran case of AIDS or HIV.

So, in any event, I hope the gentleman will be with us to take money from defense to meet this very important need that he calls to the attention of the body.

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

Mr. Chairman, I rise to state very simply that I support the amendment of the gentleman from Colorado [Mr. COBURN]. It is a very easy thing to do. We are dealing with an area here of people's lives, and it is a simple matter of a "yes" on this vote saves 6,000 American lives, and a "no" on this vote will not allow these people to be treated.

I am very disappointed and disheartened that we cannot have an honest debate on a simple amendment without politicizing it when people are particularly trying to do good for the American people from the bottom of their heart. So I encourage my colleagues on both sides of the aisle simply to help save these 6,000 lives and vote "yes" on this amendment.

I do not take argument particularly with the gentleman from Wisconsin [Mr. OBEY] about where the money comes from. I spent a year of my life in the Central Highlands and I knew a lot of Montagnards, and I can assure Members that I would want them to be treated with the greatest respect and care. But I am also fairly certain that it has been many years since the Montagnards tried to come back into the United States.

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

Mr. NORWOOD. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the fact is that many of them are coming to the United States right now because those refugee camps have just been closed down. They are entering California, Minnesota, Wisconsin, thousands of them.

Mr. NORWOOD. Mr. Chairman, reclaiming my time, I would ask the gentleman, how many thousands came into the country last year?

Mr. OBEY. I do not know last year. Three thousand to four thousand will come in this year.

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

Mr. NORWOOD. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think it is a great question. Are we going to support 3,000 to 4,000 Montagnards or are we going to allow 6,000 people to have HIV drugs that will prevent them from having AIDS? That is a legitimate debate, I do not deny that.

But the questions that were raised a moment ago that this money was taken from deserving programs, let us talk about where the money is coming from again. Almost $10 million from the Office of the Secretary, the General

Department of Management and Policy Research. That is a good thing for Americans to spend their money on, while 6,000 people die?

I agree that if this body thinks that that is what we should do, then that will be the will of the House. I do not believe that is what the minority party believes. They do not believe we ought to spend $10 million additional, above what the President requested, on general policy research and general department management, instead of spending extra money to help people live with HIV and prevent them from dying.

So we are really not contrasting deserving programs. We are talking about people who do not have available to them drugs, and, because they do not, they will not be with us a year from now.

Mr. Chairman, I do not want to leave this body saying I voted to spend money on a bureaucrat and let 6,000 people die in the streets of this country from AIDS, when we could have prevented it. That is what the real debate is. The debate is about people with HIV and whether or not they ought to get help, versus bureaucrats and the spending of the money on the government on things that will not impact someone's life.

So, again, I would ask consideration for this. I would yield back to my friend from Georgia, [Mr. NORWOOD], and thank him for allowing me the time to speak.

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

Mr. Chairman, I would say to the gentleman from Oklahoma [Mr. COBURN] and others on our side of the aisle who have offered amendments that I am very flattered.

They have offered to put money back into special education: A program we have increased by $1.1 billion over the last 2 years. They have offered to put money back into biomedical research: A program we have increased by $1.6 billion over the last 3 years. And here, Mr. Chairman, the gentleman from Oklahoma [Mr. COBURN] wants to put money into the Aids Drug Assistance Program [ADAP]: A program and account that we have increased 600 percent in the last 3 years, from $50 to $299 million.

The President requested $167 million for the ADAP account. We thought that that was inadequate, and increased it by $132 million, 79 percent, to a total of $299 million. The funding level, however, is not a ceiling, it is a floor. Money can be spent for drugs under Ryan White, title I, the Big City Account; it can be spent under title II, the States Account; it can be and is spent under Medicaid.

All of those sources make funding available for AIDS drugs. Members know very well that if we were actually short of money for protease inhibitors that would keep 6,000 people alive, we would come to the floor of the House and provide it in supplemental funds.

Let me say to the gentleman, his amendment takes most of the money out of refugee resettlement. That program is an unfunded mandate upon the States and local communities. We will ultimately have to spend money for refugees under general assistance payments, exactly what we should not do.

Refugees come in to the United States as a result of Federal policies. We ask the States to share in the cost of assimilating them, and now we are going to cut the amount of money that is available to them. We have already cut the program, I might say, from originally providing 36 months of assistance. We are now down to 8 months of assistance. All of those now uncovered costs are pushed over on the States and local communities. I think it is wrong to cut that account.

The amendment also cuts HHS policy research by $5 million. That sounds good. The committee increased that program by $5 million for a very specific purpose, to fund an objective study of welfare reform outcomes by the National Academy of Sciences. We believe that such a study is very important for welfare reform. I think a rigorous evaluation of what is going on in this new program is critical for congressional oversight. I think it is money very well spent.

You say that we are increasing funding for the Agency for Health Care Policy and Research. We are not. However, you would take out $2.4 million. We provided a modest amount of funding for AHCPR at the request of our own authorizing committee chairmen.

The gentleman from California [Mr. THOMAS] and the gentleman from Florida [Mr. BILIRAKIS] sent us a letter saying the President's request for AHCPR represents barely the minimum level of commitment needed for AHCPR to carry on its critical research activities. I believe, in fact, that the gentleman from Oklahoma [Mr. COBURN] serves on that subcommittee that is chaired by the gentleman from Florida [Mr. BILIRAKIS]. I am surprised the gentleman would propose to cut a program that the subcommittee chairman strongly supports.

Mr. Chairman, in the end, I believe that we have done everything that we possibly can to provide funding for people who are HIV infected. We would never think of not providing the funding that is needed for protease inhibitors. We have provided everything in the bill that is necessary. There are additional funds available under title I, title II, and certainly under Medicaid.

I think the gentleman's amendment is simply superfluous. But I would say to the gentleman, I am very flattered that he would like to increase an account that we have already increased by 600 percent.

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

Mr. PORTER. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I guess I would just like to inquire, is it the gentleman's belief that there are not people in our country today under the funding proposal we are putting forward who are not going to get treatment for HIV that cannot afford triple drug therapy?

Mr. PORTER. Mr. Chairman, reclaiming my time, I believe we will do everything necessary to provide the funds that are needed for anyone that is HIV infected and is entitled to be served under Ryan White, and that we are providing funds, as I say, from at least four different sources for these drugs.

Mr. COBURN. Mr. Chairman, if the gentleman will yield further, according to the National ADAP monitoring project, there will be 280,000 individuals eligible for this. The cost is $6,000. So what we are really talking about is we need well over $1 billion, if we are going to truly offer it to everyone that needs it.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, so the question that comes is, are there people that are going to be out there that are not going to have available treatment?

Mr. Chairman, the gentleman from Illinois, Chairman PORTER has done a wonderful job in increasing this, there is no question. But I do not think we have gone far enough.

I am willing to join with the other side to find further ways to fund it. If we could transfer money from the B-2 bomber to do this, I will vote for it. Unfortunately, as you all well know, we cannot do that.

So I would say this is not cynical. This is not some sleight of hand. The fact is there are people out there that are not going to get treated, and we ought to rise to the occasion and do it.

Mr. PORTER. Mr. Chairman, reclaiming my time, obviously, this amendment will cost States and localities $23 million in additional mandated costs for refugees. I think that this is our responsibility. As I said, if funding for AIDS is not sufficient through any of the four different accounts I mentioned, Members can be assured that we will do everything possible to provide it.

Mr. Chairman, I urge the amendment's defeat.

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

Mr. Chairman, I will be brief and probably will not use all my time. I want to keep this whole thing brought back into perspective a little bit.

I have been sitting listening to this debate for the last couple of days, talking about spending dollars here and spending dollars here and spending dollars here. I just want to remind everybody in this place that that is dollars that we are spending coming from the hard-working families out there in America. The institution we are in is going to collect those dollars out of the paychecks of hard-working families out there in America in order that they can spend those dollars on all the different programs.

For all of my colleagues listening today, I want them all to remember and to understand that there are a lot of us here that have not forgotten that all of these dollars that they are talking about spending are coming from hard-working people out in America.

We are very concerned when we see a spending increase in a particular bill of $5.2 billion, or 7 percent, in one portion of the budget. Many of us out here are concerned that the overall spending level is too high, but that is what was agreed to in the budget agreement, and that is what has brought on this debate about which programs the money should be spent on.

Mr. Chairman, for my colleagues, I would like them all to know many of us are very, very concerned, and remember through all of these debates that this is the people's money that we are spending, and these dollars that they are talking about spending on various programs are coming from the people through their hard-earned work that are collected in taxes and brought out here to Washington, DC.

Mr. Chairman, I just rise because we have been going on in these debates for quite some time, and it has all been about what we are going to spend the people's money on. We have not forgotten these are tax dollars collected from the people.

Mr. Chairman, I support the amendment.

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

Mr. NEUMANN. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I think it is also well to remind ourselves that this bill in fiscal year 1996 carried the greatest level of deficit reduction in the House of any piece of legislation; $9 billion in cuts on a $70 billion base. The reason that there is an increases in this year's bill of the magnitude the gentleman has just described is that this increase was part of an agreement between the majority and the minority, between the Congress and the White House. In that agreement the majority got tax cuts that it sought and restraints in entitlement increases in the future that it sought, in return for certain agreements to provide for priorities that the minority sought.

So the reason that the allocation for this account is as high as it is, is simply because it is carrying out a balanced budget agreement. We are bringing this bill to the floor within the context of bringing the budget into balance, which is, I know, your No. 1 priority, but also for all the time I have been in Congress, my No. 1 priority.

Mr. NEUMANN. Mr. Chairman, reclaiming my time, I certainly respect the Chairman [Mr. PORTER]. I did not rise to object to what the gentleman is doing, but rather, after listening to this debate about spending money so long out here, I felt it was time somebody stood up and reminded everyone this is the taxpayers' money being spent, and we are still very, very concerned about the level of spending.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 282, not voting 10, as follows:

[Roll No. 377]

AYES—141

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
English
Ensign
Ewing
Forbes
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Granger
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Johnson, Sam
Jones
Kasich
Klink
Largent
Lewis (KY)
Lucas
Manzullo
McInnis
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Ramstad
Redmond
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Campbell
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodlatte
Goodling
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney

Torres	Watt (NC)	Wolf
Traficant	Waxman	Woolsey
Turner	Weldon (PA)	Wynn
Vento	Wexler	Yates
Visclosky	Weygand	Young (AK)
Walsh	Whitfield	Young (FL)
Waters	Wise	

NOT VOTING—10

Carson	Hilliard	Towns
Dellums	Owens	Velázquez
Dickey	Schiff	
Gonzalez	Serrano	

□ 1619

Messrs. RODRIGUEZ, GREENWOOD, HALL of Texas, MURTHA, BILIRAKIS, GUTKNECHT, WEYGAND, SAXTON, and INGLIS of South Carolina changed their vote from "aye" to "no."

Messrs. HUNTER, CRAPO, GOSS, HUTCHINSON, and HILLEARY, and Ms. DUNN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of title II is as follows:

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101-509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

SEC. 211. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to paragraph (2), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the deed or other instrument of conveyance contains the conditions specified in subsection (d); the instrument specifies that the United States and the State of Louisiana agree to such conditions; and the instrument specifies that, if the State engages in a material breach of the conditions, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c)(1) With respect to Federal equipment and other items of Federal personal property that are in use at the Center as of the date of the enactment of this Act, the Secretary may, subject to paragraph (2), transfer to the State such items as the Secretary determines to be appropriate, if the Secretary makes the transfer under subsection (b).

(2) A transfer of equipment or other items may be made under paragraph (1) only if the State agrees that, during the 30-year period beginning on the date on which the transfer under subsection (b) is made, the items will be used exclusively for purposes that promote the health or education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(d) For purposes of subsection (b)(2), the conditions specified in this subsection with respect to a transfer of title are the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b)(1) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve.

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary for such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on which the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4)(A) With respect to projects to make repairs and energy-related improvements at the transferred property, the Secretary will provide for the completion of all such projects for which contracts have been awarded and appropriations have been made as of the date on which the transfer is made.

(B) If upon completion of the projects referred to in subparagraph (A) there are any unobligated balances of amounts appropriated for the projects, and the sum of such balances is in excess of $100,000—

(i) the Secretary will transfer the amount of such excess to the State; and

(ii) the State will expend such amount for the purposes referred to in paragraph (1), which may include the renovation of facilities at the transferred property.

(5)(A) The State will maintain the cemetery located on the transferred property, will permit individuals who were long-term-care patients of the Center to be buried at the cemetery, and will permit members of the public to visit the cemetery.

(B) The State will permit the Center to maintain a museum on the transferred property, and will permit members of the public to visit the museum.

(C) In the case of any waste products stored at the transferred property as of the date of the transfer, the Federal Government will after the transfer retain title to and responsibility for the products, and the State will not require that the Federal Government remove the products from the transferred property.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property

with facilities management or dietary duties:

(A) The State will offer the individual an employment position with the State, the position with the State will have duties similar to the duties the individual performed in his or her most recent position at the transferred property, and the position with the State will provide compensation and benefits that are similar to the compensation and benefits provided for such most recent position, subject to the concurrence of the Governor of the State.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (e)(2)(B) (relating to disability), as applicable with respect to the individual.

(7) The Federal Government may, consistent with the intended uses by the State of the transferred property, carry out at such property activities regarding at-risk youth.

(8) Such additional conditions as the Secretary determines to be necessary to protect the interests of the United States.

(e)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with facilities management or dietary duties, and who becomes an employee of the State pursuant to subsection (d)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever are applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by the State pursuant to subsection (d)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date of the transfer.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(4) With respect to individuals who as of the date of the enactment of this Act are Federal employees with positions at the Center and are not, for duty at the center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) During the calendar years 1997 and 1998, the Secretary may in accordance with this paragraph provide to any such individual a voluntary separation incentive payment. The purpose of such payments is to avoid or minimize the need for involuntary separations under a reduction in force with respect to the Center.

(B) During calendar year 1997, any payment under subparagraph (A) shall be made under section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104-208), except that, for purposes of this subparagraph, subsection (b) of such section 663 does not apply.

(C) During calendar year 1998, such section 663 applies with respect to payments under subparagraph (A) to the same extent and in the same manner as such section applied with respect to the payments during fiscal year 1997, and for purposes of this subparagraph, the reference in subsection (c)(2)(D) of such section 663 to December 31, 1997, is deemed to be a reference to December 31, 1998.

(f) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansen's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, was a patient of the Center and is considered by the Director of the Center to be a long-term-care patient (referred to in this subsection as an "eligible patient"), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient.

(5)(A) For purposes of paragraph (4), an eligible patient who is legally competent has the following options with respect to support and maintenance and other nonmedical expenses:

(i) For the remainder of his or her life, the patient may reside at the Center.

(ii) For the remainder of his or her life, the patient may receive payments each year at an annual rate of $33,000 (adjusted in accordance with subparagraphs (C) and (D)), and may not reside at the Center. Payments under this clause are in complete discharge of the obligation of the Federal Government under paragraph (4) for support and maintenance and other nonmedical expenses of the patient.

(B) The choice by an eligible patient of the option under clause (i) of subparagraph (A) may at any time be revoked by the patient, and the patient may instead choose the option under clause (ii) of such subparagraph. The choice by an eligible patient of the option under such clause (ii) is irrevocable.

(C) Payments under subparagraph (A)(ii) shall be made on a monthly basis, and shall be pro rated as applicable. In 1999 and each subsequent year, the monthly amount of such payments shall be increased by a percentage equal to any percentage increase taking effect under section 215(i) of the Social Security Act (relating to a cost-of-living increase) for benefits under title II of such Act (relating to Federal old-age, survivors, and disability insurance benefits). Any such percentage increase in monthly payments under subparagraph (A)(ii) shall take effect in the same month as the percentage increase under such section 215(i) takes effect.

(D) With respect to the provision of outpatient and inpatient medical care for Hansen's disease and related complications to an eligible patient:

(i) The choice the patient makes under subparagraph (A) does not affect the responsibility of the Secretary for providing to the patient such care at or through the Center.

(ii) If the patient chooses the option under subparagraph (A)(ii) and receives inpatient care at or through the Center, the Secretary may reduce the amount of payments under such subparagraph, except to the extent that reimbursement for the expenses of such care is available to the provider of the care through the program under title XVIII of the Social Security Act or the program under title XIX of such Act. Any such reduction shall be made on the basis of the number of days for which the patient received the inpatient care.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5)(A).

(7) After the date of the enactment of this Act, the Center may not provide long-term care for any individual who as of such date was not receiving such care as a patient of the Center.

(8) If upon completion of the projects referred to in subsection (d)(4)(A) there are unobligated balances of amounts appropriated for the projects, such balances are available to the Secretary for expenses relating to the relocation of the Center, except that, if the sum of such balances is in excess of $100,000, such excess is available to the State in accordance with subsection (d)(4)(B). The amounts available to the Secretary pursuant to the preceding sentence are available until expended.

(g) For purposes of this section:

(1) The term "Center" means the Gillis W. Long Hansen's Disease Center.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "State" means the State of Louisiana.

(h) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

"SEC. 320. (a)(1) At or through the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment. The Secretary may not at or through such Center provide long-term care for any such disease or complication.

"(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and related complications, and shall conduct and promote the coordination of research (including clinical research), investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and other mycobacterial diseases and complications related to such diseases.

"(3) Paragraph (1) is subject to section 211 of the Department of Health and Humans Services Appropriations Act, 1998.

"(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

"(c) The Secretary shall carry out subsections (a) and (b) acting through an agency of the Service. For purposes of the preceding sentence, the agency designated by the Secretary shall carry out both activities relating to the provision of health services and activities relating to the conduct of research.

"(d) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purpose.".

SEC. 212. None of the funds appropriated in the Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on resisting attempts to coerce minors into engaging in sexual activities.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1998".

AMENDMENT NO. 3 OFFERED BY MR. ISTOOK

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

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

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 105–214 offered by Mr. ISTOOK:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this Act or any other Act for any fiscal year may be made available to any provider of services under title X of the Public Health Service Act if such provider knowingly provides contraceptive drugs or devices to a minor, unless—

(1) the minor is emancipated under applicable State law;

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices;

(3) a court of competent jurisdiction has directed that the minor may receive the drugs or devices; or

(4) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices.

(c) Each provider of services under title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

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

Mr. ISTOOK. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to limit the time for the debate.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. MANZULLO: Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ISTOOK. Mr. Chairman, this is an amendment that goes to the heart and soul of what happens in the families in the United States of America, what happens with our most precious possessions and involvements, our children and the role between parent and child.

Mr. Chairman, this goes to the heart of what families do with their children, what we teach our children, and the role that we undertake as parents, and, unfortunately, how one of the major programs in this bill interferes with that.

One of the most important things that most of us teach our children is that certain things should be reserved for marriage. We are talking, of course, about the sexual conduct of teenagers. We are talking about the fact that the out-of-wedlock teenage birth rate has doubled since the adoption of a particular Federal program, a program that allows counseling and contraceptives and condoms and IUD's and birth control pills and other chemicals to be given to youngsters.

Mr. Chairman, I am talking about people as young as 13 and 12 years old even, and their parents never know about it and their parents are never notified, they are never involved. Two million dollars a year of our tax money goes to this program. One and a half million teenagers a year go to the so-called title X clinics. A third of the caseload that they handle is teenagers.

Now, if my child is involved in something they should not be, if they were using drugs illegally, if they were involved in a gang activity or something against the law, I would be notified. Yet, even though for any other type of medical treatment a teenager is required to get the consent of their parent, Federal law creates an exception if they are going to go into a federally funded clinic and get birth control and contraceptives.

Now, Mr. Chairman, what happens is very fascinating. Some people try to paint a picture that teenagers do what they have always done. But what is not known is since Federal law has cut teens off from so much of the advice and counsel of their parents, it is not just teens and teens.

Mr. Chairman, look at some of the headlines from Charleston: "Bus driver guilty in teen seduction"; from Austin: "Older fathers and teen mothers and tougher laws"; Omaha: "Going after men who prey on minors"; the Rocky Mountain News in Denver: "Adult men blamed in teen pregnancies"; Chicago: "Older men who impregnate teens targeted."

□ 1630

The Washington Post, "California cracks down on men to curb underage pregnancies."

You see, studies in recent years have shown that 60 percent of young women who have sex before the age of 15 were coerced by males an average of 6 years older than them, and that two-thirds of births to teenage girls across the country is a situation where the father is not a teenager but they are 20 or older.

Sexual predators who prey on young women have the opportunity given to them to give them that extra little bit of reassurance and keep the relationship going because they simply take them to a title X clinic, a Federal clinic, where they are given the contraceptives and their parents are never told about it. A situation that under the laws of almost any State in the country would be illegal, that might be labeled sexual abuse or child abuse or molestation or statutory rape, is totally ignored.

We have laws on the books in just about every State saying that if there is this kind of activity involving a minor, you are supposed to report it.

But we have a Federal regulation that says what they do in the title X clinics is absolutely confidential and cannot be shared with anyone, not law enforcement, not the parents.

This amendment fixes that. It says, if there is a situation, such as I described, involving an underage child, title X providers must report that and comply with State law the same as anyone else who deals with services to our young people. It says, before any contraceptives are going to be given to a minor in a title X program, their parent will be notified 5 days before that is disseminated.

Mr. Chairman, this is not a requirement for parental consent, but it is a requirement of notification to fix this problem.

Mr. Chairman, I would certainly urge adoption of the amendment.

AMENDMENT OFFERED BY MR. CASTLE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. CASTLE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 4 printed in House Report 105-214 offered by Mr. CASTLE as a substitute for the amendment offered by Mr. ISTOOK:

At the end of title of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds appropriated in the Act may be made available to any entity under the title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Mr. CASTLE. Mr. Chairman, ironically enough, considering the discussion which we have going on today pursuant to a Republican amendment, title X of the Public Health Act, the National Family Planning Program, was enacted in 1970. It was sponsored by then-Congressman George Bush and it was signed into law by then-President Nixon, two good Republicans.

The program, as we know, provides grants to public and private nonprofit agencies who support projects which provide a broad range of family planning and reproductive services as well as screening for breast and cervical cancer, sexually transmitted infections, and high blood pressure. It also supports training for providers and information and education programs, and a research program which focuses on family planning service delivery improvements.

More than 4.3 million clients were served through a network of over 4,200 centers funded, in part, by the program. Almost 60 percent of the health care providers are operated by State, county, and local health departments.

By law, none of the funds provided under the National Family Planning Program may be used for abortions. Today, we have an amendment before us, presented by the gentleman from Oklahoma, which would require parental notification with a 5-day waiting period, or consent.

I know all of us would like to think that every teenager out there has a wonderful relationship with loving parents, but the fact of the matter is that many teenagers simply do not. There are young people out there who are afraid of their parents. There are young people out there who do not have parents. There are young people out there who, frankly, have nobody who they can turn to if a circumstance arises in which they need help in the kind of parlance that we are talking about with respect to title X.

So there are young people who unfortunately would rush out and have unprotected sex if they knew practicing safe sex would come at the price of having a parent or their parents find out.

Studies show, and this is important, that if parental involvement were mandated, 80 percent of teens would no longer seek care at facilities, but fewer than 1 in 100 would discontinue sexual relations. That is an incredible ratio when we consider it. This would, obviously, lead to higher pregnancy rates and more abortions.

I know the gentleman from Oklahoma feels very deeply about this issue and cares as much as I do about young people. But his parental notification/consent amendment would effectively drive a stake in the heart of the family planning program and it would encourage even more irresponsible behavior.

I understand the desire to get parents involved in their kids' decisions. I could not agree more with that. My amendment does that. It encourages family planning providers to encourage the involvement of parents when teens seek contraception and other family planning services. I think that is a very important step.

Mandated parental notification/consent would scare teens into doing something stupid, like having unprotected sex in secret, rather than having their parents find out that they wanted to do the right thing, they wanted to be safe.

Leading medical groups, including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Academy of Family Physicians, all oppose mandatory parental notification for young people seeking family planning services.

I believe that the substitute will do nothing to prevent the victimization of children.

First, currently, if evidence of rape, sexual abuse, incest or any other crime is uncovered, title X personnel direct the client to appropriate care providers and notify appropriate legal authorities. It has always been the law that recipients of title X funds are in no way exempt from State-imposed criminal reporting requirements. Our substitute amendment strengthens the Federal role in stopping the sexual predators who prey on minors.

Under my amendment, title X grantees must counsel their clients on how to resist and avoid such coercive sexual relationships. This will not only help young people avoid such situations, but it will also help more counselors identify these situations and provide the proper assistance to end them.

As I have indicated, we agree on the goal of parental involvement. We all want children to abstain from sexual relations at a young age and feel like they could approach their parents on this and every other subject. We would like to think that they all have good and open relationships, but that is not reality. Reality is that that is not the way it is. And the truth of the matter is that a lot of these kids need help. And if they do not get that help, the problems are going to be a lot greater than if they do get that help.

So my judgment is that we need to listen carefully to this debate. I think it should be a full and extensive debate. But we need to understand the import of what the Istook-Manzullo amendment would do. It would lead to a situation in which children are simply going to refuse to go for planning, in which case there is going to be unwanted pregnancies and more abortions.

Mr. HYDE. Mr. Chairman, I rise in support of the Istook-Manzullo amendment.

Mr. Chairman, I do not expect to use the full 5 minutes. This is essentially a rather simple question. It is not a simple subject but the question is simple.

When I first came to Congress, 1975, it is a long time ago, the fashion in political advocacy was to use the word "defense." Everything that had a "defense" in it was going to have a leg up in passage. The Defense Education Act.

In the Clinton era, the key phrase was "change." We all campaigned as agents of change.

Lately, family values has become a universal aspiration. We all stand foursquare for family values. One family value is parental responsibility. Any program that deliberately bypasses parents to provide birth control devices to minors, in my judgment, is an egregious violation of family values.

It is little less than legitimating promiscuity. What kind of a lesson do we teach? We teach youngsters, young

ladies in particular, young women, to conceal from their parents the fact that they are engaged in sexual activity and we, the clinic, will facilitate, if not condone, that activity by providing condoms, drugs, or pills.

We legislate as though every family or most families are dysfunctional. I submit there are dysfunctional families but they are the minority and not the majority. Sexual activity has serious, serious consequences, the movies on cable television notwithstanding.

We frustrate family values by legitimating the concealment from parents of a child's participation in activity of the most sensitive, intimate, and consequential nature. We should be strengthening parental rights, not diminishing them.

I suggest a vote for the Manzullo and Istook amendment is the appropriate one. I think if you vote for Istook and Manzullo and vote against the Castle amendment, a gentleman for whom I have boundless admiration but do not agree with him in this situation, oppose the substitute and vote for Istook and Manzullo, and then if you do that, you can campaign for family values with a straight face.

Mr. OBEY. Mr. Chairman, I rise in support of the Castle amendment.

Mr. Chairman, first of all, let me say that there is virtually no Member of this House, certainly on that side of the aisle, for whom I have more respect than the gentleman from Illinois [Mr. HYDE]. I have a great deal of fondness for him personally as well.

I want to say that I very much enjoyed the opportunity to work very closely with him just a couple of weeks ago in fashioning a new compromise on this bill which expands the effect of the Hyde amendment to cover HMO situations. I think that the gentleman from Illinois [Mr. HYDE] correctly indicated that there was a problem with HMO's who tried to get around the Hyde amendment, and I am pleased that we were able to work with him to expand that amendment. I think that should help unify the House behind this bill.

In this instance, however, I differ with the gentleman's judgment, although I did not on the other question, because I think here the issue is not what we want our children to do but how we think we can best affect what it is they do. This is not a question about goals. It is a question about approaches. It is a question of what you think works, at least in my view.

I think the virtue of the Castle amendment, and I would urge Members to just read the language, because what the Castle amendment says is that none of the funds in this bill may be used unless clinics certify that they encourage family participation in the making of these decisions and that they also provide counseling to their clients on how to resist efforts at coercive sex from adults.

I think that is important. If there are sexual predators walking around communities, the answer is not to screw up the ability of these clinics to provide needed services. Those services which will, in my judgment, help to prevent abortions. The answer is to throw the book at those sexual predators and keep them in jail.

Now, I thought that when we passed legislation such as the welfare reform bill that we were trying to send a message that we expect people to recognize personal responsibility. I do not believe we ought to take off the hook the predators who engage in the kind of acts cited by the gentleman from Oklahoma by saying: "Oh, it was the fault of the clinics because they did not have the right procedures." It was the fault of the individuals who engaged in that conduct!

Let me simply say that I wish that every family in America worked in a way that enabled young people to talk to their parents. The problem is, and I run into a lot of them, the problem is that there are a lot of families that do not work that way. These youngsters on some occasions are going to wind up engaging in inappropriate sex either with consultation with some adult or they are going to engage in it with consultation with no adult at all.

□ 1645

If, for those children, that is the choice, then I would prefer that they at least have some opportunity to talk to an adult, because the consequences are not only unwanted pregnancies, there are also unwanted abortions and an increase in sexually transmitted diseases.

I would also like to make a point that the American Hospital Association and the American Public Hospital Association have reviewed the text of this amendment and they indicate that their reading of it is that the parental consent requirement applies not just to title X funds, but to all funds used to provide contraceptives, including State and privately raised funds. That means if a hospital or clinic fails to abide by the parental consent requirements, they believe that they would have to forfeit all Federal funds.

I do not think we want to see that happen, and so I would respectfully urge that we support on a bipartisan basis the Castle amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word, and before I get to the meat of my comments, I want to point out that that amendment that I rise in support of calls for a parental notification, not consent. So we need to debate the facts here.

I encourage all my colleagues to support the Istook-Manzullo amendment and reject the Castle amendment. If we really do support family integrity, the United States, and indeed going back into history, British law has a longstanding tradition of parental rights where parents have the authority and control over raising their kids.

We, in this country, beginning with this program as it began in 1975, began in a direction that is in direct violation of that principle in the sense that now the Federal Government is funding a program that will allow minor children, females, to go in and see a physician and get contraceptive services, to include injections of medications, placement of IUD's, without parental consent, with absolutely no knowledge of their parents.

Some of these interventions are not without risks. As many of my colleagues know, prior to coming here, I was a full-time practicing physician. One of the drugs that is dispensed, for example, in these clinics, is injections of a drug called Depo-Provera, a drug that has associated with it the potential complications of thromboembolic disease, which is blood clots, blood clots in the legs, blood clots traveling to the lungs.

These clinics can place IUD's. IUD's are associated with a tremendously enhanced risk of infectious complications, and all of this can be done without parental consent.

Our children cannot get aspirin from a school nurse without parental consent; our children cannot get their ears pierced, but they can go into a title X clinic and get access to these medical services.

The supporters of this policy as it has existed for the past 20 years claim that, oh, it is necessary because these young girls are sexually active and they have to have access to these services; and if they have to tell their parents, it is going to cause a lot of conflict, and some of them come from difficult homes, et cetera.

There used to be a time in this country where the kinds of conflict that would be introduced by these young girls talking to their parents about this issue would be considered healthy, it would be considered good. But now we want to intervene and say no, no, no, we just want to give them these services.

Now, I would, perhaps, be somewhat sympathetic to the supporters of the existing policy if, indeed, this program was having some kind of a positive impact, but we all know what the impacts have been. Actually, the teen pregnancy rate in this country has gone up dramatically, and, indeed, probably what is more significant is the incidence of venereal disease and the long-term complications of those venereal diseases, such as infertility, which has just gone up 5-, 10-, 15-fold over the last 25 years. If we talk to any practitioner who engages in that practice, he will tell us that is a tribute to the high rate of promiscuity.

Let me close by just saying this. We cannot have our cake and eat it too.

We cannot say, I support family values, I am opposed to all this sexual activity for teenagers, but, yes, we have to fund contraceptive services to be done in a fashion where parents do not even know.

I just want to point out that this amendment calls for parental notification. And, in addition, I just want to add one more important thing, a point that was made by the gentleman from Oklahoma, in that many, many of these girls are having sexual activity with men who are over the age of 18. In most States that is statutory rape, and in some instances, these children have been seduced and are, in effect, being abused.

As a matter of fact, I believe we are going to hear the story about a specific case of that occurring in the district of the gentleman from Illinois [Mr. MANZULLO], where a young girl was seduced and was being sexually abused and getting contraceptive services with the assistance of this man who was abusing her.

In my opinion, this policy, as it has existed for the past 20-plus years, is a direct affront to the principle of standing up for family values and believing in the rights of moms and dads to have a role to play in the care of their children; and I would encourage all my colleagues to support the amendment of the gentleman from Oklahoma and oppose the Castle substitute.

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

Mr. Chairman, I rise in strong support of the Castle substitute and in strong opposition to the Istook amendment.

The Istook amendment would do great harm to our efforts to lower the number of unintended pregnancies and abortions and to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS in our young people.

On the face of it, it may seem reasonable to require parental consent and notification for contraceptive services, but the Istook amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active, have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease.

Minors who go to clinics are strongly encouraged to involve their parents and many do bring a parent with them on subsequent visits.

Much has been made of the new Istook amendment, with some confusion as the true impact of the latest modifications. Today's version would require parental consent or written notification with a 5-day waiting period before minors could receive contraceptive services. It is clear that the effects of this amendment would be the same as in the original version.

If teens are required to obtain written parental consent or notification for any title X services, many of them are going to avoid the program completely. It is important to remember that some contraceptives provide protection from STD's, sexually transmitted diseases. The opportunity to provide accurate, potentially life-saving education on the transmission of HIV and other STD's could also be lost if teens avoid these services because of parental consent requirements. And delays in services will only lead to unintended pregnancies, more abortions, and higher rates of STD's and HIV.

As has been mentioned, the medical community is also overwhelmingly opposed to parental consent and notification requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association all agree that contraceptive services should be available to adolescents without their parents' consent or knowledge.

Now, the Castle substitute properly requires that title X programs encourage parental involvement when teens seek family planning services. It also provides counseling to minors to prevent coercive sexual activity. In its letter endorsing the Castle substitute, the American Medical Association states,

> We believe that the substitute amendment properly balances the need for a strong patient-physician relationship with parents', families', and society's overwhelming concerns with preventing unintended pregnancies among minors.

That is a direct quote.

So, Mr. Chairman, I urge my colleagues to vote "yes" on the Castle substitute and to vote "no" on the Istook amendment. Let us act responsibly by encouraging parental involvement while also protecting the health of our Nation's youth.

Mr. PORTER. Mr. Chairman, I now ask unanimous consent that debate on this amendment and the Castle amendment thereto close in 3 hours; that half of that time be allocated to the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO] or their designee; that the other half be allocated equally to the gentleman from Delaware [Mr. CASTLE] or his designee and the gentleman from Wisconsin [Mr. OBEY] or his designee.

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

Mr. ISTOOK. Mr. Chairman, reserving the right to object.

For clarification, the gentleman phrased it as 3 hours from now. By that, does the gentleman mean 1½ hours per side? If there is something else delaying the business, it would not be counted against either side; so that 1½ hours, divided, would be the time the gentleman mentioned?

Mr. PORTER. Yes, Mr. Chairman.

Mr. ISTOOK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. This amendment will be debated for 3 hours divided, 1½ hours controlled by the gentleman from Oklahoma [Mr. ISTOOK] or his designee, 45 minutes controlled by the gentleman from Delaware [Mr. CASTLE], and 45 minutes controlled by the gentleman from Wisconsin [Mr. OBEY].

Mr. PORTER. Or their designees in each respective case, Mr. Chairman.

The CHAIRMAN pro tempore. Or their designees. That has been stated.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. WATTS], my corepresentative.

Mr. WATTS of Oklahoma. Mr. Chairman, across our Nation parents are engaged in a daily struggle for the hearts and minds and souls of their children. Their struggle is with an American culture which, under the protection of our constitutional freedoms, too often expresses these freedoms in a message of moral, ethical and sexual liberation that reaches even our youngest children.

Through television and advertising, through the Internet and other sophisticated methods of communication, our children are bombarded with these messages, sometimes subtle, sometimes overt; messages which celebrate immoral behavior, messages which promote promiscuity, messages over which we, as parents and adults, have little or no control.

The struggle against these influences is particularly difficult to working parents who have discovered that between the hours of 3 p.m. in the afternoon, when school lets out, and 6 o'clock in the evening, when they get home from work, we have allowed the development of an adult-free, supervision-free culture. Studies have shown this is the time when teenagers experiment with drugs, commit juvenile crime, and engage in sexual activity.

In this battle, one would think the Government should be an ally for the family, but in the case of the title X program, it most certainly is not. On the contrary, title X allows the child to lead an independent sexual life without any regard for the rights and responsibilities that parents have to intercede to counsel, to guide, to protect, and to raise their own children. The Government usurps that function and legitimizes the chasm between parent and child.

In this regard, the Istook-Manzullo amendment seeks only to allow parents

to be informed of their child's decision concerning this critical part of their development as a human being. This seems to me such a minimal request when one considers the extraordinary responsibilities of parenthood. If we expect individuals to be responsible as parents, we must guarantee them their rights as parents.

I confess that it amazes me that this fact is subject to debate considering that if my daughter's school nurse wanted to give her an aspirin, it is mandatory that they notify the parents or the guardian.

□ 1700

However, if a health clinic wants to give her birth control pills, the parents do not have to be notified or if some adult man is having sexual activity with my daughter, something happens, again they do not have to notify the parents. I think that is crazy for Government to intervene and take the rights of parents and say that their parent or guardian, the person that is responsible for that child, they should not be notified.

I commend my colleagues from Oklahoma and Illinois for their leadership on this issue. This is a vote to help American families regain control over their lives. I encourage a "yes" vote on this very, very important amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I rise to strongly oppose the Istook-Manzullo amendment and to support the Castle-Porter substitute. The United States has a teen pregnancy rate of twice as high as England, France, Wales, and Canada. One million young women under the age of 20 become pregnant each year. This costs our fellow taxpayers and ourselves $7 billion annually. Only 36 percent of sexually active teens seek services from family planning clinics after they suspect pregnancy. Requiring parental consent or parental notification for contraceptive services will lower the number of teens seeking this service and therefore increase the cost of unplanned pregnancies, increase the incidence of sexually transmitted diseases and increase the rate of abortions.

This is pro-abortion legislation of my good colleagues, the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO], because that is what the result of their proposal is going to be. Twenty-three States, including California, have laws that explicitly allow contraceptive services for teens without parental consent. As one can see, the results of this amendment would be to violate States rights, which surprise me, coming from these two gentlemen, and increase the cost to the taxpayers, which also surprises me. This would be hypocritical at a time when Congress is working to give more power to the States and reduce the strain on taxpayers.

From every perspective, the Istook-Manzullo amendment is simply bad public policy and to overcome bad public policy, I urge my colleagues on both sides of the aisle to strongly support the Castle-Porter substitute and to get around to solving the problem rather than simply have ideological issues that make no sense in the real world.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, let me begin by saying how disappointed I am that the gentleman from Oklahoma [Mr. ISTOOK] is violating the agreement that our chairman and ranking member agreed to in order to keep the bill free of controversial and extreme amendments. Mr. Chairman, the Istook amendment represents the latest attack by family planning opponents against our Nation's flagship program. Two years ago family planning opponents tried to zero out funds for the title X program. Fortunately, they failed. Last year family planning opponents, led by the gentleman from Oklahoma [Mr. ISTOOK], offered an amendment very similar to today's. Thankfully the amendment also failed.

We must defeat the Istook amendment once again. The Istook amendment would deny contraception to minors unless they have the consent of their parents or waited 5 days after their parents were notified before obtaining contraception. Some of my colleagues are making a distinction between notification and consent, but who is kidding whom? The 5-day waiting period before contraception can be obtained is no different than parental consent. That is why the AMA, the American Academy of Pediatricians, Child Welfare League, Public Health Association, Social Workers and Nurses Association all oppose the mandatory parental notification restrictions in the Istook amendment. Because they know, they understand that parental notification laws drive minors away from seeking basic health services. But the Istook amendment does not just prohibit the use of title X funds for contraceptive services to minors. It could also bar programs from using any Federal, State, or private funds for this purpose. This is so important, Mr. Chairman, that 24 States have passed laws assuring that minors can get access to contraceptives.

Furthermore, hospitals, community health centers, and other organizations that receive title X funds could face the loss of all Federal funding if they provide contraception to minors without abiding by the Istook parental notification consent restriction regardless of which funds they use. That is why the American Hospital Association and the National Association of Public Hospitals are opposed to the Istook amendment.

Let me say as my colleagues did, as a mother of three, a grandmother of one, soon to be, please God, a grandmother of two, we would like all youngsters to have parents such as many who spoke this evening. It would be wonderful if all parents had that kind of relationship with their youngsters. Unfortunately, it just does not exist in this country. In fact, we would prefer that teens would abstain from having sex altogether. But unfortunately we understand that minors will not change their behavior. There is a lot of work we can do to help them move to change their behavior, but what we are going to see if this is passed, many teenagers will forgo contraception rather than facing their parents, and that is unfortunate but it is the fact, and in fact studies show that 80 percent of teens seeking family planning services have already been sexually active for nearly a year. In fact, my colleague said that Federal law cuts children off from contact with parents. What the substitute does is encourage the contact with parents, but we have learned that mandating it just does not work. What we are going to create is more teenage pregnancies unfortunately.

By denying contraceptive services to tens of thousands of teens, the Istook amendment will simply result in higher rates, not only of teen pregnancy, of STD's and more abortions. If teens are required to obtain parental consent for contraceptive services, they will also avoid STD and HIV screening and routine gynecological exams.

Our Nation already leads the Western world in teen pregnancies. Millions of teens have some kind of STD and the incidence of AIDS among teens is alarming. We need to address these problems, but not by making title X services more difficult to obtain.

Mr. Chairman, we have a real teen pregnancy crisis in this country, and the Istook amendment will only make it worse. Opponents of family planning are exploiting a tragic situation in Illinois to gather support for their position. If the 37-year-old teacher in question is found guilty of carrying on an illegal and amoral relationship with a teenager, he should be prosecuted to the full extent of the law. We are in agreement on that. Let us not exploit that situation for this purpose, because there is no connection. If school authorities knew about the relationship, they should be held responsible. We should not be blaming the title X program for this man's actions.

Title X clinics are now required to report cases of rape, child molestation, and abuse. Clinic personnel would have been required to report this illegal relationship had they known about it. Let us stop exploiting this tragedy in

the name of national policy. I urge my colleagues to support the Porter substitute instead. The Porter substitute will require that title X programs encourage the involvement of parents when teens seek contraception and other family planning services. By encouraging parental involvement rather than mandating it, we can ensure that teens will not pass up necessary health care services. This is the same language that passed the House last year.

The Porter substitute also requires that young women seeking title X services receive counseling on how to resist and avoid coercive relationships with male sexual predators. We cannot be tough enough on sexual predators and by voting for the Porter substitute, we can help to stop them. Let us remember, Mr. Chairman, if the Istook amendment passes, teens will not stop having sex but they will have more unintended pregnancies. Let us not make the teen pregnancy crisis in this country worse.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds in response.

Mr. Chairman, contrary to what the speaker has represented, there is not any requirement for title X providers to report these situations. The Congressional Research Service, which provides the information for us in Congress, double checking the laws for us, confirmed that in writing to me, and I have it if anyone would want to look at it.

Further, when we talk about the escalation of teen pregnancies, actually, Mr. Chairman, it is since the adoption of title X that the teen pregnancy rate out of wedlock has exploded in this country. Slow increases turned into a doubling after title X was adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I thank the distinguished gentleman from Oklahoma for yielding me this time. I want to compliment him and my distinguished neighbor, the gentleman from Illinois [Mr. MANZULLO]. The case that the gentleman from Illinois will get into in some detail occurred in a portion of my old district that I lost apparently just on the eve of the molestation of that little girl by that pervert teacher. But a thing that I think is important as a father of seven daughters is, I certainly would want to be notified and communicated with in a similar type circumstance. I think as a parent I have an absolute right to be notified, and that I make that kind of a decision for a minor child. I think a minor child, as in the case that the gentleman will elaborate on more fully later, a minor child involved in this kind of situation at the age of 13 is hardly in a position to be making any kind of significant judgments about what is proper behavior. One needs the parental consultation and involvement.

I would urge my colleagues, because it does not sabotage the remainder of title X, but it does put that important qualification in there, and I would urge my colleagues to support the Istook-Manzullo amendment.

Mr. ISTOOK. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. MANZULLO].

□ 1715

Mr. MANZULLO. Mr. Chairman, all laws have faces, and every statute we pass in this body has a consequence. Let me tell you about a consequence as a result of title X that has occurred in the district that I represent.

She was 13 when she was first molested by her 37-year-old teacher. The relationship went on for a year and a half. He, tired of using condoms, took her to the McHenry County Illinois Health Department, at that time she was 14, where, without the knowledge of her parents, she was injected, her arm pierced by a hypodermic needle containing the powerful drug Depo-Provera.

This happened on at least two or three occasions at the age of 14. Under no circumstances could she consent to sexual relations, so the people who gave her the shots knew that she was being statutorily raped, and there was no report of that made.

She became anorexic and her parents finally asked her what happened, and today she is in therapy 5 days a week, because, for a year and a half, this little girl's incident was not reported to the authorities because of the confidentiality requirement under title X.

All acts have consequences. Depo-Provera, the very chemical that is used in the State of California for sexual predators who voluntarily want to be chemically castrated, Depo-Provera, the very chemical whose side effects include blood clotting. Depo-Provera, the controversial hormonal agent injected into her arms, without the knowledge of her parents. Depo-Provera, drugs being ingested, given to children as young as 12 years old, and it happened 6,500 times in the past 2 years in the State of Illinois.

This is what is happening in these title X clinics. And I do not blame the health providers. I blame the U.S. Congress, which has said over the past several years that parents have absolutely no role to play in their children's sexual involvement.

A child being injected with such a powerful drug. In fact, the ACLU said that they objected to the California prisoners who wanted voluntary chemical castration based upon the cruel and unusual punishment because of the tremendous side effects of that drug. That is what is going on in America today.

This amendment does two things: No. 1, it restores the parent as the person in charge of the household. No. 2, it sends a message, that the confidentiality requirements of title X do not shield health care providers from reporting that children that young are involved in sexual activities.

That is what this amendment is about. If, as they say, well, the title X providers are already covered by this particular reporting law, then do not worry about it, the next State may not. If it applies, it applies; if it does not apply, it does not apply.

But we guarantee under Federal mandate that the rape that is taking place in this country, that the Guttmacher Institute, which is the research arm of Planned Parenthood, is saying that little girls are becoming younger in age and their sexual partners are becoming older in age.

We have wholesale rape going on in this country. We are saying the U.S. Congress should make it a policy that whoever takes Federal funds is bound by the State reporting laws.

Yes, if she had gone to a high school clinic or principal or teacher, that person, under penalty of 1 year in jail, would have had to report that to the authorities.

What this law does is very simple: It allows for unrestricted information and counseling. It requires a title X clinic to provide notification to the parent or legal guardian for minors seeking contraceptive services and devices. It allows for judicial bypass as an exemption for emancipated minors. It attempts to include parents in the conversation.

In McHenry County, IL, where there is no requirement for parental notification, 52 percent of the children receiving these services already have parental involvement, and included in that 48 percent was this precious 14 year old who was in daily counseling because nobody reported that, at age 14, it is illegal for her to have sex in the State.

What the amendment does not do, it does not prevent the treatment of or testing for sexually transmitted diseases. That answers the question of the gentlewoman from New York [Mrs. LOWEY]. Parental notification is not required for minors to be treated for STD's. It does not deny services to teens, and it does not require parental consent.

This is a very reasonable amendment. This amendment says the following: Who is in charge of the children of this Nation? Is it the U.S. Congress or is it the parents?

The amendment says something else, that anybody who receives one dime of Federal dollars is bound by the same State reporting laws as the States are.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, teenage pregnancy is indeed a serious problem, and many of us have been engaged

in efforts to resolve that problem. The approach you take depends on where your own perspective is in assessing this critical issue. Teenage pregnancy not only is a problem for the teen parents and their immediate family, but it is, indeed, a problem for society. Some of us have been engaged in this for years.

Yes, teenage pregnancy has gone up over the years, but to blame the title X program is really not to understand the complexity of teenage pregnancy. Teenage pregnancy is the result of a premature act just like any other premature act that teens may involve themselves in where the consequences are less detrimental. It engages not only the family, it also engages the church and the community. Until we understand that young people want something to say yes to, they will always say yes to something, perhaps to whatever comes along, sometimes the wrong thing. We must provide positive options for them to choose.

To try to correct this problem by blaming title X as the reason for the failure of society, the failure of parents to be engaged with the child, is certainly not to understand the complexity of the problem. We all should be concerned, all of society, just as there are things that all of us should do.

I support parents being involved. I encourage family involvement. I am a mother of four, a grandmother of four, and I hope to be a grandmother of five soon, and I have had now some 8 teenage forums where I bring people together to say we have a collective responsibility.

I am here to say that the Istook amendment does not respond to that collective responsibility. It is very narrowly focused, though well-intended.

Yes, parents should be involved. Good parent relationship is the right way to go. But if we believe this we are in denial of reality, particularly if you want to engage young people.

My heart goes out for the situation in Illinois. I would be enraged, too. But should I blame the whole society for the perverted act of one individual? How cruel of me to condemn all of the people, because indeed one made a mistake.

Title X is not perfect, but it certainly cannot be given credit for the large increase in teenage pregnancy. All of us collectively should take our share of the responsibility for this problem as well as providing ways to resolve it.

The latest statistics for my State show that the teen pregnancy rates are down. This includes lower rates in the counties I targeted for my teen pregnancy prevention forums.

Mr. Chairman, let me say, as has been spoken before, I think there would be some consequences that even the sponsors of the Istook amendment would not like, if it were enacted into law. Indeed, you are trying to get parents to be notified. Notification and parental consent are not one and the same, however to a teenager they are usually synonymous.

The hospitals are interpreting that the effect of this amendment would mean that they would be denied funding for Medicaid and other Federal programs. Hopefully, that is not the case.

Already there are 24 States where, indeed, the violation of the law requires consent of contraceptives for minors. So what would this bill do in those 24 States?

The unintended consequences also show that you are pushing your young people to abortion. There are no good answers to teen pregnancy. The good answers are to get engaged with young people early, by providing positive options and not just focusing on where they can get contraceptives.

Certainly, we want to all be for preventing teenage pregnancy, but this is the wrong way. I urge a strong "no" vote on the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle-Porter amendment. We all want parental involvement in the critical issues of family planning, but I fear that enactment of a policy requiring parental notification or consent for some title X services may well just have the opposite effect.

Confidential access to reliable and timely information regarding family planning and other primary care services is crucial for young people. Studies indicate that requiring parental notification for young people receiving family planning services would mean that many teens would delay or avoid altogether perhaps seeking these services and would be derived of a reliable source of information.

I fear by requiring parental notification, Congress may unintentionally increase the number of unintended pregnancies, sexually transmitted diseases, and AIDS cases.

Mr. Chairman, leading medical groups with the best credentials, including the American College of OB-GYN's, the American Academy of Pediatrics, and the American Academy of Family Physicians oppose mandatory family notification, and all for good reasons. Whatever a family's economic or social background, many teenagers are unable to speak to their parents about these issues. What we all want is for our children to make smart and informed decisions and involve us as parents in every stage of their physical and intellectual growth.

However, if they do not, and some may not, I think that we would all agree that we want them to have access to means that would protect their health and their futures and provide them with reliable information.

I urge my colleagues, Mr. Chairman, to adopt the language of the Committee on Labor, Health and Human Services, as included in the bill, and most specifically support the Castle-Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think it is important to note, and this has not been mentioned by the speakers, that this amendment clearly permits the judicial bypass that is typical for States when they say a child needs a service which the parent is not providing, to get around the problem of parents that may not be responsible.

But, Mr. Chairman, I would submit that we should not be presuming that the parents of 1½ million teenagers per year are irresponsible and, therefore, nobody should get parental notice.

Certainly also the amendment only applies to providing contraceptives. It does not prohibit, for example, disseminating information or treatment for sexually transmitted diseases.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Istook-Manzullo amendment. This common sense approach simply requires parental notification before a title X clinic can distribute contraceptive drugs and devices to a minor.

I am one that has always believed that a parent should be notified of their child's health-related needs. A majority of parents in my district and throughout this country are in strong support of this amendment.

We are not denying a minor's choice in visiting a clinic. We are simply requiring a parent to be notified. Unfortunately, some of my colleagues have misinterpreted the amendment and believe it requires parental consent for children to visit title X clinics. That is absolutely wrong.

Americans are increasingly enraged with the breakdown of the social institutions of our society. I believe this is evident with the recent case in Illinois.

As you have just heard, a young female student was taken to a title X clinic by her junior high schoolteacher to receive numerous injections of a contraceptive drug. Further, this teacher had been sexually molesting the child for 18 months. This is sick and this is outrageous. Rightfully so, the child's parents were horrified and are pursuing legal action.

Unfortunately, I believe this is just the tip of the iceberg when it comes to the breakdown of our social structure and, more importantly, the loss of parental involvement. In my opinion, the

Istook-Manzullo amendment is very much needed to help repair the social fabric of this country by allowing parents to be involved in their child's life.

□ 1730

Mr. Chairman, this Nation was founded on Judeo-Christian values. Family ties and values have been a part of this foundation. This amendment strengthens that tie. I encourage my colleagues to support this amendment, and help restore the rights of parents across this Nation.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, teenage sex is wrong. That is the message I carry to my district. I stand with those who have called for total abstinence. That is what I taught my children.

I only wish that were the rule. I have to think beyond my own middle-class upbringing and paradigm, the values that I live by. I am forced every day, because of the people I represent, to think AIDS, think HIV, think STD's, think teen pregnancy.

By the time many youngsters get to the title X clinic, they have already had a pregnancy. A third of them got there because they already thought they were pregnant. I am glad they got there in time. Most who come have been active for almost a year, sexually active for almost a year.

We simply have to face the extraordinary, varied nature of family life today. Most families do not look like yours and mine. Increasingly they do not. In my district there are families that are deeply religious, and for whom sex before marriage is simply unimaginable. There are others for whom sex before marriage is the rule. The Istook amendment wants me to forget about the most troubled, the most vulnerable to pregnancy.

Mr. Chairman, in my district, AIDS, which used to be characterized as a gay disease, is becoming a black disease. I cannot sit by and let that happen. Seventy-two percent of the reported cases in 1996 were of black people in my district, many of them teens. It is impossible to pretend today that families need only to get together and they can straighten this out. I wish, how I wish.

There is no family life for many I represent, much less communication within a family. Dozens of organizations in the field understand this. That is why they oppose this amendment. Mr. Chairman, I ask Members to oppose it as well, and to vote with the Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield 5½ minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I think everybody involved in this debate is genuinely concerned that we reduce transmission of sexually transmitted diseases, that we reduce teen pregnancy in this country. We all want the same thing. We want a result. What our debate is about is how do we get there.

As somebody who has delivered 1,500 teenagers, I hope Members will take the time to hear what I have to say. I am not talking about opinions, I am talking about the experience of 15 years of dealing with teenagers. This weekend I delivered two 16-year-old girls. I delivered babies for them.

I want to tell the Members what the real truth is. First of all, out of those million teenage pregnancies that occur in this country, over half occur because of statutory rape; people, adult men, having intercourse with minors, illegally violating the law in every State in this country. So half of them result because we have not decided that we are going to enforce that regulation. That is No. 1.

No. 2, if you have a teenager who goes to any type of family planning clinic, 12 percent within the first year will be pregnant, with the best training, the best conditioning, because teenagers uniformly are irresponsible. Even if they have been taught what we know about how to prevent pregnancy, they do not concentrate as hard as they should. Many of them fail to remember to brush their teeth, let alone to take the birth control pill that was given to them at that clinic.

For those young women who are going to be sexually active, we should provide it. But there are some other things we ought to know. As we do that, we have over 12 million new cases of sexually transmitted diseases in this country every year. Last year NIH released that data. Of that, 3 million occur in our adolescent teenagers in this country. Two-thirds of those diseases are incurable.

A condom offers no protection against human pappiloma virus, the No. 1 sexually transmitted disease. CDC cannot even get a handle on it, it is so pervasive. At California, Berkeley, they did a study just of the coeds there. Forty percent of the women there are infected with this disease. That was in 1992. That was in 1992.

So we have a big problem. I do not want to challenge anybody's motivation in how we solve this. I think we need to redefine the debate. Let us redefine this debate on how we solve this problem, and look at the different components of this. Part of it is we need to start enforcing the statutory rape laws. We ought to talk about that.

Should the Government be in the place in terms of alcohol consumption? Should we start an alcohol consumption clinic funded by the Federal Government to prevent our children from consuming alcohol as adolescents, because some parents are not going to do a good job of that?

I do not like title X because I do not think it is effective. As a doctor who asks patients who come into my practice when they are teenagers, I had a 14-year-old I saw Saturday morning, pregnant. I asked her, had she used anything. She had been to the health department and had gotten everything they had wanted her to, but she still got pregnant.

But regardless of that, we are going to have title X. This body has decided that. But should we not say, parents, your child has made a decision to become sexually active, and we are going to help them? But we want them to know that. So we have a great opportunity for intercedence in a parent.

Will it always be positive? No. Is there opportunity for negative, that they might not come back? Yes. Is there a greater opportunity that we might help those children? I think there is. I think we should decide on the side of doing, at least having the faith to give the parents the opportunity to do it. If it does not work, we can always change it. We can change it in 1 year.

In 1996 we said, we were going to do a study to find out if family planning works. Guess what, it is 2 years later from the 1995 debate. We all talked about it and said we will do this. We have not done a study, so everybody is going on the basis of opinion. There is not a study.

The gentleman from New Jersey [Mr. FRELINGHUYSEN] mentioned a study. I said I wanted to see the study. I wanted to read it. I have read everything I can on sexually transmitted diseases and teenage pregnancy. I have never seen any study like that, not in a reputable journal anyway.

Everybody's intentions are the same thing. No matter what happens on this vote, let us resolve to all get together on this debate and design something so we know what the facts are, rather than go on our opinion or our gut or whatever.

I may be dead wrong because my patient population may be wrong, but let us get together. Let all of us get together and work together to solve this problem. We can do it, and we should.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me. I would like to start off by making a comment about America in general, what makes this country successful.

I would say the hallmark of the Nation, of this democracy, is human initiative using good judgment. It is not the Government dictating any policy. I say that as a general rule of thumb for individuals across this great Nation, in the diversity of situations they find themselves in.

Most are very positive, very loving, filled with commitment, compassion,

humility, and discipline. But there are exceptions to that. It is the initiative, that we want people to take responsibility to solve their problems.

All of us here want to solve the problems of unwanted pregnancy, of statutory rape, of sexually transmitted diseases, and all of these things. Everybody on the House floor right now is committed to do that. None of us have all the right answers. None of us are absolute in our knowledge and absolute in our certainty how to resolve those human issues that will be around for generations and generations and generations to come. This is just a small, little piece of the puzzle.

This discussion is going to do some positive good to help resolve the nightmare that some people go through. But human initiative, in my judgment, is the key: How do we resolve this problem?

I would say to my good friend, the gentleman from Oklahoma [Mr. COBURN], the doctor, who is a very knowledgeable person, and I take a lot of his advice home to my family, that teenagers are not uniformly irresponsible. Many of them are. Many of them come from very irresponsible homes, irresponsible communities, but especially irresponsible homes. Teenagers are on the brink of beginning to reflect the nature of their home life.

So what we are trying to do here is to discuss the difficult issue of raising children, and that is very difficult. Parents, we would hope every single one of them would be good parents by being responsible, by exposing their children to other adults that are responsible, by having a good home life with friends and neighbors and other family members from the extended family, and that is a wonderful environment.

The problem is, there are some homes that are not like that. As a school teacher for many, many years, I have had students come to me in desperate situations because they have been sexually abused by their parents, or parent, or physically abused or mentally abused. And the difficulty that the Istook amendment would place upon them is untenable.

All of us want to resolve this problem, and certainly we want the parents to be responsible, and certainly we want the parents, the responsible parents, notified; and the responsible parents are going to know about these situations because they are going to create around them an environment of support from the school to the church to the synagogue to the mosque to the neighborhood to the police department to you-name-it. Those are responsible people, exchanging their lives and information, and sharing things with other people.

It is the isolated situations, whether it is in a home that has difficulty with poverty or whether it is in the wealthiest of families, there are families where children are isolated from the community and need our help and need our judgment.

So the hallmark of America is human initiative, using good judgment. I encourage my colleagues to vote for the Castle amendment, because I think it begins the process of doing that.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Istook-Manzullo amendment. My question is, what did parents do, mothers and fathers do, before title X? What did they do before Congress got involved in trying to manage the raising of their children?

I just looked at the chart a little while ago, and it looks like since 1970, teenage pregnancy rates have doubled. Sexually transmitted diseases have exploded on the scene. So can we stand here today in the halls of Congress and pat ourselves on the back for title X, and for what a great job has been done in stopping teenage pregnancy, in stopping sexually transmitted diseases? Can we do that?

For 200-plus years mothers and fathers in this country were able to take care of their children. It is amazing that this great body can be so presumptuous to think that they can do a better job. I think the statistics prove that they have not been able to do a better job. It seems like that would be the face of it.

What is wrong with allowing parents to be put back in the decision-making process when it comes to their children? It is not your children, it is the children of the parents of this Nation.

□ 1745

Like I said, they were certainly able to do a pretty good job until we got involved in it.

Mr. Chairman, under current title X regulations, clinics across the country are free to provide contraceptive devices without notifying the parents, and this violates the most fundamental right of being a parent, the right to be involved in their children's life when making crucial decisions.

Yes, there are bad parents out there, but, lo and behold, the majority of parents in this Nation are good parents. But my colleagues are painting with a broad brush and saying that all parents are bad. All of them; that parents in this Nation cannot make good decisions for their children.

Mr. Chairman, I say for 200-plus years they were able to do a darn good job. But, no, big government, this Government had to get involved. What is wrong with taking a look now at where we are? Just like the gentleman from Oklahoma [Mr. COBURN], my colleague the doctor, a little while ago said, let us stop, let us take a look at it.

Mr. Chairman, I have just sponsored a bill, the Family Impact Act, that proposes when Federal agencies put forth new regulations, we stop and see how those regulations are going to affect the family. Do my colleagues not think we need to stop now just for a little while and see how title X has affected the family? How not notifying parents about particular problems, like those mentioned by the gentleman from Illinois [Mr. MANZULLO], mentioned a little while ago, has affected the family? Stop and say: What is wrong with this picture? What should we do now?

Mr. Chairman, I would like to think that if we are going to be helpful in this Nation to our children and our parents, that we would at least take a look when things are not going right and say what can we do to correct it?

Well, this amendment corrects the problem. It makes sure that parents are involved. It does not mandate that children must get their parents' permission to use contraceptives, but it does make sure that they are notified. What is wrong with that? It simply requires that they provide information to the parents if their child asks for contraceptive drugs or devices.

It also protects the child by requiring title X providers to report evidence of child abuse, child molestation, sexual abuse, rape, or incest to the proper State authorities.

Mr. Chairman, it is time that this Government makes sure that parents are once again involved in the raising of their children. Is that not the least parents should have? Like I said, I think they did a good job until this institution got involved. We need to look and see where we are and where we need to go, and I think this is a good step in this amendment.

Mr. Chairman, I urge Members to support the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, in this body we are supposed to at least make sense. That is why I rise in support of the Castle amendment, which makes sense, and oppose the Istook amendment, which makes absolutely no sense.

Why does it make no sense? I believe that the Istook amendment will actually increase teen pregnancy. It seems to me pretty ridiculous to pretend that all homes are loving, supportive. We would all wish they were. But most of us know that not all homes are that way, that there are some homes where a child would be in actual physical danger of trying to get the parents' consent or knowledge.

We have heard some horrible, horrible cases here today. I want to remind my colleagues of a case in Oregon where the father of a young woman

raped her. When she told her teacher of that rape, he killed her. So what about those families where the sexual predator is in the family?

Now, the Castle amendment makes absolute sense because it will reduce teen pregnancy. I want to talk a little bit about a program we have in Oregon called STARS. It teaches abstinence and it allows teenagers to talk about abstinence, but it also teaches teenagers how to say "no". No to sex. No to coercion. No to abuse.

Mr. Chairman, that program has been introduced into Oregon by our first lady, Sharon Kitzhaber. It is utilized in half of the counties in Oregon, but it has been in practice in Georgia for 5 years. Mr. Chairman, let me tell my colleagues what that program has done in 5 years. In 5 years, this program, which would be like one of the ones the gentleman from Delaware [Mr. CASTLE] is asking be included, that program has reduced teen pregnancy by 33 percent.

So if we want to make sense, if we want to reduce teen pregnancy, do like the gentleman from Delaware. If we do not want to make sense and we do not care about teen pregnancy, really, truly, then we would go with the gentleman from Oklahoma.

Mr. Chairman, I urge Members to support the Castle amendment, make sense, and reject the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have been reading over the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as to when a provider can provide contraceptive drugs or devices. It says if the minor is emancipated under applicable State laws, which is redundant as far as I can see; if the minor has the written consent of a custodial parent or custodial legal guardian, which is where that language came in; if a court of competent jurisdiction has directed that the minor receive the drugs or devices. I cannot imagine a minor going to court, a 14-, 15-, 16-year-old going to court. And then the key provision, and in fairness to them it says the provider has given actual written notice to a custodial parent or a custodial legal guardian notifying the parent or legal guardian of the intent to provide the drugs or devices at least 5 business days before providing the drugs or devices.

Mr. Chairman, I ask my colleagues to put themselves in the mind of a child. It could be a 16-year-old child or a 15-year-old child, whatever it may be. The studies show us that this child has been having sexual activity for a period of 1 year. This is a child almost inevitably that has not told the parents. This child has stated he or she will go on having sexual activity and they want some sort of protective devices, contraceptives or whatever they may be, and they go to Planned Parenthood, or they go to some sort of an outlet of a State, or whatever it may be. At that outlet they are counseled.

Mr. Chairman, by our legislation we would encourage family participation in the decision of the minors. It provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities, and that is how it should be. Frankly, that same child is simply not going to get into a situation in which it has to have written notice sent to a custodial parent. That is not going to happen. That means that that child is not going to receive any counseling whatsoever. The child is not going to receive any encouragement to see his or her family. The child is not going to receive any counseling with respect to coercion by an older person, such as the Illinois case, in the chances of sexually transmitted diseases, the chances of pregnancy occurring out of wedlock and the consequences of that become much greater as a result of this legislation.

It is a simple matter. We have to think this out very carefully. I do not have a single question in my mind about the authenticity of the feelings of the individuals involved, but I think they have reached the wrong conclusion and they have set up more difficulty than they have provided relief for. So I believe we should support the Castle-Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, actually the points raised by the gentleman from Delaware [Mr. CASTLE] are already covered amply by the legislation. For example, counseling does not require any sort of parental notice nor consent. In fact, if the child has a sexually transmitted disease, it requires treatment. Also, there is no need of parental notice or parental consent because there is an immediate health care need. It is only when they are seeking contraceptives that it comes into play.

Furthermore, the urging of family involvement is already the law and has been for several years. The amendment adds nothing there. And, finally, the bill already contains language that says you are going to counsel minors on resisting sexual advances and so forth. The Castle amendment adds absolutely nothing to what is already in the bill.

Mr. Chairman, I yield 6 minutes to the gentleman from Colorado, [Mr. BOB SHAFFER].

Mr. BOB SHAFFER of Colorado. Mr. Chairman, I find it surprising, frankly, that this debate takes place to the extent that it does and with the passion that it does.

Mr. Chairman, I wish to address a number of points. The credibility that really eludes the arguments of the opponents of the Istook amendment is rooted in a number of points that I wish to address.

First of all, Mr. Chairman, I ask that Members remember this is an appropriations bill. One would think that this was a bill over a particular activity or another piece of legislation. But what this really is about is about cash and about funding and about funding a particular activity through the title X clinics.

One of the comments that was made by the opponents of this amendment was that if adopted, it would, quote, deny contraceptive services. Mr. Chairman, I point out that this amendment only ensures that public funds are not spent in a way that undermines parental authority. In fact, contraceptive services to children, for those who support that kind of thing, can continue on with the Istook amendment.

In fact the proponents of the substitute amendment, which favors contraception for children, suggests that the groups like the AMA, the American Academy of Pediatrics, the Hospital Association, the American Association of Public Hospitals, the American OB/GYNs all support the concept of contraception for children and oppose the Istook amendment.

Well, these groups are fine organizations. They are in many cases privately funded organizations. Let them pay for contraception for children if they really and truly do believe the importance of it.

What is at debate here today, again, is not whether this activity is legal or should or should not take place. What is in question is the extent to which our Federal Government should subsidize an activity that is so offensive to so many and does undermine the principal authority of parents and families throughout our country.

Mr. Chairman, in my district out in the eastern plains of Colorado, there are tens of thousands, perhaps hundreds of thousands for whom contraception alone is an offensive proposition. They believe that it in fact violates their religious precepts that they practice as a part of their daily life. Frankly, they are not asking to impose that belief on anyone else.

But just as there are those who hold those beliefs and ideals dear, and abide by them daily, there are others who believe that contraception for children is a good idea. Now, those individuals are in fact imposing their values, their brand of morality, on all of the rest. They are in fact taking the cash on April 15, the income taxes of hard-working individuals who find this activity abhorrent, they take their cash and they spend it in a way that violates that public trust.

Mr. Chairman, my wife and I are raising three daughters and a young boy, and if I ever found out that my government was providing advice and contraceptive services to my children without my knowledge, I can only say that it would be very difficult to forgive those

who allowed that to take place. I believe I would find a way to do that eventually, but it would be difficult and it is difficult for every parent in this country to handle that as well.

Mr. Chairman, it is more difficult still to understand that it is possible today, in fact likely today, and in fact is occurring today, that that scenario will duplicate itself and repeat itself and the very parents who are offended by that activity are bearing the costs themselves.

Yes, right here in America, parents are paying as taxpayers for agents of the Government to teach their children values that are contradictory to those which are taught in the home. We should not allow that to occur.

It has been said by those who are in favor of contraception for children that the United States leads the world in sexually transmitted diseases. That was not always the case. It has only been the case since we have allowed the Federal Government to intrude into the bedroom on children, to subsidize the sexual activities of children.

Mr. Chairman, how often have we heard that: Keep government out of the bedroom? We should not use taxpayer dollars to ease children into a bedroom. We should not use taxpayer dollars to equip them for an activity for which they are not fit to engage. We should not use taxpayer dollars to teach a false sense of security for an activity that can kill them, that can scar children, that can devastate their futures and which drives a wedge even further between children and their parents.

Mr. Chairman, if we want children to learn, we buy them books. If we want children to brush their teeth, we buy them toothbrushes and toothpaste. If we want them to obtain jobs, we teach them how to work. If we want them to be baseball players, we buy them baseballs and baseball gloves.

If we want them to stop fighting, we take away the clubs. If we want them to stop shooting, we take away the bullets. If we want them to stop taking drugs, we take away the needles. If we want them to have sex, all we have to do is give them the tools, as we do today, to have sex, to think that they are responsible, to treat them like married adults, when actually they are foolish children.

□ 1800

One other opponent of the Istook amendment said that in order to understand this issue and vote the way they think we ought to vote, we only need to put ourselves in the mind of a 15-year-old. As a Member of Congress, I say hell no. We are the U.S. Congress. We are sent here to represent a country and honor the values of this great Nation, not to think like children, not to pass foolish pieces of legislation that take cash from parents and use it to pry their authority away from their family obligation and their rights as parents. We should pass the Istook amendment and honor that sacred institution of our families.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman.

I want to make it very clear that for those of us who strongly support family planning, we strongly support abstinence on the part of children and in no way are we encouraging sexual activity.

What we are trying to do is to prevent sexually-transmitted diseases. We are trying to prevent teenage pregnancy. That is why we are so strongly supportive of family planning, because 80 percent of the youngsters who go to these family planning clinics are already sexually active.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Castle substitute. I do so because I believe that the Istook-Manzullo reporting requirements are duplicative and unnecessary.

Furthermore, I have heard some strange logic here this afternoon. The logic that says, if individuals are already involved in sexual activity, and we know it, facing the truth is oftentimes painful, but the fact of the matter is, many of our young people today have already begun to become sexually active before seeking information, advice, or family planning information.

The real fact of the matter is, when we deny those individuals the services that they need, we are relegating them in many instances to a lifetime of poverty, of misery, of despair, of the inability to care for children that they have, in fact, produced. The reality is that we are increasing the need for welfare.

There is no way that young mothers, 18, 19, 20 years old, can take care of three or four children. And we would deny them information because we know that many teenagers are not going to share with their parents the fact that they are sexually active.

I support Castle because it is a vote for realness.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, I rise in support of the Istook-Manzullo amendment to title X.

I am from Utah, a State with a reputation for strong families and meaningful parental involvement. Our laws recognize a parent's right to have a voice in the choices children make. Our elected officials ponder ways to strengthen the families, realizing that strong, healthy families are the best solution to most ills in our society.

Our public education system recognizes and respects the vital, clear voice of parents. And yet, our children can get birth control devices from federally funded agencies without the knowledge of their parents. This troubles parents in my district. This troubles me.

Whether Congress intended this or not, the current title X policy undercuts parental involvement in this most critical area of a youngster's life, their sexuality. In Utah, teens must have parental consent to play on sports teams or participate in field trips, yet they can obtain birth control devices without notifying their parents.

It is important to note here that we are talking about parental notification, not parental consent. I am a pro-life Congressman. I am anxious that Federal policy not subtly encourage abortions. Some have argued that notifying a parent of a child's request for birth control will lead to more abortions. I disagree. I think alerting parents to their youngster's sexual activity will do more to halt unwanted pregnancies and abortions than just dispensing free birth control devices.

We have tried that. We have been trying it for decades. During the years we have freely dispensed birth control, teen pregnancy rates have doubled. The number of teens seeking abortions have soared accordingly. Sexually transmitted diseases have reached epidemic proportions.

What further proof do we need that our existing policy is not working? It is time to be doing what we should have been doing all along, bringing parents back into the loop.

I have been disappointed to hear the misleading rhetoric surrounding this bill. This bill is pro-children. This bill is pro-family. This amendment is pro-safety. We are requiring recipients of title X funds to report child abuse, molestation, rape, or incest. These crimes should never go unreported, regardless of the wishes of a frightened child. Failure to report these crimes is failure to protect a child. Just giving youngsters birth control and some pamphlets in those horrific circumstances is like putting a Band-Aid on a hemorrhaging wound. The crime must be stopped. The criminal must be punished. The victim must be helped.

This bill not only ensures responsible, caring parents a voice in their children's life; it also ensures youngsters meaningful protection against abusive parents and sexual predators. The full protection of the law, not just the protection of a birth control device.

I urge passage of the Istook-Manzullo amendment, Mr. Chairman.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me the time.

I have to begin by saying that my heart is with, in many ways, the makers of this amendment. My heart is

with the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO], because I understand what they want to do. They want to protect our children from the elements of our culture that would undermine the values that we try to teach them at home. They do not want a world in which our kids are sneaking behind our backs and getting information that rightly ought to come from us.

As the gentlemen know, I have two daughters. They are 10 and 12. My wife and I are engaged in this struggle every single day. We are considered the fuddy-duds in our neighborhood, I think, because my daughters are always saying, how come everyone has their ears pierced already and we cannot? How come everybody can wear makeup to school and we cannot? How come you will not let MTV come into the house? I called the cable station and I do not let MTV come into the house. So that is pretty square, I guess.

We work real hard in our family on communications with our kids because we know that if we can establish communications about these issues, I stayed up late the other night with my daughter, 12-year-old, on the question of makeup. And I said, it is bigger than makeup. I will tell you what I am afraid about. I am afraid that people on Madison Avenue and people in Hollywood, in order to sell a product, are trying to create an image. And kids your age feel that if they do not fit that image that is provocative, 12 or 13 or 14 years, that there is something wrong with you. I am afraid of these people stealing your childhood away from you.

That is why we have these discussions. We communicate like that every day in our family.

If we succeed at this level when we are talking about pierced ears and makeup, then I think we will succeed when the heavy issues come like sexuality, going out to parties, and dating, and all of those things that have me scared to death already.

The parents in America that succeed at doing this, for them this language is moot. It does not matter. We do not need the government, for those of us, for parents who have succeeded, we do not need the government establishing communications. We do not have to mail a letter, nobody has to mail a letter to me saying your daughter is over here because I am going to know what my daughter is doing, if I succeed.

But we also know that really good parents who try hard do not succeed at this. It is hard to talk about. It is hard for any kid. Think of it yourself. How many of us can honestly say that when we were 15, 16, and 17 we could sit down at the table and talk about sexuality over dinner? Let us not pretend, by the way, that that is what happened in this country for 200 years. Silence was the order.

But some parents will not succeed. And for those parents who also, just like I do, hope that our kids are abstinent and do not get involved in sexuality before they are mature enough to do it, we hope that they will be abstinent until they are 18, at least until they are married, that this is not an issue. But what we know is that 56 percent of young ladies under the age of 18 are already sexually active. And it is higher with the males, 73 percent.

So what are we going to do about that? We know that that is going on. There are a lot of variables that determine whether a teenager is sexually active. It has to do with how they communicate with their parents. It has to do with how they respond to peer pressure. It has to do with what kind of a situation they are in.

But do you know what does not have any influence on whether a kid is sexually active? The availability of birth control. They do not refrain from being sexually active if they cannot get birth control, and they do not become sexually active because they can. That is not the way this works. That is not the way the birds and the bees work.

Kids become sexually active or they do not become sexually active for a lot of reasons. And the kids who can talk to their parents are in great shape. But if we tell kids who cannot talk to their parents and who are sexually active that we are going to send a letter home to mom and dad or you cannot come into this clinic and get contraceptive services, I wish that would solve the problem. I wish those kids would say, OK, no more sex. We are finished, cannot get the pill. I wish that that would work, because that is what the framers of this amendment hope happens. But it will not happen. That is not what happens. They continue to be sexually active.

We know the story. They become pregnant; they get sexually transmitted diseases. They have no one to talk to. They have abortions. That is the bottom line. That is what happens with this language. None of us wants that.

There has been a lot of criticism of family planning clinics in this country, a lot of talk about what has happened with the teenage pregnancy rate. It has gone down 8 percent since 1991. These clinics are working. We should protect the work that they do with the Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of the Castle-Porter substitute.

Mr. Chairman, I rise in support of the Castle-Porter substitute and against the underlying amendment.

As a mother of four, including a young adult daughter and teenage daughter, I want my children to seek my advice, if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me or their father is based on trust and respect and cannot be mandated by law.

At the same time, as a policymaker, I want to reduce the instances of unwanted pregnancies and cases of sexually transmitted diseases. Would requiring parental consent for family planning services achieve that goal? Clearly not.

Instead, it would create a barrier and overturn statutes in 49 States by imposing a one-size-fits-all Washington policy. More importantly, studies show that 80 percent of sexually active teenagers would stop seeking family planning services if parental consent were required. The result would be more unintended pregnancies, possibly more abortions, and certainly more cases of sexually transmitted diseases.

The difficulty we face as parents and policymakers is finding the balance between policies that encourage the active involvement of parents in their children's decisions and policies that reduce teen pregnancies. The substitute amendment offered by Messrs. CASTLE and PORTER is the preferable, though far from perfect, approach.

The Castle-Porter substitute requires that title X grantees encourage the involvement of parents when teens seek contraception and other family planning services. To be sure, some may claim that title X grantees could easily provide the certification required by the amendment without genuinely making the effort to encourage teenagers to discuss their situation with their parents.

But I have met with many title X grantees and I know that they share the concern which has been expressed by both the proponents of the Istook-Manzullo amendment and the Castle-Porter substitute—that only through strong family bonds and only by encouraging teenagers to seek contraceptive advice can we reduce unwanted pregnancies and some of the other health risks facing sexually active young people. And they all make a very concerted effort to achieve both goals.

Support the Castle-Porter substitute which will reduce unwanted pregnancies and cases of sexually transmitted diseases while encouraging to the greatest extent practicable family involvement in the decisions of our children.

Mr. ISTOOK. Mr. Chairman, I yield myself 40 seconds.

I think the thoughtful comments of the gentleman from Pennsylvania [Mr. GREENWOOD] deserve some response.

When he says good parents do not need this because this never happens in good families, of course it happens in good families. Good families want to get involved when something happens that is a surprise to them.

If we say that availability of birth control has no affect on sexual activity, I lived through the 1960's and the early 1970's. I know all the writings that are out there saying that the availability of the pill and so forth and birth control had a huge affect on sexual activity in America.

I do not think that we can say, here is a hammer, here is a nail, here is a

board. But believe me, I am not encouraging you to have it. I do not think that would be realistic.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise today in strong support of the Istook-Manzullo amendment and in opposition to the Castle substitute.

I am deeply concerned about the incident that occurred in Illinois, and even more concerned about current law allowing this type of atrocious behavior to continue to occur unless something is done and something is done soon.

I am distressed that it takes the exposure of such an atrocious situation for an issue such as this to receive appropriate attention. I am encouraged that this amendment is on the floor today, and I urge every Member to support the Istook-Manzullo amendment.

Currently, there are nearly 1.5 million teenagers using the title X program. This means that the parents of 1.5 million teenagers receiving federally funded services pay taxes for those purposes. I think it is not rational to believe that those parents do not want to be informed when their children are being supplied with possibly potentially harmful contraceptives.

□ 1815

As the father of the two most beautiful little girls in the world and as a Member of Congress responsible for allocating taxpayer dollars, I find this issue extremely troubling.

This amendment is critical for parents to be just that, parents. Unfortunately, the title X program virtually eliminates the role of parents in their children's receipt of medical care, and potentially harmful medical care at that.

Opponents of this amendment claim this amendment would result in higher pregnancy rates and more abortions. I find this difficult to understand in light of the fact that teen pregnancy rates have doubled since the title X program was created. At best, there is no correlation between the funding of this program and a reduction in the teen pregnancy rates, and in fact, it may be concluded that this program has actually facilitated its increase.

Parents have been deleted from the picture and clinic employees are now responsible for providing contraceptives without any interest or legal procedure to actually question the teenager about his or her sexual activities.

This amendment, the Istook-Manzullo amendment, would simply require clinics to report to the proper authorities any abuse, rape, incest or molestation that title X clinic patients have experienced, and would allow parents to simply be informed of any contraceptives their minor child is receiving. This amendment does not prevent the treatment, counseling or testing for sexually transmitted diseases under current law. Parental notification is not required for minors to be treated for STD's.

In addition, it does not deny any services to teens. It does not even require parental consent, but it will at least let a parent know when their 13-year-old daughter is coming into a clinic for a Depo-Provera shot while some 25-year-old monster waits in the car. I think parents deserve at least that much.

Simply put, I encourage all of us to consider how much longer we will continue to allow child molesters and rapists to hide behind the Federal morass of title X regulations.

Mr. Chairman, it seems that in this body we continue to legislate based on the lowest common moral denominator. We are saying that because there are parents, a minority to be sure, a minority of parents that in some way cause problems for their children when they find out their children have been sexually active; or in the case of the lady from Oregon talking about the father that killed his daughter when she reported the sexual molestation, that we must bring everyone in the country under that same concept of regulation.

Mr. Chairman, I would say that not every parent is like the parent in Oregon or not even close. Many of us as fathers and mothers want to know about these situations when they come into our children's lives. And the idea that we can set up this because we need this for the children is to say that, for example, we need to eliminate the status of minors altogether.

If we believe that there is a case in America or some cases in America whereby some parents may not act responsibly when informed of these things, why can we not extrapolate from this and say, let us do the same thing for alcohol abuse. Let us simply not notify the parents, but have a clinic operator inform the child and counsel the child. Or tobacco use, how about we not tell the parent that the child is involved in tobacco use because the parent may be averse to that?

No, Mr. Chairman, in this country we continue to recognize the importance of parents in the lives and decision-making of their minor children. This bill does not stop funding of a program that, at best, has no correlation to reducing pregnancy rates. This does not even talk about consent. We are not asking that I give my consent if my daughters receive Federal family planning.

Mr. Chairman, this is a responsible amendment, and I seek that the membership elect to accept the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I want to take just a moment to answer a question one of my colleagues asked about, what did parents do before 1970? I was at the University of Kentucky in the 1950's, and I can answer that question. I think I should.

Women who got pregnant in those days died from botched abortions or they died from septicemia or they became sterile, unable to have children in the future, or they were sent away to what was called a Florence Crittenden home with other women who had, in the jargon of the day, "got themselves in trouble," to wait 9 months until their babies were born.

And their families told their friends and everybody else they had moved away with a relative for a little while. It was common. They had no opportunity again to go back and finish their education. They were from the "good" families. Poor women just had no options.

The men involved got off without any problem because it was a case of spontaneous generation, the woman had "gotten herself into trouble." They continued their education and lives, and had every opportunity to become titans of industry. The women were disgraced.

That has changed, and I am happy for it.

I wish that every child in America lived in an ideal home, but they do not. But even in ideal homes, in good homes, where 99.9 percent of everything is discussed, there comes a time every now and then when a child may not want to talk this over with their parents.

It is a tragic thing that happened in Illinois, it is a case of statutory rape, and of course it must be prosecuted. In my district we do that; and if my colleagues do not prosecute in their districts, I want to recommend it to them.

But this amendment has a far broader reach. It says that none of the funds in this act or any other act for any year can be made available to any title X provider if they do not fulfill this amendment. That means they risk the loss of Medicare funds, Medicaid funds, graduate medical reimbursement, disproportionate share payments, and everything else that we do for health care facilities in this country.

Because of the broad-reaching nature of this amendment, it has been strongly opposed by the American Medical Association and the hospitals.

Now, let me say one thing that is very important here. I think this law would preempt State laws on this issue because 24 States have laws that mandate confidentiality between providers and adolescents. What we say here over and over again on this floor, what I hear is, we should never enforce anything from Washington; the States know best, the local areas know best. In this case we are saying, no, that is not the case. No, no, Washington knows best on this issue after all.

Now, States deserve to have their considered laws on doctor-patient communications remain intact, and I urge my colleagues in the strongest possible terms to reject the Istook-Manzullo amendment, as well-meaning as it may be, and to support Castle-Porter.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, I want to respond that the Congressional Research Service has supplied a memo dated July 28, 1997, stating the title X regulations do not require that title X providers report cases of incest or statutory rape.

We are trying to change that law. We are trying to make it mandatory on the part of title X providers, that they have the same reporting requirements as State people do. It is just that simple.

So it is incorrect to state, as many Members on the other side have said, that title X providers are already required to report these violations.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, let me say first of all that I am really proud to call myself a Member of Congress. It is a privilege and an honor, and with that privilege comes a great deal of responsibility.

But I also have to tell my colleagues that I am even more proud to be known as a father, a dad. I have four children, three of them teenagers. And with that privilege of being called a dad come even greater responsibilities.

I have to tell my colleagues that it really saddens me that we even have to debate this issue. As a Member of Congress, in fact, I am embarrassed; as a parent, I am offended.

Let me just say flat out what this debate is about. This is about, is it right to notify parents when their children receive counseling, contraceptives, sexually transmitted disease inspections or testing; is it right?

Just think about that, as a parent. To use tax dollars that moms and dads from all over this country are sending to Washington, DC, should we use those tax dollars to do those things to our children and not let their parents know about it? Just on the very surface of the debate, it is laughable. And I want to tell my colleagues again that, as a parent, I am offended.

If we listen, just below the surface of the debate, of those that are opposed to letting parents know what is happening to their children, the message, the underlying message is that we cannot trust parents.

That is the message: We cannot trust parents. So the debate is really about this.

Who cares the most about my children? Is it people here in Washington that want to hand my children contraceptives or examine them or offer these services to them or is it me? Who can protect my children the best, me or my fellow colleagues?

I want to tell my colleagues, I do not believe any of them care or love my children as much as I do. I do not care who they are, there is nobody here in Washington that loves my children more than I do. And yet there are many people that are trying to impose what they think is right for my children and other people's children in this country on us as parents, and that is wrong. And that is what this entire debate is all about.

Understand, this is about just letting parents know. This is not about asking for their consent.

I get calls all the time. I cannot say all the time; I have often received calls from my children's school, from the school nurse. The school nurse will call to say that my daughter has a headache, and the nurse needs to get my consent to give her two aspirin. The nurse thinks she should administer those to her, but she needs my consent. Is it OK with me.

Not only do they have to notify me, they have to get my approval to give her two aspirin. And yet my daughter could go to a federally funded clinic, be tested for sexually transmitted diseases, be given condoms, given counseling, and I would not even know about it. They would not have to call and ask for my permission, not even notify me; and that is wrong.

I want to tell my colleagues what is happening all across our country to a lot of different institutions of authority, and I want to say that the family institution is an institution of authority, but what is happening is not hammer blows against those institutions of authority. Whether it is the Government or our schools or law enforcement or families, it is not hammering against those institutions of authority; it is a slow erosion.

This is one of those ways to slowly erode away the authority of parents in their children's lives, their ability to direct their children's lives, to counsel them, as parents, to provide protection for them. This is one of those things that is slowly eroding that authority away. And when we erode authority away, we erode respect away from parents.

It is no wonder we have the problems with teenage crime and violence and pregnancy that we have today, because we continue to erode the authority of all parents.

So the question is this, and I will finish by saying the question is this, and I want to say up front that I do not question the motives of anybody involved in this debate on either side. I really do not, because I believe in my heart that every Member of Congress is seeking the answer to this question. And that question is this: How can we best help kids in our country today?

I believe every Member of the Congress is trying to answer that question in this debate that we have before us; and I will tell my colleagues that the conclusion that I have reached, and the reason that I support the Istook-Manzullo amendment is this: I have concluded that the best way we can protect the children of our country today is to involve their parents, because I believe parents care the most for their children. So we need to help those parents by at least allowing them to know what is happening to their children.

I urge support for the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. ISTOOK. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 43¼ minutes remaining; the gentleman from Delaware [Mr. CASTLE] has 29½ minutes remaining; the gentlewoman from New York [Mrs. LOWEY] had 26½ minutes remaining before yielding.

The gentleman from North Carolina [Mr. HEFNER] is recognized for 3 minutes.

Mr. HEFNER. Mr. Chairman, I have a tremendous amount of respect for the gentleman from Illinois [Mr. PORTER] and for the gentleman from Delaware [Mr. CASTLE], and it has been interesting to listen to this debate. And I listened to the gentlewoman from Kentucky, who comes from a rural district as I come from a rural district in North Carolina, and she talked about what has changed, and she was right.

Back when we were growing up, and I am a lot older than most people here, but when a girl got herself in trouble, it was always a woman that got herself in trouble. The guy was not particularly involved in it. It was always the woman that got herself in trouble and she bore the brunt of it for the rest of her life, if she was even allowed to live in the community.

□ 1830

We are not here today to encourage people to be promiscuous. We are not here to say that family planning is telling our children to be promiscuous, to go out and have sex with everybody that comes along. It is obvious that family planning centers, and I have talked to the people that work there, and they strongly urge people to have abstinence. They do not say every time that you go to a family planning clinic you have got to go have an abortion.

The gentleman from Oklahoma said that the people that were talking about supporting the Castle amendment are urging people, the kids, not to trust their parent. I have four grandkids. I love them just as much as he loves his kids. But these kids I am talking about are the ones that have

parents or families that are split, maybe they are living with an aunt or a grandmother, and can you imagine the frustration and the fear in a 14-year-old when they come to a problem where they do not know what to do? They want to go someplace and talk to somebody. It is terrible. And the kid says, "I don't have anybody to go home and talk to. I don't have anybody to notify." What are you going to do? Are you going to give a waiver and go through the courts?

This is a serious business that we are talking about. If everybody was raised in a good, solid home where the mom and dad loved everybody and you could talk about it, it would be one thing, but I am concerned about the ones that do not live in this environment. They are the ones that bother me.

We are certainly not encouraging people to be promiscuous. We are certainly not doing that. We love our kids just as much as you do. But this amendment in my view is wrongheaded. The Castle amendment addresses it in an absolute, rational way, and this is what we are trying to get, to the point that we are trying to get to. But I just want Members to know that all family planning institutions are not folks that advocate abortion. I might say this. Most of the people that are supporting the Istook amendment do not support family planning. Let us get that straight right now.

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

I would just like to make a point. I thought the gentleman from Oklahoma [Mr. LARGENT] made a very good point. He said he does not question anyone's motives and I certainly do not either. This has been a fair debate. I certainly do not even begin to question anyone's motives. But he raised the issue, and I think this is at the heart of it. How can we best help kids today? We may be talking about kids from good families but for some reason have a tremendous fear of talking to their parents about this at all. We may be talking in many instances about kids who have troubled circumstances in one way or another or are afraid to talk to parents. Do we want them in a situation in which they get no professional guidance whatsoever with respect to what they might do sexually for the remainder of their lives? Or do we want them to get some sort of guidance?

We have to understand that in the State clinics, which I have seen, and I assume in Planned Parenthood and other places, that the advice that I have seen is generally one of counseling, of trying to persuade kids to practice abstinence, to get away from sex in every way possible, and any kind of a device or whatever is always something that is only done at the end and that is the way it should be, and I think often these kids need counseling and help, to talk to their parents, to talk to guidance counselors in school or whatever it may be. I wonder what a kid would think. Would a kid go to a clinic if indeed that clinic has some sort of a notification provision? Admittedly, the notification provision is for the supplying of certain equipment in this circumstance and not just counseling, or would it go to a circumstance where the child, he or she, would feel welcome and could get some help? I would judge that that child is much, much more likely to go to a clinic in this circumstance. And I think most parents, even though they would rather be notified themselves and be the ones giving the guidance, they would probably rather have them have good advice and counseling than have nothing whatsoever.

For those reasons, I still believe strongly that the provisions in the Castle-Porter amendment are the ones which should prevail but are also the ones that are in the best interests of the young people of this country.

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

Mr. CASTLE. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I appreciate the comments of the gentleman from Delaware [Mr. CASTLE]. I think when we talk about some parents being responsible and some parents not being responsible, we know it is true. I believe the vast majority of parents are responsible. So much of the concern is that in order to provide what we see as help to those who have irresponsible parents, that standard is applied in the case of responsible parents and provides an inducement, an incentive, if you will, that can help draw their children into that. It is the fact that the current law does not distinguish.

Mr. CASTLE. Mr. Chairman, let me reclaim the few seconds that are left. I believe in the case of responsible parents in most instances we are going to find those children are never going to go to any of these clinics or receive that advice, they are going to go to their parents or get help otherwise. In certain circumstances that could happen, but for the most part it is in more troubled circumstances. We are going to see this child reach out for help. That is my belief. I think it is documented. I admit that I have not seen a lot of studies on it, but I think by common sense we can reach that conclusion.

Mr. ISTOOK. Yielding myself 15 seconds, Mr. Chairman, I can certainly relate that from experience. I know of parents who I personally know are extremely responsible parents, and yet their children have been drawn into that nevertheless. I do not think we could make that assumption. But I appreciate the opinion of the gentleman, as I know he appreciates mine.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle substitute.

Mr. Chairman, I rise to oppose the Istook amendment to deny important health care services and information to young people who may have no other way to get the help they need and in support of the Castle substitute.

I believe we all share the goal of reducing teen sexual activity and teen pregnancy. We all agree that achieving this goal begins in the home and is the primary responsibility of parents. And we all agree that abstinence is the best approach to encourage young people to take. But let us not bury our heads in the sand and pretend we live in a perfect world where every teenager can turn to a parent for this assistance. The effects of mandating parental consent can have devastating results. Rather than promoting parental involvement, mandatory notification laws can have the unintended effect of increasing health risks to adolescents because many kids will avoid proper health concerns to avoid telling their parents.

Title X-funded clinics already encourage teens to talk with a parent about sex, health, and contraception. Requiring parental consent under all circumstances takes away the ability of medical personnel to exercise their judgment as to when family involvement would be inappropriate or nonexistent. The mainstream medical community including the American Medical Association agrees that contraceptive services, prenatal care, and HIV/AIDS diagnosis treatment should be available to teens on a confidential basis.

Family planning is a necessary investment. Each dollar spent on family planning saves about $3 in medical care. Denying services to thousands of youth will simply result in higher rates of sexually transmited diseases, more unintended pregnancies, and more abortions. Right now, publicly funded family planning programs, including title X, help prevent 386,000 unintended pregnancies to teenagers annually. These programs help avoid 155,000 teenage births and 183,000 abortions. If teens are required to obtain the consent of parents for contraceptive services, they will avoid seeking any title X services.

I urge support for the Castle substitute which would require that title X programs encourage the involvement of parents when teens seek contraception and other family planning services. By encouraging parental involvement rather than mandating it, we will ensure that parents have the primary responsibility in these matters, but we will also ensure teens continue to have access to necessary health care services.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, each year publicly funded family planning prevents 386,000 unintended pregnancies to teenagers, it prevents 155,000 teenage births, and it prevents 183,000 abortions. If we are going to stand here and try to say with a straight face that parental notification of birth control is going to prevent teenagers from having sex, we are living in an Ozzie and Harriet world that has not existed in this country, if it ever existed, for 40 or 50

years. If we want to prevent these unintended pregnancies, if we want to prevent unintended disease and if we want to prevent all of these things from happening, we need to have family planning service.

I happen to believe, as all of us do, that children should not have sex as teenagers and that we should teach abstinence-based sex education to our teenagers. But let us be realistic. Parental notification is not going to stop teenagers from having sex. What it will do is take that chart that has been shown by the proponents of the Istook amendment throughout the afternoon and evening and it is going to take that line that shows increased unwanted teenage pregnancies and it is going to put that line right off the top of that chart. That is not what any of us want here today.

Just listen to some of the comments that teenagers themselves have made in my district when they were asked the question of what would happen if they had to talk to their parents before getting birth control. These are teenagers, some of them came from good homes, but did not feel they could talk to their parents, and some came from bad homes where they might have been victims of incest or child abuse.

One 17-year-old said: "I don't think it's a good idea, because more teens will do it unprotected rather than having their parents know that they are having sex."

Another honest girl told the surveyors that, quote, "I wouldn't have come here if I had to have a parent with me and I think a lot of other people wouldn't, either."

Let us listen to the word from the teenagers. I too have two young daughters, and I care more about them than I care about anything in this world. I love my daughters, I talk to them every day. Luckily for me, they are not 12 yet, but they are 3 and 7. I am heartsick at the idea that one of them may have sex before they are ready, before they are an adult. I am even more heartsick at the thought that one of my precious girls might have an unintended pregnancy or, worse, a fatal disease because, for whatever reason, they did not feel that they could come to my husband or to me. For that reason, I urge Members' opposition to the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, today we heard the tragic story of the 13-year-old girl from Illinois who was molested by her 37-year-old gym teacher for a period of 18 months while a title X family planning clinic provided the contraceptives. Mr. Chairman, we should not allow this tragic child abuse to happen again. Our current law aids and abets child molesters. This Congress must protect our Nation's daughters. Federal law requires that taxpayer-funded title X clinics provide contraceptives regardless of whether a child's parents know she is seeking birth control. If this 13-year-old's parents had been notified, her molester could have been stopped.

The Istook-Manzullo amendment will stop the use of Federal funds in the title X family planning program from being used by sexual predators to molest young girls. This amendment does two things. First, it requires title X clinic staff to follow State law when reporting any evidence they discover that a child is a victim of abuse, sexual molestation, rape or incest, and, two, it requires title X clinic staff to give parents notice, that is not consent, that is just informing the parents of the child's decision, before giving a child contraceptive drugs or devices only.

This year the California general assembly passed a law which requires parental consent for body piercing. By 73–3 in the general assembly, 26–4 in the Senate, they passed this law. This is the same girl who would be provided an IUD to be implanted or birth control pills or an injection with Federal funds. The Alan Guttmacher Institute reported that 6 out of 10 girls who had sex before age 15 were coerced by males an average of 6 years their senior. Mr. Chairman, I ask Members today, when is Congress going to stop supporting sexual predators? I urge Members to vote for this vital amendment to protect our Nation's daughters and oppose the Castle substitute.

Do not be fooled. The Castle substitute does nothing to stop the molestation of our daughters. The case in Illinois would still have happened under the Castle language. Vote for Istook-Manzullo, vote to strengthen parental rights. Vote against legitimizing promiscuity.

Mr. CASTLE. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman not only for yielding the time, but most especially for his tremendous leadership in offering the substitute amendment and his leadership on these very, very critical issues.

Mr. Chairman, we should start out by admitting to ourselves that this particular amendment, this subject matter, does not belong in an appropriations bill. It is a matter that belongs before an authorizing committee. It is a matter that should not be taken up here, and it is a matter that, unlike an appropriation, would make under its terms a permanent change in the authorizing law, a permanent change in U.S. law.

Mr. Chairman, in my judgment, confidential access to family planning services is absolutely critical to providing teenagers appropriate medical care and timely advice. I believe that the Istook-Manzullo amendment would be destructive of that happening. It would create a barrier between teenagers and health care services, and would, in effect, destroy any chance to get the kinds of services that prevent pregnancies, help to prevent sexually transmitted diseases, and in the end help to prevent abortions.

Most teenagers that go to a family planning clinic, as has been said often here on the floor, are sexually active when they go there.

□ 1845

Some are pregnant, unfortunately. Others want to get contraceptives so that they do not get pregnant.

Ideally, all of these teenagers would talk to their parents about their health care decisions. Ideally, every parent should have an open and honest relationship with their children in which they can communicate about sexual matters and questions of sexual activity.

We would all hope that the world was an ideal place where this would obtain. Unfortunately, we know very well it is not. In the real world, many children cannot or do not talk to their parents. These children simply do not have an adequate relationship with their parents, and, in some cases, a parent is actually sexually abusing the child.

Unfortunately, the Istook-Manzullo amendment will not instantly turn a dysfunctional parent-child relationship into a positive, open relationship, and, unfortunately, we have to deal with the world as we find it, the real world, and not an ideal world.

If you are talking about title X clinics, you are talking about clinics that serve poor women. Yes, there are some women who go to title X clinics that are not poor, but the overwhelming majority of them come from poor families and they are in poor areas. These clinics are not being accessed by people who have good relationships with their parents. In many cases they are from broken families, from families in poverty, from circumstances that simply do not work to provide for parental consent.

The proponents of the amendment talk about the circumstances of a 14-year-old girl. They talk about it as if the title X clinic were the cause of her relationship with a high school teacher 20 years older than she.

The fact of the matter is that this relationship existed for more than a year before the title X clinic was ever involved. The title X clinic did not cause this relationship; the title X clinic did not facilitate the relationship.

It is extremely unfortunate that this occurred, and obviously we all deplore it, but at the bottom line the title X clinic may have prevented a 14-year-old child from becoming pregnant.

I believe that, in the end, and while it is well-intended, the Istook-Manzullo amendment will increase sexually

transmitted diseases, will increase unwanted pregnancies, will increase, therefore, abortion, and I believe, will not help the situation, however well-intended it is.

I believe that the amendment will drive teenagers away from seeking the kinds of counseling, the kinds of advice, the kinds of knowledge that they need to avoid sexually transmitted diseases, and it will not lead to the kind of results that the sponsors wish.

Mr. Chairman, I want to say one thing relating to the question of sexual abuse which has come up over and over again. There is not one State in the Union that does not require anyone with knowledge of a sexually abusive condition to report that to the authorities. If sexual coercion is going on, everyone, today, must report it to the authorities, and this amendment would add nothing to that requirement that already exists.

Unfortunately however well-intended the amendment is, it would not only not work, it would not only not help teenagers, but it would actually destroy any chance they have of coming to grips with becoming an adult in a responsible way.

I would urge Members to support the Castle substitute, which is well-drafted to provide exactly what is needed in these circumstances, and to oppose the Istook-Manzullo amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, I heard the gentleman from Illinois [Chairman PORTER] say, well, the program should not be done on an appropriations bill.

The problem is, title X has not been authorized by Congress. Its authorization expired 12 years ago, and there is no other opportunity except through appropriations bills to affect it.

We heard a claim that it is providing services to poor women. Actually, Mr. Chairman, the so-called confidentiality requirement is used to provide services to any socioeconomic group, because they say, "Do you want us to tell your parents?" They say "no." "OK, then we cannot count your parents' income. We will only count your income as a teenager. What is it?"

Of course, it is not anything beyond the poverty level, because you are only talking about a young lady or a young man.

Finally, I know of no case in the entire country, despite the underage children that go in there, where a title X clinic has ever reported a case of incest, has ever reported a case of statutory rape, has ever reported a case of child molestation or abuse.

Mr. Chairman, they have never reported these. And that is the essence of the problem. They do not report them. I do not know of a single case. If the Chairman knows, I am sure he will advise us.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I would simply say I do not know of the statistics in that area, but I do not think people go into the title X clinic and say, "I am being sexually abused."

The Castle amendment would have people counsel young people about that exact question and see if they can determine that. So I think that it will accomplish a great deal more than would ever be accomplished under the amendment the gentleman has offered.

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

Mr. PORTER. I yield to the gentleman from Illinois.

Mr. ISTOOK. Mr. Chairman, in response to that, the language of the Castle amendment only repeats what is already in the bill. The Castle amendment does not add anything or change anything. Those requirements are already in the bill.

As I say, I know of no case where a title X clinic has ever reported things. But they do know what their laws are on what is the age of sexual consent in their State, and they are not paying attention to them.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I rise in support of the Istook-Manzullo amendment and in opposition to the Castle substitute.

The opponents of the amendment, the Istook-Manzullo amendment, sent out a "Dear Colleague" which reads:

> Under the Istook amendment, a clinic must notify a parent in writing if a teen requests contraceptives. Five days later, the teen may return to the clinics for contraceptives. Parents who do not consent will prevent their teenagers from returning to the clinics.

Mr. Chairman, this is inaccurate. The parents do have the right to consent or the right to do nothing, and the child still gets the contraceptives.

What it does require is that title X clinics report to proper authorities any child abuse, child molestation, sexual abuse, rape or incest, and that means that no parent involved in an incestuous relationship will receive notice. Rather, they will be reported to the proper authorities.

It does allow for unrestricted information and counseling, which is duplicative in the Castle amendment, and it requires the title X clinic to provide notification to the parents or legal guardians for the minor seeking contraceptives. It does allow for judicial bypass and an exemption for emancipated minors, but it does attempt to include parents in the process.

It does not prevent treatment or testing from sexually transmitted diseases. Parental notification is not required for minors to be treated for STD's, and it does not deny any services to teens. It does not require parental consent, only notification.

This is about trust really. It boils down to trust. Are we going to trust kids and parents or do we trust government?

This is not about somebody else. This is about us right here on the floor. It is about you, and it is about me, and it is about Jessica, my 16-year-old daughter, who some of you met in Pennsylvania at the Hershey retreat.

So I ask, how does this affect me? How does this affect the rest of America? I believe most parents would do the right thing when notified. They would talk to their kids.

I know that I love my children more than any clinic can. But will all parents react properly? Probably not, according to most people's judgment. But, you know, this is not a risk-free society. It never will be. But they will be faced with a very important issue, the reality of what is going on in their children's lives.

If you do not trust yourself or those parents, this amendment will cover that. It has already taken into account that they can consent, again, for the children to get contraceptives and counseling, or they can simply do nothing and allow the clinic to provide this.

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

Mr. TIAHRT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I do not think notification would ever occur, because I think in almost every case the teenager would simply not go to the clinic. They would not get the counseling, they would not get the information, they would not know about sexually transmitted diseases, they would not get contraceptives. It simply would cause the clinic to stop functioning and stop providing those services.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, what I think it will do, Mr. Chairman, is it will force the parents to deal with the issue, and the children too, and that is not a thing that is occurring now. It is my hope the parents will do the right thing. They will talk to the kids about commitment, about personal responsibility, about the value of lasting relationships and abstinence. But if we do not notify the parents, we cannot give them a chance.

So let us put our trust in people and not in the Government. Let us trust ourselves, not some institution.

I know there is a great deal of concern about less than ideal families.

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

Mr. TIAHRT. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, if the gentleman would yield for a question, I am confused about this. One does not need consent, but one has to have notification. In what form would be the notice of notification? Would that be a

card or a telephone call or what? Or would the kid be sent to take a letter home to their parents, or what?

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I do not know how the regulation is written.

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

Mr. TIAHRT. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the Secretary of HHS would be authorized to issue regulations as to the form of written notice.

Mr. HEFNER. A written notice to the last known address?

Mr. MANZULLO. That is correct.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I think that the real underlying issue here is who do we trust? Do we trust people or are we going to put our faith in government?

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook-Manzullo amendment, because, quite simply, this amendment puts the life and the future of young women all across this country in danger.

Mr. Chairman, it is time to stop pretending that unwanted pregnancies and sexually transmitted diseases just go away if we do not talk about them. It is time to recognize that teen pregnancy and teen abortion rates actually drop when young people have access to the preventive reproductive health care that they need.

Mr. Chairman, I find it ironic that those who call for greater responsibility from our youth are the same people who would deny young women the tools they need to be responsible. It is equally ironic that the Congress would consider interfering with young women's health care, when almost every major medical and public health organization in this country opposes the parental consent requirements in this amendment.

Mr. Chairman, who do we listen to? If the Istook amendment passes, who will young women, those who do not have safe, supportive families, who will they turn to for sound medical advice? Who will help them avoid unwanted pregnancies and disease? Who will help them make responsible choices about their future?

Mr. Chairman, let us stop playing with the lives and the futures of young women. Let us defeat the Istook-Manzullo amendment and adopt the Castle substitute.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

□ 1900

Mr. HOUGHTON. Mr. Chairman, we are really talking about title X. Title X goes back to 1970. This is something that George Bush was very much involved in, and President Nixon signed into law. It has been very successful, as Members know, not only in terms of the things we have been talking about, but in terms of testing for breast and cervical cancer and infectious diseases. It really has been an extraordinary program. The thing I hate to do is to sort of tamper with it.

I am a grandfather of 15 children. I identify with the parental understanding and consent and all things like that; but I think the thing that bothers me is that when you thrust the Government right in the middle and say, "This is mandatory," it destroys the very fabric of the family. It destroys the thing which we have been trying to do. It destroys, undercuts the very statistics we are all so proud of.

It seems to me that if we are going to march down this road, we want to do it in a practical, in a sensitive, in a really profamily way, so we let the families and the churches and the friends and the communities work their will and their influence on children. And therefore, I am very much in favor of the Castle amendment.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have enjoyed this debate today. I do not question the motive of anyone on either side. For in excess of 30 years we, as a society, have done everything in our power to try to change the look of this country. We have tried with social engineering to do everything that we could to make people act in a different way. I submit that we have failed miserably.

The status quo that we are talking about today says that what we want to do is continue the same process, the same path we have been walking down, and if we continue to do that, we are going to get the same results.

It would seem to me that somewhere along the way we, as a body, should try our best to take the families that we have in this country and strengthen them. It seems to me we should be supportive of families, that we should uplift them, that we should be able in some way to help them in such a way that they can make it through rough times.

It seems to me it is a very odd scenario that we, as a body, have made the determination that what we should do is interject lies and deceit in this family relationship. There are those who say, well, there are a lot of families out there that are dysfunctional. That is true. But if we expect the worst of people, that is exactly what we are going to get.

I will tell the Members this: This amendment cannot do anything nearly as bad as what we have had happening for the last 35 years. We have gotten more pregnant teenagers, we have gotten more people pregnant out of wedlock, we have gotten more communicable, sexually transmitted diseases in this country than at any other time in our history. It is getting worse every year.

I think it would be a wise move on our part to move away from the lies and deceit that we have interjected in these relationships and we want to constantly interject in these relationships, and do something positive for a change. The moral relativism that has occurred with the advancement of the policies that are in place now is ridiculous. It has been hurtful for every family.

I think we should do something revolutionary. We should put some truth into relationships. We should allow the truth to be told to parents, and then we would, I think, see a positive difference. I must tell the Members that what we are doing now has been the most hurtful thing to our families of any other policy we have ever advocated.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 3½ minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Istook-Manzullo amendment and in strong support for the Castle-Porter amendment, and commend them for their leadership in bringing this very important amendment to the floor.

Listening to the debate, it is clear that an amendment of this kind and a discussion of this kind of issue goes right to the heart of American families. It strikes fear into our hearts, we who are parents, and I am the proud mother of five children.

The very idea that our children may be sexually active before they are married is something that is not anything that we would support, so we all promote abstinence and support building families and truth in relationships; and where there is truth in relationships, where parents have engendered that truth, there probably is not a problem. But where there is a problem, title X is an answer.

Listening to the debate and listening to my colleagues sincerely put forth their ideas, it is clear to me that it is time for this House of Representatives to have a discussion of the facts of life, because they are being ignored in this debate.

The facts in relationship to this issue are these: There are effective methods to reduce adolescent sexual activity and pregnancy, but sticking our heads in the sand is not one of them.

The restrictive amendment proposed by the gentleman from Oklahoma [Mr.

ISTOOK] will deny many teenagers contraceptive services. It will not cause them to be less sexually active. The fact is, it will cause them to be less responsible in their sexual activity. Certainly we promote abstinence, but certainly we recognize that not all young people follow that lead, and they need more advice and counseling.

Studies show that if restrictive parental involvement of this kind, and not of the kind very smartly put forth by the gentleman from Delaware [Mr. CASTLE], studies show if the restrictive parental involvement were mandated, 80 percent of teens who do seek contraceptive care now would no longer seek that care, and less than 1 in 100 would stop sexual activity. The National Center for Health Statistics recently reported that the birth rate among teenagers has fallen since 1991, due both to fewer teenagers having sex and better contraceptive use among those who are.

There are reasons why the medical community is firm in its opposition to the Istook amendment. The American Medical Association, the American Academy of Pediatrics, and the American Academy of Family Physicians all oppose mandatory parental consent.

The substitute, the Castle-Porter substitute offered today, encourages parental involvement which is appropriate and helpful for many teens. It recognizes that mandatory notification or consent does nothing to prevent either sexual activity or unintended pregnancies.

I call the Istook amendment the classic law of unintended consequences, the consequences of more sexually transmitted diseases, more teen pregnancies, and more abortions, unfortunately. And of course, the other services that are provided at title X clinics would not be provided, as well.

I urge my colleagues to support the Castle-Porter substitute and oppose the Istook amendment.

Mr. MANZULLO. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Idaho, Mrs. HELEN CHENOWETH.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

I listened very carefully to the gentlewoman from California as she put forth her very eloquent debate on this issue. She is right, because the crux of this whole issue really is truth in relationships. It is a very, very important thing in this day and age.

I think one of the reasons why I am so strongly supportive of the Istook-Manzullo amendment is because the relationship between the parent and the child, as far as how the Government interacts in that relationship, must be strengthened.

The Government needs to take a position of showing ultimate respect for the parents with regard to their relationship with the children, unless there is reasonable cause to believe that that relationship is horribly abusive. And in many cases the relationship is abusive; we always want to stand guard against an abusive relationship like that.

Mr. Chairman, it is a very sensitive thing for young women to have to approach their parents and say, gosh, Mom, I am pregnant. That is a very difficult moment in a family's life together. But being a woman who before coming to Congress was engaged in counseling other women in other situations, I have found time and time again that once that hurdle is overcome, that the relationship between mother and daughter or the relationship between father and son or father and daughter or daughter and father actually strengthens.

Nine times out of ten the parents, of course, after finally getting their breath and realizing, yes, this is taking us off into a new passage, rally around with all the natural instincts of parents with that child to help them through this very difficult time.

Mr. Chairman, let us run this picture back again. When teenagers may approach their parents and say, I want to become more sexually active and I feel that I am ready for this, the fact is that the parents then have the chance to be able to counsel with their own child as to what their best judgment would be as parents.

The fact is, and I so agree with the gentlewoman from California about the fact that our young people need to understand that there are consequences to actions, yes, they do, but they need to understand that within the context of what is being taught in the home and in the churches, as well as in society and in the schools.

So I very strongly support the Manzullo-Istook amendment because I strongly believe it does two very, very important things: First, it strengthens States' rights in that it says, it simply says, notwithstanding any other provision of law, no provider of services under title X of the Public Health Services Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest. So again, the Federal Government should, under its rightful responsibilities, uphold State law.

I find this amendment to be somewhat benign, except in the fact that I do believe that it strongly enhances the ability of parents and children to handle their problems as a family.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is not a debate I was eager to get involved in, because it is a very sensitive issue. You are always afraid you might say the wrong thing when you speak from your heart. But that is the way I want to speak.

I know our children are having children. I have conducted a number of hearings on my Subcommittee on Human Resources. I know that 82 percent of all teen pregnancies are unintended. I know that more than half of the unintended pregnancies end in abortion. I know the teen birthrate in the United States is the highest of any industrial nation.

I also know that I wrestle with, as I think all Members do, the issue of values. I want our children to have values and want our society to have values. I strongly disagree with people in this country who think we cannot teach values. I think a decision to not have values is a decision not to teach values.

So I stand before the Members as someone who really wants our children to know what to do and what not to do. I want our Government to contribute to that, and not to be conflicting with it.

But I rise in support of the Castle-Porter substitute amendment to the Istook-Manzullo parental notification amendment because, with all my heart and soul, I believe that if the amendment stands without the substitute, we are going to have more sickness, we are going to have more disease, we are going to clearly have more pregnancies, and we are going to have more abortions. I think that is ultimately the result.

I support family planning assistance. The Istook amendment will not prevent young people from having sex. We are not going to outlaw sex. It is still going to happen.

□ 1915

But the Istook amendment will deter teens from seeking contraceptive services. Approximately 86 percent of teens coming to title X clinics for family planning services have already had sex. Title X family planning clinics offer a wide range of services, including contraceptive, socially transmitted disease screening and treatment, HIV screening, and routine gynecological examinations. Requiring parental notification for contraception will deter too many teens from seeking these very important services.

So I do not reluctantly oppose the Istook amendment; I strongly oppose it. I believe the Castle substitute to the amendment is essential if we want less sickness, less disease, less pregnancies, and less abortions.

Mr. Chairman, I really believe that what we are trying to talk about in values really begins with what a parent teaches his or her child. And this is an area that gets a little more dicey, but frankly those children who have been involved in sexual activity are in a circumstance where they need help. Unfortunately, in many cases they do not think they can turn to their parents.

Mr. MANZULLO. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, this is a core, gut issue. As a father, I can only echo the thoughts of the gentleman from Oklahoma who spoke earlier tonight, that it is embarrassing and disappointing that this Congress will insert itself between a parent and a child.

Listening to the debate, I am frustrated. I get to the boiling point of anger, believing that there are those in this House who believe that it is this Congress' responsibility and right to intervene between a parent and a child and that this Government is better at teaching values and better at solving these kinds of problems than what a parent, a family, a church can do. It is actually a frightening thought.

Mr. Chairman, all this amendment does is say that as these decisions are made, a parent has a right to be notified before the Government starts handing out contraceptives, before the Government starts handing out advice.

Mr. Chairman, my kids going into this type of an agency, they do not know my kids' names, they do not know the background, they do not know the parental values, they do not know the issues going on at home. Heaven forbid that they would start dealing with this issue with my kids.

What makes us believe that this Government was ever given the right to raise our kids and teach them about these issues? There is absolutely no right for the Federal Government to become involved in these issues.

Mr. Chairman, all we are asking for is parental notification. What we have today is a relationship and a process which destroys the relationship between a parent and the child. It encourages a veil of secrecy between children and their parents.

If title X is so good, and if title X solves so many problems, why do we not change the focus of title X and instead of focusing on the kids, let us go to the parents? What makes us afraid of taking this approach and selling it to parents and saying here is a program, here is a set of values, here is a set of issues that we think your kids ought to know about. Sign them up today and we will help you raise your kids. Why do we start with the kids and go to the kids and break the relationship?

If we are worried about the families, why are we engaged in activities of breaking down the family structure rather than going to the parents and saying, you know, we know a lot about these issues. There are programs in the Federal Government that are here to help. They are so good, we are not ashamed to come to you as parents and to talk with you as parents to help you get the kind of advice and the information necessary to raise your kids.

But instead of going to the parents, no, we are afraid to go to the parents because we know that most American parents do not support this kind of an approach and this kind of intervention with their kids.

It is time for us to be building families, not to be putting programs in place that destroy families and tear down the relationships between parents and kids. It is no surprise to me that this administration also is the administration that eliminated the parental impact statement or the family impact statement.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I just want to say to the gentleman from Michigan [Mr. HOEKSTRA] that many of us are very frustrated and angry at the rising rate of teenage pregnancy. And if the relationship between the parents and the children were so good, then there should not be any concern about those children going to the title X clinics.

So let us work together to promote abstinence, because I share the gentleman's concerns and I am very angry at the rate of teenage pregnancy, which is now escalating over the last 10 years.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for her leadership, and I thank my colleagues who have come to the floor.

Mr. Chairman, I want to make a simple statement. First of all, as a parent of a daughter, I would offer to say that all of us would hope our family relationships, our ability to communicate and show nurturing and love to our children, leaves the door open for those children to come to us with their most intimate secrets. All of us as parents pray every day that we will never have the tragedy that faced the young lady at her prom in New Jersey, the tragedy of the young couple who are now being charged for a tragedy that occurred with an alleged stillborn baby. Those are the end results, the tragedies of America.

Mr. Chairman, this amendment would require that a minor attain the consent of a custodial parent or legal guardian before receiving contraceptive drugs or devices from a provider receiving funds under title X. Notice that I said parent or legal guardian. That means that the legal guardian may not have a blood relationship with that child.

There are issues of incest and poor relations and frustration and fright. If there is a good relationship, we can be assured that our child will be there to ask us for advice and guidance. More importantly, we will be there to talk to our child about what happens in life as they move toward maturity and the feelings in their body.

But yet now we are asking for the long hand of the government to intrude in a process that is confidential. Title X is a confidential provider and a confidential process. In fact, the Federal law requires that parents are encouraged to participate, but yet there is this confidentiality that allows that child to be protected away from incest and threat.

Mr. Chairman, I would encourage my colleagues to defeat this amendment and support the Castle-Porter substitute to encourage our children to be protected.

I rise today to voice my opposition to the Istook amendment to H.R. 2264, the Labor-HHS-Education appropriations bill. The Istook amendment requires that a custodial parent or legal guardian be notified before their child receives contraceptive drugs or devices from a provider receiving funds under the title X family planning program. The amendment also contains a provision permitting the courts to give consent for a minor to receive such drugs or devices if parental consent cannot be obtained.

I agree with my colleague, Mr. ISTOOK, that adolescents should be encouraged to seek their parents' advice and counsel when facing difficult choices regarding family planning and prevention. Indeed, Federal law already requires title X providers to encourage family participation in reproductive health decisions. The Government, however, cannot mandate healthy family relations where they do not already exist. While many teens do discuss their situation with a parent, not every teen is able to speak openly with his or her parents.

This amendment will prove harmful to teens by deterring them from seeking needed health care to prevent teen pregnancy. Studies confirm that when parental involvement is mandated by law, particularly in the case of family planning, adolescents are likely to delay or avoid seeking needed care.

In one of these studies, it was reveled that if parental involvement were mandated, 80 percent of the adolescents surveyed would no longer seek care. However, less than 1 in 100 of those same adolescents would discontinue sexual relations. In another such study, 58 percent of high school students surveyed in three public schools in central Massachusetts reported having health concerns they wished to keep from their parents. Approximately 25 percent of the students said they would forgo seeking certain types of medical treatment if there was a possibility of parental disclosure by physicians.

Every year, approximately 1 million teenagers in this country become pregnant, and 86 percent of births to unmarried teenagers are unintended. Such high rates of teen pregnancy are a burden to us all—to the teenagers, to their children, and to society as a whole. Fewer than 60 percent to teen mothers graduate from high school by age 25—compared to 90 percent of those who postpone childbearing. Further, teen mothers are four times as likely as women who have their first child after adolescence to be poor in their twenties and early thirties and are more likely to have lower family incomes later in life. Additionally, teenage girls have a higher risk of

pregnancy complications—including maternal mortality and morbidity, miscarriages and stillbirths, premature births and nutritional deficiencies—than adult women.

The personal impact of teenage childbearing is twofold, diminishing the opportunities of both the mother and the child for the children of teenage parents are more likely to become teenage parents themselves, thus perpetuating the cycle of poverty.

Given the reproductive health crisis currently facing American youth, it is clear that continued access to confidential reproductive health services is critical. Restricting access to these services will make it more difficult for at-risk teens to escape poverty and will put adolescents' lives, health, and future fertility at risk.

I urge my colleagues to join me in opposing the Istook amendment. We must not interfere with the goal of preventing teenage pregnancy.

Several organizations oppose the Istook amendment, they are:

American Hospital Association, American College of Obstetricians and Gynecologists, American Academy of Pediatrics, American Academy of Family Physicians, American Public Health Association, and American Medical Association.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been concerned about this issue for some time as a Governor. When I became Governor of Delaware, we had the highest infant mortality rate of any State in the country. This is a State that is reasonably wealthy.

I am the cochairman, with the gentlewoman from New York [Mrs. LOWEY], of the Congressional Advisory Panel for the National Campaign to Reduce Teen Pregnancy. It is a tremendous concern.

One point that I just want to discuss here tonight is the correlation that we are hearing between the advent of family planning and the increase in teenage pregnancy and sexually transmitted diseases, and sex in general, in this country. I just do not happen to believe that.

Mr. Chairman, I do not have the percentages, quite frankly, of how many people actually go to these clinics. But I imagine it is a very small percentage of young teenagers who are involved in sex or who become pregnant in any way whatsoever. But obviously with permissiveness in society across the board, with a greater disregard of marriage than we have had heretofore, we have some tremendous societal problems that we have to address.

Mr. Chairman, so to say that these two are directly related to each other I think is really going too far. And when you think about that and realize what is the best way to deal with our poorest children, because basically the title X clinics are for poor children, they charge fees if you have income above a certain level. It is for our poor children, a lot of whom have family problems.

Do we want to encourage the kids to go in there and get advice and help? And the answer is yes. We want to do everything we can to get the kids in the door, to get the advice of these counselors and the help of these counselors. It is that simple.

Again, Mr. Chairman, I cannot stress enough how much I believe in the faith and the intent of those on the other side of this particular issue. But I believe with all my heart that the way we are going to help teenagers the most, the way we are going to help them with respect to dealing with this problem, is to make this an inviting and a warm circumstance. The best way to do that is to pass the Castle-Porter amendment which will address the issue that way.

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

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I have four children. All of them are boys, except for two. It is "except for two" that bothers me now, even though they are of age. They are grown. Laura and Rachel are very fine, well-adjusted kids, and I am thankful for this. Their mother and I both are.

But what I see here is that the parents have all the responsibility, but our government is trying to take the authority away, so that if there is something wrong, it is the parents. But we are taking the authority away and showing no respect that the kids can give to them as parents.

Look at what we do in our schools. We thrust the government in between the parent and the child. Let us say on prayer in schools, at home and in church parents who choose to do so will talk to their kids about prayer. They send them to school and the people say no, your parents may do that, but that is not correct. That is not the thing to do.

We send our kids to school and we say to them, obey your teachers, obey the school officials. This is the way things are supposed to be done. The schools send the kids home and say disregard your parents.

Mr. Chairman, we are in an uphill battle now as far as trying to get more values back into our Nation and we cannot do it through the government. We cannot. And the circumstance we have right now is that we have circumstances where grown adults hear from kids without the parents knowing about it. They learn of things like statutory rape, and they stay quiet. They do not tell the parents, they do not tell the authorities, because they have this feeling that if they do, the kids will not confide in them later.

What we need to start having to happen is that for kids to start confiding in their parents. We need to stop thrusting the government in between the parents and the kids.

Mr. Chairman, I urge my colleagues to please vote for the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, 10 years ago, when I was mayor of the city of Alexandria, which is just across the Potomac River from us, perhaps the toughest thing that I had to do was to establish a family planning clinic for teenagers. I say I felt I had to because of the intolerably high incidence of teenage pregnancies and abortions and sexually transmitted diseases.

So we availed ourselves of all of the data. We talked with the students and parents at length. We had this very same debate that we are having today, except that it lasted a year. Mr. Chairman, we came to the conclusion that if we required parental notification, we might as well save our time and effort and money, because the students were not going to use it.

Now, let me say, frankly, it has not been a panacea. We still have nearly 50 percent of the older teenagers who have had sexual intercourse at least once. The national figure is about 40 percent.

□ 1930

But what it has done is to reduce the number of teenage pregnancies. It has reduced the number of abortions. It has reduced the number of sexually transmitted diseases. It has improved the health of our student body. And although the information is only anecdotal, from talking with the parents, I know that there are far more parents who are communicating with their teenagers because of the existence of that family planning clinic, because the first thing they suggest is abstinence, and then the second thing they urge is to talk with their parents. It is working. That is what family planning clinics all over the country do.

One of the statistics that we have to bear in mind, and it was the case in Alexandria, is that nearly 90 percent of the teenagers that go to these family planning clinics are already sexually active. So we are not talking about encouraging any sexual licentiousness. What we are talking about is being responsible, doing what is in the best interest of our young people. Support the Porter-Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Castle amendment. I would say that this has been a worthy discussion. It is clear that we are all united in wanting good law and government to strengthen families. We are united in wanting trust and good communication between parents and children. We are united in wanting to reduce teen pregnancies,

sexually transmitted diseases, and abortions.

It is, indeed, extraordinarily difficult to decide how to accomplish these goals from Washington, but what I want to point out to my colleagues about this amendment is slightly different than that debate and dialogue that has proceeded here for the last hour and a half.

According to lawyers for the American Hospital Association and the National Association of Public Hospitals who have reviewed the text of the amendment, they believe it is written more broadly than was first thought. The parental consent requirement applies not just to title X funds but to all funds used to provide contraceptives, including State and privately raised funds. So if a hospital or a clinic fails to abide by the parental consent requirements in this bill, it forfeits all Federal funds which it might be receiving from title X, Medicaid, breast and cervical cancer screening funds, community health center funding or any State or private funding.

On the other hand, in 24 States it is a violation of State law to require a parent, guardian, or judge to consent to contraceptives for minors. Therefore, this amendment puts hospitals in between. They must violate State law or run the risk of losing their Federal funds in 24 States.

Now, that is the reading of the amendment by the lawyers for the American Hospital Association, the National Association of Public Hospitals.

Mr. MANZULLO. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the problem is that they have read it as parental consent. Ours is parental notification. The gentlewoman has used "consent" during the course of the argument. I am sure that is the way they phrased it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I think that is probably my mistranslation of the dialogue that has been taking place over the course of yesterday and today. They mistake that because many of us believe that notification in this instance is essentially equivalent to consent. But if I may then correct my words to say "parental notification" requirement, it is still the same.

In other words, I believe that my central message is still accurate, that this amendment will put hospitals in 24 States in a very difficult position. They will either have to violate State law or run the risk of losing all of their Federal funds.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Chairman, the issue we face today is an emotional issue. Like my friend and colleague from Arkansas, I have several children, seven to be exact, all of whom but two are also boys. In my case, like my friend, the gentleman from Arkansas [Mr. DICKEY], I have a Laura and a Rachel. I also have a Jane, Emily, Elizabeth, and another possibly on the way.

As we consider the issue before us, it is in the context, of course, of this growth in unmarried teens having pregnancies leaving us a legacy of single family homes, higher welfare costs, and extensive juvenile crime. Everyone agrees that something should be done.

On one side some believe that easy access to contraceptives will make the problem go away. Others, including me, believe that the fundamental problem is the diminished role of the family, not the lack of pharmaceuticals. Families are the building blocks of our society and even the best clinician can never be the equal to a caring parent when a child begins to think about sex. That is why I support the Manzullo-Istook amendment and why I oppose the Castle amendment. It sets forth a simple minimal standard when it comes to taxpayer-funded contraceptives for our children; that is, that parents must be at least notified before services are provided.

As legal and moral guardians of our children, we as parents have a right to know. We require parental consent before giving immunization or providing surgery to minors. We must at least notify one parent before a child is given birth control. Parents, not clinic workers, must be able to help their children with such sensitive decisions, and parents deserve the opportunity to make their views known to the child before the child makes a life altering decision.

This measure reaffirms and reinforces our central role as parents in the lives of our children. If this Congress believes that Government should strengthen families, not pull them apart, we will reinforce parental authority by supporting this amendment.

One of the unintended consequences of this law, title X, birth control funding, is that the Federal Government becomes the widely recognized schoolmaster who our children then look to in making decisions about morality. That is the impropriety of our current situation and why I support the Istook-Manzullo amendment.

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. CRAPO). The gentleman will state it.

Mr. MANZULLO. Can the Chair advise as to who has the right to close?

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] or his designee, the gentlewoman from New York [Mrs. LOWEY], would have the right to close.

Mr. MANZULLO. This is on the substitute amendment. It is not the committee position. Therefore, would not the person who provides the amendment have the right to close?

The CHAIRMAN pro tempore. At this point the debate has essentially become fungible between the amendments, and the Chair is perceiving the debate to be, therefore, on the first degree amendment. Therefore, a member of the committee in opposition to the first degree amendment would have the right to close.

Mr. MANZULLO. What does that mean, Mr. Chairman?

The CHAIRMAN pro tempore. It means that the gentlewoman from New York [Mrs. LOWEY], as the designee of the gentleman from Wisconsin [Mr. OBEY], would have the right to close.

Mr. MANZULLO. I thank the Chair.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, in 1965 the out-of-wedlock birthrate was 6 percent. Today, it is 32 percent. We have had an explosion of illegitimacy in the country at the same time as contraceptives have been widely available without restriction to children. All of the sociological data indicates that these kids are not having kids because they do not know the facts of life or do not have access to contraceptives. They are getting pregnant because they are choosing to get pregnant because our society has consistently sent them the message that they should do what is expedient ahead of what is right, precisely the kind of policy that the gentleman from Oklahoma [Mr. ISTOOK] is trying to change.

Mr. Chairman, these kids do not need condoms. They desperately need to be told the truth, that for them sexual experimentation is physically, emotionally, and spiritually dangerous. They are much more likely to get that message from their parents than they are from the Government. If we have not learned that lesson from the last 30 years, then experience has truly gone through us without stopping.

Support the Istook amendment. Oppose the Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], a member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would like to begin by making my position clear. I think that parents should be involved in their children's lives and in their decisions. The Castle-Porter substitute ensures that clinics encourage teens to discuss these decisions with their parents, and I support that language.

I urge my colleagues to examine the Istook amendment, a misleading amendment. The gentleman from Oklahoma [Mr. ISTOOK] claims his amendment requires parental notification but not consent. He claims that under his amendment teens will have the same

access to testing for sexually transmitted disease that they do now. But the facts show that he is wrong.

Despite protestations, the Istook-Manzullo amendment is a parental consent amendment. The bill requires parental notification in writing 5 days before a teen can return to a clinic and receive birth control. This is, in effect if not in name, a parental consent amendment. If teens think their parents will be told, they will not come to the clinic in the first place. This amendment will scare teens away from getting the contraceptives that they need to avoid pregnancy.

Medical organizations, including the American Medical Association, make no distinction between parental notification and consent. In fact, they oppose both. They point out that if parental notification or consent is required that the youngsters will not go to the clinics. Those are not my words, this is the American Medical Association.

Teens are screened for sexually transmitted diseases, many of which have no obvious early symptoms, especially for women, only after they go to a clinic for birth control. They do not go to clinics to be screened for sexually transmitted diseases, they go for contraceptives and are then persuaded to be tested. By the way, it is important to know that State law requires that the knowledge or incidence of rape that may be reported in that State clinic must be reported by the clinic. State law determines that.

That is why all six living Surgeons General, those who served under Presidents Nixon, Ford, Carter, Reagan, Bush, and Clinton, oppose parental consent. In 1994, the six Surgeons General wrote in opposition to a Helms parental consent amendment: "We support the efforts of public health professionals and health care providers to encourage minors to involve their families in all aspects of health education and health services. We would strongly oppose a Federal mandate that requires parental consent as a condition of receiving Federal funds."

In fact, the amendment is even more far-reaching. Lawyers for the American Hospital Association and the American Public Hospital Association who have reviewed the text of the amendment have pointed out that the parental consent requirement applies not just to title X funds but to all funds used to provide contraceptives, including State and privately raised funds. If a hospital or clinic fails to abide by the parental consent requirements, it would forfeit all Federal funds which it might be receiving, including Medicaid, breast and cervical cancer screening funds, et cetera.

But in 24 States, it is a violation of State law to require a parent, guardian or judge to consent to contraceptives for a minor, in 24 States. Therefore, hospitals must violate State law or run the risk of losing all of their Federal funds, even those which care for seniors, the disabled and others who, in fact, have nothing to do with family planning. Let me be clear once again, I support parents' rights to guide their children. The Istook amendment will undermine that objective.

As the six Surgeons General wrote, "there are data showing that adolescents will forgo counseling, education, and services if parental consent is required. A policy of this nature would sharply reduce the hope of reaching those teenagers who are most at risk and reduce the ability of health professionals to encourage family involvement or assist adolescents in taking responsible action."

□ 1945

Whether we call it parental consent or whether we call it parental notification, the Istook-Manzullo amendment will, in fact, increase teen pregnancy, teen abortion, and sexually transmitted disease.

I urge my colleagues to vote "yes" on the Castle substitute and to oppose the Istook-Manzullo amendment.

Mr. MANZULLO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I hear people say, oh, they are already required to follow the law and report statutory rape or incest or child molestation or sexual abuse or whatever we want to call it. Title X is providing services to 1.5 million teens each year. It has been in existence for 27 years.

I have not heard of one single instance where any of these teens pulled into the program, adolescents as young as 12, 13 years old, has ever, ever, ever, ever, in 27 years, had a title X provider report a case that it is statutory rape, it is child abuse, it is incest. Not a single instance in 27 years.

It is time we fix that. The amendment fixes it.

After all, title X was adopted in 1970. The birth rates for unmarried teens has doubled since title X because it provides a false sense of security that it is OK and safe for them to have sex.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Istook amendment.

This is a difficult issue for me. As the parent of two daughters, if one of my daughters were receiving advice from a family planning clinic, I would want to know. But a reality is that most of our young people do not consult their parents or any adult about their sexual activity. In fact, studies show that 80 percent of teens who currently seek family planning advice at clinics would stop going if they had to ask their parents. Only 1 percent of those kids would stop sexual relations.

This amendment would effectively increase the number of abortions, increase teen pregnancies, increase the spread of sexually transmitted disease and increase the spread of AIDS. Whether we are asking for parental consent or parental notification, the result is the same: Confidentiality is crushed and, with it, the intent of the program.

How many times a day do we ask our teenagers to act responsibly? Let us give them the freedom to do as we ask. We can encourage our young people to consult their parents, we can ask parents to be there for their children, but we as a government simply cannot mandate these sorts of relationships.

Mr. Chairman, I urge a "no" vote on the Istook amendment and a "yes" vote for the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue.

When I was in school I learned that one of the worst ways to confound logic was to use generalizations. Whenever we generalize, we make a mistake, and there has been a lot of that in this debate.

My good friend, the gentleman from Michigan [Mr. HOEKSTRA], talked with great passion about his concern that this language, the Castle language, would undermine communications in the family; it would somehow spread itself into our families. And yet here we are on the other side of this argument saying that is not the case.

There has to be some reason why honorable people seeking the truth find themselves with a different perspective, and I think it is this: Roughly half of the teenage girls in this country are not sexually active before the age of 18. So if we take that population for starters, we are not having any effect on them. They are not sexually active, they are not going into clinics, and so the families are untouched by this.

Of those who are, most of them never find their way to a family planning clinic. They are sexually active, but they do not begin that process by going to a family planning clinic.

That is not how this process works. Usually what happens is, after they have been sexually active for about a year, they get scared, they think they are pregnant or they think they might have a sexually transmitted disease, and then they go into the clinics to find out. And when they are there, they find a counselor who says, let us talk about this and let us get your parents involved. And 55 percent of the teenagers who do go to the clinics, this relatively shrinking population of American teenagers, do involve their parents.

So what we are really talking about is a very small fraction of America's

teenagers, and these are the kids who are sexually active, do go to a clinic, do not involve their parents because they cannot. We have to make that distinction.

Yes, most American families will not be touched by this. They do not need my help, they do not need the Istook-Manzullo amendment, they do not need Congress involved in this issue at all. But if there is any doubt in anyone's mind that there are teenagers in this country who are prematurely sexually active and have not the parental and family and church resources to guide them, let us take a walk out of this building and in 3 minutes we will find scores and scores and scores of those teenagers for whom the family values we have been talking about are nonexistent. The church resources, the community resources are nonexistent, and yet we know they are sexually active because all of the indicators show the results of the pregnancies and the sexually transmitted diseases.

So, for God's sake, for those kids, for those kids that are not like our kids, support the Castle amendment and give them a hand.

Mr. MANZULLO. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 17½ minutes remaining, the gentleman from Delaware [Mr. CASTLE] has 6¾ minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 3½ minutes remaining.

Mr. MANZULLO. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, one of the great blessings in my life is being the father of five children. Three of them are girls. All three of my daughters are teenagers. We have made the evolution from young teenagers to older teenagers.

I heard the gentleman from Pennsylvania [Mr. GREENWOOD] recount, for example, going through with his daughters situations like, can I get my ears pierced, when do I start wearing makeup, when can I get a driver's license. We go through all those experiences, and over and over, we run across situations where our children are told they have to have mom or dad's permission, they have to have the consent of a parent, whether it is piercing of ears or things such as that.

We can have a child that is involved in an automobile accident, and we find that for emergency medical care they have to have that parental consent. We have situations if a child is going to have aspirin at school, if they are going to be going on a field trip, these are just samples from some of our schools, from one in Virginia, authorization for medication, to be completed by a parent or guardian before they are going to give any sort of simple medicine to a schoolchild.

Field trip permission form. This particular one from the Fairfax County public schools. And then this one, which by the way is from the public schools which my children attend or have graduated from in Ponca City, administering medicines to students. It is the policy of the board that with written parental permission medicines can be administered to your child. Over and over we have that.

And here is a standard medical consent form, an allergy shot consent form. Here it says signature of patient or parent, "patient" if they are of legal age, "parent" if they are not.

Here we have the consent or even notice that was provided to the parents of the 14-year-old in Illinois who was lured and coerced and pulled into a sexual relationship with a 37-year-old man to get the shots of Depo-Provera, an extremely controversial drug with plenty of side effects. That is the consent that was required. That is the notice that was required. Nothing. It can have interactions with other health issues with our children, but we will never know about it.

We may make a decision that relates to giving our children some other medicine or some other treatment, and we do not know about potential interactions because title X avoids it.

So we have these things that are going on which are contrary to the way that people are trying to live their lives and instruct their children, and it all comes about because there is in the title X regulations a requirement of confidentiality. And it is Federal law; it supersedes State law.

I hear people say, what about the State law? The answer is, Federal law supersedes it. In fact, we just had decisions in Utah over parental consent on that. One came down about 2 weeks ago in Texas that Federal law controls over State efforts or interests in providing parental notice or parental consents.

And this confidentiality is used to declare a child eligible for title X, because then we do not consult the parents on the income so they can become automatically eligible. And in addition to that, the confidentiality is used to avoid turning things in.

We have a whole chart of what is the age of consent, what are the laws in the different States? And the youngest any State has, and there are only two of them, two States say that age 14, a minor, could give consent to sexual relations. Two other States say 15; 27 States say 16; five say 17; 14 say 18; and they all have different standards according to the State law on what is considered statutory rape or sexual abuse or child abuse or child molestation.

We think those laws are important. They ought to be followed. But title X, with this little confidentiality requirement, has been on the books for 27 years. It is now treating 1.5 million teenagers a year. We know that many, many, many, many, many of them are below the age of consent. They are at the age where the law says, we want to protect them, we want to protect them. Anyone that gets involved in a sexual relationship with them can go to jail.

Everyone else has requirements to report child abuse or sexual abuse, but out of the 1½ million treatments a year, 27 years, which is potentially, what, 40 million treatments, I do not know of a single case, not 1 for 27 years, where a title X provider has ever said, this is a situation where incest is going on, this is a situation where statutory rape or child molestation or sexual abuse is going on. They do not report it.

We hear from doctors in hospitals that say, oh, I do not want to have to report that. Everybody else in this country is responsible for protecting our children and reporting situations like that, but we have some people that do not want to get involved, and they are the ones that are making the judgment calls and the decisions on whether our children are receiving these treatments subsidized by hundreds of millions of dollars of taxpayers' money.

I think it is kind of common sense to say, I want my kids protected. Everyone wants their children protected. Let us say simply that if they become aware, they know what the age of consent is, if they become aware of these things, they should report it to the proper authorities, just like everybody else does.

Millions of cases with title X providers providing services to minors, no reports. They do not turn them in, even though it goes on. That is the first part.

The second part, of course, is notifying the parent, the parent that would have the consent to anything else involving the health and safety and well-being and counseling and guidance of their children.

But we cut them off. We isolate them. We say we have made a national decision that is more important than the decisions parents will make in their homes. We have made a national decision because some people, and they do, some people do have problems communicating with their parents to that degree; but because some have the problem, we are going to make it the law to cover 250 million Americans instead of saying, we are going to set up a system that only covers those that have a problem.

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The amendment does that. It has the so-called judicial bypass language which tracks mechanisms that already exist in every State when a parent is not responsible and needs to be bypassed. We have got it in there. But instead we are told, Oh, let's vote for a

substitute, a substitute that says, Well, let's counsel people on how to avoid sexual predation. The trick is that language is already in the bill. The requirement that they encourage teens to get their parents involved has been the law for years. The so-called substitute is just a figleaf, it is just something to try to hide behind because some people do not want to tell their constituents how they voted on parental notice, how they voted on requiring title X providers to report it if they know of a situation.

Title X was adopted in 1970. This is 1970. The birth rates for unmarried teenagers in 1970, 22.4 births per 1,000 teenagers. This is it now. This is the year title X was adopted, 1970, and created this bypass for parents involving guidance and direction for their children. Since then, the out-of-wedlock birth for teens has doubled: 44 per 1,000. Because after all if teens think they are being protected, "Oh, I've learned how to do this" and they forget to take the pill, forget the diaphragm, leave behind an IUD or whatever it may be, they make a mistake, they think they are protected, they are teens, they are still kids, they make the mistakes and they end up with more pregnancies. If you do things to make sexual activity by teens easier, there will be more sexual activity, there will be more out-of-wedlock births and there will be more abortions, too. The thing to do is to try to diminish the number of teenagers having sex, not to subsidize it with hundreds of millions of dollars of our taxpayer money, which is what is happening now.

Please help me protect my children. I am going to have grandchildren someday, grandparents care, too. Let us protect our kids and our grandkids. Let us make a commonsense amendment to this Federal program and say, first and foremost, the parents have a role in their kids and Uncle Sam should never try to take that away. I urge defeat of the Castle substitute and adoption of the underlying amendment.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I only wish life were so simple. We pass the Istook amendment and magically parents and teenagers communicate on all personal issues. Teenagers stop having sex and dysfunctional families become close. Would it not be nice? I do not mind if some people choose to live in a dream world. But I mind greatly when some political dreams become a nightmare for thousands of young Americans.

Maybe this amendment will make some feel good in the comfort of their happy home this evening, but the reality is it will result in misery for thousands of young Americans. For me, Mr. Chairman, that is simply too high of a price for others to pay for me to feel good tonight. In the real world, the consequence of this amendment is more abortions and more unplanned pregnancies. If our moral message to teenagers is that they should face the consequences of their actions, maybe we in Congress should stop preaching and start practicing tonight on this amendment. Vote "no" on the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. I thank the gentleman for again yielding me this time.

Mr. Chairman, I have heard the proponents of the amendment cite concent issues over and over again. Obviously, notification in this amendment is therefore equivalent to consent. What we are really talking about is consent and not notification. Beyond that, it is very clear that if you provide notification, the young people from dysfunctional families, the ones that cannot talk to their parents, are the very ones that will never get the services.

I have heard the gentleman from Oklahoma say over and over again, he does not know of any cases being reported of sexual abuse by title X clinics. It is not very convincing to me that that is a fact. The fact that he does not know it means nothing to me. I do not know that I have the statistics available, but let me say that the laws of 50 States require that sexual abuse be reported and adding a Federal law to say the very same thing is not going to change whatever the result may be.

I have also heard a number of Members out here quoting the statistics from 1970 on and suggesting that we are far worse off in terms of teen pregnancies and the like. No doubt. But where would we have been without title X clinics? We have gone through a sexual revolution in this country where all the old taboos in the 1960's went out the window. At least title X clinics were there to provide some guidance and some responsibility and prevented, I think, in many cases many, many unwanted, unplanned pregnancies that otherwise would have occurred and many cases of sexually transmitted diseases.

We have heard over and over again this evening about a 14-year-old girl who was sexually abused by her high school teacher. The fact of the matter is that that is the use of innuendo, in my judgment, in the worst possible way. This relationship began a year before the victim ever went to the title X clinic. There is not any question about that. The clinic did not know about this relationship. It did not cause it. If anything, it prevented the 14-year-old from becoming pregnant. I urge Members to vote "aye" on the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN. The gentleman from Maryland is recognized for 1 minute.

Mr. HOYER. Mr. Chairman, before I left the floor I heard that the gentleman from Oklahoma [Mr. ISTOOK] has three daughters. I have three daughters of my own. They are no longer teenagers. Obviously they all were. Like all teenagers, they had problems. Their relationship with their mother and father was dictated more by the context of our family than it was by law. I suggest that the Castle alternative does what the American public wants done. That is, they want to encourage families to be involved with one another. That is obviously beneficial to the children, to the mother, the father, and to America. But they do not want to discourage young people from getting the health care that they desperately need from time to time. That is why I believe the Castle alternative is what the American public believes is a commonsense alternative, encouraging us to attain a worthy objective but not discouraging us from having healthy teens.

Mr. MANZULLO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 7½ minutes.

Mr. MANZULLO. Mr. Chairman, the purpose of this amendment is to involve parents in the conversation of their children's sexuality, because the U.S. Congress has made a decision that parents are irrelevant when it comes to their sexuality. We are trying to reverse it. Because of the present law, parents are being denied the opportunity to protect their children from sexual predators in many cases, from giving advice on abstinence or getting out of a relationship once a parent is notified that his or her child is about to receive sexual devices. It denies the parents the opportunity to work with their children and contraceptives, if that is the choice, and in fact in over half the children visiting clinics, the parents are already involved in a conversation. Parents are being denied the opportunity to protect their children from being given a prescriptive medication that in itself could have harmful side effects, such as Depo-Provera, and parents are being denied the opportunity to protect their children from being given prescriptive medicine which could harm the child by mixing the drug with medication the child is already taking. In fact, before Depo-Provera is given, there has to be a complete medical history. But most of all parents are being totally excluded from their right to raise their children. There is no evidence to the claim that pregnancies and abortions will increase once parents are involved.

Let me give my colleagues a study. We have a study that shows the more involved a parent is with a child, the less likely the child will become pregnant. A study entitled Family of the America's Foundation, Fertility Appreciation for Families Program conducted by the University of New Orleans involved 3,600 adolescents and 2,500 parents from across the country. It was a special program designed to involve parents in discussing and counseling sexuality with their children. The purpose of the followup study was to determine the effect of the program which stressed parents involvement in sexual education and decisionmaking of their children and to see how that would affect adolescent premarital relationships. The conclusion, when parents are involved in discussing child sexuality, the rate of pregnancy of the children is 22 times lower than the national average. That means irrefutably that when parents exercise their right to raise their children, which this law denies them by putting a barrier of confidentiality between the child and the parent, that means the child is being protected.

Who protects the child? Not the State. It is the parent, because the parent becomes involved in it. In all this debate tonight, not one person has stood up and said, is it not terrible that a 14-year-old child in Crystal Lake, IL, was shot up with Depo-Provera. Look what Upjohn says about their drug which was injected into the veins of that precious little girl: "Patient should be counseled. This product does not protect against HIV/AIDS."

It is rubbish to say that when you give girls contraceptives, they are protected against infection of HIV. They are not. There is no female protection against HIV. In fact, when the boys stop using the condoms and the girls go on the pill or the other devices, that increases the opportunity for STD's with the kids. And Upjohn says it could affect bone mineral density changes, it could cause thrombotic disorders; that is, blood clots. It could cause temporary blindness. No 14- or 15-year-old child is capable of making an informed decision as to whether or not she should take that drug. That is the bottom question here. Do you believe a 14-year-old is capable of making an informed decision that she can take these drugs? If you do, let her have all the drugs she wants. Just throw the parents out of the equation, which it is now. But in America today, little girls as young as 12 years old are being injected, they are being implanted and they are ingesting very, very strong drugs.

In fact, this is the drug that is the drug of choice for the States such as California that allow chemical castration of convicted pedophiles who choose themselves voluntarily to undergo castration. Think about that, Members of Congress, that in their clinics today our precious little ones at the age of 12 are given the same drug that is used to give to convicted pedophiles for chemical castration. That is horrible. And what else goes on in these clinics? What is not going on is the fact that they are not reporting the cases of rape and incest and sexual abuse. If you are concerned about incest, you should vote for this bill. When the little kid goes there, the title X provider has to call the police and the father goes to jail.

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That is how you protect the children. We have heard a lot of talk in the past several years about protecting the children. This is an opportunity to protect the children. This is an opportunity to allow children to receive STD protection, STD medication, without parental notification, because there is an epidemic going on.

All this says is this: If you believe that the parents of America have a right to be involved in the conversation of sexual activity with their children, then you must vote for Istook-Manzullo. If, on the other hand, you believe that the Federal Government knows better than the parents; if, on the other hand, you believe that we are to penalize all the parents in this country because of a handful of parents that cannot communicate with their children, then parents become irrelevant. Then you might as well say, Give them all the drugs they want. You might as well say, Give them all the alcohol they want. You might as well say, Give them all the tobacco they want.

But there a reason we have parents. The purpose of the parent is to protect the children. Under title X regulations, a child is deprived of the opportunity to be counseled by his or her parents before receiving birth control devices.

Think about 12-year-old little girls around this country being implanted with Norplant. Think about 12-year-old girls being shot in the arm with Depo-Provera. Think about 12-year-old girls getting prescriptions for birth control pills, all without even the knowledge of their parents.

All this amendment says is give parents the right to know that their children are involved in sexual activity.

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

Mr. MANZULLO. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I do not know of any provisions of in title X or any other provisions that prevents parents from sitting down with their children and discussing sexual activity and the facts of life. Does the gentleman?

Mr. MANZULLO. That is right, parents can still talk to their kids.

Mr. PORTER. Parents today can talk to their kids.

Mr. MANZULLO. Except when the health department says they cannot.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Delaware is recognized for 3½ minutes.

Mr. CASTLE. Mr. Chairman, I listened to the arguments. I, frankly, think some of them are sensationalized, probably some are factually correct.

But the truth of the matter is that we are pretty united in our goals here tonight. There are some 4.3 million individuals who go to these clinics for help in some way or another.

We all, all of us, want to help our kids. There is nobody here who does not want to do that. We all would like to have parental involvement. I think the question is correct, is there always parental involvement? Generally, we are dealing with cases in which parents and kids cannot talk or identify with each other in any way whatsoever.

You have to put these two amendments on a scale and you have to determine what is best for our children, how best to help our kids and families. What should we do?

If you put down the Castle-Porter amendment, you will see that a child can go to a clinic and receive counseling, and be told that abstinence comes first, and be told that they should not be involved in sex in any way whatsoever. They will be encouraged to speak to their parents.

That clinic will deal with abusive or illegal relationships when they know about it, and they did not know about the one in Chicago, by the way. There will be a place to turn to for help and advice. They may be willing to go in and get that help, although I still suspect there are a lot of children who will not even bother to go in there at all, but at least we have someplace for them to go.

If we have a circumstance in which we are saying you have to have parental notification before they get there, that may be a fine law, but the consequences are that that number of children who would go to the clinic for help is going to diminish greatly. And when it diminishes, you are inviting the problems that come with it, which involve greater sexual activity, no discussion with parents whatsoever, it discourages responsible behavior, and it could result in more unintended pregnancies, and it could result in more abortions, which, of course, always follow from unintended pregnancies.

Nobody intends that and people can reach different conclusions as far as that is concerned, but I do not know how one can really with clear logic look at this and not realize the conclusion that you probably are talking about unintended pregnancies and possible abortions, and that is not helping kids the way we want to help kids in the United States of America.

Mr. Chairman, family planning is extremely important to make absolutely sure that we are bringing home the interests of all of those kids who just otherwise will not receive help, and the effect of the Istook amendment is to cut that off altogether. The effect of the Castle-Porter amendment is as it should be. By the way, it has always been the law that recipients of title X funds are in no way exempt from State-imposed criminal reporting requirements. They have to do that.

We strengthen the Federal role in stopping sexual predators who prey on children. They must counsel their clients on how to resist and avoid such coercive sexual relationships. As I have already indicated, it involves counseling, it involves urging them to talk to their parents, it involves dealing with the abusive relationships, and it involves a place where they may have some comfort in going to and not getting advice on the street. That is what it is all about.

We need to help our kids in every way we can. We have a tremendous problem in this country. Quite frankly, you cannot blame all teenage sex or pregnancy or maybe even any of it on family planning. It is a result of other social permissiveness that has come across this country, and I think we have to deal with it as best we can.

The only way to deal with it tonight, and the best way for this House to deal with it tonight, is to vote for the Castle-Porter substitute.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in favor of the Castle substitute and against the Istook amendment.

Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle substitute.

The Istook amendment mandates parental notification, tantamount to parental consent, for birth control services under title X.

It is tough for a sexually active teenager to talk about contraception with a parent. Even for a teen who has a close, supportive relationship with her parents. For an adolescent with abusive parents, it can be downright dangerous.

Because they fear parental disapproval or punishment, many teenagers will only use confidential family planning services. When parental permission is required, these teenagers tend to delay or altogether avoid, reproductive health care at great danger to themselves rather than abstain from the sexual activity that leads to children bearing children.

We all would like to believe that requiring parental consent will reduce teen sexual activity. Unfortunately there is no such evidence.

We all agree that family participation is ideal and title X counselors are required to encourage teen clients to talk with their families about birth control.

But not all adolescents can involve their families in sexual decisions and the judicial bypass in this amendment for such teens is a farce.

I urge my colleagues to vote in favor of the Castle substitute. It is a reasonable proposal.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 3 minutes.

Mrs. LOWEY. Mr. Chairman, the Istook amendment is a direct attack on the title X program. Parental consent and notification laws just do not stop teens from having sex. In fact, the Istook amendment will increase teen pregnancies, increase abortions, increase sexually transmitted diseases. That is why it is opposed by the doctors, the AMA, who treat and care for our teens.

Mr. Chairman, I urge my colleagues to vote for the Castle substitute. Under the Castle substitute, no funds can go to title X clinics unless they encourage families to participate in the decision of minors to seek contraceptive services.

The Castle substitute will help ensure that teens receive effective counseling, to behave responsibly, and avoid illegal and coercive sexual activities with adults.

Title X clinics do not encourage teens to have sex. Eighty percent of the teens who seek title X services are already sexually active when they walk into the clinic door. Title X clinics simply help teens who are already sexually active from getting pregnant or catching a sexually transmitted disease.

Mr. Chairman, our friends argue that the title X clinics come between the parent and the child and that they encourage deceit and deception. That is nonsense. Problems begin at home, not at the title X clinics. If there are problems, let us not scapegoat title X; let us work with our families, let us work with our communities. Our families and our communities must do more.

Mr. Chairman, supporters of the Istook amendment want to legislate an "Ozzie and Harriet" world, where every family is a loving one and every parent is willing and able to speak with their teenage children. Unfortunately, too many of our teens come from broken homes where their parents neglect them, and that is the problem here, not the title X program.

As a mother, as a grandmother, I do believe that teens should remain abstinent, but I know that we cannot legislate abstinence from the floor. I believe teens should act responsibly, but I know that Congress cannot mandate responsibility.

For those teens who are desperately seeking help, who are struggling to remain responsible and take control of their lives in terribly difficult circumstances, I urge Members to vote against the Istook amendment and for the Castle substitute.

Mr. Chairman, these are very, very difficult decisions. As we struggle with them, we all try to do the right thing. We know that we have problems in this country because of the breakdown of families. Many of us are worried when we look at the charts and we see teenage pregnancy rising every year. That is why the gentleman from Delaware [Mr. CASTLE] and I are working with a national campaign to fight teenage pregnancy. We encourage Members to join us.

But mandating responsibility, telling the clinics that they cannot help those children who desperately need help, just does not make any sense. Our families need help. Our churches have to do more. Let us support the Castle-Porter substitute.

Mr. NADLER. Mr. Chairman, I rise in strong opposition to this amendment. How dare the opponents of choice force the most abhorrent restrictions on a woman's constitutionally protected right to choose into an appropriations bill and expect us to accept it?

This bill provides funding for breast cancer and AIDS research, Head Start, the Corporation for Public Broadcasting, and student loans—all programs that benefit millions of Americans every day. Without pernicious amendments stripping the rights of millions of Americans, this bill would pass in a strong bipartisan manner. And yet, now we see the opponents of choice hold all these programs hostage to promote their extreme anti-choice views. This is an outrage. It is inappropriate, unwarranted, and unacceptable.

The Istook amendment would essentially destroy the title X program which provides funding for those who seek health assistance, birth control, and help in fighting sexually transmitted diseases. Right now, reports indicate title X helps prevent 386,000 unintended pregnancies to teenagers annually. And yet, studies show that 80 percent of teens who don't already consult their parents would not seek care if they were required to. These restrictions, therefore, will deter young people from seeking any assistance at all, and, as a result, their diseases will go untreated, unwanted pregnancies and abortions will increase, and sexually transmitted diseases will spread unchecked. How can we possibly endorse risking the lives of these young men and women by forcing such onerous restrictions on their access to these programs? How dare you put their lives in jeopardy? We must not scare more teens away from responsible planning by eliminating the vital confidential component of these services.

Let me say further, that I am appalled that some Members of this body are using the unfortunate story of the 13-year-old girl in Illinois, to urge support for this provision by stating that our Government is funding sexual predators. That is a disgusting misrepresentation of a tragic story. In these materials, circulated to Members of Congress, a sad tale of sexual abuse of a young woman is recounted. The young woman obtained birth control to protect herself from pregnancy caused by repeated statutory rape committed against her by a 37-year-old man. The group, in a bizarre and disgusting twist of logic, claims that we are supporting sexual predators by making title X

funds available. Sick men who take advantage of young girls are criminals, and our laws are designed to punish them, not support them. It is absurd to say that title X caused this young girl to be abused. Anyone making that argument should be ashamed. Furthermore, as the bill stands, it already includes language to help prevent sexual coercion, so this Istook amendment is unnecessary in that regard.

This legislation is one in a series of battles we have fought this year. These votes are not about particular Government programs or particular procedures, they are about the fundamental right to choose. I don't believe we need to vote on this issue at all—the Supreme Court has already spoken. Obviously, there are those in this body who feel differently. Still, a vote on whether or not to eliminate the right to choose ought to be a separate vote. No ban on abortion should proceed until there is a constitutional amendment to restrict the right to choose, which will never happen. But folks, by voting for this amendment we are undermining the Supreme Court, the President of the United States, and the American people by allowing vague language hidden in an appropriations bill to greatly restrict the right to choose. We cannot allow this abuse of the process, which is being manipulated in such a way to promote an extreme and unpopular postion—repealing the right to choose.

I urge my colleagues to denounce these amendments so that we can have a clean appropriations bill that funds desperately needed programs. Reject the Istook amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Castle substitute, which encourages teens to talk with their parents about sex, health, and contraception while safeguarding their access to family planning services at title X clinics.

Today, 82 percent of teen pregnancies are unintended, and over half of these pregnancies will end in abortion.

Each year, the family planning services provided by title X clinics prevent 386,000 unintended teen pregnancies, avoiding 155,000 births and 183,000 abortions.

Despite this progress, opponents of title X funding continue their attempts to dismantle the title X program, this time under the guise of protecting vulnerable teenagers.

The Istook amendment will not protect teenagers from sexual abuse. But it will ensure that more of the Nation's most vulnerable teens won't use birth control, more will get pregnant, and more will have abortions.

The Istook amendment places teens' health at risk. Teens who are prevented from seeking family planning services at these clinics will no longer benefit from the other services these clinics provide, including screening and treatment for sexually transmitted diseases and HIV, routine gynecological exams, and breast and cervical cancer screening.

The castle substitute protects America's youth. It encourages family participation in the decision of minors to seek family planning services. It requires title X programs to encourage parental involvement when teens seek family planning services. And it requires these programs to counsel minors on how to resist and avoid coercive sexual relationships.

Mr. Chairman, assuring teens access to confidential family planning services reduces teen pregnancies, reduces abortions, and protects vulnerable teens. I urge my colleagues to support the castle substitute.

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Istook amendment and for the Castle substitute. What we have is another attempt to do away with the title X program, which provides funding for family planning services. Services provided under title X reach out to many of America's teenagers who are already at risk in their everyday lives.

Family planning services are one way that these teenagers can receive guidance and education about issues confronting them about sex, reproductive health, contraception, and prevention of disease. By requiring teens to obtain parental consent in order to receive family planning services, and by mandating clinics to notify parents that their children are seeking such services, the Istook amendment will have the effect of decimating the entire family planning system in our country.

The teens we need to be most concerned about—the teens we are trying to prevent from having unwanted pregnancies or contracting a sexually transmitted disease—would become even more endangered if this parental mandate were to take effect.

Perhaps many people are forgetting what it means to be an at-risk teen. At-risk teens are not the children of many of us in this room today. At-risk teens are not the children of parents they can talk to freely about many important issues and values that are affecting their everyday lives. At-risk teens are more often trying to escape sexual or physical abuses within their own homes—even from their own parents.

I encourage every teenager to talk with their parents about these very important issues and parents to talk responsibly with their children. That is why I am in support of a substitute amendment offered by my colleague, Mr. CASTLE.

Mr. Castle substitute will require that title X programs encourage the involvement of parents when teens seek family planning services. Encouraging parental involvement is important, and in and ideal world, all teens would have parents they could feel comfortable talking to and be able to sort out what kind of activity is appropriate. But in the real world, we can not take away an opportunity for at-risk teens to receive essential services, by forcing a mandate upon them that will not work in the real world.

I urge my colleagues to vote against the Istook amendment and support the Castle amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANZULLO. Mr. Chairman, does that mean that those Members who favor the Castle substitute amendment would vote "yes" on the first vote, and those who favor the Istook-Manzullo amendment would vote "no" on the first vote?

The CHAIRMAN. The Chair will merely state the question. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which an electronic vote, if ordered, may be taken on the Istook amendment.

The vote was taken by electronic device, and there were—ayes 220, noes 201, not voting 12, as follows:

[Roll No. 378]

AYES—220

Abercrombie	Eshoo	Klink
Ackerman	Etheridge	Klug
Allen	Evans	Kolbe
Andrews	Farr	Kucinich
Baesler	Fattah	Lampson
Baldacci	Fawell	Lantos
Barrett (WI)	Fazio	LaTourette
Bass	Filner	Lazio
Becerra	Foglietta	Leach
Bentsen	Foley	Levin
Berman	Ford	Lewis (CA)
Berry	Fowler	Lofgren
Bilbray	Frank (MA)	Lowey
Bishop	Franks (NJ)	Luther
Blagojevich	Frelinghuysen	Maloney (CT)
Blumenauer	Frost	Maloney (NY)
Boehlert	Furse	Manton
Bonior	Ganske	Markey
Borski	Gejdenson	Martinez
Boswell	Gekas	Mascara
Boucher	Gephardt	Matsui
Boyd	Gibbons	McCarthy (MO)
Brown (CA)	Gilchrest	McCarthy (NY)
Brown (FL)	Gilman	McDermott
Brown (OH)	Gordon	McGovern
Buyer	Green	McHale
Campbell	Greenwood	McKinney
Capps	Gutierrez	McNulty
Cardin	Hamilton	Meehan
Castle	Harman	Meek
Clay	Hastings (FL)	Menendez
Clayton	Hefner	Millender-McDonald
Clement	Hinchey	Miller (CA)
Clyburn	Hinojosa	Miller (FL)
Condit	Hobson	Minge
Conyers	Hooley	Mink
Coyne	Horn	Moakley
Cramer	Houghton	Moran (VA)
Cummings	Hoyer	Morella
Danner	Jackson (IL)	Neal
Davis (FL)	Jackson-Lee (TX)	Ney
Davis (IL)	Jefferson	Obey
Davis (VA)	John	Olver
DeFazio	Johnson (CT)	Owens
DeGette	Johnson (WI)	Oxley
Delahunt	Johnson, E.B.	Pallone
DeLauro	Kanjorski	Pascrell
Deutsch	Kaptur	Pastor
Dicks	Kelly	Payne
Dingell	Kennedy (MA)	Pelosi
Dixon	Kennedy (RI)	Pickett
Doggett	Kennelly	Pomeroy
Dooley	Kilpatrick	Porter
Edwards	Kind (WI)	Price (NC)
Ehrlich	Kleczka	Pryce (OH)
Engel		

Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Turner
Upton
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fox
Gallegly
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Cooksey
Dellums
Flake
Gonzalez
Hilliard
Lewis (GA)
Nadler
Schiff
Serrano
Towns
Velázquez

□ 2045

Messrs. ARMEY, COX of California, WICKER, PICKERING, LAFALCE and SHAW changed their vote from "aye" to "no."

Mr. CUMMINGS and Mr. THOMAS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

PARLIAMENTARY INQUIRIES

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOUDER. My parliamentary inquiry is that since the second-degree amendment passed, is it true that no longer does the Istook-Manzullo amendment include a parental notification?

The CHAIRMAN. The gentleman does not state a parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, is it not true that the Castle amendment having now been passed, we are voting in essence to adopt the underlying amendment as amended by the Castle amendment?

The CHAIRMAN. The gentleman is correct.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 10, as follows:

[Roll No. 379]

AYES—254

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Buyer
Campbell
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—169

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Bilbray
Bilirakis
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kildee
King (NY)
LaFalce
LaHood
Largent
Latham
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Mollohan
Myrick

Neumann	Rogan	Solomon
Northup	Rogers	Souder
Norwood	Rohrabacher	Spence
Nussle	Ros-Lehtinen	Stearns
Ortiz	Royce	Stenholm
Packard	Ryun	Stump
Pappas	Salmon	Talent
Parker	Sanford	Taylor (MS)
Paul	Saxton	Taylor (NC)
Paxon	Scarborough	Thune
Pease	Schaefer, Dan	Tiahrt
Peterson (MN)	Schaffer, Bob	Walsh
Peterson (PA)	Sensenbrenner	Wamp
Petri	Sessions	Watkins
Pickering	Shadegg	Watts (OK)
Pitts	Shimkus	Weldon (FL)
Pombo	Shuster	White
Portman	Skelton	Whitfield
Poshard	Smith (MI)	Wicker
Quinn	Smith (NJ)	Wolf
Radanovich	Smith (OR)	Young (AK)
Rahall	Smith (TX)	Young (FL)
Redmond	Smith, Linda	
Riley	Snowbarger	

NOT VOTING—10

Carson	Hilliard	Towns
Dellums	Nadler	Velázquez
Flake	Schiff	
Gonzalez	Serrano	

□ 2057

Messrs. ISTOOK, COOK, LIVINGSTON, and COX of California changed their vote from "aye" to "no."

Mr. VISCLOCKY and Mr. BERRY changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 2100

PERSONAL EXPLATION

Ms. CARSON. Mr. Speaker, on Tuesday, September 9, I was necessarily absent from the House and unable to cast the following rollcall votes. I ask permission that the following explanation for each vote be placed in the appropriate place in the official RECORD.

Mr. Speaker, I was unavoidably absent and unable to cast the following rollcall votes. Had I been present, I would have voted as follows: "Nay" on rollcall votes Nos. 371, 372, 373, 374, and 377; and "yea" on rollcall votes Nos. 376, 378, and 379.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 213. Of the amounts made available in this title for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", $12,800,000 is transferred and made available under section 30403 of Public Law 103-322 for the Community Schools Youth Services and Supervision Grant Program Act of 1994.

Mr. FILNER. Mr. Chairman, I rise today to offer an amendment called the community schools preservation amendment. It is an amendment designed to stop crime before it happens.

The appropriations bill we are considering terminates funding for the Community Schools Youth Services and Supervision Program. Currently, that program funds 54 community schools and projects all around the Nation. My amendment would restore full funding to this valuable program.

Mr. Chairman, according to the Administration on Children and Families, because of their unique structure, the community schools projects around this Nation will not receive funding without a direct appropriation and they will close, community schools across the Nation will close.

Section 30403(a) of the 1994 Violent Crime Control and Law Enforcement Act authorized modest funding for these projects which are finding innovative solutions to the problems of drug abuse, crime, and violence in our communities by working collaboratively with citizens, schools, and law enforcement.

Mr. Chairman, as my colleagues know, funding for this amendment must be offset by reduced spending in other areas. Reluctantly, I have chosen to try to transfer $12.8 million from the administration of this department. I hope that is clear. I have a different amendment than what was earlier published. This transfers money from the administration account and not from the community schools block grant. Again, I am transferring money for this program from the administration account and not from the community schools block grant.

In San Diego, which I represent, the Mano a Mano program has been successfully addressing problems in Barrio Logan in San Diego. Children participating in services provided by Mano a Mano have higher school attendance rates, higher grades, and better classroom behavior. Conflict resolution and management skills provided have resulted in less suspensions from school and fewer visits to school administrators, stopping the behavior that leads to juvenile crime before it happens.

Additionally, the Federal funds provided to this project have allowed them to develop partnerships with other crime prevention organizations in the area. This project is so important that the city attorney of San Diego and other local officials have contacted me expressing the serious need for this community schools project.

I encourage my colleagues to support this amendment. It provides funding for local projects that are finding local solutions to problems of drugs, crime, and violence in our young people.

We are bringing, Mr. Chairman, long-term crime rates down, and we will keep them down with these local projects. It is imperative that we see our at-risk communities as a national priority. I hope my colleagues with join with me to save these truly community schools.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before the House recessed in July, we had a rather contentious deliberation over how to deal with updating our juvenile justice laws. One of the things that we all said, that we all agreed on, was the need to prevent crime among young children. That is what we are talking about in the funding of the community schools issue.

What is it? It is small funding for each school that really allows a community to invest in very poor children who need a future. We know that most juvenile crime occurs between the hours of 3 p.m. and 6 p.m., when parents are still at work and after children have been dismissed from school.

Mr. Chairman, last Congress this project was, once again, at risk and utilizing a bipartisan group of Members on both sides of the aisle. We moved together to salvage this program.

Let me tell my colleagues, because it is very typical of these projects throughout the United States, about the community school program in San Jose, CA.

When I went to this school, the after-school program is run primarily by Catholic charities in collaboration with the school district, the district attorney. I went to this meeting at 7:30 in the evening. There were the parents in their rough work clothes. They had just come back from work. There were tears in their eyes because their hope for their children was that their children would become good students.

This is a program that is oriented toward academic excellence, toward tutoring children so that they can achieve in math and in reading, to giving them hope for a future and giving peace of mind to hard-working parents who do not want their children out on the streets while they are still at work.

I will say that in the case of the Catholic charities project in my district, there is a 5-year plan for each child that the parents buy into, that the teachers buy into, so that at the end of 5 years not only will the child be law abiding but the child's academic achievement is intended to increase beyond grade level.

We are now in our third year. I am pleased to announce that our progress is good. Not only are children not getting into trouble, not only are children not being victimized in tough neighborhoods, not only are parents being relieved of their worry that their children may be victimized while they are waiting before they get home from work, but academic achievement is on the rise.

Lots of times Members may look at a line item in the budget and say, I do not know what that is; maybe it is disposable. But I am here to tell Members of the House, and there are certainly Members on both sides of the aisle who know it firsthand, that this is seed money that allows communities to invest in young people and their academic excellence. It is a prevention effort that works. I heartily recommend

and endorse the gentleman's amendment and urge its passage.

I would like to reemphasize that the concern expressed by some Members that I understand and empathize, about the source of funding, has been altered. Legislating is about listening, learning, and improving. We did that. We learned that the source of funding was defective. The gentleman from California [Mr. FILNER], to his credit, has changed it. I believe that the Members who expressed concern have withdrawn their opposition to the amendment.

I would urge adoption of the amendment.

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

I will be very brief, Mr. Chairman. I want to explain what the committee did. This program we eliminated in fiscal year 1996 in the House bill, the Senate put it back in in conference.

We eliminated this program in the fiscal 1997 bill, and the Senate put it back in in conference. We eliminated this program in this bill, one of 25 programs this year that we have eliminated, and I think for a very good reason.

We have a program called After School Learning Centers that is funded at $50 million, far in excess of the amount of money here. This is a program that was recommended by the President in his balanced budget agreement. We have $556 million available through safe and drug-free schools that can be used for exactly the same purposes as the money in this program. There is even an argument, we can use community service block grant money for this purpose.

We felt under the circumstances that the program is redundant and unnecessary. We put the money that otherwise might have gone in it into battered women's shelters instead. This used up our crime trust fund allocation. I think it is a much better use of the money. There is money for exactly this purpose in a number of programs. The program simply is not needed.

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

Mr. Chairman, I certainly want to commend the leadership on both sides of the aisle who have put this bill together. I know there are difficult decisions to be made. But I also know that today we have been talking a lot about family, about encouraging parents and children to come together and communicate and to work together and that we all know, as the old adage goes, an ounce of prevention is worth a pound of cure.

What we have in this amendment is an ounce of prevention. It is well worth the dollars that were just committed, as the gentleman preceding me, the leader spoke about the other dollars in the budget which are important. These community school grants are equally important because of what they allow communities to do.

In the case of my community in Lansing, it is the schools and the city working together to form something called the focus center, a place where young people can come, where there is tutoring, learning of life skills and communications. They are able to spend time together.

These are young people who have not been encouraged to go to school, who are now going to school and grades are coming up. We talk about the need for education. This particular program has encouraged young people both to go to school; attendance is up. Grades are up. Parents are now involved themselves in parenting classes, getting their GED. This is the kind of program done through the community schools grant which makes a difference for a very small investment.

We have in our community young people participating in urban 4-H, learning leadership skills, going to the county fair, exhibiting and having an opportunity to work together on projects and learn specific skills.

□ 2115

I had the opportunity to see their projects at the fair and to watch their excitement, and it was terrific to see.

The people who have put together this program in Lansing have done a marvelous job. The Lansing chief of police says that this program should be continued because of the positive effect on our neighborhoods as evidenced by a reduction in crime. Through the Community Schools Program parents are involved in the neighborhoods, children are involved, they are making choices not to get involved in sex and drugs and gangs but to go to school and to be a part of something that is positive. This is a very small investment to make for very, very large returns.

There is a young man who wrote to me, among many young people who wrote to me about this project, Bradley Wicks, who is a 17-year-old participant in our project. He said, "If it were not for this focus center, we as kids would have nothing to do and would turn to gangs and drugs. I was one of the lucky ones who found help here at the center and got the help I needed to change my life. I am not sure where I would be otherwise."

If, for a small investment, with all that we do, with all that the States are required to do in terms of the correctional system, all of the prisons that are built, and frankly, in my own State we have tripled the number of prison beds in the last 10 years and I do not feel three times safer, with all of that going on, this small ounce of prevention is well worth it. It is an investment in families and children and neighborhoods.

I would urge my colleagues, in this amendment, in the conference committee, in working together on the final budget, to make this small investment in Community School programs that work, that support families and children and neighborhoods and get the kind of results for our communities that we say we all want.

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

Mr. Chairman, the Community Schools Preservation Amendment serves a critical purpose. It restores much-needed funds to an education grant program that really works. When we talk about failed programs, when we talk about concern for children and families, when we have something that works, we ought to proceed with it and stand by it.

As the old adage goes, if it is not broken, we should not try to fix it. This is a program that has been entirely successful. In southeastern North Carolina, in the Seventh District that I represent, we are home to one of these fine programs. The Communities in Schools Program of Robeson County is a shining example of how educators, local community leaders, law enforcement officers, and students work together. This program works day in and day out. It is an opportunity where we can coordinate the delivery of existing health, social, education, and support services for troubled youth and their families. They are doing work that could not be done by existing agencies in Robeson County.

I have seen firsthand this program work in North Carolina. It keeps children in school, it works with families to make sure children have a healthy home, and in the end, helps make our Nation a better place to live as we do what we all want to do, and that is to strengthen our families.

Mr. Chairman, the Community in Schools Program staff has worked to earn the trust of their community and of their schools. They are able to point to past successes and to future efforts that are already in the works so that this program can continue. This program is an excellent way that we can steer children away from a life of crime.

In a recent survey, police chiefs around our Nation indicated that investments like the Community Schools Program was one of the best ways to resist crime and to help youth avoid risky behavior. Other studies have shown that these programs can reduce juvenile delinquency by as much as 80 percent. Please name another program that can do that to reduce juvenile delinquency by 80 percent.

Do we want to be responsible for eliminating a successful program such as this? We should not. We should not turn our backs on programs that are already helping our families, already helping our youth, already helping our teenagers, and guiding them in the direction that we all desire that they

will be able to move forward in for a positive family environment, a positive environment in our schools and a positive environment for safe neighborhoods and safe schools.

The Community Schools Preservation Amendment is a program that works. Indeed, it is a small investment that gives a mighty big return.

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

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

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me.

I have just been informed by the gentleman from Indiana [Mr. SOUDER] that he will not be offering his amendment tonight and that, therefore, we believe there will be no further recorded votes, according to my understanding, will not be.

Mr. OBEY. Mr. Chairman, reclaiming my time, I am delighted to hear what the chairman has indicated. Let me simply say with respect to the amendment before us that I recognize what the gentleman from Illinois has said with respect to other portions of the bill that fund similar programs, but I would simply ask Members to realize one thing: All of the studies show that by far the most youth crime is committed between the hours of 3 and 6 in the afternoon. That is why I think that the intent of the Filner amendment is good and I support what the gentleman is trying to do.

I would urge, however, that the gentleman consider withdrawing the amendment, because I think that would give us a greater opportunity to work with the Senate conferees to try to achieve some restoration of funding for this program, which I believe would complement some of the other programs that are aimed at taking teenagers off the street.

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

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

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me.

It sounds, from the earlier statements, in the last few years that the Senate, or the other body, has been a little bit more prescient than us in this program. So I appreciate the gentleman's statement of trying to win their support again.

I thank the gentleman from North Carolina [Mr. MCINTYRE], the gentlewoman from California [Ms. LOFGREN], the gentlewoman from Michigan [Ms. STABENOW], for their support, and the dozens of other Members, the gentleman from New York Mr. LAZIO and Mr. WELDON on the other side, who have expressed support.

But, Mr. Chairman, based on the ranking member's statement, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. Chairman, I want to enter into a colloquy with the gentleman from Illinois [Mr. PORTER], the chairman of the Labor, Health and Human Services Subcommittee.

As the chairman may know, more than 3,000 people die each year waiting for an organ donation that never comes. That equals one death every 3 hours, eight people every day. Every 18 minutes another name is added to the list of 50,000 people awaiting transplants.

Last year, then Representative DURBIN and I cosponsored the Organ Donor Insert Card Act, which put an organ donor signup card in the tax return checks of nearly 70 million households. It is my hope that this effort will result in more organs available for transplant.

As my colleagues may know, this year the Senate has added a provision under the leadership of now Senator DURBIN and Senator FRIST in its version of the Labor, Health and Human Services appropriations bill, which calls upon the Department of Health and Human Services, in coordination with the General Accounting Office, to survey 5 percent of the hospitals participating in the Medicare and Medicaid Programs in order to ascertain how their organ donation programs are working.

I would ask the chairman to work with the chairman of the Committee on Commerce and the ranking member of the Committee on Commerce, as well as our colleagues, to address this issue when we go to conference with the Senate.

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

Mr. CAMP. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me.

I would say to my friend from Michigan that obviously the Senate does not have rules such as we have in the House, and they may add legislative provisions even to an appropriations bill. This is an authorizing provision on the appropriations bill. I would certainly not take any position in regard to it in conference without the assent of the authorizing committee.

It sounds, from what the gentleman has described, like a very good program, but I would have to take my guidance from the authorizing side in regard to it in conference.

Mr. CAMP. Mr. Chairman, reclaiming my time, I appreciate the chairman's remarks.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the Labor-HHS Subcommittee in a colloquy concerning rural health care.

I would say to the gentleman from Illinois I intended to offer an amendment today that would provide a $2.3 million increase to the Rural Outreach Grant Program. An increase of nearly $2.3 million would bring the Rural Outreach Grant Program in line with the Senate bill. The grant program was level-funded in the House.

Mr. Chairman, I come from a large rural district in central northwest Pennsylvania. Federal dollars for rural health care have been and continue to be increasingly difficult to come by. The Federal Rural Outreach Grant Program promotes innovation in the delivery of health care to rural areas by encouraging collaborative efforts among health care entities and the communities in which they are located.

Mr. Chairman, I will not offer my amendment. However, I would like to ask the chairman that as he works with the Senate during conference on the Labor-HHS appropriations bill, he will make a commitment to rural health care by working toward the Senate number for the Rural Outreach Grant Program.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me and for his statement.

I have to say that I have become aware recently of the importance of innovations that affect rural health care, like telemedicine and access to the National Library of Medicine's data bank. And I appreciate the gentleman's decision not to pursue the amendment on the floor today, and I commit to him that I will make every effort in conference to increase the funding for the Rural Outreach Grant Program.

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, I want to thank the chairman for his support of this program, and I appreciate his willingness to work with me on the issue of rural health care.

The CHAIRMAN. If there are no other amendments to the pending portion of the bill, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and section 3132 of the Elementary and Secondary Education Act of 1965, $1,135,000,000, of which $458,500,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section

304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of one percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register.

Mr. EWING. Mr. Chairman, I rise today in strong support of H.R. 2264 and I would like to commend Chairman PORTER for his hard work and diligence in crafting this appropriations bill. Included in this legislation is language which will waive an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive, comprehensive annual audits on their student loan portfolios. Similar corrective language was included in the continuing resolution adopted for fiscal year 1997, and thus expires on September 30 of this year.

I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to around 3 to 5 thousand dollars annually, while the audit required by the Department of Education costs anywhere from 2 to 14 thousand dollars annually. As you can see it does not make sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to student borrowers in rural areas who are increasingly unable to utilize lending institutions that they are familiar with. This is also not fair to smaller lenders who wish to service and maintain student loans. If this policy is enforced, small lenders will be effectively cut out of the student loan business and consumers will be denied the opportunity to do business at their local bank.

I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, ". . . lender audits are required by statute . . ." and that the ". . . statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit." Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than 10 million dollars do not even have to send their audit to the Department for review. They are only required to ". . . hold the reports for a period of three years and shall submit them only if requested." That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere or reviewed by anyone. I have no doubt that protecting the integrity of the student loan program is important to all of us. However, this current situation does not protect any portfolios under 10 million dollars because no one review the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their Semiannual Report—October 93 to March 94—stating, ". . . we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of participation or the risk they represent to the program." In this report the inspector general recommends that a threshold be established for requiring an institutional audit, ". . . and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden for the smaller participants in the program while helping assure that scarce departmental resources are focused on the areas of greatest risk."

This provision works in concert with the Department of Education and the authorizing committee which have expressed the need for an audit threshold. This language will help the little guy in the student loan business and ensure consumer choice and convenience. It is my hope that the Congress will be able to enact a permanent solution to this problem. I urge my colleagues to vote for H.R. 2264.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today to express my concern with a provision in this legislation. I applaud my colleagues for their hard work in reaching this year's unprecedented budget agreement that successfully expanded the Pell Grant Program and provided new tax incentives for education. I also wish to thank the chairman and the ranking member for their hard work in bringing this legislation to the floor for consideration.

However, I am especially concerned that this legislation completely eliminates one of the most successful higher education financial aid programs in history. The State Student Incentive Grant Program, or SSIG, has succeeded in encouraging the development of need-based financial aid programs in all 50 States. It has not only provided the seed money that was intended at its inception 25 years ago, but has also helped maintain State commitments to need-based financial aid in subsequent years.

This is a program that gives the neediest students opportunities to attend higher education institutions, through grants and work-study jobs. Yes, the Pell Grant Program is making a college education accessible for many low-income students, but SSIG helps States retain those students who absolutely could not afford college without the supplemental funds that pay the financial shortfall that Pell and other financial aid programs cannot support.

It now serves over 700,000 students at 2- and 4-year colleges and universities nationwide, and it does so by leveraging over 780 million dollars in State matching funds. In speaking with students and program administrators in my State, I have been repeatedly told that the Federal funds are essential in encouraging policy-makers to maintain state funding levels. In 13 States, the SSIG funds comprise at least 25 percent of available student grant aid. Additionally, in an independent survey of State financial aid administrators, 86 percent indicates that the elimination of the SSIG would result in States reducing the number and amount of need-based grants. It is evident that an elimination of this program could have dramatic impacts on students in States across the Nation.

The SSIG Program was never given a sunset date for a good reason: it continues to serve as an efficient and economical incentive for States to help make higher education accessible. As college costs continue to rise, and as the ratio of grants to loans continues to decline, it is imperative that we retain incentives for States to continue their efforts. I am disappointed that this legislation overlooks the essential benefits of this program. However, I urge my colleagues to join me in future efforts to restore this valuable program.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CAMP] having assumed the chair, Mr. GOODLATTE, 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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

□ 2130

CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–247)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 13, 25, and 26, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$714,377,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$65,577,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$683,666,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$44,880,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$646,342,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,850,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$118,350,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$190,444,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$74,167,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$47,329,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$30,243,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$197,300,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,140,568,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,337,868,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$393,832,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,370,336,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$295,709,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,125,943,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by the House and stricken by the Senate insert:

(TRANSFER OF FUNDS)

SEC. 123. (a) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

(b) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for the acquisition or construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.

And on page 3 of the House engrossed bill, H.R. 2016, on line 20, strike "$662,305,000" and insert "*$701,855,000*", and

On page 17 of the House engrossed bill, H.R. 2016, beginning on line 24 strike "Department of Defense" and insert "*Housing Revitalization Support Office*"; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 125. Notwithstanding any other provisions in this Act, the following accounts are hereby reduced by the specified amounts—

"Military Construction, Army", $7,900,000;

"Military Construction, Navy", $5,600,000;

"Military Construction, Air Force", $7,600,000;

"Military Construction, Defense-wide", $6,100,000;

"North Atlantic Treaty Organization Security Investment Program", $1,000,000;

"Base Realignment and Closure Account, Part III", $8,000,000;

"Base Realignment and Closure Account, Part IV", $8,000,000;

"Family Housing, Army", $36,700,000;

"Family Housing, Navy and Marine Corps", $13,100,000;

"Family Housing, Air Force", $14,700,000;

"Family Housing, Defense-wide", $100,000.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 128. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing or military unaccompanied housing, the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on National Security and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

And the Senate agree to the same.

RON PACKARD,
JOHN EDWARD PORTER,
DAVID L. HOBSON,
ROGER F. WICKER,
JACK KINGSTON,
MIKE PARKER,
TODD TIAHRT,
ZACH WAMP,
BOB LIVINGSTON,
W.G. (BILL) HEFNER,
JOHN W. OLVER,
CHET EDWARDS,
NORMAN D. DICKS,
STENY H. HOYER,
DAVID R. OBEY,
Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHINSON,
LAUCH FAIRCLOTH,
LARRY CRAIG,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUYE,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 105–150 and Senate Report 105–52 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Base Realignment and Closure Accounts—Construction Projects: Administrative Provision.—The conferees agree that any transfer of funds for any construction project financed by any Base Realignment and Closure Account shall be subject to a 21 day notification to the Committees, and shall not be subject to reprogramming procedure.

Historic Preservation.—The conferees continue to be concerned that maintaining and renovating historic quarters is a burden on the family housing accounts. The conferees direct the Department of Defense to consult with the Advisory Council on Historic Preservation, and other appropriate Federal agencies, to identify and pursue strategies for the services to maintain and use historic housing consistent with their mission and budgetary resources.

Use of Prior-Year Savings.—The budget request proposed the use of prior-year savings to finance fiscal year 1998 projects and programs as follows:

Account	*Amount*
Military Construction:	
Air Force	$23,858,000
Army Reserve	7,900,000
Family Housing, Navy	8,463,000
Total	40,221,000

The conferees do not approve of this method of financing and remind the Department that it should request rescissions of these funds by account and by fiscal year. The conferees reject the proposed use of these funds for fiscal year 1998 activities and projects and have determined that these funds are necessary to complete ongoing projects within the Military Construction appropriations. The proposed use for fiscal year 1998 projects and programs could jeopardize the successful completion of projects appropriated in prior years.

Unified Design Guidance.—The conferees direct the Department and the services to submit a joint report to the congressional defense committees by March 31, 1998, which addresses: (1) areas where uniform procedures, systems, and/or criteria are already in use: (2) other possible areas where it may be practical to create more uniformity; and (3) the most cost effective system for implementing improvements either through a greater use of tri-service groups; centralized development and management under one of the services with design and construction authorities; or centralizing the development and management of design guidance under the Secretary of Defense.

MILITARY CONSTRUCTION, ARMY

Amendment No. 1

Appropriates $714,377,000 for Military Construction, Army instead of $721,027,000 as proposed by the House and $652,046,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 2

Earmarks $65,577,000 for study, planning, design, architect and engineer services, and host nation support instead of $71,577,000 as proposed by the House and $77,646,000 as proposed by the Senate.

U.S. Army South: Relocation of Headquarters.—The conferees direct the Secretary of the Army to report by January 2, 1998, on all costs of the decision to relocate the headquarters of the U.S. Army South from Fort Clayton, Panama to Fort Buchanan, Puerto Rico, which was announced on July 31, 1997.

Virginia—Charlottesville: National Ground Intelligence Center.—The conferees included $3,100,000 for planning and design of the National Ground Intelligence Center in Charlottesville, Virginia, within the additional amount provided as a lump sum for the Army's planning and design.

MILITARY CONSTRUCTION, NAVY

Amendment No. 3

Appropriates $683,666,000 for Military Construction, Navy instead of $685,306,000 as proposed by the House and $605,756,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 4

Earmarks $46,489,000 for study, planning, design, architect and engineer services as proposed by the Senate instead of $46,659,000 as proposed by the House.

Budget Justifications, Marine Corps.—The conferees are concerned that the Marine Corps' overall funding allocation within the Military Construction and Military Family Housing accounts is not in concert with the Marine Corps' existing unfunded requirements when compared to the other services. The current format of the budget justification material for these accounts does not provide adequate information regarding Marine Corps specific projects and funding summaries, but rather combines Marine Corps' funding requirements along with those of the U.S. Navy within the Department of the Navy requirements.

To assist the Committees in their oversight role in the budget approval process, the conferees require a better means of identifying those projects and requirements that fall within the Department of the Navy accounts yet are Marine Corps specific. Accordingly, the conferees request the Department of Defense to provide in future budget justifications the following items:

1. Account summary table which clearly reflects the Navy service and Marine Corps specific requirements and allocations (and identify separately the Reserve Components);

2. Separate state-by-state project tables for Marine Corps specific projects and Navy specific projects; and

3. An explanation of the projected allocation between the Navy and Marine Corps for all unspecified and support accounts.

Any joint Navy and Marine Corps projects should be highlighted as such. The items listed above should be in addition to the information currently provided in the budget justification.

California—San Diego: Military Housing.—The conferees request the Secretary of Defense to conduct a study on military housing (both unaccompanied housing and family housing) in the San Diego area, and submit a report on that study to the Committees by February 1, 1998. The study shall evaluate the current availability of housing, both on-base and off-base, for unmarried and married personnel. The study shall investigate reports of U.S. military personnel choosing to live in Mexico, and shall include recommendations for actions needed to alleviate the situation.

Mississippi—Gulfport Naval Construction Battalion Center: Bachelor Enlisted Quarters.—The conferees have deferred funding for this project, without prejudice, and the Navy is encouraged to include this project in the budget request for fiscal year 1999.

Washington—Bremerton Puget Sound Naval Shipyard: Enlisted Dining Facility Expansion.—The conferees agree that this project addresses an urgent, mission critical requirement, and direct that it be accomplished within the additional funds provided for unspecified minor construction.

MILITARY CONSTRUCTION, AIR FORCE

Amendment No. 5

Earmarks $44,880,000 for study, planning, design, architect and engineer services instead of $45,880,000 as proposed by the House and $48,880,000 as proposed by the Senate.

The conferees note that total funding in the amount of $701,855,000 for Military Construction, Air force is included under Amendment No. 23.

California—Travis AFB: Control Tower.—The conferees are concerned about safety conditions at the existing facility, and direct the Secretary of the Air Force to report by January 2, 1998, on efforts to address this situation by reprogramming (citing emergency authority) or by other means.

MILITARY CONSTRUCTION, DEFENSE-WIDE

Amendment No. 6

Appropriates $646,342,000 for Military Construction, Defense-wide instead of $613,333,000 as proposed by the House and $690,889,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 7

Earmarks $48,850,000 for study, planning, design, architect and engineer services instead of $34,350,000 as proposed by the House and $52,450,000 as proposed by the Senate.

United Kingdom—Menwith Hill Station: High School.—The conferees are aware of a proposal to establish a high school at Menwith Hill in order to avoid the need to board dependent students at RAF Lakenheath. The conference agreement provides an additional $818,000 under unspecified minor construction for this purpose.

United Kingdom—Menwith Hill Station: Security Improvements.—The conferees are aware of an initiative to address security deficiencies at Menwith Hill, including fencing the perimeter of the site. The conferees agree to consider a reprogramming request to address this need (citing emergency authority).

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 8

Appropriates $118,350,000 for Military Construction, Army National Guard instead of $45,098,000 as proposed by the House and $234,614,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Alaska-Bethel: Aviation Operations Facility.—The conferees agree to grant reprogramming approval for the funded project.

Massachusetts—Westover ARB: Aviation Simulation Facility.—The conferees direct that this project is to be accomplished within funds provided for unspecified minor construction.

Michigan—Calumet: Armory Improvement.—The conferees direct that this project is to be accomplished within funds provided for unspecified minor construction, in order to improve disabled access.

Oklahoma—Oklahoma City: Readiness Center.—Senate report language regarding this project is re-directed to the Army National Guard, rather than the Air National Guard.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Amendment No. 9

Appropriates $190,444,000 for Military Construction, Air National Guard instead of $137,275,000 as proposed by the House and $185,115,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, ARMY RESERVE

Amendment No. 10

Appropriates $74,167,000 for Military Construction, Army Reserve instead of $77,731,000 as proposed by the House and $96,079,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 11

Appropriates $47,329,000 for Military Construction, Naval Reserve instead of $40,561,000 as proposed by the House and $21,111,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 12

Appropriates $30,243,000 for Military Construction, Air Force Reserve instead of $27,143,000 as proposed by the House and $31,830,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

New York—Niagara Falls International Airport: Combined Maintenance Facility.—The conferees encourage the Air Force Reserve to include this project in the budget request for fiscal year 1999.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Amendment No. 13

Appropriates $152,600,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by the Senate instead of $166,300,000 as proposed by the House.

FAMILY HOUSING ARMY

Amendment No. 14

Appropriates $197,300,000 for Construction, Family Housing, Army instead of $202,131,000 as proposed by the House and $167,100,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

Alaska—Fort Richardson (52 units)	$9,600,000
Alaska—Fort Wainwright (32 units)	8,300,000
Kansas-Fort Riley (106 units)	7,000,000
Kentucky—Fort Campbell (60 units)	6,000,000
New York—West Point (56 units)	5,400,000
Virginia—Fort Belvoir (48 units)	5,000,000
Total, Army	41,300,000

Amendment No. 15

Appropriates $1,140,568,000 for Operation and Maintenance, Family Housing, Army instead of $1,148,937,000 as proposed by the House, and $1,149,937,000 as proposed by the Senate.

Amendment No. 16

Appropriates a total of $1,337,868,000 for Family Housing, Army instead of $1,351,068,000 as proposed by the House and $1,317,037,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 14 and 15.

FAMILY HOUSING, NAVY AND MARINE CORPS

Amendment No. 17

Appropriates $393,832,000 for Construction, Family Housing, Navy and Marine Corps instead of $409,178,000 as proposed by the House and $362,619,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

California—China Lake NAWC[1]	$4,193,000
Illinois—Great Lakes PWC (64 units)	7,700,000
Maryland—Patuxent River NAWC (90 units)	9,000,000
North Carolina—Camp Lejeune MCB (37 units)	2,863,000
North Carolina—Cherry Point MCAS (83 units)	6,000,000
Total, Navy	29,756,000

[1] Demolish 120 units

Amendment No. 18

Appropriates a total of $1,370,336,000 for Family Housing, Navy and Marine Corps instead of $1,385,682,000 as proposed by the House and $1,339,123,000 as proposed by the Senate.

FAMILY HOUSING, AIR FORCE

Amendment No. 19

Appropriates $295,709,000 for Construction, Family Housing, Air Force instead of $341,409,000 as proposed by the House and $296,633,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

New Mexico—Cannon AFB (72 units)	$5,000,000
Oklahoma—Tinker AFB (60 units)	4,600,000
South Carolina—Charleston AFB (78 units)	7,000,000
South Carolina—Shaw AFB (50 units)	5,000,000
Total, Air Force	21,600,000

Amendment No. 20

Appropriates a total of $1,125,943,000 for Family Housing, Air Force instead of $1,171,643,000 as proposed by the House and $1,126,867,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 21

Restores a provision proposed by the House and stricken by the Senate which prohibits the expenditure of funds except in compliance with the Buy American Act.

Amendment No. 22

Restores a provision proposed by the House and stricken by the Senate which states the sense of the Congress notifying recipients of equipment or products authorized to be purchased with financial assistance provided in this Act to purchase American-made equipment and products.

Amendment No. 23

Deletes a provision proposed by the House and stricken by the Senate which permits the transfer of funds from the Base Realignment and Closure Accounts to the Homeowners Assistance Fund, Defense.

Inserts two provisions permitting the Secretary of Defense to transfer funds from other accounts into the Family Housing Improvement Fund and the Military Unaccompanied Housing Improvement Fund and clarifying the intent of these funds. The House and Senate bills contained no provision on these matters.

Appropriates $701,855,000 for Military Construction, Air Force instead of $662,305,000 as proposed by both the House and the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Inserts a provision amending Section 124 to clarify that the Family Housing Improvement Fund shall be the sole source of funds available for administrative costs (other than non-reimbursable personnel details) incurred by the Housing Revitalization Support Office, instead of the Department of Defense as proposed in both the House and Senate bills.

Amendment No. 24

Inserts a provision reducing a total of $108,800,000 to eleven accounts in the bill, rather than a reduction totaling $31,000,000 to seven accounts in the bill as proposed by the Senate. The House bill contained no similar provision.

The conference agreement reduces the following accounts for the specified reasons:

Account	Inflation reestimates	Foreign currency adjustment	Total reduction
Military Construction, Army	$2,000,000	$5,900,000	$7,900,000
Military Construction, Navy	3,000,000	2,600,000	5,600,000
Military Construction, Air Force	4,000,000	3,600,000	7,600,000
Military Construction, Defense-wide	5,000,000	1,100,000	6,100,000
North Atlantic Treaty Organization Security Investment Program	1,000,000	0	1,000,000
Base Realignment and Closure Account, Part III	8,000,000	0	8,000,000
Base Realignment and Closure Account, Part IV	8,000,000	0	8,000,000
Family Housing, Army	6,000,000	30,700,000	36,700,000
Family Housing, Navy and Marine Corps	7,000,000	6,100,000	13,100,000
Family Housing, Air Force	6,000,000	8,700,000	14,700,000
Family Housing, Defense-wide	0	100,000	100,000
Total	50,000,000	58,800,000	108,800,000

These reductions reflect savings based on inflation reestimates and foreign currency adjustments. The conferees direct that these reductions shall not result in the delay, cancellation, or reduction in scope of any project for which funds have been appropriated.

Amendment No. 25

Inserts a provision proposed by the Senate which directs the Secretary of the Army to complete a special forces diver training facility at Key West Naval Air Station, for which funds were authorized and appropriated in fiscal year 1990, using unspecified minor construction funds appropriated in this Act.

Amendment No. 26

Inserts a provision proposed by the Senate which authorizes the Secretary of the Navy to lease property on Waipio Peninsula, Hawaii, to the city and county of Honolulu.

Amendment No. 27

Inserts a provision proposed by the Senate which requires the Secretary of Defense to notify Congress of certain privatization efforts, amended to revise the reporting requirement.

Amendment No. 28

Deletes a provision proposed by the Senate which amends section 303(e) of Public law 105–18 to permit the Secretary of Defense to use funds available in the Defense Working Capital Fund for payment of certain costs of a facility at Lexington, Kentucky.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
MICOM MISSILE READINESS SOFTWARE ENGINEERING ANNEX (PHASE I)	---	13,000
AIR FORCE		
MAXWELL AFB		
OTS ACADEMIC FACILITY	4,479	4,479
OTS PHYSICAL FITNESS CENTER	1,095	1,095
SOFTWARE DEVELOPMENT AND MAINTENANCE FACILITY	---	9,300
DEFENSE-WIDE		
ANNISTON CHEMICAL ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY	9,900	9,900
REDSTONE ARSENAL, HUNTSVILLE		
MISSILE SPACE INTELLIGENCE CENTER (DIA)	32,700	32,700
AIR NATIONAL GUARD		
DANNELLY FIELD		
MUNITIONS COMPLEX/AIRCRAFT SUPPORT SHOP	---	4,800
TOTAL, ALABAMA	48,174	75,274
ALASKA		
AIR FORCE		
CLEAR AFS		
ALTER DORMITORIES	20,285	20,285
BALLISTIC MISSILE EARLY WARNING SYSTEM FACILITY	46,784	46,784
EIELSON AFB		
A-10 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	7,764	7,764
POTABLE WATER STORAGE UPGRADE	---	6,000
ELMENDORF		
ELECTRICAL SYSTEMS UPGRADE	---	6,100
INDIAN MOUNTAIN		
UPGRADE PETROLEUM, OIL, AND LUBRICANT SYSTEM	1,991	1,991
DEFENSE-WIDE		
ELMENDORF AFB		
REPLACE FUEL TANKAGE (DLA)	21,700	21,700
ARMY NATIONAL GUARD		
BETHEL		
ARMY GUARD AVIATION OPERATIONS FACILITY (REPROGRAMMING ALLOWANCE)	---	4,600
TOTAL, ALASKA	98,524	115,224
ARIZONA		
ARMY		
FORT HUACHUCA		
WHOLE BARRACKS COMPLEX RENEWAL	20,000	20,000
NAVY		
CAMP NAVAJO NAVY DETACHMENT		
MAGAZINE MODIFICATIONS (PHASE II)	11,426	11,426
YUMA MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS	---	12,250
AIR FORCE		
LUKE AFB		
LAND PURCHASE, GOLDWATER RANGE	---	10,000
TOTAL, ARIZONA	31,426	53,676
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION SUPPORT FACILITY	---	10,000
AIR FORCE		
LITTLE ROCK AFB		
CONTROL TOWER	---	3,400
DEFENSE-WIDE		
PINE BLUFF CHEMICAL ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY	44,000	---
ARMY NATIONAL GUARD		
HAZEN		
ORGANIZATIONAL MAINTENANCE SHOP	1,345	1,345
READINESS CENTER	2,261	2,261
TOTAL, ARKANSAS	47,606	17,006

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CALIFORNIA		
ARMY		
CONCORD NAVAL WEAPONS STATION		
ORDNANCE SUPPORT FACILITY	23,000	23,000
FORT IRWIN		
LIVE FIRE COMMAND AND CONTROL FACILITY	---	2,650
ROTATIONAL WASH POINT	---	8,500
NAVY		
CAMP PENDLETON MARINE CORPS AIR STATION		
AIRCRAFT MAINTENANCE TRAINING FACILITY	4,300	4,300
EMERGENCY SPILL CONTROL	2,840	2,840
HIGHBAY WAREHOUSE	6,880	6,880
CAMP PENDLETON MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS	12,000	12,000
BACHELOR ENLISTED QUARTERS	---	16,120
BRIDGE REPLACEMENT	5,600	5,600
CHILD DEVELOPMENT CENTER	---	4,480
RIVER FLOOD CONTROL (SANTA MARGARITA)	21,869	21,869
CORONADO NAVAL AMPHIBIOUS BASE		
WATERFRONT OPERATIONS BUILDING	---	10,100
EL CENTRO NAVAL AIR FACILITY		
ORDNANCE FACILITIES	11,000	11,000
MIRAMAR MARINE CORPS AIR STATION		
ENLISTED DINING FACILITY	8,700	8,700
NORTH ISLAND NAVAL AIR STATION		
MAINTENANCE SUPPORT FACILITIES	15,300	15,300
SEAWALL UPGRADE	2,900	2,900
VISUAL SYSTEM TRAINER BUILDING ADDITION	1,400	1,400
PORT HUENEME NAVAL CONSTRUCTION BATALLION CENTER		
STORMWATER RUNOFF IMPROVEMENTS	---	3,200
TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR		
COMMUNICATION/ELECTRONICS MAINTENANCE AND STORAGE FACILITY	3,810	3,810
AIR FORCE		
EDWARDS AFB		
ADD/ALTER SEWER LINE	1,394	1,394
UPGRADE WASTEWATER TREATMENT PLANT	1,493	1,493
VANDENBERG AFB		
LAUNCH OPERATIONS CONTROL CENTER	26,876	26,876
DEFENSE-WIDE		
NAVAL AIR STATION (NORTH ISLAND)		
WATERFRONT OPERATIONS SUPPORT FACILITY	7,400	7,400
SAN DIEGO NAVAL STATION		
ADD/ALTER ENVIRONMENTAL PREVENTATIVE MEDICAL UNIT	2,100	2,100
AIR NATIONAL GUARD		
FRESNO AIR TERMINAL		
BASE SUPPLY COMPLEX	---	7,000
ARMY RESERVE		
SACRAMENTO		
US ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/AREA MAINTENANCE SUPPORT ACTIVITY	20,972	20,972
NAVAL RESERVE		
NAVAL WEAPONS STATION (SEAL BEACH)		
MARINE CORPS RESERVE TRAINING CENTER	6,104	6,104
PASADENA		
MARINE CORPS RESERVE CENTER	---	6,690
TOTAL, CALIFORNIA	185,938	244,678
COLORADO		
ARMY		
FORT CARSON		
CLOSE COMBAT TACTICAL TRAINER BUILDING	7,300	7,300
RAIL YARD EXPANSION (PHASE I)	---	16,000
AIR FORCE		
BUCKLEY ANG BASE		
ADD TO SECURITY POLICE FACILITY	348	348
ADMINISTRATION FACILITY	6,370	6,370
FALCON AFS		
DEFENSE ACCESS ROAD	10,551	10,551
PETERSON AFB		
ADD/ALTER DORMITORY	4,081	4,081
US AIR FORCE ACADEMY		
ADD/ALTER FITNESS CENTER	5,375	5,375
UPGRADE ACADEMIC FACILITY	9,854	9,854

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
BUCKLEY ANGB		
UPGRADE BASE INFRASTRUCTURE SYSTEMS	12,800	12,800
GREELEY ANGS		
MOBILE GROUNDS STATION MAINTENANCE COMPLEX	---	4,700
TOTAL, COLORADO	56,679	77,379
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
CHILD DEVELOPMENT CENTER	---	3,660
CONTROLLED INDUSTRIAL FACILITY	18,300	18,300
DEFENSE-WIDE		
NAVAL SUB BASE NEW LONDON		
ADD/ALTER NAVAL UNDERSEA MED INSTITUTE	2,300	2,300
TOTAL, CONNECTICUT	20,600	24,260
DELAWARE		
AIR NATIONAL GUARD		
NEW CASTLE AIRPORT		
REPLACE SQUADRON OPS/AEROMED EVAC FACILITY	---	7,000
DISTRICT OF COLUMBIA		
DEFENSE-WIDE		
BOLLING AFB		
RECONFIGURATION DIAC	7,000	7,000
NAVAL RESERVE		
NAVAL AIR FACILITY, WASHINGTON, DC (ANDREWS AFB)		
BACHELOR ENLISTED QUARTERS	4,640	4,640
TOTAL, DISTRICT OF COLUMBIA	11,640	11,640
FLORIDA		
NAVY		
JACKSONVILLE NAVAL AIR STATION		
ORDNANCE LOADING APRON	1,330	1,330
TACTICAL SUPPORT CENTER	2,150	2,150
MAYPORT NAVAL STATION		
PIER IMPROVEMENTS	---	17,940
WHITING FIELD NAVAL AIR STATION		
RUNWAY UPGRADES	---	1,300
AIR FORCE		
EGLIN AFB AUXILIARY FIELD 9 (HURLBURT FIELD)		
DORMITORY	6,470	6,470
MACDILL AFB		
CHILD DEVELOPMENT CENTER	---	3,350
EDUCATION CENTER AND LIBRARY	---	4,750
REMEDIATE SMALL ARMS RANGE	1,543	1,543
DEFENSE-WIDE		
EGLIN AFB AUXILIARY FIELD 9 (HURLBURT FIELD)		
SECURITY IMPROVEMENTS	2,450	2,450
SQUADRON OPERATIONS/AMU AC-130	6,100	6,100
NAS JACKSONVILLE		
REPLACE FUEL TANKAGE	9,800	9,800
PENSACOLA NAVAL AIR STATION		
MEDICAL CLINIC ADDITION (NAMI)	2,750	2,750
TOTAL, FLORIDA	32,593	59,933
GEORGIA		
ARMY		
FORT GORDON		
WHOLE BARRACKS COMPLEX RENEWAL	22,000	22,000
FORT STEWART (HUNTER ARMY AIR FIELD)		
WHOLE BARRACKS COMPLEX RENEWAL (PHASE I)	---	11,500
AIR FORCE		
MOODY AFB		
HH-60 RESCUE OPERATIONS FACILITY	---	6,800
ROBINS AFB		
JSTARS - ADD/ALTER SUPPLY WAREHOUSE	2,538	2,538
JSTARS - ADD/ALTER UTILITIES	1,891	1,891
JSTARS - ADD/ALTER WING COMMAND POST	498	498
JSTARS - AGE STORAGE/SHOP FACILITY	5,972	5,972
JSTARS - AIRCRAFT MAINTENANCE HANGAR	7,764	7,764
PHYSICAL FITNESS CENTER	---	9,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
FORT BENNING		
BATTALION AND COMPANY OPERATIONS FACILITY	9,814	9,814
FORT STEWART/HUNTER ARMY AIRFIELD		
COMPANY OPERATIONS FACILITY	2,500	2,500
ROBINS AIR FORCE BASE		
ADD/ALTER AMBULATORY HEALTH CARE CENTER	19,000	19,000
AIR NATIONAL GUARD		
ROBINS AFB		
B-1 AIRCRAFT ORGANIZATIONAL MAINTENANCE SHOPS	520	520
B-1 COMPOSITE SQUADRON OPERATIONS COMPLEX	5,300	5,300
B-1 POWER CHECK PAD AND SOUND SUPPRESSER	1,000	1,000
TOTAL, GEORGIA	78,797	106,197
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
WHOLE BARRACKS COMPLEX RENEWAL	44,000	44,000
NAVY		
FORT DERUSSEY		
ASIAN PACIFIC CENTER	---	9,500
KANEOHE BAY MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS	19,000	19,000
PEARL HARBOR NAVAL STATION		
OILY WASTE COLLECTION TREATMENT FACILITY	25,000	25,000
WAHIAWA NAVAL COMMUNICATION AREA MASTER STA EASTPAC		
FITNESS CENTER ADDITION AND RENOVATION	3,900	3,900
DEFENSE-WIDE		
PEARL HARBOR (FORD ISLAND)		
DFAS - REGIONAL FINANCE CENTER	10,000	10,000
PEARL HARBOR NS		
ADVANCED SEAL DELIVERY SYSTEM FACILITY (PHASE II)	---	7,400
ARMY NATIONAL GUARD		
BELLOWS AFB		
ADD/ALTER ADMINISTRATIVE TRAINING FACILITY	---	5,232
WHEELER ARMY AIRFIELD (WAHIAWA)		
AVIATION, FIXED WING HANGAR	2,100	2,100
TOTAL, HAWAII	104,000	126,132
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
B-1B ARMAMENT SHOP	2,688	2,688
B-1B AVIONICS BLDG	---	9,200
B-1B DORMITORY	8,959	8,959
B-1B SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	6,072	6,072
F-15C SQUADRON OPERATIONS FACILITY	---	3,750
AIR NATIONAL GUARD		
BOISE AIR TERMINAL (GOWEN FIELD)		
C-130 COMPOSITE HANGAR AND MAINTENANCE SHOPS	12.000	12,000
C-130 SQUADRON OPERATIONS/AERIAL PORT TRAINING FAC	---	8,800
TOTAL, IDAHO	29,719	51,469
ILLINOIS		
NAVY		
GREAT LAKES NAVAL HOSPITAL		
BACHELOR ENLISTED QUARTERS (PHASE II)	5,200	5,200
GREAT LAKES NAVAL TRAINING CENTER		
BACHELOR ENLISTED QUARTERS	26,690	26,690
COMBAT TRAINING POOL	9,930	9,930
FIRE STATION	2,600	2,600
RECREATION CENTER	2,000	2,000
TOTAL, ILLINOIS	46,420	46,420

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
INDIANA		
ARMY		
CRANE ARMY AMMUNITION ACTIVITY		
AMMUNITION CONTAINERIZATION COMPLEX (PHASE I).....	7,700	7,700
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
CHEM-BIO WARFARE DETECTION CENTER.....	---	4,120
ARMY NATIONAL GUARD		
CAMP ATTERBURY RESERVE FORCES TRNG AREA (EDINBURGH)		
MULTI-PURPOSE TRAINING RANGE (MPTR).....	10,229	10,229
AIR FORCE RESERVE		
GRISSOM AIR RESERVE BASE		
BASE CIVIL ENGINEER COMPLEX.....	---	8,913
TOTAL, INDIANA.....	17,929	30,962
IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE (JOHNSTON)		
BATALLION COMPLEX (PHASE IV).....	4,529	4,529
TOTAL, IOWA.....	4,529	4,529
KANSAS		
ARMY		
FORT LEAVENWORTH		
U.S. DISCIPLINARY BARRACKS (PHASE I).....	63,000	20,000
FORT RILEY		
CLOSE COMBAT TACTICAL TRAINER BUILDING.....	7,300	7,300
WHOLE BARRACKS COMPLEX RENEWAL.....	18,500	18,500
AIR FORCE		
MCCONNELL AFB		
ADD/ALTER CHILD DEVELOPMENT CENTER.....	---	5,000
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT #3.	6,669	6,669
TRANSPORTATION COMPLEX.....	---	2,850
ARMY NATIONAL GUARD		
IOLA		
ADD/ALTER READINESS CENTER.....	1,454	1,454
AIR NATIONAL GUARD		
MCCONNELL AFB		
ALTER BASE CIVIL ENGINEER MAINTENANCE SHOP.....	---	2,000
TOTAL, KANSAS.....	96,923	63,773
KENTUCKY		
ARMY		
FORT CAMPBELL		
EDUCATION CENTER (PHASE II).....	---	6,700
TACTICAL EQUIPMENT SHOP (PHASE II).....	---	9,900
WHOLE BARRACKS COMPLEX RENEWAL.....	37,000	37,000
FORT KNOX		
QUALIFICATION TRAINING RANGE (QTR).....	---	7,200
WHOLE BARRACKS COMPLEX RENEWAL.....	22,000	22,000
DEFENSE-WIDE		
FORT CAMPBELL		
CONSOLIDATED TROOP MEDICAL/DENTAL CLINIC.....	13,600	13,600
ARMY NATIONAL GUARD		
GREENVILLE		
WEST KENTUCKY TRAINING RANGE (PHASE III).....	---	3,639
TOTAL, KENTUCKY.....	72,600	100,039
LOUISIANA		
AIR FORCE		
BARKSDALE AFB		
CONVENTIONAL AIR LAUNCH CRUISE MISSILE INTEGRATED MAINTENANCE COMPLEX.....	11,148	11,148
CONVENTIONAL AIR LAUNCH CRUISE MISSILE STORAGE IGLOOS.....	8,262	8,262
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
MULTIPURPOSE MACHINE GUN RANGE.....	---	1,292
JACKSON BARRACKS (NEW ORLEANS)		
ORGANIZATIONAL MAINTENANCE SHOP (OMS).....	1,516	1,516

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
NEW ORLEANS NAVAL AIR STATION		
BASE CIVIL ENGINEER AND COMMUNICATIONS COMPLEX....	---	5,900
NAVAL RESERVE		
NEW ORLEANS NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS (PHASE II).....	---	4,520
PHYSICAL FITNESS FACILITY.....	---	3,550
TOTAL, LOUISIANA.....	20,926	36,188
MAINE		
AIR NATIONAL GUARD		
BANGOR IAP		
UPGRADE BASE FACILITIES.....	---	6,500
MARYLAND		
NAVY		
PATUXENT RIVER NAVAL AIR WARFARE CENTER/AIRCRAFT DIV		
ADVANCED SYSTEM INTEGRATION FACILITY (PHASE V)....	9,000	9,000
ST INIGOES NAVAL ELEC SYSTEMS ENGINEERING ACTIVITY		
MAINTENANCE HANGAR.....	---	2,610
DEFENSE-WIDE		
FORT DETRICK		
HEALTH/DENTAL CLINIC.....	4,650	4,650
FOREST GLEN (WALTER REED ARMY INSTITUTE OF RESEARCH)		
ARMY INSTITUTE OF RESEARCH (PHASE V).....	20,000	20,000
FORT MEADE		
FANX III PURCHASE.....	25,200	25,200
VEHICLE AND CARGO INSPECTION FACILITY.....	4,000	3,900
VISITOR CONTROL CENTERS.....	600	600
ARMY NATIONAL GUARD		
ANNAPOLIS		
ADD/ALTER READINESS CENTER.....	---	2,947
TOTAL, MARYLAND.....	63,450	68,907
MASSACHUSETTS		
DEFENSE-WIDE		
WESTOVER ARB		
JET FUEL STORAGE COMPLEX.....	4,700	4,700
AIR NATIONAL GUARD		
BARNES ANGB		
REPLACE DINING HALL.....	---	3,050
NAVAL RESERVE		
WESTOVER ARB		
BUILDING RENOVATION.....	---	4,090
AIR FORCE RESERVE		
WESTOVER ARB		
FIRE TRAINING FACILITY.....	1,800	1,800
TOTAL, MASSACHUSETTS.....	6,500	13,640
MICHIGAN		
ARMY NATIONAL GUARD		
AUGUSTA		
READINESS CENTER.....	---	6,356
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT (ALPENA)		
AIRCREW COMBAT TRAINING SYSTEM RANGE SUPPORT AND RADAR APPROACH CONTROL FACILITY.....	5,000	5,000
SELFRIDGE AGB		
REPLACE VEHICLE MAINT/COMMUNICATIONS COMPLEX.....	---	9,000
TOTAL, MICHIGAN.....	5,000	20,356
MINNESOTA		
AIR NATIONAL GUARD		
MINNEAPOLIS-ST PAUL INTERNATIONAL AIRPORT		
REPLACE BASE CIVIL ENGINEER MAINTENANCE COMPLEX...	---	4,600
VEHICLE WASH FACILITY.....	360	360
AIR FORCE RESERVE		
MINNEAPOLIS-ST PAUL INTERNATIONAL AIRPORT		
ADD/ALTER AIRCRAFT CORROSION CONTROL FACILITY.....	1,550	1,550
TOTAL, MINNESOTA.....	1,910	6,510

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MISSISSIPPI		
NAVY		
GULFPORT		
MERIDIAN NAVAL AIR STATION		
RENOVATE THREE BACHELOR ENLISTED QUARTERS	---	7,050
AIR FORCE		
KEESLER AFB		
STUDENT DORMITORIES	30,855	30,855
DEFENSE-WIDE		
MISSISSIPPI ARMY AMMUNITION PLANT		
OPERATION AND MAINTENANCE FACILITY	---	9,900
ARMY NATIONAL GUARD		
SENATOBIA		
READINESS CENTER	---	4,425
AIR NATIONAL GUARD		
GULFPORT-BILOXI REGIONAL AIRPORT		
REGIONAL FIRE TRAINING FACILITY	900	900
REPLACE TROOP TRAINING QUARTERS/DINING HALL	---	9,500
KEY FIELD		
REGIONAL KC-135 SIMULATION TRAINING FACILITY	---	2,000
REPLACE DINING HALL	---	3,200
TOTAL, MISSISSIPPI	31,755	67,830
MISSOURI		
ARMY		
FORT LEONARD WOOD		
FIRE STATION	---	3,200
AIR FORCE		
WHITEMAN AFB		
B-2 AIRCRAFT MAINTENANCE DOCKS	17,419	17,419
ARMY NATIONAL GUARD		
MACON		
ARMORY	---	3,210
TOTAL, MISSOURI	17,419	23,829
MONTANA		
AIR FORCE		
MALMSTROM AFB		
ADD/ALTER AIRMEN DINING FACILITY	---	4,500
ARMY NATIONAL GUARD		
BILLINGS		
ARMED FORCES RESERVE CENTER	---	14,950
TOTAL, MONTANA	---	19,450
NEVADA		
AIR FORCE		
NELLIS AFB		
MUNITIONS MAINTENANCE FACILITY	---	1,950
AIR NATIONAL GUARD		
RENO/TAHOE IAP		
C-130 AERIAL PORT	---	2,950
TOTAL, NEVADA	---	4,900
NEW JERSEY		
ARMY		
FORT MONMOUTH		
FIRE STATION	---	2,050
AIR FORCE		
MCGUIRE AFB		
AIR MOBILITY GROUP (AMOG) WAREHOUSE	9,954	9,954
FIRE STATION	---	8,800
DEFENSE-WIDE		
MCGUIRE AFB		
AMBULATORY HEALTH CARE CENTER REPLACEMENT	35,217	35,217
TOTAL, NEW JERSEY	45,171	56,021

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
LAUNCH COMPLEX REVITALIZATION	---	6,900
NATIONAL RANGE CONTROL CENTER (PHASE II)	18,000	18,000
AIR FORCE		
KIRTLAND AFB		
FLIGHT SIMULATION TRAINING FACILITY	---	14,000
REPLACE MANZANO BRIDGE	---	6,300
DEFENSE-WIDE		
HOLLOMAN AFB		
DENTAL CLINIC REPLACEMENT	3,000	3,000
TOTAL, NEW MEXICO	21,000	48,200
NEW YORK		
ARMY		
FORT DRUM		
AERIAL GUNNERY RANGE (PHASE I)	---	9,000
MILITARY TRAINING AND EDUCATION CENTER	---	6,900
AIR NATIONAL GUARD		
SCHENECTADY COUNTY AIRPORT		
FUEL CELL AND CORROSION CONTROL HANGAR	5,700	5,700
STRATTON ANGB (SCHENECTADY)		
COMPOSITE SUPPORT COMPLEX	---	7,500
AIR FORCE RESERVE		
NIAGARA FALLS IAP		
CONSOLIDATED TRAINING FACILITY	---	2,100
TOTAL, NEW YORK	5,700	31,200
NORTH CAROLINA		
ARMY		
FORT BRAGG		
MOUT TRAINING COMPLEX (PHASE I)	---	7,900
UPGRADE TWO BARRACKS IN AREA D	---	9,800
NAVY		
CHERRY POINT MARINE CORPS AIR STATION		
OPERATIONS AND MAINTENANCE FACILITIES	8,800	8,800
NEW RIVER MARINE CORPS AIR STATION		
AVIATION MAINTENANCE TRAINING FACILITY	6,600	6,600
BACHELOR ENLISTED QUARTERS	10,600	10,600
TACTICAL SUPPORT VAN PADS	2,700	2,700
AIR FORCE		
POPE AFB		
DORMITORIES	8,356	8,356
FAMILY SERVICES CENTER	---	2,600
DEFENSE-WIDE		
FORT BRAGG		
ELECTRONICS MAINTENANCE FACILITY	1,000	1,000
SECURITY UPGRADES	500	500
SOF MEDICAL TRAINING BARRACKS	---	8,300
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
ALTER FUEL SYSTEMS MAINTENANCE AND CORROSION CONTROL FACILITY	2,550	2,550
TOTAL, NORTH CAROLINA	41,106	69,706
NORTH DAKOTA		
AIR FORCE		
GRAND FORKS AFB		
KC-135 ADD/ALTER FLIGHT SIMULATOR FACILITY	1,493	1,493
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,067	7,067
MINOT AFB		
FIRE/CRASH RESCUE STATION	---	5,200
TOTAL, NORTH DAKOTA	8,560	13,760

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
CHILD DEVELOPMENT CENTER	---	8,600
RENOVATE ACQUISITION SUPPORT FACILITY	10,750	10,750
DEFENSE-WIDE		
COLUMBUS CENTER		
DFAS - REGIONAL FINANCE CENTER	23,922	23,922
WRIGHT-PATTERSON AFB		
ALTER COMPOSITE MEDICAL FACILITY	2,750	2,750
AIR NATIONAL GUARD		
RICKENBACKER ANGB		
FUEL CELL AND CORROSION CONTROL FACILITY	---	5,700
SPRINGFIELD ANGB		
BASE SUPPLY COMPLEX	---	5,500
AIR FORCE RESERVE		
YOUNGSTOWN ARS		
ADD/ALTER BASE SUPPLY	2,800	2,800
ADD/ALTER MISCELLANEOUS MAINTENANCE FACILITY	1,000	1,000
ADD/ALTER SQUADRON OPERATIONS FACILITY	1,400	1,400
TOTAL, OHIO	42,622	62,422
OKLAHOMA		
ARMY		
FORT SILL		
WHOLE BARRACKS COMPLEX RENEWAL	---	8,000
AIR FORCE		
ALTUS AFB		
LAND PURCHASE CLEAR ZONE	---	11,000
TINKER AFB		
B-2 ADD/ALTER SOFTWARE MAINTENANCE FACILITY	9,655	9,655
VANCE AFB		
BASE ENGINEERING COMPLEX	---	7,700
AIR NATIONAL GUARD		
WILL ROGERS WORLD AIRPORT (OKLAHOMA CITY)		
REPLACE AEROMEDICAL EVACUATION TRAINING FACILITY	---	3,100
TOTAL, OKLAHOMA	9,655	39,455
OREGON		
DEFENSE-WIDE		
UMATILLA CHEMICAL DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	57,427	57,427
AIR NATIONAL GUARD		
KLAMATH FALLS INTERNATIONAL AIRPORT		
VEHICLE REFUELING SHOP AND PAINT BAY	520	520
TOTAL, OREGON	57,947	57,947
PENNSYLVANIA		
DEFENSE-WIDE		
DEFENSE DISTRIBUTION DEPOT (NEW CUMBERLAND)		
ADDITION TO DISTRIBUTION CENTER	15,500	15,500
ARMY RESERVE		
OAKDALE		
US ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/AREA MAINTENANCE SUPPORT ACTIVITY (PHASE I)	---	6,000
NAVAL RESERVE		
JOHNSTOWN		
RESERVE HANGAR AND TRAINING CENTER	---	13,980
TOTAL, PENNSYLVANIA	15,500	35,480
RHODE ISLAND		
NAVY		
NEWPORT NAVAL UNDERSEA WARFARE CENTER DIVISION		
UNDERWATER WEAPON SYSTEM LABORATORY	8,900	8,900
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT (N KINGSTON)		
ADD TO FUEL SYSTEM/CORROSION CONTROL MAINTENANCE FACILITY	355	355
TOTAL, RHODE ISLAND	9,255	9,255

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SOUTH CAROLINA		
ARMY		
CHARLESTON NAVAL WEAPONS STATION		
ARMY STRATEGIC MAINTENANCE COMPLEX (PHASE III)....	7,700	7,700
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS.....	---	15,330
COMBAT VEHICLE MAINTENANCE SHOP.....	---	2,400
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
INDOOR SIMULATOR MARKSMANSHIP TRAINING FACILITY...	3,200	3,200
AIR FORCE		
SHAW AFB		
INFORMATION WARFARE SQUADRON OPERATIONS FACILITY..	6,072	6,072
ARMY NATIONAL GUARD		
LEESBURG TRAINING SITE (EASTOVER)		
REGIONAL SIMULATION CENTER.....	---	3,823
AIR NATIONAL GUARD		
MCENTIRE ANGB		
DINING FACILITY/JOINT MEDICAL TRAINING FACILITY...	---	7,000
ADD/ALTER FUEL CELL AND CORROSION CONTROL FACILITY	1,500	1,500
TOTAL, SOUTH CAROLINA.....	18,472	47,025
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
FIRE/CRASH RESCUE STATION.....	---	6,600
ARMY NATIONAL GUARD		
RAPID CITY		
AVIATION SUPPORT FACILITY.....	---	5,200
TOTAL, SOUTH DAKOTA.....	---	11,800
TENNESSEE		
AIR FORCE		
ARNOLD AFB		
ATMOSPHERIC AIR DRYER FACILITY.....	---	9,900
WASTEWATER TREATMENT FACILITY.....	10,750	10,750
DEFENSE-WIDE		
MILLINGTON NAVAL AIR STATION		
DFAS - REGIONAL FINANCE CENTER.....	6,906	6,906
AIR NATIONAL GUARD		
NASHVILLE METRO AIRPORT		
REPLACE BASE CIVIL ENGINEER MAINTENANCE COMPLEX...	---	3,350
ARMY RESERVE		
KNOXVILLE		
USARC/OMS/AMSA.....	---	7,941
TOTAL, TENNESSEE.....	17,656	38,847
TEXAS		
ARMY		
FORT BLISS		
AMMUNITION SUPPLY POINT EXPANSION (PHASE II).....	---	7,700
FORT HOOD		
FORCE XXI SOLDIER DEVELOPMENT SCHOOL (PHASE I)....	---	12,800
FORT SAM HOUSTON		
WHOLE BARRACKS COMPLEX RENEWAL.....	16,000	16,000
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
BOILER PLANT REPLACEMENT.....	---	800
AIR FORCE		
DYESS AFB		
B-1 SQUADRON OPS/AIRCRAFT MAINTENANCE UNIT.....	---	10,000
LAUGHLIN AFB		
CORROSION CONTROL FACILITY.....	---	4,800
RANDOLPH AFB		
JOINT PRIMARY AIRCRAFT TRAINING SYSTEM - ADD/ALTER VARIOUS FACILITIES.....	2,488	2,488
DEFENSE-WIDE		
LACKLAND AFB		
BLOOD DONOR CENTER.....	3,000	3,000
ARMY NATIONAL GUARD		
SAN ANTONIO		
ORGANIZATIONAL MAINTENANCE SHOP (OMS).....	2,475	2,475

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, TEXAS	23,963	60,063
UTAH		
AIR FORCE		
HILL AFB		
PEACEKEEPER STORAGE FACILITIES	6,470	6,470
DEFENSE-WIDE		
HILL AFB		
CLINIC ADDITION	3,100	3,100
ARMY NATIONAL GUARD		
OREM		
READINESS CENTER	5,746	5,746
RICHFIELD		
ORGANIZATIONAL MAINTENANCE SHOP	1,045	1,045
AIR NATIONAL GUARD		
SALT LAKE CITY INTERNATIONAL AIRPORT		
VEHICLE WASHING AND CORROSION CONTROL FACILITY	460	460
ARMY RESERVE		
CAMP WILLIAMS		
USARC/OMS	---	12,714
TOTAL, UTAH	16,821	29,535
VERMONT		
ARMY NATIONAL GUARD		
CAMP JOHNSON		
COMBINED SUPPORT MAINTENANCE SHOP	---	6,719
VIRGINIA		
ARMY		
CHARLOTTESVILLE		
NATIONAL GROUND INTELLIGENCE CENTER PLANNING AND DESIGN	3,100	---
FT A P HILL		
CENTRAL VEHICLE WASH FACILITY	5,400	5,400
FORT MYER		
WHOLE BARRACKS COMPLEX RENEWAL	8,200	8,200
FORT STORY		
POST CHAPEL	---	2,000
NAVY		
DAHLGREN NAVAL SURFACE WARFARE CENTER DIVISION		
AEGIS COMBAT SYSTEM SUPPORT FACILITY	6,600	6,600
ELECTRICAL WARFARE INTEGRATED FACILITY ADDITION	7,320	7,320
OPERATIONS AND MAINTENANCE TRNG FACILITY ADDITION	6,560	6,560
DAM NECK FLEET COMBAT TRAINING CENTER (ATLANTIC)		
BACHELOR ENLISTED QUARTERS RENOVATION	7,000	7,000
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
LANDING CRAFT AIR CUSHION COMPLEX (PHASE IV)	8,685	8,685
NORFOLK NAVAL AIR STATION		
AIR OPERATIONS BUILDING	---	4,000
AIR PASSENGER TERMINAL	14,240	14,240
NORFOLK NAVAL STATION		
CONSOLIDATED SUPPORT CENTER	6,100	6,100
DEPERMING PIERS	12,750	12,750
NORFOLK NAVAL SHIPYARD		
OILY WASTE COLLECTION SYSTEM	9,500	9,500
WATERFRONT IMPROVEMENTS	---	19,910
OCEANA NAVAL AIR STATION		
AIR OPERATIONS CONTROL TOWER	2,100	2,100
BACHELOR ENLISTED QUARTERS REPLACEMENT	20,900	20,900
JET ENGINE TEST CELL	5,000	5,000
YORKTOWN NAVAL WEAPONS STATION		
GYMNASIUM	5,400	5,400
TOMAHAWK MAGAZINE	---	3,290
TORPEDO MAGAZINE	5,857	5,857
AIR FORCE		
LANGLEY AFB		
FIRE STATION (PHASE II)	4,031	4,031

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
CINCLANTFLT NORFOLK		
DFAS - REGIONAL FINANCE CENTER	12,800	12,800
DEF FUEL SUPPORT POINT CRANEY ISLAND		
REPLACE FUEL TANKAGE	22,100	22,100
DEFENSE DISTRIBUTION DEPOT (NORFOLK)		
REPLACE GENERAL PURPOSE WAREHOUSE	16,656	16,656
DEFENSE GENERAL SUPPLY CENTER (RICHMOND)		
CHILD DEVELOPMENT CENTER	2,100	2,100
GAS CYLINDER FACILITY	3,100	3,100
FT LEE		
DEFENSE COMMISSARY AGENCY HEADQUARTERS ADDITION	9,300	9,300
PORTSMOUTH NAVAL HOSPITAL		
HOSPITAL REPLACEMENT (PHASE IX)	---	17,000
QUANTICO MARINE CORPS BASE		
MEDICAL/DENTAL CLINIC REPLACEMENT	19,000	19,000
TOTAL, VIRGINIA	223,799	266,899
WASHINGTON		
ARMY		
FORT LEWIS		
TANK TRAIL EROSION MITIGATION (YAKIMA) (PHASE III)	2,000	2,000
WHOLE BARRACKS COMPLEX RENEWAL	31,000	31,000
NAVY		
BREMERTON PUGET SOUND NAVAL SHIPYARD		
CHILD DEVELOPMENT CENTER	4,400	4,400
WHIDBEY ISLAND NAVAL AIR STATION		
ELECTRONIC WARFARE TRAINING FACILITY	1,100	1,100
AIR FORCE		
FAIRCHILD AFB		
ADD/ALTER FIRE STATION	---	4,750
EDUCATION CENTER/LIBRARY	---	8,200
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,366	7,366
MCCHORD AFB		
C-17 ALTER MAINTENANCE HANGARS	6,470	6,470
C-17 ENGINE TEST CELL FACILITY	3,185	---
DEFENSE-WIDE		
EVERETT NAVAL STATION		
MEDICAL/DENTAL CLINIC	7,500	7,500
FORT LEWIS		
TROOP MEDICAL CLINIC	---	5,000
AIR NATIONAL GUARD		
FAIRCHILD AFB		
UPGRADE KC-135 FLIGHTLINE FACILITIES	---	9,500
TOTAL, WASHINGTON	63,021	87,286
WEST VIRGINA		
ARMY NATIONAL GUARD		
CAMP DAWSON		
ARMED FORCES RESERVE CENTER	---	6,828
WISCONSIN		
DEFENSE-WIDE		
TRUAX FIELD (MADISON)		
JET FUEL STORAGE COMPLEX	4,500	4,500
ARMY NATIONAL GUARD		
HAYWARD		
ORGANIZATIONAL MAINTENANCE SHOP (OMS)	2,900	2,900
ARMY RESERVE		
FORT MCCOY (SPARTA)		
ARMY RESERVE READINESS TRAINING CENTER (PHASE II)	14,856	14,856
COMBAT PISTOL RANGE	1,500	1,500
ELECTRIC POWER TO RANGES	2,611	2,611
MODIFIED RECORD FIRE RANGE	1,973	1,973
AIR FORCE RESERVE		
MITCHELL ARS (MILWAUKEE)		
AERIAL PORT TRAINING FACILITY	---	4,200

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, WISCONSIN	28,340	32,540
CONUS CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECT	6,500	6,500
AIR FORCE		
CLASSIFIED LOCATION		
SPECIAL TACTICAL UNIT DETACHMENT FACILITY	1,875	1,875
VISITOR CONTROL CENTER AND SECURITY UPGRADE	4,300	4,300
TOTAL, CONUS CLASSIFIED	12,675	12,675
BAHRAIN ISLAND		
NAVY		
ADMINISTRATIVE SUPPORT UNIT (SOUTHWEST ASIA)		
BACHELOR ENLISTED QUARTERS	25,000	25,000
UTILITIES UPGRADE	5,100	5,100
TOTAL, BAHRAIN ISLAND	30,100	30,100
GERMANY		
ARMY		
KATTERBACH KASERNE (ANSBACH)		
WHOLE BARRACKS COMPLEX RENEWAL	22,000	22,000
TOMPKINS BARRACKS (HEIDELBERG)		
WHOLE BARRACKS COMPLEX RENEWAL	8,800	8,800
RHINE ORDNANCE BARRACKS (KAISERSLAUTERN)		
WHOLE BARRACKS COMPLEX RENEWAL	6,000	6,000
TAYLOR BARRACKS (MANNHEIM)		
WHOLE BARRACKS COMPLEX RENEWAL	6,200	6,200
AIR FORCE		
SPANGDAHLEM AB		
DORMITORIES	18,500	18,500
TOTAL, GERMANY	61,500	61,500
GUAM		
NAVY		
NAVAL COMPUTER AND TELECOMMUNICATIONS AREA MASTER STATION (WESTERN PACIFIC)		
FIRE PROTECTION SYSTEM IMPROVEMENTS	4,050	4,050
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE FUEL PIPELINE	16,000	16,000
TOTAL, GUAM	20,050	20,050
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
AIR PASSENGER TERMINAL	8,200	8,200
SIGONELLA NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS REPLACEMENT	21,440	21,440
AIR FORCE		
AVIANO AB		
ROADS/UTILITIES SYSTEM	7,320	7,320
WASTEWATER DISPOSAL SYSTEM AREAS	7,900	7,900
TOTAL, ITALY	44,860	44,860
KOREA		
ARMY		
CAMP CASEY		
WHOLE BARRACKS COMPLEX RENEWAL	5,100	5,100
EASTERN CORRIDOR (CAMP CASTLE)		
WHOLE BARRACKS COMPLEX RENEWAL	8,400	8,400
CAMP HUMPHREYS		
WHOLE BARRACKS COMPLEX RENEWAL	32,000	32,000
CAMP RED CLOUD		
WHOLE BARRACKS COMPLEX RENEWAL	23,600	23,600
COMBINED FIELD ARMY (CAMP STANLEY)		
WHOLE BARRACKS COMPLEX RENEWAL	7,000	7,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
KUNSAN AB		
DORMITORY	8,325	8,325
FIRE TRAINING FACILITY	2,000	2,000
OSAN AB		
DORMITORY	11,100	---
TOTAL, KOREA	97,525	86,425
KWAJALEIN		
DEFENSE-WIDE		
US ARMY KWAJALEIN ATOLL (USAKA)		
CONSTRUCT/ALTER THEATER HIGH ALTITUDE AREA DEFENSE (THAAD) TEST FACILITIES	4,565	---
PORTUGAL		
AIR FORCE		
LAJES FIELD (AZORES)		
WATER TREATMENT PLANT	4,800	4,800
PUERTO RICO		
NAVY		
ROOSEVELT ROADS NAVAL STATION		
BACHELOR ENLISTED QUARTERS	24,100	24,100
SPAIN		
DEFENSE-WIDE		
MORON AIR BASE		
REPLACE HYDRANT FUEL SYSTEM (PHASE II)	14,400	---
UNITED KINGDOM		
NAVY		
ST MAWGAN JOINT MARITIME FACILITY		
RELIGIOUS EDUCATION FACILITY	2,330	2,330
AIR FORCE		
ROYAL AIR FORCE LAKENHEATH		
DORMITORIES	11,400	11,400
TOTAL, UNITED KINGDOM	13,730	13,730
OVERSEAS CLASSIFIED		
AIR FORCE		
CLASSIFIED - OVERSEAS		
SPACED BASED INFRARED SYSTEM (SBIRS) - RELAY GROUND STATION (PACIFIC)	7,600	7,600
SPACED BASED INFRARED SYSTEM (SBIRS) - RELAY GROUND STATION (ATLANTIC)	6,400	6,400
OVERSEAS CLASSIFIED		
INTOWN WAREHOUSE	1,800	1,800
OPERATIONS BUILDING EXPANSION	12,200	12,200
WAR READINESS MATERIAL WAREHOUSE	2,000	---
WAR READINESS MATERIAL COMMUNICATIONS MAINTENANCE SHOP/MANAGEMENT FACILITY	1,100	1,100
TOTAL, OVERSEAS CLASSIFIED	31,100	29,100
NATO		
NATO SECURITY INVESTMENT PROGRAM	176,300	152,600
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT	20,000	15,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PLANNING AND DESIGN	43,477	50,577
UNSPECIFIED MINOR CONSTRUCTION	6,000	7,400
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	42,489	46,489
UNSPECIFIED MINOR CONSTRUCTION	9,960	11,460
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	40,880	44,880
UNSPECIFIED MINOR CONSTRUCTION	8,545	8,545
REDUCTION FOR PRIOR YEAR SAVINGS	-23,858	---
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM	25,000	25,000
CONTINGENCY CONSTRUCTION	9,844	4,000
PLANNING AND DESIGN		
BALLISTIC MISSILE DEFENSE ORGANIZATION	540	540
CHEMICAL DEMILITARIZATION PROGRAM	9,200	9,200
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,400	1,400
DEFENSE LEVEL ACTIVITIES	30,300	16,000
DEFENSE MEDICAL SUPPORT ACTIVITY	10,500	18,000
SPECIAL OPERATIONS COMMAND	3,710	3,710
SUBTOTAL, PLANNING AND DESIGN	55,650	48,850
UNSPECIFIED MINOR CONSTRUCTION		
SPECIAL OPERATIONS COMMAND	4,100	4,100
BALLISTIC MISSILE DEFENSE ORGANIZATION	1,965	1,965
DEFENSE LEVEL ACTIVITIES	3,000	3,000
DEFENSE MEDICAL SUPPORT ACTIVITY	7,958	7,958
DOD DEPENDENT SCHOOLS	2,000	2,818
JOINT CHIEFS OF STAFF	6,234	6,234
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	25,257	26,075
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,800	6,031
UNSPECIFIED MINOR CONSTRUCTION	6,698	7,498
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	7,029	10,029
UNSPECIFIED MINOR CONSTRUCTION	4,231	8,800
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	5,100	5,600
REDUCTION FOR PRIOR YEAR SAVINGS	-7,900	---
NAVAL RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,527	3,105
UNSPECIFIED MINOR CONSTRUCTION	650	650
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	1,516	2,016
UNSPECIFIED MINOR CONSTRUCTION	4,464	4,464
TOTAL, WORLDWIDE UNSPECIFIED	290,359	336,469
WORLDWIDE VARIOUS		
ARMY		
OVERSEAS VARIOUS LOCATIONS		
STRATEGIC LOGISTICAL PREPOSITIONING COMPLEX (PHASE III)	37,000	37,000
DEFENSE-WIDE		
VARIOUS LOCATIONS		
POLLUTION ABATEMENT FACILITIES (CONFORMING STORAGE)	11,275	11,275
TOTAL, WORLDWIDE VARIOUS	48,275	48,275

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ARIZONA		
FORT HUACHUCA (55 UNITS)	---	8,000
FLORIDA		
MIAMI (US SOUTHERN COMMAND HEADQUARTERS) (8 UNITS)	2,300	---
HAWAII		
SCHOFIELD BARRACKS (132 UNITS)	26,600	26,600
MARYLAND		
FORT MEADE (56 UNITS)	7,900	7,900
NEW JERSEY		
PICATINNY ARSENAL (35 UNITS)	---	7,300
NORTH CAROLINA		
FORT BRAGG (142 UNITS)	16,800	16,800
FORT BRAGG (32 UNITS)	3,350	3,350
TEXAS		
FORT BLISS (91 UNITS)	12,900	12,900
FORT HOOD (130 UNITS)	18,800	18,800
CONSTRUCTION IMPROVEMENTS	44,800	86,100
PLANNING AND DESIGN	9,550	9,550
SUBTOTAL, CONSTRUCTION	143,000	197,300
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	47,404	47,404
MANAGEMENT ACCOUNT	80,089	80,089
MISCELLANEOUS ACCOUNT	327	327
SERVICES ACCOUNT	52,936	52,936
UTILITIES ACCOUNT	265,732	257,363
LEASING	234,053	234,053
MAINTENANCE OF REAL PROPERTY	468,393	468,393
SUBTOTAL, OPERATION AND MAINTENANCE	1,148,934	1,140,565
INTEREST PAYMENTS	3	3
TOTAL, FAMILY HOUSING, ARMY	1,291,937	1,337,868
FAMILY HOUSING, NAVY		
CALIFORNIA		
CAMP PENDLETON MARINE CORPS BASE (171 UNITS)	22,518	22,518
LEMOORE NAVAL AIR STATION (128 UNITS)	23,226	23,226
MARINE CORPS AIR STATION (MIRAMAR) (166 UNITS)	28,881	28,881
SAN DIEGO NAVAL COMPLEX (94 UNITS)	---	13,500
TWENTYNINE PALMS MARINE CORPS AIR GROUND COMBAT CENTER (132 UNITS)	23,891	23,891
HAWAII		
PEARL HARBOR NAVAL COMPLEX (72 UNITS)	---	13,000
LOUISIANA		
NEW ORLEANS NAVAL COMPLEX (100 UNITS)	---	11,930
TEXAS		
KINGSVILLE/CORPUS CHRISTI NAVAL COMPLEX (212 UNITS)	---	22,250
WASHINGTON		
WHIDBEY ISLAND NAS (102 UNITS)	---	16,000
WORLDWIDE VARIOUS		
REDUCTION FOR PRIOR YEAR SAVINGS	-8,463	---
CONSTRUCTION IMPROVEMENTS	173,780	203,536
PLANNING AND DESIGN	15,100	15,100
SUBTOTAL, CONSTRUCTION	278,933	393,832

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	34,211	34,211
MANAGEMENT ACCOUNT	87,731	87,731
MISCELLANEOUS ACCOUNT	806	806
SERVICES ACCOUNT	66,968	66,968
UTILITIES ACCOUNT	199,776	199,776
LEASING	124,507	124,507
MAINTENANCE OF REAL PROPERTY	462,427	462,427
MORTGAGE INSURANCE PREMIUMS	78	78
SUBTOTAL, OPERATION AND MAINTENANCE	976,504	976,504
TOTAL, FAMILY HOUSING, NAVY	1,255,437	1,370,336
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
EDWARDS AFB (51 UNITS)	8,500	8,500
TRAVIS AFB (70 UNITS)	9,714	9,714
VANDENBERG AFB (108 UNITS)	17,100	17,100
DELAWARE		
DOVER AFB (HOUSING MAINTENANCE FACILITY)	831	831
DISTRICT OF COLUMBIA		
BOLLING AFB (46 UNITS)	5,100	5,100
FLORIDA		
MACDILL AFB (58 UNITS)	10,000	10,000
TYNDALL AFB (32 UNITS)	4,200	4,200
GEORGIA		
ROBINS AFB (60 UNITS)	6,800	6,800
IDAHO		
MOUNTAIN HOME AFB (60 UNITS)	11,032	11,032
KANSAS		
MCCONNELL AFB (19 UNITS)	2,951	2,951
MCCONNELL AFB (FAMILY HOUSING MANAGEMENT OFFICE)	---	581
MISSISSIPPI		
COLUMBUS AFB (50 UNITS)	6,200	6,200
KEESLER AFB (40 UNITS)	5,000	5,000
MONTANA		
MALMSTROM AFB (28 UNITS)	4,842	4,842
MALMSTROM AFB (PHASE II) (72 UNITS)	---	13,000
NEW MEXICO		
KIRTLAND AFB (180 UNITS)	20,900	20,900
NORTH DAKOTA		
GRAND FORKS AFB (42 UNITS)	7,936	7,936
TEXAS		
DYESS AFB (70 UNITS)	10,503	10,503
GOODFELLOW AFB (3 UNITS)	500	500
LACKLAND AFB (50 UNITS)	---	7,400
WYOMING		
F E WARREN AFB (52 UNITS)	6,853	6,853
CONSTRUCTION IMPROVEMENTS	102,195	123,795
PLANNING AND DESIGN	11,971	11,971
SUBTOTAL, CONSTRUCTION	253,128	295,709
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	36,427	36,427
MANAGEMENT ACCOUNT	48,712	48,712
MISCELLANEOUS ACCOUNT	5,661	5,661
SERVICES ACCOUNT	35,849	35,849
UTILITIES ACCOUNT	154,556	154,556
LEASING	116,716	116,716
MORTGAGE INSURANCE PREMIUMS	31	31
MAINTENANCE OF REAL PROPERTY	432,282	432,282
SUBTOTAL, OPERATION AND MAINTENANCE	830,234	830,234
TOTAL, FAMILY HOUSING, AIR FORCE	1,083,362	1,125,943

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS (NSA) (2 UNITS, MENWITH HILL, UNITED KINGDOM)	50	50
CONSTRUCTION IMPROVEMENTS (DLA) (48 UNITS, NEW CUMBERLAND, PA)	4,850	4,850
PLANNING AND DESIGN (DLA)	50	50
SUBTOTAL, CONSTRUCTION	4,950	4,950
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT (NSA)	126	126
FURNISHINGS ACCOUNT (DIA)	2,328	2,328
FURNISHINGS ACCOUNT (DLA)	118	118
MANAGEMENT ACCOUNT (NSA)	70	70
MANAGEMENT ACCOUNT (DLA)	235	235
MISCELLANEOUS ACCOUNT (NSA)	35	35
SERVICES ACCOUNT (NSA)	355	355
SERVICES ACCOUNT (DLA)	66	66
UTILITIES ACCOUNT (NSA)	425	425
UTILITIES ACCOUNT (DLA)	318	318
LEASING (NSA)	11,169	11,169
LEASING (DIA)	16,504	16,504
MAINTENANCE OF REAL PROPERTY (NSA)	490	490
MAINTENANCE OF REAL PROPERTY (DLA)	485	485
SUBTOTAL, OPERATION AND MAINTENANCE	32,724	32,724
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	37,674	37,674
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II	116,754	116,754
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III	768,702	768,702
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV	1,175,398	1,175,398
TOTAL, BASE REALIGNMENT AND CLOSURE ACCOUNT	2,060,854	2,060,854
REVISED ECONOMIC ASSUMPTIONS (SEC. 125)	---	-108,800
GRAND TOTAL	8,383,248	9,183,248

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CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$9,793,309,000
Budget estimates of new (obligational) authority, fiscal year 1998	8,383,248,000
House bill, fiscal year 1998	9,183,000,000
Senate bill, fiscal year 1998	9,182,900,000
Conference agreement, fiscal year 1998	9,183,248,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	−610,061,000
Budget estimates of new (obligational) authority, fiscal year 1998	+800,000,000
House bill, fiscal year 1998	+248,000
Senate bill, fiscal year 1998	+348,000

RON PACKARD,
JOHN EDWARD PORTER,
DAVID L. HOBSON,
ROGER F. WICKER,
JACK KINGSTON,
MIKE PARKER,
TODD TIAHRT,
ZACH WAMP,
BOB LIVINGSTON,
W. G. (BILL) HEFNER,
JOHN W. OLVER,
CHET EDWARDS,
NORMAN D. DICKS,
STENY H. HOYER,
DAVID R. OBEY,
Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LAUCH FAIRCLOTH,
LARRY CRAIG,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUYE,
ROBERT C. BYRD,
Managers on the Part of the Senate.

THE JOURNAL

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 5 of rule 1, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on yesterday, Monday, September 8, 1997, I was detained in the district for official business. Because of the official business that I was handling in the 18th Congressional District, I missed two rollcall votes. The first was rollcall vote No. 369. Madam Speaker, if I had been present on the floor, I would have voted "no."

The second rollcall vote was No. 370 of which I was paired. However, I would like my vote to be noted as "no" if I had been present.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DR. PATRICIA WORTHY OYESHIKU: 1997 WESTERN REGIONAL EXCELLENCE IN TEACHING AWARD

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

Mr. FILNER. Madam Speaker, I rise today to pay tribute to Dr. Patricia Worthy Oyeshiku, a distinguished teacher from my hometown of San Diego who has made a positive impact on thousands of young lives in our community. I am proud to recognize Dr. Oyeshiku, an outstanding teacher at Morse High School in my congressional district where she has taught since 1971.

Mrs. O, as all her students call her, has just received the 1997 Western Regional Excellence in Teaching Award by the National Council of Negro Women. This excellence in teaching award is designed to raise awareness and involvement of African-American parents, educators and community leaders in meeting the educational needs of African-American youth.

The award recognizes exceptional public school teachers of African-American students who are living the philosophy and legacy of the National Council of Negro Women. Funded by the Shell Oil Company, the award ceremonies are an opportunity to generate greater public awareness and appreciation of excellence in teaching.

This is not the first time that Mrs. O has been recognized for her outstanding contribution to our young people. She was the California Teacher of the Year in 1981 and also a National Teacher of the Year finalist that year. She was honored as the Headliner in Education by the San Diego Press Club in 1981.

She serves on the California Academic Partnership Program Advisory Board, is an Evaluation Team Leader of the California Commission on Teacher Credentialing, has served as past Cochairman for all English Department Chairs in the San Diego Unified School District. She is a member of the Advisory Committee in Reading for the San Diego Unified Achievement Goals Program and of the Advisory Council to an Interdisciplinary Approach to Multi-Cultural Education. She has lectured throughout the State of California on issues related to education.

Mrs. O has always been an outstanding role model for many years. She served in the Peace Corps in Brazil, received the John F. Kennedy Award as the outstanding Peace Corps volunteer back in 1966. She is a member of the Readathon Advisory Board of the Multiple Sclerosis Society.

When I was a member of the San Diego School Board from 1979 to 1983 and its president, Mrs. O helped me a great deal to understand the needs of students throughout our school district and advised me very closely on matters of raising the achievement of all the students in our district. Like those before her who have received this high honor, Mrs. O has worked tirelessly for the benefit of every student in her classes. Her principal, Dr. Shirley Peterson, told me that she is honored on behalf of all the Morse High School Tigers to recognize Mrs. O for receiving this prestigious award and to commend her and applaud her efforts.

Madam Speaker, every student deserves the opportunity to succeed and every student deserves a teacher like Dr. Patricia Worthy Oyeshiku. I am pleased that her efforts are recognized with the 1997 Western Regional Excellence in Teaching Award.

VOICING SYMPATHY FOR FAMILIES OF VICTIMS OF HAITIAN FERRY ACCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Madam Speaker, I rise today to voice my deepest sympathy for the families of the hundreds of persons who drowned before dawn on Monday of this week when a packed Haitian ferry—transporting hundreds more passengers than it was built for—tipped over. These people, who were merely going to work, died tragic and unnecessary deaths. This horrifying event is the second such event in Haiti in recent times.

In 1993 over 1,000 persons drowned in another crowded ferry off Haiti's coast. We should be outraged that such tragedy happens so close to home. But because Haiti is a nation of black people living in crippling poverty, and not an oil-rich country, the United States turns a blind eye. As a member of the Transportation Committee, let me say this: The reason for such tragedy in Haiti is simple—there is no decent or safe transportation infrastructure in Haiti due to lack of funding and necessary expertise. America has failed Haiti and there is shared responsibility for the failure. The President, along with the leadership in our State Department, should have carved out a realistic financial program to give Haiti the tools to build a sustainable democracy. What is needed is a unique program—designed to fit Haiti's particular needs and requirements. In foreign policy, we need to get away from the cookie cutter mentality that expects all foreign countries to be the same. When we look at

the nations of the world, we can see that they have different histories, cultures, and assets. Haiti is the eyesore that will not go away; and the United States cannot continue to turn its back. To do so is foolish because no wall is high enough to keep tragedy from spreading onto our own shores when we refuse to help a neighbor.

As the world grows smaller, the Caribbean region comes closer. Today we stand facing one another; it is increasingly difficult to turn away—even if we do not wish to see the appalling poverty, lack of education, and other serious difficulties.

Haiti's crucial needs include: One, land reform that will make the most of land in fertile areas; two, transportation assistance for a modern, safe transportation infrastructure; and three, administrative reform that includes considerable assistance from the World Bank and other international lending institutions. Only as we face the reality of Haiti's dire needs will we, as a nation, develop a deep, lasting, and beneficial partnership with Haiti. I also implore the media to grant fair coverage to the tragedies in this country. It is time to quit making news, and instead begin covering the news. My prayers right now are with the families of those who have died, and I urge the leaders of this great Nation to reach out to our neighbors whose catastrophes go unnoticed day after day.

IN MEMORY OF SCOTT McCABE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Madam Speaker, it is with a deep sense of loss and great sadness that I come to the floor of the House this evening to acknowledge the tragic and senseless death of a young man I knew well. Scott McCabe served in the district office of the Sixth District of Arizona as an intern in the spring of this year. Before that, he selflessly gave of his time and talents as a volunteer in our 1996 reelection campaign.

Madam Speaker, regardless of our political philosophy and partisan stripe, one miracle of our electoral process can be found in the willingness of so many to join in our cause. Such a man was Scott McCabe. I have memories of him beginning in the early morning hours helping with post hole diggers and using his brawn to erect campaign signs and then coming back to the office and making telephone calls and working literally from dawn to dusk and beyond because he believed in this grand experiment that we call America.

On Sunday of this week, Scott was killed near his home while attempting to foil a burglary. Words cannot describe my shock and sadness upon hearing of this awful event. It should serve to remind all of us of the terrible scourge of violent crime which still plagues our society and it should renew our commitment to stand firmly for the rights of victims of crime, who like Scott and his family, cry out for justice. They deserve no less.

Scott was a wonderful and unique person. He was a gentleman in every sense of the word. Everyone who was touched by his life walked away knowing they had spent time with a man of character and commitment. Scott's death is deeply saddening in so many ways. In his late 20's, he was really just beginning to find his way in this world. He was continuing his college education. He operated a small but growing business, and he was preparing to be married.

His loss is a great one, not only for his family and his loved ones but indeed, Madam Speaker, for all of us. I firmly believe this world would be a better place if only it were blessed with more people like Scott McCabe. He stood firm in his convictions. He worked hard to achieve his goals. He was loved by all who knew him. His passing leaves a void that cannot be filled. He will be missed.

My wife Mary and I join with members of our staff who served alongside shoulder to shoulder with this remarkable young man Scott McCabe. We send our heartfelt thoughts and prayers to his family. Our lives are richer for having known him, if only for all too brief a time. We will not see his like again. He represents the countless thousands who care enough about this constitutional Republic to give of their time, their energies and their passions for this wonderful Nation called the United States of America.

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AMERICAN PATENT PROTECTION BEING LOST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Madam Speaker, over the last 3 years, I have been involved in organizing support behind the right of the American people to maintain the legal level of protection that had been their right as American citizens since the founding of our country over 200 years ago.

In this particular case, what is being diminished is the American people's rights to own their own creations. What is being diminished is the patent protection that Americans have had since the writing of our Constitution.

Three years ago I did not know anything about this issue. I knew absolutely nothing about patent rights. It was brought to my attention that in the GATT implementation legislation that was being brought before Congress there was a provision that would dramatically change patent law in the United States of America.

I could not believe this was happening, because changes in our patent law were not required by the GATT implementation legislation. We had been promised by the administration that the only thing that would be put into the GATT implementation legislation that went before Congress to implement the GATT agreement would be those items that were specifically required by the GATT negotiations.

But when I called the administration repeatedly to find out if there would be provisions in the GATT implementation legislation that changed our patent law, I was told time and time again that it was none of my business and that they were not going to tell me, or they did not know, or that that decision may be made and it might not be made; but, most of all, it was their decision to make and not mine as a Member of Congress, and, thus, I was not going to be privy to the knowledge until it was actually presented to Congress.

This is what they said to the elected Representative of 600,000 Americans, who represents a high-tech area in California. The people who were telling me this were unelected, appointed, officials.

This should tell you something about the changes that are coming about in our country and the changes that are symbolized by that provision, which they did eventually sneak into the GATT implementation legislation.

What was put in that bill, which was not required by GATT and which we were presented as either you accept everything in this bill or you have to vote against the entire World Trade Organization, the entire apparatus of world trade throughout the world and leave America on the outside, what provision was put in was a change in the patent law which stated that Americans have a right to a guaranteed patent term.

This is 3 years later, and most Americans do not understand that from the time of the founding of our country until 3 years ago, they had a right to a guaranteed patent term of 17 years, and they no longer have that right. Their rights have been diminished. It is a very hard law to understand if you do not have an invention, so most Americans let it drift by.

What replaced this guaranteed 17-year term, to describe it, was traditionally that no matter how long it took you to clear your patent application through the bureaucracy, no matter how long it took the Government to issue your patent after you applied for it, at the end you would still have 17 years of a guaranteed patent term. That was replaced by a provision that said that you have 22 years of protection, but the clock is ticking against you the minute that you apply for a patent.

So with breakthrough patents and breakthrough technologies that guarantee those patents, what we have is a situation where the process could take 10 years, and the inventor might be left with, instead of 17 years, or 22 years, might be left with 12 years. Or, in some cases, where it has taken two decades for major pieces of technology to clear the Patent Office, the inventor would have nothing to show, much less 17 years of protection.

The laser, for example, took many, many, many years, I think perhaps over a decade and a half, to receive a patent. The inventor of that laser would have been left out.

Also, the microprocessor. Of course, what happened recently was the inventor of the MRI was tied up in court for 20 years with a major corporation that was trying basically to steal his right to the invention that he invented, the MRI, that has changed the lives of people throughout the world, bettered our health care so you do not have to have so much cutting surgery. That inventor would have been out all of the money, because the major corporation would have tied him up long enough for his patent to be worthless in terms of the time that was left for him to enjoy the fruits of his creation.

So that was changed. That raised my antenna, and I began to investigate why this happened, and how was it so that Americans were seeing their fundamental rights that were guaranteed by law diminished in front of their eyes without so much as a whimper from the people because they did not see what was happening, and that the elected Representatives of the people here in the Congress did not even know what they were voting on when they voted on this provision.

There was no debate, there were no hearings. Instead, it was snuck into the GATT implementation legislation.

What I found out when I investigated was that there had been an agreement that was signed between Bruce Lehman, the head of our Patent Office, the head of the Patent Office of the United States. When he was appointed by President Clinton, he went to Japan, and one of his first acts, maybe not one of his first acts, but he went to Japan very shortly after being appointed and made an agreement, signed an agreement with his Japanese counterpart, to harmonize American patent law with Japan's.

This is an unelected official going to Japan and signing an agreement that he, representing the administration, will do what he can to harmonize American law to Japanese law.

This was not a case where America had weak protection and the Japanese had strong protection. In fact, the Japanese had one of the weakest protections for their inventors of any country in the world and America had the strongest protection of any country in the world.

Our representative, the person hired by the President of the United States to watch out for our interests, went to Japan and agreed to lower our standards to theirs.

Now, I would agree that harmonization is a good idea. But if we are going to be harmonizing laws with other countries, we should be bringing those countries up to our standards, instead of us bringing our standards down to theirs.

Now, in Japan they do not invent very many things. In fact, in Japan they are known for copying things and improving some new technologies, but just improving them, not inventing new technologies. That is because in Japan, the big guys have run roughshod over the little guys, and every time there is a new invention, someone comes up with a new idea, if it is a small guy who is out of the clique, he is surrounded and beaten into submission by the powers that be, by the economic shoguns of Japan.

They want to change our law, our patent law, so that the American inventors, the people of the United States who are inventing things, the average person who has this option in order to improve their lives by coming up with something that will improve the lives of everyone, they want to make those little guys vulnerable to the big guys, just like they are in Japan.

When all is said and done, if we do harmonize our law with Japan, what we will have is our little guys will be susceptible to the same kind of bullying as the little people, as the regular people in Japan; not only bullying by our own huge multinational corporations, but by Japanese corporations, and Chinese corporations, and the People's Liberation Army, and anybody else who wants to come in here and brutalize Americans who are no longer protected with the legal protections that they have been afforded since the founding of our country, because those protections have been stripped away.

That is the agreement that was made with the Japanese.

It has always been part of our law that if someone applies for a patent, that, number one, he would have a guaranteed patent term; number two, whatever information he has in his patent application, he or she, that it is totally confidential.

In Japan, the system is once you apply for a patent, after 18 months that information is made public, so the big guys will know exactly what is being created by the small entrepreneurs and the little guys throughout the society, and they can take action to steal it.

But our people have had the right of confidentiality. In fact, releasing information from a patent application before the patent is actually granted has been a criminal offense.

In Japan, it is the other way around. They give out all the information. In Japan, once the patent is issued, they can attack it from all directions. There is reexamination in Japan.

So what do we have? We have an agreement where this administration, with Bruce Lehman, who heads our Patent Office, to change our patent law to that of Japan. And that, what I saw in the GATT implementation legislation 3 years ago, was only step one in accomplishing this goal.

We found out what step two was a little bit later, in the last session of Congress, in a bill. It was called the Patent Publication Act, and they found out, oh, my gosh, that is too explanatory. The purpose of the bill is to publish everybody's patent, and nobody wanted to do that.

Everybody understood that if you publish a patent application, you are asking for everybody in the world to steal it. So they changed the name of that this session of Congress to the 21st Century Patent Reform Act and they brought that up.

But the people of this Congress and the people of the United States were not fooled. I brought to the attention of the people of the United States in forums like this, and speech after speech after speech, and going out to talk radio shows and to the news media and any audience that would listen to me, I spread the word, and the American people expressed their opinion to their elected Representatives. And even though the Fortune 500 companies and this administration and the powers that be came down like a sledgehammer on my colleagues, when it came to a vote on the floor, we managed to defeat some of the essential ingredients of that 21st Century Patent Act.

We defeated especially the provision that would have required that any American who applied for a patent, after 18 months, whether the patent had been issued or not, it was going to be published, so that every thief in the world would have been able to steal our most valuable technology. We managed to get that out of the bill.

We managed to get out of the bill the provision that would have required the change of the rules that would have permitted companies to come in and attack the patents that were already issued by our Patent Office, the reexamination provisions.

Thus, we were able to take out most of the bad parts of that bill in an amendment introduced by my colleague, the gentlewoman from Ohio [Ms. KAPTUR].

There were still some pretty bad things in the bill. The bill would privatize the Patent Office. It would turn our Patent Office, which has never had a scandal, they have never had a scandal in the 200 years it has been around, they were going to turn that into a

quasi-private, quasi-government corporation, like the post office, in which the poor patent examiners, who are now shielded from outside influence, would have been opened up to all kinds of influences.

□ 2200

That privatization still stayed in the bill. That type of restructuring still was in the legislation that passed Congress. That legislation, after it passed here, and as I say, we were 60 percent successful, but 40 percent of the bad stuff is still in that bill, it went to the Senate.

But tonight I am here to alert my colleagues and the people of the United States who are listening and reading the CONGRESSIONAL RECORD that Senator ORRIN HATCH of Utah is continuing his attempts to get this bill, in its worst possible form, in the form that would expose all the information of our inventions to the enemies of the U.S. and to our economic adversaries, and to the big multinational corporations here. He is trying to get that bill in its worst form passed through the United States Senate. He is trying to attach it to other pieces of legislation. The American people have to be aware that if he succeeds, it will be coming back to the House of Representatives.

In fact, tomorrow 60 CEO's will be hitting Capitol Hill of major corporations to have their will and to try to talk to Congressmen, Members of the House, Members of the Senate. The American people have to know that the enemy has not given up.

Why has the enemy not given up? They have not given up because a long time ago they realized that America's greatest asset was what? It was the creative genius of our people; the creative genius of the American people was our secret weapon in our economic struggle.

Our adversaries figured it out. They said, how come America is always out front? How come they control the economic scene? How come? Our people work just as hard as Americans; how come they are the ones who are always ahead and control the economy of the world? How come their people have such a high standard of living and our people do not?

The answer is easy. The American people have at their disposal the best technology that is available anywhere in the world because Americans have been the inventors and the creators and the genius behind technological change.

Our enemies saw that and our enemies set out to change the fundamental law that made that a reality, that made it exist, that gave us that technological genius, because the American people are not more creative, they do not have any more genius than anybody else; after all, we come from every culture.

But what we have had since the founding of our country are the legal protections for our technological development that ensured that the average person knew that he could use his creative genius to make things better and that he or she would benefit from it. Thus, we had the major inventors in our country. This is where the Alexander Graham Bells and the Samuel Morses and you name it, the Wright Brothers, the Thomas Edisons, these are the people who benefited by the legal protection, and thus were able to use their genius to keep America a step ahead of all the competition and ensure the American people good jobs, because their jobs were involved with the best technology. We were able to outcompete our adversaries.

Now they want to change all of that. They tried to change it in the most underhanded way that I have ever seen. A piece of legislation came through this body. First, they put it into the GATT implementation legislation when it was not required by GATT. That in itself was a betrayal of the rest of us, when we were told, if you give fast track to us, we will only put in the legislation that which is required by the treaty.

Then they tried to sneak the bill through, with very little fanfare, just slid right on through the committees, changing the name of the bill from the Patent Publication Act, which was too explanatory, after all, now we are exposing the fact that we want to publish everybody's patent, no, they changed the name to the 21st Century Patent Reform Act.

That is not the way we need to make law, and when we want to change law and diminish the protections our law affords the American people, we must step up to the plate and discuss it with them, rather than take part in this type of underhanded maneuvering.

The patent law in our country has been unique because we have had a higher level of protection from the time of our Constitution. The Japanese, when they figured it out, have decided, we have to change that. The Chinese, we have to change that.

We have had an army of lobbyists in this city; millions of dollars have been spent to influence Members of the House and now Members of the Senate, in order to convince them to change the patent law, and changing the patent law to "harmonize" our law with other laws, harmonize, to bring down the level of protection.

I want to share with the Members a story about a friend of mine who has a new invention. He told me about it this weekend. This friend of mine, an average person, has a small company out in California. He came up with an idea of how to protect meat, how to protect the consumer of meat from consuming bad meat.

It is an ingenious idea, and I cannot explain it on the floor of the House because his patent has not been granted yet. But if his patent had been granted and this was on the market, all I can say is the American people, every housewife in this country, every restaurant in this country, would be confident that the meat they were consuming was untainted meat at a very low cost, almost no cost.

It is a new idea. It is a great idea.

For 2 years this patent has not been issued, which means that if the new laws that Senator HATCH has tried to push through the Senate right now, and which some of our colleagues have tried to push through this House were in effect, after 18 months his idea would have been exposed to everybody in the world, and the Japanese and the Chinese and people all over the world would already be copying his idea, putting it into production, and his patent has not even been issued. They would be using the money they made from his invention to drive him out of business. That is what is going to happen across the board in our economy if we permit this catastrophe to happen, this abomination of American freedom.

But my friend has confidence we are going to beat it back. He has invested his time and effort to try to get this patent. If he succeeds and we do not disclose this information, so that he can benefit, we will have other such inventions in the future from people like my friend that will change our lives, that will save the lives of little children who are eating that meat.

How about my other colleague in California, another friend of mine, who came to me when he heard about the fight over patents and he said, DANA, I have a new system of killing bugs, bugs, termites and the rest, without the use of chemicals. This is a man who is going to save the soil at our homes from being poisoned with chemicals. But he says, DANA, I am afraid because my patent is still pending, and if they disclose this information, it is going to be all over the place before I have a chance to capitalize. I cannot raise the money until I have my patent in hand, but these other people will get the money and they will be in business before I do.

How long do Members think it is going to be before the inventors of this new system to check tainted meat or the new system to make sure that we do not have chemicals being spread in our soil to kill the bugs, or in our homes to kill bugs, how long will these inventors keep coming up with their ideas? They will not come up with their ideas, and we will be stuck; we will be like the Japanese, run by a group of economic elitists who hold the little guy down because the little guy has no economic protections and there are no inventions. The standard of living not only of our country, but of the entire world, will go down if we lose this battle.

As I say, Senator HATCH is still trying to get this through in its very worst form, through the U.S. Senate. This has been a very tough battle, because it has been the battle of the little guy versus the big guy. It has been part of an overall effort to change American law.

First of all, let me explain the last point that I made. Ever since the end of the cold war, we have been hearing time and time again phrases that are kind of scary. The first phrase we heard was "the new world order." That came from a Republican. That came from George Bush.

I do not know how other people felt about it, but when I heard our President talk about a new world order, I said to myself, something is wrong here. I am not working for a new world order. I am working for the people of the United States who elected me. There is something wrong here.

The new world order? It sounds like we are giving up authority to a higher authority than the Constitution of the United States of America. The new world order?

Since that concept went down in flames, along with the presidency of George Bush, we have heard time and time again of the global economy, the global economy. In it, we have all kinds of powerful interest groups pushing to create a global economy. What does that mean, a global economy? That means that decisions that were made locally not only have been turned over to State government, who then turn it over to the Federal Government, but now we are thinking about turning decisions that are made by people who have been elected to office in the United States over to some unelected bureaucracy somewhere in the United Nations or in the World Trade Organization or the world labor organization or the world environmental organization, or whatever organization it is that has been set up in order to watch out for the global environment or the global economy, you name it; and these people will be making decisions, and this type of world will be people who have never faced the electorate.

If Americans will blink their eyes, some day they will find that their rights have been diminished and that power has been granted to some unelected official who may or may not be an American, but who the average person here has absolutely no recourse against if a decision is made in the wrong way.

This concept of a global economy, the idea of free trade between peoples of the world, is a good idea. The idea of creating a global economic system which will be controlled and regulated is a bad idea. It is not a good idea, as well, by the way, I might add, for us to be trading in a free trade relationship with a mammoth dictatorship like China.

But then again, the world economic trade regulators, once we have established this global economic system, may think entirely differently. They may think a transfer of wealth from the rich United States to the poor countries is a good idea.

Madam Speaker, this change in the patent law is only one step toward harmonization of law. It is a step in the wrong direction. This concept of diminishing the rights of Americans in order to create a new world order is a threat to the rights, the freedom and the prosperity of each and every one of us.

The patent fight is the first fight, because it has been the first one we have been able to identify where actual legal protections enjoyed by Americans are being diminished in order to have a harmonization of law overseas. That in itself would be wrong. But the side effects of giving huge multinational corporations and foreign corporations the power over Americans to steal their new ideas, which will undermine our economy, not even to mention what it does to the lives of these poor inventors who spent their whole lives trying to develop something, this shows that it is a bad idea on a number of levels.

As I say, this will be just the first fight. This is just the first fight in our battle to maintain the rights and freedoms of the American people and the prosperity of our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GRANGER). The gentleman from California [Mr. ROHRABACHER] has been allotted another 30 minutes, and is so recognized for that additional time.

The Chair would also remind Members not to refer critically to individual Senators.

Mr. ROHRABACHER. Madam Speaker, I do not believe that I referred critically to any individual Senator. I think I have just outlined the positions of Senators. I do not think I used any pejorative descriptions of any U.S. Senator. It just happens that this legislation that I am describing has someone who is very opposite in opinion, on the other side of this particular issue.

Madam Speaker, let me talk a little bit. Now that I have an extra half hour, I would like to discuss a little bit about this whole concept that I was ending up with when I thought I just had 30 minutes. That is the idea that we are going to be facing more and more challenges to our freedom and to our prosperity as Americans from those who are trying to foist off on us the necessity of transferring authority and power to world organizations and to multinational organizations.

□ 2215

In the area of our national defense, there are those people who, for example, are trying to expand NATO. And these are many of my friends. Many of my colleagues, Republican colleagues, have been pushing for the expansion of NATO. I am sorry to say today that I think that is a bad idea. I am sorry to say that, because many of my colleagues I know honestly believe that it is a good idea for the United States now to stay in NATO.

It is not time for us to become part of world organizations and put our people under U.N. command or NATO command. It is not time for us to be involved in multinational approaches. But instead, the United States should, no, not be going it alone, but we should instead be trying to be as effective as we can be individually, and on a bilateral level, with other countries of the world.

NATO is a good example. NATO's purpose was what? NATO's purpose was to prevent the Soviet Union from rolling across Europe at the height of the cold war. NATO worked. I am very grateful that our forefathers had the courage and the commitment to build an organization like NATO that thwarted the aggressive tendencies of the Soviet Union during the cold war.

The cold war is over, and like any other organization that is established on a multinational level, the organization does not want to disappear once its purpose has ended.

Instead of spending tens of billions of dollars stationing troops in Europe, we should be spending those billions of dollars in developing the technologies in the United States, whether it is SDI or whether it is building a new aircraft carrier or whether it is building a new fighter or whatever type of technology is necessary for the protection of the people of the United States. That is what we should be developing, rather than wasting tens of billions of dollars in an alliance that has already, already served its purpose.

NATO is meant now, supposedly, we hear, for the stability of Europe. Well, when my colleagues visit Europe, they will realize that Europe and the European Community have a gross national product higher than that of the United States. Let them defend themselves. Let them pay for their own stability.

The United States should play an active part in the role, and I am not advocating isolationism in the least. But giving our powers up to NATO, or up to the United Nations, is a mistake. We should not be giving up our military power, and our ability to make decisions that are necessary, up to multinational organizations now that the cold war is over.

That grand alliance was designed to defeat Soviet communism. Soviet communism has been defeated. This is nothing more than yet another example. There are also calls for us to join another world organization. In fact, I will be giving another 1-hour presentation in the near future on the global warming treaty, the climate change treaty that some people are trying to stampede this Congress into signing.

That treaty is based on the idea that mankind is using so much energy, that we are altering our environment to the point that the world is getting warmer. It is called global warming. Having been the chairman of the Subcommittee on Energy and Environment in the Committee on Science, and having gone through hearing after hearing on this, I can tell my colleagues that I have heard experts on both sides of this issue, and I have come to the conclusion that global warming at best is unproven and at worst it is a bunch of liberal claptrap.

Even the most strong advocates of global warming, once you get them in a question-and-answer situation, will admit that they are not sure. But they are willing, however, to try to push America into policies that will drain billions of dollars from our economy, drain billions of dollars from our economy, and that money will be gone forever.

People do not understand the meaning of these tens of billions of dollars or hundreds of billions of dollars. That means the amount of money that is spent for education. That means the amount of money that is spent for true environmental programs. These are things that will be defunded in the case of a United States commitment to a treaty that is designed to solve a problem that does not exist.

In one of the most interesting aspects of the global warming treaty that I found so far in examining the proposal that we are looking at, is that a provision has been added, a strange provision has been added to the global warming treaty. What is that provision? Guess what? Somebody has added to this global warming treaty, and they are discussing, a provision that says we should harmonize all patent law. Well, is not that a coincidence?

Somebody suggested that this is going to be part of a global warming treaty, meaning a harmonization of the patent law which I have just spoken on and demonstrated the disastrous effects that it will have on the economy of the United States of America and the disastrous effects it will have on the level of protection that American citizens are afforded; protection that they have been afforded since the time of our Constitution.

This is amazing. Well, it really is not so amazing, because the same people who are pushing for all of these commitments by the United States of America to multinational organizations, and giving away our authority from our own elected officials to unelected foreigners, are the same ones who are pushing the diminishing of our American patent rights.

Now, who are these people? Well, many of them are Americans, interestingly enough, and many of them are Americans who work and control huge multinational corporations. I am afraid that people who run multinational corporations today, whether they are American citizens or not, are not the ones that we can trust to make the decisions about our future. Because these individuals may be very efficient at running their multinational corporations, but they do not seem to care one iota about the American people. They do not seem to care one iota whether or not they have succeeded, based on the protection of their rights that the American people have given them over these last 50 years and, yes, over the 200-year life span of our Republic.

The multinational corporations now have allegiance to the new world order or the global economy, not to the American people. And these multinational corporations, these huge corporate entities are pushing to change the patent law, and pushing to change other laws that I am talking about, because they can influence these distant decision-makers in the new world that they are creating. But the little guy, the American people, will never be able to influence, not at the ballot box and not in the marketplace.

Madam Speaker, these big multinational corporations, many of them in our Fortune 500, have made an enormous effort on this patent bill and in other things. For example, as we all know, the United States has been in an unfair trading relationship with the mainland of China for two decades. And the cold war is over. During the cold war there was an excuse for us to be in a relationship with Communist China.

It is the same excuse that we had when we were in a relationship with Stalinist Russia during World War II in order to defeat Hitler. That excuse is that we needed to make sure that our potential enemies were divided and that they were not united against us.

With the Soviet Union having collapsed, there is no longer an excuse for us to put up with an unfair trading relationship like we have with the Communist Chinese mainland, the mainland of China.

Most Americans do not know when they hear our huge corporations talking about how important it is for them to be able to sell their goods in China that they are not really talking about selling American goods in China. What they are talking about is their right as multinational corporations to set up factories in China, factories that will take our technology and put it at the disposal of the Chinese and then will be used to out-compete the United States of America and put our own people, our own people out of work.

Most people do not understand that the things that are produced in China enter the United States with a 3 or 4 percent tariff. But when we want to export manufactured goods to China, they have a 30 to 40 percent tariff on our manufactured goods. Who would want to give even a democratic country that kind of an edge over the people of the United States of America, much less a Communist dictatorship that threatens the security of the world and the prosperity of our people?

But we have continued to give them Most Favored Nation status. Why do these multinational corporations who put pressure on all of our colleagues to vote for Most Favored Nation status, the same ones who are pushing to change the patent law and the same ones who are pushing for all of these different global arrangements, why is it that they want Most Favored Nation status with China?

First of all, they have no allegiance with the American people. They are going to put them out of work. It is even worse. They want Most Favored Nation status so they can receive Government guarantees for their investments in China.

Madam Speaker, the Export-Import Bank, the World Bank, other institutions that get our tax dollars from the working people of the United States, those tax dollars are being used to guarantee the investments of our businessmen in China in factories that will be used to put Americans out of work.

This is the worst kind of hypocrisy. This is the worst blow, the worst insult to the American people. Not only are we permitting an unfair trade relationship to go on, which is draining billions of dollars of worth out of our system and giving it to the Chinese, even as they commit genocide in Tibet and genocide against the Muslim people in Xinjiang Province, in East Turkestan, and as they butcher their own dissidents and repress the Christians. No, we still have to have Most Favored Nation status and the tax dollars of the American people are being used to guarantee investments against our own people.

This is a sin against our own people. But it is also a sin that these same interests are trying to change American law to diminish the rights of the American people and the American people do not even know that that is what is going on.

The American people ought to say, well, if IBM and Kodak and all of these big companies are in favor of changing that patent law, it must help us in our technological struggle with our adversaries. No, no, because those companies are just as interested in taking the ideas of our inventors and using them for their benefit without paying royalties, as are the big Japanese companies, as are the big Chinese companies and all the rest of the economic thieves throughout the world.

It all ties in. It all ties in. But let me tell my colleagues tonight that they have forgotten one fundamental aspect that has made this world a decent place to live in. They have forgotten the role of the United States of America. Our Founding Fathers who wrote

into our Constitution patent protection, our Founding Fathers who wrote in individual freedoms into our Constitution and into our Bill of Rights, the people who led our country throughout these years of our independence and during the time period as we developed as a Nation. These people understood that if there was to be freedom anywhere in the world, it would depend on a strong United States of America.

□ 2230

If there is to be decency and honor and integrity anywhere in the world, it will be because the United States of America has set the standard. It will be because those standards are protected by law in the United States of America.

Without the people of the United States of America and their commitment to freedom, there would be no freedom on this planet. The Nazis would have won. The Communists would have won, the isms and the tyrannical forces that have been at play for this last 100 years would have overwhelmed the west. But it has been the strength of purpose found in the souls of the people of the United States of America that has preserved all of those forces of good and decency on this planet.

If our business elite, now with their multinational corporations, have given up on the American people, because in order to run a plant here and maintain our standard of living, they will only make a 5 percent profit, but if they go to a Communist dictatorship they can earn a 15 or 20 percent profit with, of course, the taxpayers guaranteeing their investment, pretty soon the American people's standard of living will decline and the American people will feel justifiably betrayed.

We cannot let that happen. The battle over the patent is only one of the fights that we will be having in the next few years. But we have to make sure that the American people maintain their standard of living, that decent, high tech jobs are available here, that our wealth is not drained from our society to give frivolously to others, that our technology is not taken from us to be used against us in competition, economically and militarily. Because if we lose the battle here in the United States of America and the American people lose faith in those principles that our Founding Fathers established 250 years ago, well, then the future of freedom on this planet will be short-lived indeed. The future of decency and honor, the future of things that have made this a planet not dominated by the likes of Mao Tse Tung or some petty dictator that now occupies his seat in Beijing, but instead reflect the value of our people which created a White House that does not look like, I looked in the oval office.

I used to work in the White House. I remember walking into the oval office with my friend 10 years ago and just looking at the oval office. And what I saw looked like some sort of a library or some sort of a sitting room in somebody's home. I said, does this not look like someone's living room here? We both agreed that in every other country in the world, the offices of the chief executive looked like a palace of power. It looked like a place where boots could be worn or heels clicked and salutes given.

Instead, where the first executive of the United States sat at a desk, it looked more like someone's living room, like someplace with a family.

These are the values of decency that come with human freedom. We would not put up with some gestapo Communist dictatorship in this country because our people believe in freedom. But if the freedom that we have permitted our multinational corporations is used to destroy the prosperity of our people and if we think that now we have an allegiance to free trade so that people can use guarantees by the American taxpayers to build up the economy in dictatorships, the American people will lose their faith.

If we are going to win this battle, the American people have to be a part of it. One of the reasons we were able to defeat this drastic change that they were trying to make in the patent bill, as it went through the House, one of the reasons why the Kaptur amendment passed, the Kaptur amendment which gave us 60 percent of what we wanted passed in a vote, was that the American people called their representatives and said, for goodness sake, do not vote for that patent bill, the Steal American Technologies Act that Congressman Rohrabacher is talking about. Vote to kill it.

That is what people have to do to the Members of the House and the Members of the Senate, because it is still alive in the Senate and that means it probably will come back to the House.

The American people have got to remain alert to this and the other threats that we face, because there are some very powerful forces at play in this world. There are some very powerful forces at play in this city.

The only thing that turned the tide in this last battle on the floor of the House were the thousands upon thousands of phone calls that came from all over America to the House of Representatives and said, defeat this attempt to give away American technology.

The American people have every right to be proud of themselves. So tonight we stand on the threshold of finishing that fight, because it is still going on in the Senate. It may come back here to the House if they succeed. Tomorrow, as I said, Capitol Hill will be invaded by some of these multinational corporations and some very hifalutin sounding people. But small businessmen throughout this country, university professors, people who are engaged in research and development of new ideas understand how important patent protection is, and they have tried their best here, even though we have not had very many resources behind us.

I would just close by asking my colleagues to be alert as the patent bill comes back from the Senate and, if there is any influence they can exert on the Senators on this piece of legislation, to please talk to the Senator from their State to ensure that they know just how dramatic the effect of diminishing our patent rights will be and that that indeed is the purpose of the legislation that is now being pushed in the Senate.

FAST TRACK TRADE AUTHORITY

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio [Mr. BROWN] is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Madam Speaker, I begin my 60 minutes by yielding to the gentleman from Cooperstown, NY [Mr. BOEHLERT].

A TRIBUTE TO RICHIE "WHITEY" ASHBURN.

Mr. BOEHLERT. Madam Speaker, I pause in these deliberations to give some well-deserved recognition.

Madam Speaker, it is with great sadness that I rise to announce the passing of baseball Hall-of-Famer Richie Ashburn. Richie Ashburn was my first boyhood hero when he began his career with the Utica Blue Sox back in 1945.

Mr. Ashburn played center field, primarily with the Philadelphia Phillies from 1948 to 1962. Ashburn became the starting center fielder in 1948, after the incumbent and previous year's batting champion, Harry "The Hat" Walker, broke his foot in spring training. By the time Walker was ready to return, Ashburn had won the job by hitting .348 and was the only rookie named to that year's All-Star game.

Ashburn finished the year hitting .333 and led the league with 32 stolen bases and was named by the Sporting News as rookie of the year. In his 15-year career, Ashburn hit .300 or better nine times, won two batting titles, and finished with a lifetime batting average of .308. Despite these impressive hitting numbers, Ashburn was best known for his fielding skills. He set new records by recording 500 or more putouts in 4 different seasons and 400 or more putouts in 9 different seasons.

He tied a major league record by leading the league in that category nine times. He was in some very distinguished company. The only ones who did better were Max Carey, Willie Mays, Tris Speaker, and Ty Cobb.

In 1962, Ashburn's final season, he became an original member of the New York Mets and was the Mets' first All-Star. He finished his career with six All-Star appearances and a World Series appearance with the 1950 Phillies pennant-winning team that was affectionately known as the Whiz Kids. Ashburn continues to hold that Phillies record for consecutive games played at 731.

After retiring, Ashburn considered running for public office, but I think he thought better of it, in his home State of Nebraska. Instead he began a career as a broadcaster for the Phillies where he remained until his death.

For many years Richie Ashburn's talents were overshadowed by other outfielders like Mickey Mantle and Duke Snider and Willie Mays. But finally, in 1995, he received well-deserved recognition. He was elected to the Baseball Hall of Fame in my district in Cooperstown, NY. We have not only lost a tremendous player but a great ambassador for the game of baseball. May he rest in peace.

I thank my distinguished colleague for pausing in these important deliberations to let me share this sad news with the rest of my colleagues in this House.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from New York. I would add, before getting into perhaps a more serious subject than the Baseball Hall of Fame, my daughters and I drove to Cooperstown this summer. My younger daughter thought there were too many New York Yankee memorabilia in the Hall of Fame. I think she was raised right, that she thinks that. Nonetheless, it was a great trip to your district, to Cooperstown. I had been in the Hall of Fame when I was my daughter's age, when I was 13 or 14. I had not been back in 30 some years. It was a great chance to be in your district and see Cooperstown again.

Tomorrow the President will announce fast track to his legislation he will present to Congress tomorrow to expand the North American Free-Trade Agreement; ultimately, he hopes, to the rest of Latin America. Before he does that, before we talk about fast track, I am joined tonight by my friend from Michigan, who has been a real leader in the effort, everything from food safety to jobs to the environment to clean water, all of these trade issues, before we get into fast track, let us back up a moment and look at what this expansion of NAFTA means and what NAFTA itself has meant and other trade agreements in the last few years in this institution.

First of all, bad trade deals hurt America's working families. They threaten to move American jobs to low wage countries, as we have already seen under NAFTA, with jobs fleeing to Mexico. We are importing under NAFTA 10 times as many cars from Mexico as we are exporting. But it is not just auto workers that have lost jobs. We have lost jobs in the electronic industry and in other high-wage sectors.

Where I come from, as in most places in this country, NAFTA, simply put, is a bad deal. These bad trade deals threaten America's economic future.

The same people that brought us NAFTA want to use something called fast track to expand NAFTA, to expand NAFTA to countries, other countries in Latin America, beginning with Chile and moving up and down the South and Central American continent and into Central America.

I think all of us want equal trade and want fair trade, but we do not want this kind of free trade that fast track will bring us.

After 44 months, NAFTA simply has not panned out. It has meant job losses in the auto and electronic sectors to Mexico. It has meant record amounts of illegal drugs. Now it means threats to food safety and truck safety. Everybody wants open markets for American goods. Exports create jobs, no doubt about that. But imports claim jobs.

If only exports counted, we would not have the kind of massive trade deficit we have. This institution, in the last couple, really in the last 5 or 6 years, since the initial Clinton budget in 1993, has dealt with one of the twin deficits. We have dealt with the budget deficit. At the same time we have let the trade deficit get larger and larger and larger.

Sure, we have exported more goods to countries around the world, but the number of dollar's worth of imported goods to this country has mushroomed, causing huge trade deficits. We need to get tough with these countries that keep out American goods.

Japan still is not playing fair with the United States. The Japanese Government drags its feet on the framework agreement of autos and auto parts. Even the administration is concerned about this problem.

Our trade deficit with China, brought on in part by most favored nation status that we continue for reasons beyond my understanding to give to China, even our trade deficit with China has become larger now than our trade deficit with Japan, because the Chinese have a perverse concept of fair trade.

With equal trade and fair trade, we can open foreign markets without dropping our defenses. We need to call a time-out on free trade. And fast track, especially, is an abdication of the responsibility that all of us have in this institution to negotiate fair trade agreements, to negotiate democratic trade agreements, to negotiate trade agreements that protect the environment, protect food safety, ensure truck safety and ensure that Americans have an equal footing in the global marketplace and the global work force.

Perhaps one of the most unknown but most important problems with NAFTA is that specific issue of food safety. In an effort to increase trade with Mexico, NAFTA has limited border inspections of food, both for vegetables and fruits, frozen and fresh, and allowed Mexican trucks to enter the United States with limited inspection. As a result, NAFTA is directly responsible for a significant increase in the imports of contaminated food into the United States from Mexico.

These lax inspection practices contributed to a sharp increase in food imports from Mexico. Imports of Mexican fruit have increased 45 percent. Imports of Mexican vegetables have increased 31 percent. More than 70 percent of these imports are carried into the United States on trucks.

□ 2245

Yet we inspect only 1 out of 100 trucks and 1 out of 100 truckloads that come into this country. That means huge numbers of unsafe Mexican trucks are driving on American highways; it means large amounts of Mexican fruits and vegetables are consumed by the American people, especially American children, that have come across the border. And many of those foodstuffs simply are not healthy.

We are proposing, several of us are proposing to prevent similar kinds of incidents that my friend from Michigan will talk about with Michigan schoolchildren that contracted hepatitis by eating tainted Mexican strawberries.

We are suggesting three things: that we renegotiate the provisions in NAFTA which relate to border inspections and food safety and ensure that any future requests for fast track authority include strong food safety provisions;

Second, we should increase the funding for border inspections or limit the increasing rate of food imports to ensure the safety of our food supply; and

Third, we should begin an aggressive program to label all foodstuffs, including fresh and frozen vegetables, fresh and frozen fruits, vegetables and meats with their country of origin so American consumers, when they go to the grocery store, will know where these foods were grown, where these foods were processed, to give additional information similar to the food labels that we are used to seeing on our cans of soup and other products in this country.

I think we must work with President Clinton to address these serious deficiencies in our trade policy. We should not move so quickly on fast track. We need to back up, look at NAFTA, examine the problems with NAFTA, paying special notice and special attention to food safety.

Mr. Speaker, I yield to my friend from Michigan, Mr. STUPAK.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio [Mr. BROWN] for yielding to me.

The safety and security of our Nation's food supply that has recently been in the news because of contamination of the Hudson plant in Nebraska, but the gentleman and I both sit on the Health and Environment Subcommittee of the full Committee on Commerce, and we have watched over the last few years especially what has happened to food safety in this country.

If we take a look at the Hudson plant situation, over 20 million pounds of beef was recalled by the company because it was determined that this meat was contaminated with the deadly *E. coli* virus. In response, we have a bill sent up to the Hill here last week by Secretary of Agriculture Mr. Glickman, who wants more authority to inspect and take action against meat and poultry factories.

So if we take a look at what is going on here in this country, we are demanding more authority by the Secretary of Agriculture because he is concerned about the safety and security of our Nation's food supply. But what we are saying here tonight is that the concern for safety and security of our Nation's food supply must extend to NAFTA and to any other fast track agreement that we may be presented with.

As the gentleman mentioned, the President is preparing once again to ask Congress to delegate broad trade negotiating authority to him, and we still have many arguments not only to the economic effects of NAFTA, but also as regards NAFTA's undermining the food safety in this country. There is no discussion to engage in to fix it, on how to fix this growing problem that threatens the well-being of every American family.

So I appreciate the gentleman's efforts here and we have come out here tonight to start alerting the American public that this fast track authority will be here. There is a major concern about food safety in this Nation. The Secretary of Agriculture has pinpointed it, but when we take a look at it, when we take a look at what has really happened since the passage of NAFTA, Mexican imports to the United States are up 82 percent and nearly 70 percent of these imports come across the United States border by trucks.

In May 1977, the General Accounting Office released a study of the Animal and Plant Health Inspection Service's efforts to minimize the risks to agriculture from pests and disease from entering the United States. This General Accounting Office report states that NAFTA and the political muscle from the supporters have, and I quote now, "have put pressure on these inspectors to carry out the increased inspection responsibilities more quickly."

In other words, go ahead and inspect, but they have to do it much more quickly, because if we take a look at it, 12,000 trucks per day, 12,000 crossing from Mexico into the United States, carrying fruits and vegetables and meat. So that is a total of 3.3 million trucks coming into this country carrying poultry and vegetables and meat into the United States, and only 1 percent, 1 percent of 3.3 million, are actually being inspected. And then when they are inspected, there is pressure to do it quickly, to move them along.

Again let me quote from the GAO. The GAO said, quote, "At the Mexican border crossing, with the heaviest passenger vehicle volume in the country, a supervisory inspector said the staff was inspecting less than one-tenth of 1 percent, less than one-tenth of 1 percent of the passenger vehicle traffic because the volume is so high."

So if they are not even inspecting cars, how are they going to inspect these large trucks? And, again, 12,000 per day enter the United States.

Most of the ports visited by the GAO investigators who were doing this report said that the inspection program could not keep up with the increasing demand. Due to the heavy workloads, inspectors do not conduct complete inspections, allowing possibly unsafe products into the United States. And they said, quote, "Because of staffing shortages, one work unit alone at the U.S. Mexican border can provide inspection coverage of a busy pedestrian crossing for less than 8 hours in an 18-hour port operation a day." So that means that not even 50 percent of the time is there someone there to even do the inspections.

This increased traffic, as the gentleman has indicated, has caused outbreaks of disease in the United States. After passage of NAFTA in 1993, let us just take a look at what happened.

In 1993, NAFTA was passed. The rate of hepatitis A in the border region rose 2½ times greater than the U.S. national average. This is in the border communities. In fact, in Maverick, TX, the rate of hepatitis A doubled from 5.3 times in 1993 to over 10.3 in just 1 year, in 1994.

Webb County, that is El Paso County and Cameron County, they all had at least 2-, almost a 3-percent increase, or 2 to 3 times doubling the rate of hepatitis A in Texas.

Each year we have about 130 cases of hepatitis A identified even in Michigan. The gentleman mentioned Michigan and the strawberries. We had 130 cases of hepatitis A identified in Calhoun County, MI, because of illegally imported strawberries from Mexico.

Now, not only did it come from Mexico and it was not inspected, but we already have a law on the books which says that in the school lunch program we cannot use agricultural goods grown in another country, bring them in the United States and put them into the U.S. agriculture food program. So as we can see, even the laws we had prior to and since NAFTA have not increased the safety of our Nation's food supplies to make sure they are safe and secure for all of us.

So when we take a look at it, overall NAFTA, and especially the food safety, certainly has been a disaster.

Besides the increased flow of traffic of foods, there is evidence that Mexican fruit have high levels of illegal pesticides. On studies performed by the environmental working group using data before and after NAFTA, 42 different fruits and vegetables, which comprise 96 to 83 percent of all the fruits and vegetables coming into this country, they found that the imported crops from Mexico have very high rates of illegal pesticides, including strawberries.

This is a violation rate of like 18.4 percent. Lettuce from Mexico is at 15.6 percent violation, and carrots are at 12.3 percent. These are staples in the American diet, carrots and lettuce and strawberries, and we have an average here of about 15 percent of it coming into this country violating U.S. law because of illegal pesticides.

Illegal pesticides were under-reported actually by the FDA on crops from Mexico, where this environmental working group felt it was much higher.

Certainly, the strawberry has drawn a lot of attention, especially because it occurred in my State of Michigan; and at the time, while the administration, through Secretary Glickman, is here pushing us for more and more regulation of meats and poultry and continuing to raise concerns, and rightfully so, about the pesticide safety in this country, those who are in favor of this new fast track authority, they want to make it easier for unsafe food to come into this country.

Mr. BROWN of Ohio. If I may interrupt the gentleman, I think that is exactly the point that all of us support, all of us on both sides of this debate, those of us that oppose fast track and oppose these carte blanche free trade agreements, all of us support expanded trade between the United States and other countries as long as that trade is done right.

But if we back up to the gentleman's illustration from 1993, when NAFTA passed in November of that year, we simply, as a legislative body and as a Nation, were not prepared, nor did the administration and the leaders in the pro-NAFTA movement really plan to be ready for the increased border traffic. There was no way that at the Mexican-United States border, in those days or since, that they could be ready, that we as a Nation, that our Customs officials could be ready to inspect the huge number of trucks, increased truck traffic coming into the United States.

As the gentleman said, 1 percent of the thousands and thousands and thousands of trucks that cross that border every week, only 1 percent of them are inspected, and of those that are inspected, about half of them fail the safety inspection.

On top of that is what those trucks are actually carrying when they come across the border. In many cases, they are carrying, as the gentleman said, fruits and vegetables, fresh and frozen foods and meats and other kinds of products, and we simply have not been able to keep up with those inspections.

I think it goes to the whole idea of free trade that as we in this country believe in a free enterprise system with certain regulations. We have clean air laws, we have safe drinking water laws, we have worker safety laws, we have pure food laws in these trade agreements. We encourage trade agreements, but they should have worker safety laws and environmental laws and clean air laws and safe drinking water laws and pure food safety laws.

It is exactly the same thing we want for our own manufacturers and our own producers; we want food safety, we want good food quality inspection and good food quality safety laws. When we negotiate trade laws with other countries, we want those same kinds of protections built in for people in this country that are consuming those fruits and vegetables and meats from other countries.

It is not asking much. That is why a lot of us in the institution will oppose giving the President fast track authority to negotiate trade agreements that do not have food safety as part of them.

I yield to the gentleman from Michigan.

Mr. STUPAK. If I may cut in here, the gentleman and I both have a letter that was going to the President in which we are asking him to include very specific food safety provisions in his fast track proposal.

This really is not a trade issue. It is really a safety issue.

What we are asking here, while Secretary Glickman says we have to do more things in this country, let us make sure that these provisions and regulations we are going to put out for our producers and growers and poultry and meat plants in this country also apply to goods and services. Especially when it concerns our health, meat and poultry and vegetables and fruits, let us apply those same standards in our trade agreements. Isn't that only fair?

When we take a look at it, and if we study NAFTA, whether it is chapter 7 or 9, which talks about inspection of trucks, if we put kind of a standard out there, the first thing people say is we are putting up a trade barrier, we are putting up trade barriers. Let us have fair trade, but let us have a level trading position here and make sure our safety standards are not compromised. That is the least we should expect from these agreements, because it does threaten the well-being of every American family.

There is no doubt that NAFTA has been a direct cause of threats to our communities and our health and our safety. The NAFTA rules securing investment in Mexico was actually lowering the few existing tariffs and quotas that are directly responsible for the new wave of NAFTA imports.

So if we take a look again at NAFTA, chapter 7, which limits the border inspections of food and similar items in NAFTA, and then take a look at chapter 9, which opens the border to Mexican trucks, with limited inspection, how about the trucks themselves? Are they safe to be on our highways, 12,000 trucks a day? Do the people driving those trucks have the qualifications and credentials, the chauffeur license, as we know it in this country? Being a former State trooper, I am concerned about that.

Really the bottom line here is that while many consumer and health groups that opposed NAFTA in 1993 feared, NAFTA is threatening the public health and safety; and the government inspection systems that were charged with guaranteeing our health and safety, they just have not been followed through. They have not been followed; in fact, we have been overwhelmed.

□ 2300

If we take a look at the May 1997 General Accounting Office report, certainly the border inspection documentation is alarming. We are not doing it. We are not doing a good job. When 1 percent of 3.3 million trucks coming over from Mexico are actually inspected and then there is pressure on them to do it quickly, what about the other 99 percent that are coming in and are not being inspected? Is the truck being inspected? Are the contents being inspected? Is the driver being inspected? Is there any kind of test given to him as to whether he is under the influence of any kind of alcohol, drug or whatever other kind of chemical or substance that may be used at the time. I would certainly hope that as we begin this debate on fast track, and I am here to talk about the food safety issue and I appreciate the help of the gentleman from Ohio [Mr. BROWN] and leadership in this as we sit on the Subcommittee on Health and Environment. We have watched this unveil for the last 3, 4, 5 years, that while we demand more of our own country as far as inspecting food, meats, fish, and poultry as Secretary Glickman wants more authority to do that and to take action, should that same action not be taken about food, meat, poultry, and vegetables coming into this country? It is an issue of safety, it is an issue of security for our families, it is an issue of fairness, it is an issue of free trade, but fair trade. We certainly are calling upon the President to make sure that food safety is number one paramount in any kind of fast track extension. Remember that under fast track, while we give the President great power and actually Congress delegates broad negotiating authority to the President and his advisers in this area, we do not have an opportunity then when it comes back before this House floor to put on an amendment for food safety, to put on an amendment for increased truck safety, to put on an amendment that says at least 50 percent of all trucks would be inspected and thoroughly inspected. It is either an all-or-nothing vote. We either accept it or reject it. So unfortunately, and I say that even though I opposed NAFTA in 1993, it is unfortunate what we have seen. They have been overwhelmed by trucks and vehicle traffic moving across here, and we are beginning to see whether you are in Michigan, California and especially Texas with the doubling and tripling of hepatitis A, the great threat it is to the health of this Nation and to our families.

Mr. BROWN of Ohio. In summary, I appreciate the gentleman from Michigan joining me tonight on this special order. We have seen the results of NAFTA since 1993. We have seen job loss, we have seen huge trade deficits with Mexico, we have seen problems with truck safety, we have seen problems with food safety, we have seen more illegal drugs going across the Mexican border into the United States. With all of that, I think it is particularly important that we stop and get NAFTA right before expanding it into ever increasing numbers of countries. There are too many problems that too many newspapers, too many radio stations, too many citizens, magazines, Members of Congress, elected officials all over the country, too many problems that all of us have pointed out with the North American Free Trade Agreement to just in a halfhearted sort of way to continue to expand NAFTA into countries like Chile, Argentina and all over.

Madam Speaker, I would add in closing that we again are asking for three changes in NAFTA so that we can get it right before we continue this discussion of expanding NAFTA. One, that we renegotiate the provisions in NAFTA which relate to border inspections and food safety and ensure that any future requests for fast track authority includes strong food safety provisions, that we increase funding for border inspections or limit the increasing rate of food imports to ensure the safety of our food supply in this country which has come a long way in the last 50, 75, 100 years in ensuring a good quality

food supply for all of our Nation's citizens; and, third, that we begin an aggressive campaign to label all foodstuffs, fresh and frozen fruits, vegetables and meats with their country of origin so that American consumers know where in fact these fruits and vegetables and meats, where they came from, where they were grown, where they were processed, where they were produced. All of us I think should pledge ourselves to these three changes in NAFTA so once we can fix NAFTA, once we can make NAFTA work better, at least in the area of food safety, then we can have this discussion on fast track.

Mr. STUPAK. Those three points that the gentleman points out have come from discussions we have had on the Subcommittee on Health and Environment which has jurisdiction over health and safety and food and FDA in this country; but also in looking at the GAO report, the Report to Congressional Committees on Agricultural Inspection, Improvements Needed to Minimize the Threat of Foreign Pests and Diseases, GAO Report 97-102. What we are asking for before we extend what we feel are the inadequacies of NAFTA under another fast track authority which the President would like done this fall, before we rush headlong into it, before we put further restrictions on American producers and manufacturers and meatpacking plants throughout this country, that those same quality assurances apply not just to items produced in this country but also coming into this country. We have done a dismal job according to the GAO report in even trying to address the issues. Again I thank the gentleman for his leadership on this issue, and I look forward to working with him. We do have the letter going to the President. We are asking Members to sign that letter and just to say whatever your position is on fast track, let us make sure we take these minimum basic three steps to ensure the health and safety and security of American families.

Mr. BROWN of Ohio. Madam Speaker, we have no business moving ahead on NAFTA, moving to expand NAFTAA until we really do protect the American public with better quality food, vegetables, fruits, meats, whatever.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELLUMS (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. SCHIFF (at the request of Mr. ARMEY) for today through September 19, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. SHADEGG) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, on September 10.

Mr. HILL, for 5 minutes, on September 10.

Mr. HAYWORTH, for 5 minutes, today.

Mr. JONES, for 5 minutes, on September 10.

Mr. PAPPAS, for 5 minutes, on September 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. WEXLER.
Mr. DAVIS of Illinois.
Mr. HALL of Ohio.
Mr. LIPINSKI.
Mr. BARCIA.
Mr. SANDLIN.
Mr. SCHUMER.
Ms. MILLENDER-MCDONALD.
Mr. KUCINICH.
Mr. HASTINGS of Florida.
Mr. SHERMAN.
Mr. CAPPS.
Ms. VELÁZQUEZ.
Mr. STOKES.
Ms. NORTON.
Mr. BLAGOJEVICH.
Mr. DEUTSCH.
Ms. SANCHEZ.
Mr. TOWNS.
Mrs. MALONEY of New York.

(The following Members (at the request of Mr. SHADEGG) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. GINGRICH.
Mr. OXLEY.
Mrs. ROUKEMA.
Mr. GALLEGLY.
Ms. ROS-LEHTINEN.
Mr. PACKARD.
Mr. GOODLING.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. BALLENGER.
Mr. GILLMOR.
Mr. BARR of Georgia.
Mr. NEUMANN.
Ms. MCCARTHY of Missouri.
Mr. CASTLE.
Mr. STENHOLM.
Mr. BOB SCHAFFER of Colorado.
Mr. KIND.

ADJOURNMENT

Mr. BROWN of Ohio. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4941. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Additions to the Quarantined Areas [Docket No. 97-056-3] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4942. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triclopyr; Pesticide Tolerances for Emergency Exemptions [OPP-300535; FRL-5738-8] (RIN: 2070-AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4943. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Gamma Aminobutyric Acid; Pesticide Tolerance Exemption [OPP-300547; FRL-5741-4] (RIN: 2070-AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4944. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glutamic Acid; Pesticide Tolerance Exemption [OPP-300546; FRL-5741-3] (RIN: 2070-AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4945. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2,4-D; Pesticide Tolerances for Emergency Exemptions [OPP-300536; FRL-5738-9] (RIN: 2070-AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4946. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agricultural Fair Practices Act to authorize the administrative enforcement of the AFPA by the Secretary of Agriculture; to the Committee on Agriculture.

4947. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to establish a trust for the

benefit of the seller of livestock until the seller receives payment in full for the livestock; to the Committee on Agriculture.

4948. A communication from the President of the United States, transmitting an amendment to the FY 1998 appropriations requests for the Compensation program of the Department of Veterans Affairs, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105-126); to the Committee on Appropriations and ordered to be printed.

4949. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Citizenship Requirements for Owners and Charterers of Vessels with Obligation Guarantees [Docket No. R-171] (RIN: 2133-AB31) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4950. A letter from the Acquisition Executive, United States Special Operations Command, transmitting a report on the intention to waive the requirement for the realistic survivability tests for the MH-47E and MH-60K aircraft program, pursuant to Public Law 102-484, section 142; to the Committee on National Security.

4951. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Prohibition Against Use of Interstate Branches Primarily for Deposit Protection [Docket No. 97-16] (RIN: 1557-AB50) received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4952. A letter from the Board of Governors, Federal Reserve System, transmitting the eighth annual report on the assessment of the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking and Financial Services.

4953. A letter from the Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendment to the Bank Secrecy Act Regulations—Exemptions from the Requirement to Report Transactions in Currency (RIN: 1506-AA11) received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4954. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Class Exemption for Collective Investment Fund Conversion Transactions [Prohibited Transaction Exemption 97-41; Exemption Application No. D-09988] received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4955. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1996," pursuant to 42 U.S.C. 2120e(d)(2)(E)(ii)(II); to the Committee on Commerce.

4956. A letter from the Secretary of Health and Human Services, transmitting a report on activities of the Office of Minority Health during fiscal years 1995 and 1996, pursuant to Public Law 101-527, section 2 (104 Stat. 2313); to the Committee on Commerce.

4957. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carlisle, Irvine, and Morehead, Kentucky) [MM Docket No. 96-161, RM-8842] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4958. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—International Settlement Rates [IB Docket No. 96-261] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4959. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Deerfield, Missouri) [MM Docket No. 97-111, RM-9052] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4960. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grand Isle, Louisiana) [MM Docket No. 97-123, RM-9062] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4961. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 68 of the Commission's Rules [CC Docket No. 96-28] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4962. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to enhance nuclear safety and physical security and to increase the agency's efficiency and enhance the economic use of NRC resources; to the Committee on Commerce.

4963. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97-30: Creation of a Middle East Peace and Stability Fund Using Current and Prior Year Economic Support Funds Appropriated for Egypt, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

4964. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing assistance to support Pakistan's contribution to the voluntary international military contingent in Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

4965. A letter from the Secretary of Defense, transmitting the Semiannual Report on Program Activities to Facilitate Weapons Destruction and Nonproliferation in the Former Soviet Union, October 1, 1996 through March 31, 1997, pursuant to 22 U.S.C. 5956; to the Committee on International Relations.

4966. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 1996 through September 30, 1996, and Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4967. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-144, "Real Property Assessment Process and Tax Revenue Anticipation Notes Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4968. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-119, "Iglesia Del Dios Vivo Columna Y Apoya De La Verdad 'La Lux Del Mundo' Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4969. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-117, "Sex Offender Registration Temporary Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4970. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-143, "Human Rights Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4971. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-140, "Homestead Exemption Penalty Expansion Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4972. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-132, "Comprehensive Merit Personnel Act Pay Limit Temporary Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4973. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-131, "Health Care for the Homeless Project, Inc., Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4974. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-130, "Real Property Interests Reporting Improvement Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4975. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-129, "Washington Home for Incurables Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4976. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-126, "Faith Tabernacle Church Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4977. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-125, "Living Word Church Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-

233(c)(1); to the Committee on Government Reform and Oversight.

4978. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-128, "Healthcare Entity Conversion Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4979. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-139, "Real Property Tax Sale Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4980. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments [32 CFR Part 33] received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4981. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1997-98 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AE18) received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4982. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—National Environmental Policy Act; Revision of Policies and Procedures [Docket No. 96N-0057] received August 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4983. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Mammoth Lakes, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-22] (RIN: 2120-AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; South Lake Tahoe, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-3] (RIN: 2120-AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sebastian, FL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-11] (RIN: 2120-AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Titusville, FL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-5] (RIN: 2120-AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants; EPA Method 1613 [FRL-5889-3] (RIN: 2040-AC64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board [STB Ex Parte No. 560] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans' Affairs.

4990. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified State Tuition Programs [Notice 97-52] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4991. A letter from the Assistant Secretary, Department of Defense, transmitting a report concerning restoration of Federal income tax deductions for unreimbursed employee business expenses incurred in performing reserve military duty, pursuant to Public Law 104-106, section 1232; jointly to the Committees on National Security and Ways and Means.

4992. A letter from the Secretary of Health and Human Services, transmitting a report on the Fiscal Year (FY) 1995 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Commerce and Education and the Workforce.

4993. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule— Medicare Program; End-Stage Renal Disease (ESRD) Payment Exception Requests and Organ Procurement Costs [BPD-763-F] (RIN: 0938-AG20) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PACKARD: Committee of Conference. Conference report on H.R. 2016. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-247). Ordered to be printed.

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:

[Submitted September 5, 1997]

By Mr. UPTON (for himself, Mr. ROEMER, Mr. SOLOMON, Mr. BOEHNER, Mr. COX of California, Mr. HOEKSTRA, Mr. CAMP, Mr. EHLERS, Mr. SHAYS, Mr. CASTLE, Mr. FOX of Pennsylvania, Mr. BLUNT, Mr. BASS, Mr. PETERSON of Minnesota, Mr. CONDIT, Mr. BARCIA of Michigan, Mr. KOLBE, Ms. DUNN of Washington, Mr. NEUMANN, Mr. BOB SCHAFFER, Mr. KINGSTON, Ms. CHRISTIAN-GREEN, Ms. DANNER, Mr. HEFLEY, Mr. JONES, Mr. CHABOT, and Mr. BEREUTER):

H.R. 2424. A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget.

By Ms. WOOLSEY:

H.R. 2427. A bill to recognize businesses which show an exemplary commitment to participating with schools to enhance educators' technology capabilities and to make every student technologically literate; to the Committee on Education and the Workforce.

[Submitted September 9, 1997]

By Mr. GILMAN (for himself and Mr. RANGEL):

H.R. 2436. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105-33; to the Committee on Commerce.

H.R. 2437. A bill to provide for a waiver for the State of New York of certain health care provider tax provisions under Medicaid; to the Committee on Commerce.

By Mr. RYUN (for himself, Mr. TIAHRT, Mr. SNOWBARGER, Mr. LARGENT, Mr. COBURN, Mr. POMBO, Mr. HUTCHINSON, Mr. METCALF, Mr. TALENT, Mr. SHIMKUS, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. DICKEY, Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. WATTS of Oklahoma, Mr. WATKINS, Mr. BOB SCHAFFER, Mrs. CUBIN, Mr. HOSTETTLER, and Mr. THUNE):

H.R. 2438. A bill to encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights; to the Committee on Resources.

By Mr. CASTLE:

H.R. 2439. A bill to provide for the establishment of an Official Mass Mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. GEKAS (for himself and Mr. NADLER):

H.R. 2440. A bill to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Ms. NORTON, Mr. CUMMINGS, Mr. WYNN, and Mr. FORD):

H.R. 2441. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 2442. A bill to amend the Immigration and Nationality Act to clarify the relief available under current law, and to provide additional relief and procedural rights for certain aliens who would otherwise be ineligible for such procedural rights; to the Committee on the Judiciary.

By Ms. NORTON (for herself, Mr. MORAN of Virginia, Mr. WOLF, Mr. DAVIS of Virginia, Mr. HOYER, Mrs. MORELLA, and Mr. WYNN):

H.R. 2443. A bill to designate the Federal building located at 601 Fourth Street, NW, in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe; to the Committee on Transportation and Infrastructure.

By Mr. STENHOLM (for himself and Mr. HULSHOF):

H.R. 2444. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. SHERMAN, and Mr. BILIRAKIS):

H. Con. Res. 148. Concurrent resolution commemorating the 75th anniversary of the burning of Smyrna and honoring the memory of its civilian victims, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. HYDE, and Mr. SMITH of New Jersey):

H. Res. 223. Resolution concerning the death of Mother Teresa; to the Committee on International Relations.

By Mr. OBEY (for himself, Mr. MCDADE, Mr. SANDERS, Mr. KIND of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. MCHUGH, Mr. MASCARA, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, Ms. KAPTUR, Mr. BARCIA of Michigan, Mr. OBERSTAR, Mr. STENHOLM, Mr. STRICKLAND, Mr. HINOJOSA, Mr. WALSH, and Mr. KLINK):

H. Res. 224. Resolution expressing the sense of the House of Representatives that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers; to the Committee on Agriculture.

By Mr. ROHRABACHER (for himself, Mr. SOLOMON, Mr. COX of California, Mr. SMITH of New Jersey, and Mr. ROYCE):

H. Res. 225. Resolution urging the President to make clear to the People's Republic of China the commitment of the American people to security and democracy on Taiwan; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. The SPEAKER presented a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 7 urging Congress to enact legislation patterned after the "Rodeo Freedom Act of 1995"; to the Committee on Commerce.

191. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 10–147, HD1 requesting the Japanese and U.S. governments to provide for funding of $500,000 from each respective entities for the construction of a memorial honoring CNMI civilians, both Chamorros and Carolinians, who have lost their lives during the devastation of World War II; to the Committee on Resources.

192. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 8 urging Congress to enact the Southern Nevada Public Land Management Act of 1997; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCINTYRE introduced a bill (H.R. 2445) for the relief of Rabon Lowry; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. RAHALL.
H.R. 96: Mr. BRADY.
H.R. 135: Mr. DAVIS of Illinois and Mr. WALSH.
H.R. 292: Mr. PETRI and Mr. SCARBOROUGH.
H.R. 339: Mr. MASCARA.
H.R. 367: Mr. CRANE.
H.R. 519: Mr. KUCINICH, Mr. WAMP, and Mr. WELLER.
H.R. 687: Mr. MILLER of California.
H.R. 714: Mr. MCHALE and Mr. FOGLIETTA.
H.R. 754: Mr. SHERMAN.
H.R. 789: Mr. RAHALL.
H.R. 815: Mr. DUNCAN, Mr. WEYGAND, Mr. BARR of Georgia, and Mr. FAZIO of California.
H.R. 836: Mr. LAMPSON, Mr. MURTHA, Ms. STABENOW, Mr. TRAFICANT, Mr. SANDLIN, and Mr. BARCIA of Michigan.
H.R. 853: Mr. GREENWOOD.
H.R. 857: Mr. GALLEGLY, Mr. MCINNIS, Mr. MILLER of Florida, Mr. HILL, Mr. DAVIS of Virginia, and Mr. COOK.
H.R. 859: Mr. CRAPO.
H.R. 872: Mr. CAPPS, Mr. GOODLING, Mr. HOLDEN, Mr. WALSH, and Mr. YOUNG of Florida.
H.R. 875: Mr. DOOLEY of California.
H.R. 893: Mr. FARR of California and Ms. SANCHEZ.
H.R. 991: Mr. LANTOS and Mr. WEXLER.
H.R. 1025: Ms. WOOLSEY.
H.R. 1108: Mr. BLILEY.
H.R. 1147: Mr. HALL of Texas.
H.R. 1203: Mrs. LINDA SMITH of Washington.
H.R. 1232: Ms. LOFGREN and Mr. BILIRAKIS.
H.R. 1240: Mrs. MORELLA and Ms. LOFGREN.
H.R. 1301: Mr. KUCINICH.
H.R. 1361: Mr. MEEHAN, Mr. SHERMAN, Ms. CARSON, Mr. MARTINEZ, and Mr. CUNNINGHAM.
H.R. 1362: Mr. COOK and Mr. ABERCROMBIE.
H.R. 1428: Mrs. FOWLER.
H.R. 1507: Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. KENNEDY of Rhode Island, Mr. MARTINEZ, Mr. MARKEY, and Mrs. KELLY.
H.R. 1524: Mr. SENSENBRENNER, Mr. SMITH of Oregon, and Mr. STRICKLAND.
H.R. 1555: Mr. BISHOP, Mr. WATT of North Carolina, and Mr. STOKES.
H.R. 1586: Mr. LEVIN, Mr. FALEOMAVAEGA, and Ms. WOOLSEY.
H.R. 1671: Mr. KUCINICH.
H.R. 1690: Mr. COOK, Mr. CLEMENT, and Mr. GREEN.
H.R. 1697: Mr. BARETT of Wisconsin.
H.R. 1717: Mr. COX of California.
H.R. 1735: Mr. LEWIS of Georgia.
H.R. 1753: Mrs. MALONEY of New York.
H.R. 1754: Mr. DAN SCHAEFER of Colorado.
H.R. 1763: Mr. GOODLING, Mr. HOLDEN, and Mr. HINCHEY.
H.R. 1787: Mr. PICKETT, Mr. SAWYER, and Mr. FARR of California.
H.R. 1807: Mr. DELLUMS.
H.R. 1842: Mrs. LINDA SMITH of Washington.
H.R. 1880: Mr. BERMAN.
H.R. 1970: Mr. PRICE of North Carolina.
H.R. 2072: Mr. GREEN and Mr. TURNER.
H.R. 2103: Mrs. CUBIN.
H.R. 2113: Mr. BUNNING of Kentucky.
H.R. 2121: Mrs. KELLY.
H.R. 2125: Mr. ANDREWS and Mr. PALLONE.
H.R. 2149: Mr. FARR of California.
H.R. 2168: Mr. MORAN of Kansas.
H.R. 2210: Mr. FLAKE, Mr. TOWNS, Mrs. MALONEY of New York, Mr. SCHUMER, Mr. SERRANO, Mr. MANTON, Mr. ENGEL, Mr. UNDERWOOD, Mr. RANGEL, Mr. OWENS, AND MR. DELLUMS.
H.R. 2211: Mr. FILNER.
H.R. 2221: Mr. UNDERWOOD and Mr. RAHALL.
H.R. 2231: Mr. GRAHAM.
H.R. 2248: Mr. DEAL of Georgia, Mr. SERRANO, Mr. SANFORD, Mr. THOMAS, Mr. BURTON of Indiana, Ms. ESHOO, Mr. WAXMAN, Mr. EDWARDS, Mr. OXLEY, Mr. BECERRA, Mr. BONIOR, Mr. GILCHREST, and Mr. THUNE.
H.R. 2343: Mr. VENTO.
H.R. 2359: Mr. BARRETT of Wisconsin and Ms. FURSE.
H.R. 2385: Mrs. ROUKEMA and Mr. RIGGS.
H.R. 2388: Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. BOEHLERT, and Mr. OBEY.
H.R. 2409: Mrs. MORELLA, Mrs. ROUKEMA, Mr. PETERSON of Minnesota, and Mr. KLECZKA.
H.R. 2424: Mr. GREENWOOD, Ms. STABENOW, Mr. COBLE, Mr. STEARNS, and Mr. HALL of Texas.
H. Con. Res. 80: Mr. ENSIGN, Mrs. LOWEY, Mr. BILIRAKIS, Mr. JOHNSON of Wisconsin, Mr. GEPHARDT, and Mr. MARTINEZ.
H. Con. Res. 106: Mr. SHAYS, Ms. FURSE, Mr. CAPPS, Mr. SANDERS, Mr. GUTIERREZ, Mr. PALLONE, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Ms. ESHOO, Mr. BARRETT of Wisconsin, Mr. LANTOS, Ms. WOOLSEY, and Mr. STARK.
H. Con. Res. 112: Mr. ENGEL, Ms. SLAUGHTER, Mr. GREEN, Mr. PASCRELL, and Mr. ROTHMAN.
H. Con. Res. 134: Mr. DAVIS of Virginia, Mr. GOSS, Mr. JENKINS, Mr. COOKSEY, Mr. MCINNIS, Mr. WALSH, and Mr. FROST.
H. Res. 26: Mr. BARRETT of Wisconsin, Mr. CLAY, Ms. FURSE, and Ms. SLAUGHTER.
H. Res. 139: Mrs. LINDA SMITH of Washington.
H. Res. 190: Mr. BOB SCHAFFER.
H. Res. 214: Mr. HUTCHINSON.
H. Res. 220: Mr. GUTKNECHT and Mr. GANSKE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2264

OFFERED BY: MR. FILNER

AMENDMENT NO. 61: At the end of title II, insert after the last section (proceeding the short title) the following section:

SEC. 213. Of the amounts made available in this title for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", $12,800,000 is transferred and made available under section 30403 of Public Law 103–322 for the Community Schools Youth Services and Supervision Grant Program Act of 1994.

H.R. 2267

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 16: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds made available in this Act may be used to conduct any study of the medicinal use or legalization of marihuana or any other drug or substance in schedule I under part B of the Controlled Substances Act.

H.R. 2267

OFFERED BY: MR. BURTON

AMENDMENT NO. 17: At the end of section 501 insert the following:

(d) CASE DISCLOSURE.—

(1) IN GENERAL.—Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(2) REQUIREMENT.—Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in quarterly reports, the following information about each case filed by its attorneys in any court:

(A) The name and full address of each party to the legal action (other than a name or address which may not under court order he released).

(B) The cause of action in the case.

(C) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(3) DISCLOSURE.—The case information disclosed in quarterly reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

H.R. 2267

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 18: Page 42, line 11, after the dollar amount, insert the following: "(reduced by $90,000,000)".

H.R. 2267

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 38, after line 11, insert the following:

SEC. 110. (a) Not later than 90 days after the date of the enactment of this Act, the Department of Justice shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media including the Internet and on-line services as well as the identification of illegal pornographic images with a goal of criminal prosecution.

(b) The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) The inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) Other matters that the National Research Council deems relevant to computer-based control technologies and their use in the context of a deployed national information infrastructure.

(c) The National Research Council shall conduct the review over the 24-month period beginning upon completion of the performance of the contract described in subsection (a).

(d) The final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

(e) The Federal Advisory Committee Act shall not apply to the study made under subsection (a).

H.R. 2267

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 20: Page 44, strike line 22 and all that follows through page 45, line 11, and insert the following:

For expenses necessary to conduct the decennial census, $381,800,000, to remain available until expended.

Page 58, after line 9, insert the following:

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparations for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 210. (a) There shall be established a board to be known as the Board of Observers for a Fair and Accurate Census (hereinafter in this section referred to as the "Board").

(b)(1) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals) to determine whether the process has been manipulated in any way so as to bias the results in favor of any geographic region, population group, or political party, or on any other basis.

(2) In carrying out such function, the Board shall give special attention to the design and implementation of any sampling techniques and any statistical adjustments used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

(3) The Board shall promptly report to the Congress and the President evidence of any manipulation referred to in paragraph (1).

(c)(1) The Board shall be composed of 3 members as follows:

(A) 1 individual appointed by the President.

(B) 1 individual appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate.

(c) The Comptroller General of the United States.

The members appointed under subparagraphs (A) and (B), respectively, shall be former Presidents or others of similar stature.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d)(1) The Commission shall have an Executive Director who shall be appointed by the Board and paid at a rate not to exceed level IV of the Executive Schedule.

(2) The Board may appoint and fix the pay of such additional personnel as it considers appropriate, subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(3) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of such title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

(4)(A) Upon request of the Board, any personnel of any agency under subparagraph (B) may be detailed to the Board, on a reimbursable basis or otherwise, to assist the Board in carrying out its duties.

(B) The agencies under this subparagraph are the General Accounting Office, the Congressional Research Service, and the Congressional Budget Office.

(e)(1) Notwithstanding any provision of title 13, United States Code, or any other provision of law, members of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(2) The regulations shall include provisions under which individuals gaining access to any information or other matter pursuant to paragraph (1) shall be subject to sections 9 and 214 of title 13, United States Code.

(f) The Board shall transmit to the Congress and the President—

(1) interim reports, at least semiannually, with the first such report due by August 1, 1998; and

(2) a final report not later than August 1, 2001.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b), together with any recommendations regarding future decennial censuses of population.

(g) Of the amounts appropriated to the Bureau of the Census for each of fiscal years 1998 through 2001, $2,000,000 shall be available to the Board to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i) The Board shall cease to exist on September 30, 2001.

H.R. 2267

OFFERED BY: MR. SANDERS

AMENDMENT NO. 21: Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 40, line 8, after "$279,500,000" insert "(reduced by $1,000,000)".

H.R. 2267

OFFERED BY: MR. SANDERS

AMENDMENT NO. 22: Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 54, line 11, after "$28,490,000" insert "(reduced by $1,000,000)".

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Page 73, line 16, before the period insert the following: ", including enforcement with respect to bonded child labor".

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 73, line 16, before the period insert the following: ", including enforcement with respect to bonded labor".

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 101, after line 18, insert the following section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5: Page 101, after line 18, insert the following new section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

EXTENSIONS OF REMARKS

REPRESENTATIVE WOLF'S TRIP TO TIBET

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD two articles from the Washington Post about my Republican colleague FRANK WOLF's recent trip to Tibet. Gaining admittance only by concealing his identity as a Member of Congress, Representative WOLF observed first hand the repression of human rights that stands in sharp contrast to all that America stands for.

The time has come for President Clinton to join with Representative WOLF and me in encouraging the new Chinese leadership to move toward a freer and more open Tibet, where individuals can worship without fear and unleash their creativity and talents in ways that will bring increased prosperity not only to Tibet, but to China as well. As the world's beacon of hope and freedom, America must do her part to encourage this transition.

[From the Washington Post, Aug. 22, 1997]

REPRESENTATIVE WOLF'S TRIP TO TIBET

Northern Virginia Rep. Frank Wolf has never been one for the typical junket. His advocacy of human rights and religious freedom in other countries has taken him to the Siberian gulag, to Ceausescu's Romania and to war-ravaged Chechnya. Now he is just back from Tibet—the first House member to visit that oppressed land, he says, since Chinese forces moved in nearly 40 years ago.

What Mr. Wolf found will not shock anyone who has followed Beijing's brutal repression of Tibetan culture, religion, language and people—a repression applied with what Sen. Daniel Patrick Moynihan has called "Stalinoid dementia." We hope, though, that Mr. Wolf's report will awaken some Americans who haven't paid sufficient attention to Tibet's slow suffocation.

A vast land along the Himalayan top of the world, Tibet is home to only 6 million people—no conceivable threat to China's billion-plus. But China has virtually sealed Tibet off, keeping reporters and human rights observers out and even barring California Rep. Christopher Cox, a member of the Republican leadership. Mr. Wolf gained access, along with an aide and a Tibetan-speaker, by joining a tour group and not advertising his profession. (He dressed in "traditional tourist garb," Mr. Wolf says.)

What he found, Mr. Wolf says, is repression more brutal than he witnessed in Soviet Russia or Communist Romania. While Chinese in Beijing have won some measure of liberty, at least in economic affairs, he says, "there is no freedom in Tibet, period." People are watched and afraid—yet, when they realized Mr. Wolf and his associates were from America, they were willing to risk imprisonment to describe their plight. Like their leader in exile, the Dalai Lama, most Tibetans are not seeking independence but only the freedom to speak their language and practice their Buddhism without being thrown in jail or having their children taken away.

Mr. Wolf, like many members of Congress of both parties, urges the Clinton administration to make Tibet—and the hundreds of Tibetan prisoners of conscience—an important part of U.S.-China dialogue leading up to and during a planned presidential summit this fall. He also urges U.S. churches, synagogues and citizens to mount the kind of letter-writing, prisoner-adopting campaigns that helped sustain Soviet dissidents. Tibetans don't have the kind of diaspora that kept Soviet Jewry, Armenia, Poland and other captive nations on the U.S. agenda during the Cold War. But they have an equal claim on America's conscience, and their treatment provides a useful measure of the true nature of the Chinese regime.

[From the Washington Post, August 3, 1997]

THE MAN WHO WON'T GIVE UP

(By Mary McGrory)

Frank Wolf, the Republican congressman from Northern Virginia, has a conscience. He assumes that his fellow Americans do too, and that if he tells them how bad things are in countries they seldom hear about, they will do something about it. He is inevitably considered naive. He doesn't mind. His faith in his fellow man comes from his faith in God. He is a devout Presbyterian who believes passionately in good works and has raised his five children to volunteer on behalf of the unfortunate.

Wolf is just back from another of his trips to difficult, dangerous places. This time it was Tibet, which has been groaning under the Chinese yoke. He slipped in on an ordinary tourist visa, which did not identify him as a member of Congress. Tibetans risked their lives to tell him about the oppression and religious persecution they are suffering. His press conference afterwards at the National Press Club was packed—perhaps because it is August, and the news drought is severe. He told an international audience that "China is squeezing the life out of Tibet. . . . It is unspeakably brutal."

Wolf's success in rousing the American people is still to be seen, but he got China's attention. The New China News Agency issued a statement of outrage from a Tibetan official who accused Wolf of being a troublemaker and a bad reporter: There is no religious persecution and all is well with happy Tibetans. Wolf was, of course, delighted with additional notice to his cause.

Some reporters may have been goaded into attendance at the press conference by one of Wolf's typically reproachful, guilt-producing letters calling on the recipient to fulfill a moral obligation by spreading the word about whatever ghastly situation he has just observed. Last January, Wolf went to East Timor in Indonesia and brought back an account of killing that he thought President Clinton should do something about. He later wrote to him in terms that show he has heeded the counsel of the 15th-century German mystic Thomas a Kempis: "Fawn not upon the great." In Wolf's letter of May 29, he told the president that he better shape up on East Timor because people are making connections between U.S. inaction in that wretched land and the campaign scandal of the White House raking in millions from Asians with axes to grind.

"Respectfully but with candor, Mr. President, many believe your administration has adopted or changed its policy with regard to Indonesia and East Timor because of influence exerted by the Riadys and as a result of the for profit relationship which developed between the Lippo Group and Mr. Web Hubble (sic). Press reports of Mr. Hubble's personal visit to East Timor have only fueled this belief. I do not know if this is true. . . . I do know, however, that we have no effective policy . . . . in East Timor."

Wolf gives himself a missionary's license to speak truth to the mighty. The appalling conditions he describes vindicate his frankness and his importunities. His Northern Virginia constituency may not relate to his anguish over such places as El Salvador, Burma, Sudan, Bosnia, Chechnya and Ethiopia. But Wolf keeps both feet on the ground—or rather on the highway—at all times. He is chairman of the House Appropriations subcommittee on transportation, a post that gives him great power. And his constituent service—watching over the rights of the many federal workers who live in Virginia's 10th District—is famous.

His evolution from "pothole politician" to watchman on the ramparts of world freedom happened gradually. First, he went to Ethiopia in 1984 with Rep. Tony Hall (D-Ohio), a crusader against hunger who is Wolf's best friend in Congress and a fellow member of a House Bible study group. They went to Romania together and saw misery that made them come home and promote a bill against Most Favored Nation (MFN) treatment for the Ceausescu government. Since then, Wolf has never looked back or lost hope.

At his press conference, he urged Americans to write letters to Tibetan political prisoners. Based on the experience with Soviet prisoners of conscience, he says the Tibetans might not get the letters, but wardens made conscious of outside observation might give better treatment. He wants more congressional delegations in Tibet so that Chinese overlords will know the world has not forgotten. And he can see the day, when MFN will be denied to China. The American people are way ahead of Congress, their president and the business community, according to polls. One showed overwhelming opposition to MFN for China, 67 percent to 18 percent.

Wolf's inspiration is William Wilberforce, a prominent 19th-century British politician who spent his life working to abolish the slave trade. It took 34 years for Parliament to outlaw it, a month after Wilberforce's death. "It just takes time," says Wolf.

HAPPY 30TH BAY COUNTY HOME BUILDERS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, when all is said and done at the end of a very long day, we look forward to going home for some rest from our days' efforts. When we arrive at our own private refuge, it is because of the great care taken by professional home builders in the construction and remodeling of this most important place that we can truly relax.

Today, the Bay County Home Builders Association is celebrating its 30th anniversary as a chartered association. It is affiliated with both the Michigan Association of Home Builders, and the National Association of Home Builders, to be sure that its members can share their own discoveries and learn from other colleagues in the profession ways to better and more economically construct housing that will last.

The Bay County Home Builders Association has grown from its original 21 members to its current membership of 85 builders and remodelers and 153 associate members, including financial institutions, subcontractors, material suppliers, and others who are involved in some fashion with the building industry. They are involved in a wide range of activities that ultimately benefit the homeowner, including offering seminars on preparing for a builder's license and other subjects of importance to the industry. They provide a very important service in helping to further inform the public of recent developments in construction and design, including the most impressive annual Home Show and Parade of Homes.

The association is also a vital partner in many community projects, including its work with the Bay County Chamber of Commerce and the Bay County Growth Alliance.

TRIBUTE TO CHARLES VERNON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Charles Vernon upon his retirement from the Los Angeles Regional Water Quality Control Board and resignation of chairmanship of the Santa Monica Bay restoration project. It is an honor to recognize Charles for his work toward water pollution control.

Throughout the last 8 years, Charles' work has been vital to the success of the Santa Monica Bay restoration project. He was instrumental in working to secure Santa Monica Bay's nomination as a National Estuary Program and subsequently the founding and creation of the restoration project in 1989.

Since its founding, the Santa Monica Bay restoration project has been the primary organization dedicated to preserving the bay for citizens in our community. Charles has consistently held key leadership positions serving as vice chair of its management committee and upon start of bay restoration plan implementation, chair of the governing Bay Watershed Council and Bay Oversight Committee. It is because of Charles' hard work and dedication we have made progress in revitalizing our bay.

Beyond his work with the restoration project, Charles is an individual of great integrity and personal warmth. His wholesome nature reflects that of his past when he was a farmer, reaping the miracle of life from the ground. It is no wonder that today he is dedicated to maintaining the sanctity of our precious resources.

"I wiped away the weeds and foam, I fetched my sea-born treasures home; But the poor, unsightly, noisesome things had left their beauty on the shore, with the sun and the sand and the wild uproar." These words of Ralph Waldo Emerson eloquently describe Charles' devotion to saving our precious Santa Monica Bay. It is for his work and extraordinary dedication, Mr. Speaker, that I ask you and my distinguished colleagues to join our community in thanking Charles for his dedication to the bay. I congratulate Charles Vernon upon his retirement and wish him great success in all future endeavors.

PERSONAL EXPLANATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SCHUMER. Mr. Speaker, this morning I participated in one of America's most important traditions: voting. Every time I step in the voting booth I am reminded that we must not take for granted the rights that we Americans have to decide who will represent us in the White House, Senate, House of Representatives, statehouse, city hall, city council, school board, and the list goes on.

For that reason, please let the record show that I was unavoidably detained and was unable to cast two adjournment votes this morning in the House.

TRIBUTE TO THE PUERTO RICAN TRAVELING THEATER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay a special tribute to a hard working group of people who compose The Puerto Rican Traveling Theater [PRTT]. The PRTT produces plays by Hispanic writers from all heritages, and performs them alternately in Spanish and English. These programs, which the company provides for free for the economically disadvantaged, have been hugely successful. During Hispanic Heritage Month, I think it is only appropriate to honor this group, which has made such a contribution to the Latino community.

On September 18 the theater celebrates its 30th anniversary season at the Copacabana with a star-studded gala entitled "Latino Legends and Legacies."

For 30 years PRTT has performed productions of impeccable artistic quality in both Spanish and English. Having performed all over New York, in 22 different locations, the PRTT is a well known commodity in the Hispanic Community. The theater communicates with direct mails to 50,000 Hispanic households each year and has a live audience of 15,000 annually, of which 95 percent are Hispanic. Through their annual summer touring, they reach out to 22 different geographic communities in New York and New Jersey, and have a large network of contacts with the leadership organizations in these communities. The PRTT also received critical acclaim from the New York Times, the New Yorker, El Diario, among other major press.

Founding/Artistic Director Miriam Colon recently received the 1996 Governor's Award for the Arts on PRTT's behalf, along with such luminaries as Robert DeNiro, Leo Castelli, and Jazz legend Milt Hilton. The Award Ceremony hosted by Governor George Pataki was aired on PBS in November. Ms. Colon is also known in the film industry with her most recent films, "Lone Star", directed by John Sayles, and "Sabrina", with Harrison Ford. Most recently she appeared on the Bill Cosby Show.

Mr. Speaker, on behalf of my collegues, I would like to wish them much success with their future endeavors and look forward to celebrating another 30 years of performances.

TRAGEDY IN HAITI

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. HASTINGS of FLorida. Mr. Speaker, this week there was another terrible tragedy on the small island of Haiti.

An overcrowded ferry sank just offshore and hundreds of people were killed. There are conflicting reports about the number of deaths, with estimates ranging from 300 to 800. The true figure may never be known.

But what is known is that basic safety functions, which may have prevented many deaths, were ignored. Although the ferry had only been in service for 10 days, there were no lifejackets on board, doors were bolted shut, and the passenger load was above legal limits. Had any of these factors been different, hundreds of families would not be in mourning today.

I extend my most sincere condolences to the families of the deceased and all of the Haitian people. I am pleased that the U.S. Government has announced that we would provide some assistance to the families of the deceased, although there is scant solace to provide to a child whose parent is gone.

My only hope is that ferry operators, not only in Haiti, but around the world, will learn from this terrible tragedy, and observe the safety laws which are designed to prevent these kinds of tragedies.

TRIBUTE TO JOSEPH AND PATRICIA GARLOCK

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. OXLEY. Mr. Speaker, today I honor two constituents and friends, Joseph and Patricia Garlock, by marking the occasion of their 50th wedding anniversary, which will be celebrated this October 4. I want to send Joe and Pat my warmest congratulations on this special occasion.

I have known both Pat and Joe for a number of years, and I want to convey how much this couple has given to their family and to the Lima, OH, community. Pat and Joe are lifelong residents of Lima, having met a few years after her graduation from St. Rose High School and his graduation from St. Johns High School. They settled down to live on West High Street, where they still live today, some 43 years later.

Pat worked as a store clerk, has been a valued member of the choir at St. Charles Church for years, and is still active in volunteering her time with the Heartbeat of Lima, the St. Vincent DePaul Charity, and the Our Daily Bread Soup Kitchen. Joe also volunteers at the soup kitchen, and is a Navy veteran of World War II and the Korean war. He retired a few years ago, after a career as an officer for the Lima Police Department and the Chief Investigator for the Allen County Prosecutor.

For all their contributions to others and to the Lima community, the legacy of this great couple is their family. Joe and Pat raised 12 children, 11 boys and 1 girl. Mr. Speaker, the lesson of raising such a family on a cop's salary is one that the folks on the Budget Committee should learn from.

Joe and Pat's accomplishments are measured by the values they instilled in their 12 kids, their spouses, and their 22 grandchildren.

It gives me great pleasure to recognize this strong American family. I join the Garlock's family and friends in wishing them a very happy anniversary and many more years of good health and happiness.

IN HONOR OF THE ST. STANISLAUS DAD'S CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the accomplishments of the St. Stanislaus Dad's Club, as they celebrate their 50th anniversary of service to the St. Stanislaus Parish, the St. Stanislaus Grade School, and the St. Stanislaus Parish Community.

Over its 50 years, the St. Stanislaus Dad's Club has generously donated its time and resources to projects ranging from partially subsidizing a teachers salary shortage at the St. Stanislaus Grade School to renovating a 1,400-pipe organ found in the parish cathedral. In addition, the St. Stanislaus Dad's Club regularly donates items of need to St. Stanislaus Grade School, sponsors the Boy Scouts and local youth athletic teams, helps maintain community buildings and supports other parish and community organizations.

The St. Stanislaus Dad's Club has helped literally thousands of young people in the greater Cleveland metropolitan area. The club has done great work over the years, and I am very grateful for its immeasurable contributions to the community.

The St. Stanislaus Dad's Club plans to celebrate their anniversary on September 14, 1997, by attending mass and hosting a commemorative banquet.

My fellow colleagues, please join me in praising the St. Stanislaus Dad's Club for 50 years of distinguished service

TRIBUTE TO THE VISALIA RESCUE MISSION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Visalia Rescue Mission. The support and guidance of this organization provides hope for homeless men, women, and children who would otherwise feel abandoned.

Beginning in 1980, the Visalia Rescue Mission has served the needs of the homeless throughout California's Tulare County. What distinguishes this nonprofit organization from others is its desire to move these individuals beyond mere survival in today's society and provide them with the resources necessary to become productive and respected members of their community.

The Visalia Rescue Mission conducts two major programs. The STEP [Spiritual Training Education Program] Program begins by submitting men to a 14–30 day probationary program where they are nourished, detoxified, clothed, exercised, and introduced to spiritual guidance. Once these basic needs are met, the men enter into a 6-month 12-step program where the main focus is on both spiritual training and obtaining job referrals. Finally, a 1-year reentry program supports the men in their efforts to find housing and hold jobs Along with the men's STEP Program, the Visalia Rescue Mission runs a Family Center which provides for the necessary needs of families, women, and children. The Family Center provides Christian spiritual leadership, anger management, parenting classes, referrals to employment training, and jobs. Finally, it provides leads for low-cost housing.

Over the years the Visalia Rescue Mission has performed invaluable services to those less fortunate in our society. Through programs like STEP and the Family Center, many individuals are directed into new lives filled with hope, success, and spiritual satisfaction. Things many of these individuals have never experienced before.

Mr. Speaker, it is with great honor that I pay tribute to the Visalia Rescue Mission. This organization provides a hope for many homeless men, women, and children. I ask my colleagues to join me in wishing the Visalia Rescue Mission many more years of gratifying success in aiding the homeless.

HAPPY 25TH BAY MEDICAL CENTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, access to quality primary and emergency health care is a great need for all Americans. The people of the Bay City community have had the good fortune to have enjoyed the professional care offered by Bay Medical Center for the past 25 years. As the center celebrates its 25th anniversary, I want to share with our colleagues some of the great accomplishments of this most impressive and needed facility.

Bay Medical Center came about as a result of the merger between Mercy Hospital and General Hospital in 1972. This merger was needed to bring these two facilities into a better position to provide the quality health care that people deserve. Under the leadership of Ralph Powell, chairman of the board, the merger successfully went forward, resulting in the 1974 construction of a state-of-the-art facility that provides vital care for thousands of patients today. This facility was due to the aggressive campaign that brought together hospital employees, small businesses, corporations, and individual donors who all wanted to ensure quality health care for the future.

Today, patients receive the most modern care possible at the facility, when appropriate, and receive high-quality outpatient care that previously was provided only to patients in the facility. The merger that started the center in 1972 was followed by mergers with Samaritan Hospital in 1980, and Bay Osteopathic Hospital in 1988. Under the lead organization of Bay Health Systems, Bay Medical Center joined with Bay Health Care, Bay Medical Services, Bay Medical Foundation, Bay Medical Education, and Bay Special Care in providing a broad and effective blend of services. A new alliance with MidMichigan Regional Medical Center will further increase efficiencies and promote an even stronger array of health care services for people of the region.

Bay Medical Center has succeeded because it has been blessed with a large number of doctors, nurses, medical technicians, physician assistants, administrators, and a support staff that cares about the work that they all do each and every day. Its board members, who serve without compensation, have truly committed themselves to the center's mission statement of providing compassionate, high-quality, and cost-effective health care, which maintains and improves the health status of the communities it serves.

On this 25th anniversary, I invite you, Mr. Speaker, and all of our colleagues, to join me in offering congratulations to Hans Jeppesen, the president of Bay Health Systems, and all of the men and women of Bay Medical Center, and wishing them the very best for every continued success.

SEPTEMBER 16, 1997 BE DESIGNATED AS "FLORIDA INTERNATIONAL UNIVERSITY DAY"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to honor Florida International University [FIU] on its 25th anniversary. FIU opened on September 16, 1972, with 5,667 students, the largest first-day enrollment in American collegiate history. FIU, the first public baccalaureate-granting university in Dade County, has grown to 30,000 students, placing it among the Nation's largest universities.

This outstanding learning institution offers more than 200 degree programs, has the largest Hispanic enrollment and second largest African-American enrollment of any public university in the State of Florida, has been cited by college guides as one of America's best educational values, and generates more than $30 million in annual grants and contracts. It has become a national leader in environmental research, Latin American studies, tropical biology, hospitality management, and other fields.

FIU has an economic impact of more than $1 billion on the south Florida economy and is the major supplier of university-trained employees for the region, awarding nearly 6,000 baccalaureate, masters, and doctoral degrees annually.

As a proud alumnus of FIU, it is a great honor for me to recognize the accomplishments for which FIU has been so renowned. In a world where education is the key to success, I know from personal experience of the ideals and traditions for which FIU stands and for what it instills in its students and surrounding community.

Dr. Modesto (Mitch) Maidique has been the president of FIU for the last 11 years and has been instrumental in guiding this excellent center of learning to the illustrious pedestal it is now on. Along with previous presidents, Charles Perry, Harold Crosby, and Gregory Wolfe, Mitch Maidique must be very proud of heading such a prestigious university.

For its contributions and merits, it is my honor to designate September 16, 1997, as "Florida International University Day."

TRIBUTE TO ROBERT WEAVER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to a great American who blazed trails for African-Americans in the areas of academics and Government service. Mr. Robert Weaver was the first Secretary of the Department of Housing and Urban Development [HUD] and the first African-American appointed to a Cabinet position in the United States of America.

In 1960, Mr. Weaver became the president of the NAACP and President John F. Kennedy sought his advice on civil rights. The following year President Kennedy appointed him Administrator of the Housing and Home Finance Agency, which later became HUD.

President Kennedy attempted to elevate the Agency to Cabinet status. However, Congress refused as a result of some Members attacking the appointment of an African-American. President Kennedy abandoned the idea; and 5 years later, President Lyndon Johnson revived the idea and pushed the measure through Congress. This time Mr. Weaver was confirmed.

Mr. Weaver had been a part of the Black Cabinet during the administration of President Franklin D. Roosevelt, a scholarly person who wrote four books on urban affairs and made a name for himself during the 1930's and 1940's as a behind the scenes strategist in the civil rights movement.

Mr. Weaver was born on December 7, 1907, and was educated at Harvard University where he earned three degrees; a bachelors, masters, and doctorate in economics. Interestingly enough, Weaver's maternal grandfather was the first African-American graduate of Harvard University with a degree in dentistry.

At the age of 90, Mr. Weaver died on July 17, 1997. A great American.

TRIBUTE TO DORIS AND KEN RUFENER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Doris and Ken Rufener on being named Civitas Award Winners for 29 years of outstanding service to their community.

The coveted Civitas Award is presented by the Conejo/Las Virgenes future foundation to those unselfish citizens working together to achieve community goals. This prestigious award has been given only 10 times in 20 years and it is only fitting that it should go to Doris and Ken Rufener.

The work they have done extends far beyond the boundaries of employment, albeit both Doris and Ken have served our Nation in the U.S. Air Force. For some, that would be enough public service, but not for Ken and Doris. Each of them has dedicated their life to a variety of service organizations. Doris serves as a deaconess at her church, volunteers at a local psychiatric hospital, has received the Patriotic Citizen of the Year Award from the Conejo Valley Chapter of Military Order of World Wars and has served as president and board member for a host of other organizations.

Ken has served as mayor and council member of the city of Westlake Village. He is actively involved in his church, has served as a board member of the American Heart Association and founding member of the Westlake Athletic Association. And, the list goes on.

Mr. Speaker, Doris and Ken Rufener stand as shining examples of the difference two people can make in the lives of many. I would like to extend my sincere congratulations to Doris and Ken on having been named Civitas Award winners and thank them for their work in our community.

PERSONAL EXPLANATION

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. NEUMANN. Mr. Speaker, on September 4 of this year, obligations with my family prevented me from casting several votes on H.R. 2159, the Fiscal Year 1998 Foreign Operations Appropriations Act. Had I been present, I would have voted "no" on rollcall vote No. 362—the Gilman amendment. I would have voted "aye" on rollcall vote No. 363—the Smith (NJ) amendment, and I would have voted "aye" on rollcall vote No. 364—final passage of the bill.

A TRIBUTE TO MARY F. JONES ON HER SERVICE TO ILLINOIS FEDERATION FOR RIGHT TO LIFE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of a caring, dedicated woman from my State of Illinois—Mary F. Jones. Mary Jones had dedicated 25 years of service to the Illinois pro-life movement.

Over the years, Mary Jones proved to be an invaluable member of the Illinois Federation for Right to Life [IFRL] cause through her voluntarism with St. Monica's Center and Springfield Right to Life. When the Life Center opened its doors in 1986, Mary Jones was brought out 3 years of retirement from her 35 years of service to the Illinois State Library. Since this time, Mary Jones has worked with the Life Center as State educational secretary, and remained active in the right to life cause.

With her retirement, Mary Jones has much to be proud of. She is a charter member of the Springfield Right to Life, former IFRL treasurer, and co-founder of the Right to Life Education booth at the Illinois State Fair.

As a mother of five, grandmother of nine, and great-grandmother of two, Mary Jones will remain active in her retirement traveling, spending time with family and friends, and tending to work around the house in Springfield, IL.

As a fellow advocate for the right to life cause, I wish to extend my warmest wishes, and gratitude for the insightful impact Mary F. Jones has brought to the right to life cause.

CONGRATULATIONS TO KFTV 21

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KFTV 21 on the occasion of

their 25th anniversary. KFTV 21 has been instrumental in serving the Hispanic community in the Central Valley.

For the past 25 years, KFTV 21 has been the Central Valley's premier Spanish-language television station. It prides itself on serving Fresno's Hispanic community with broad-based and family-oriented programs that educate, inform, and entertain. This ideology has rewarded KFTV 21 with viewers from all segments of the Fresno, CA, Latino community.

Founded in September 1972, KFTV became the first station in the Central Valley to offer Spanish broadcasting 24 hours a day. This establishment brought the worldwide resources of Univision Communications to the Fresno area. Specifically, the Univision Network provides its KFTV 21 affiliate with access to all of the top 20 Hispanic programs, national news, and World Cup Soccer events. Along with Univision programming, KFTV 21 has the highest rated local news program in Fresno and an award winning community affairs program called "Arriba Valle Central."

KFTV 21's excellence is not limited to television as it has a strong public service record as well. Since 1977, KFTV 21 has raised thousands of dollars for needy children at Christmas time, with its "Navidad En El Valle" Program. It has also secured millions of dollars in assistance for natural disaster victims both in the United States and in Latin America. KFTV 21 also operates a mentorship program with Cooper Middle School aimed at reducing the high school dropout rate. Finally, KFTV's "Nuestros Ninos" Program has collected almost half a million dollars for Valley Children's Hospital, the premier children's hospital in California.

Mr. Speaker, it is with great honor that I pay tribute to KFTV 21. This television station exemplifies leadership in representing the Hispanic community through the medium of television. I ask my colleagues to join me in wishing KFTV 21 congratulations on 25 outstanding years and best wishes for continued success in the future.

IN MEMORY OF JOHANNES (JACK) WIEWEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Jack Wiewel, of Rocky River, OH. Jack devoted his life to improving the image and expanding the influence of Germans in America, and throughout the world. Considering his numerous accomplishments and awards, he was exceptionally successful.

Jack Wiewel served as a lieutenant in a German army armored unit during World War II. After the war, he worked as an electrical engineer before emigrating to Canada in 1954. Answering the great demand for skilled workers, he moved to Cleveland to work at the Ford Motor Co.'s Cleveland Casting Plant a year later. He remained at Ford until his retirement in 1991.

Mr. Wiewel was surprised that so many Americans still distrusted Germans, and he quickly set a goal to change this negative impression. Less than 10 years after moving to Cleveland, he became president of the Federation of German-American Societies of Greater Cleveland, an umbrella organization for 25 other groups. He served as an officer in countless other German-American groups and societies, and was the current president of the German-American National Congress.

Mr. Wiewel's efforts in the German-American community did not go unnoticed. In 1974, he was awarded the Federal Service Cross 1st Class by the country of West Germany, the highest award given to civilians. In 1996, the Federation of German Societies of Greater Cleveland honored him by naming him German-American of the Year. His work was also recognized by Gov. George Voinovich, who appointed him to the Council on Ohio Nursing Homes. Former Gov. Richard Celeste appointed him to the German-American Tricentennial Commission, and former President Nixon appointed him to the Draft Board Commission.

My fellow colleagues, please join me in recognizing a great American who worked hard to dispel stereotypes and improve German-American relations not only in the Cleveland area, but throughout the world. He will be greatly missed.

CONGRATULATIONS LINWOOD-KAWKAWLIN VFW POST 6950

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, just as the number of veterans who have valiantly served our Nation continues to grow over time, so do the number of fine organizations that represent their views, provide a forum for common experiences, and an outlet for continued community service. One of these additional entities is the Linwood-Kawkawlin Veterans of Foreign Wars Post 6950, which is celebrating its 10th anniversary this weekend.

Just as service personnel in the field often make do with what resources are available to them, the proud members of VFW Post 6950 started in a similar fashion. They started by meeting at the Linwood Corner Restaurant, and the State Bank of Standish, under the direction of Commander Thomas Karnath, Quartermaster Dale Hacker, and Adjutant Lloyd Pajot. When the Bay City School District Board of Education decided to sell to the post the former Benjamin Franklin School, the hard work and initiative of the members of the Post turned an old unused building into a tribute of resolve and a landmark of the community.

An Auxiliary was added to the Post on October 25, 1987, growing from the original 42 members with Faye Hacker as president, to the 123 members the Auxiliary enjoys today.

The community activities of Post 6950 are very impressive. Its support for youth activities like the Boy Scouts and Girl Scouts, is most valuable. The Spelling Bee, Voice of Democracy Contest, and Youth Essay Contest, all under the direction of Jim Carbury, provide meaningful opportunities for many young people to learn about their history and to hone their skills.

Other activities, like the annual Buddy Poppy drive to raise money for veterans' relief, and the willingness to provide appropriate recognition to departed veterans at funeral services instill a profound reminder to the entire community of the value of our veterans, and of the sacrifices many of them have made to preserve democracy and freedom. It is no wonder that the Post has had seven All-State Commanders and the Auxiliary has had seven All-State Presidents. Leadership deserves to be rewarded and honored.

Mr. Speaker, we appreciate all that our veterans have done for us, and support their efforts to continue their proud accomplishments through the activities of VFW Posts. I urge you and all of our colleagues to join me in congratulating the leadership and members of Linwood-Kawkawlin VFW Post 6950 on their 10th anniversary, and wish them the very best for many more proud anniversaries to come.

TIME IS RUNNING OUT

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. WEXLER. Mr. Speaker, the scene is becoming all too familiar. Outdoor cafes in crowded marketplaces, baby strollers and shoppers. Three bombs explode, limbs are strewn everywhere, many people are dead, and more are badly hurt. This scene, this complete disregard for human life, and this sharpened sense of despair in Israel are—tragically—today's reality.

Prospects for peace in the Middle East are bleak. No Israeli response to the recent bombings in Jerusalem would be too harsh. No other nation on Earth would exercise the extraordinary restraint that Israel has exhibited under these horrific circumstances. Time, however, is running out. In the midst of this terror and despair, what can be done?

As a member of the International Relations Committee in Congress, there is no doubt in my mind that peace in the Middle East now depends in great part on America's demanding—with all of her might and persuasion—that the Palestinian Authority and Israel strictly comply with and implement the Oslo accords. Chairman Arafat must stop his deceit and, for the first time, take bold steps to stamp out terror.

The evidence is irrefutable that Hamas and the Islamic Jihad operate freely in territory that Arafat now controls. There can be no more trite justifications for Palestinian violence. Arafat's primary obligation is to employ every method to convince Palestinians that peace with Israel is desirable and that violence against Israel is unacceptable and counterproductive. Most urgently, Arafat must garner the political courage and strength to impose the Oslo accords on the dissident extremists—first by persuasion and ultimately by force. If Arafat is unable or unwilling to control the violence, the sad reality is that Arafat is useless and irrelevant, and so are the Oslo accords.

Some argue that Israel too has failed to honor its side of the Oslo bargain, citing free

passage for Palestinians, the airport in Gaza, and construction at Har Homah. It is undeniable, however, that with respect to its primary obligation—to turn over strategic portions of the West Bank and Gaza to the Palestinian Authority—Israel has made a substantial and good faith effort. Netanyahu now refuses to make further concessions until Arafat stops the killings. Netanyahu is correct, and the entire free world is morally obligated to support him.

As Secretary of State Madeleine Albright visits the Middle East, she must wave several weighty carrots and sticks:

First, $100 million in American aid to the Palestinian Authority should be suspended until President Clinton certifies that Palestinian leaders have made meaningful efforts to stop terrorism.

Second, the PLO must outlaw Hamas and Islamic Jihad, just as Israel and other nations have declared specific terrorist groups illegal. Such action, simplistic as it may seem, would give the PLO greater legal authority to arrest terrorists and close their facilities. Arrests must be followed by legitimate prosecutions of terrorists and appropriate jail sentences. If need be, the terrorists should be extradited for imprisonment to the United States.

Third, the PLO must seize all illegal weapons in territories under its control; and

Fourth, the PLO must stop its vicious anti-Israel propaganda as mandated by the Oslo accords.

If Arafat shows the will to fight terrorism, then the Secretary of State should commit full American support for an expedited negotiating track to resolve all outstanding issues in the peace process within one year. These issues include the final status of Jerusalem, the prospect of a Palestinian entity, and the fate of Palestinian refugees.

To his credit, Netanyahu appears committed to an expedited, full peace negotiation. If Arafat is genuine in his desire for peace, he too should engage in such negotiations with strict timelines. An expedited peace process would showcase for the world which leaders are willing to take risks for peace and which are not. Those who choose a path destined for more violence must be shunned by the international community and incur the economic and military wrath of the Western world.

For Arafat, the choice is clear—embrace peace or embrace Hamas. He cannot do both.

STATEMENT ON MOTHER TERESA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. McCARTHY. Mr. Speaker, I rise today in recognition of the life and the contributions of Mother Teresa of Calcutta, a woman devoted to helping the poorest of the poor find solace. Although her presence will be missed, her legacy of charity continues to inspire the entire world.

I feel fortunate to have had the opportunity to participate in the presentation of the Congressional Gold Medal to Mother Teresa for her outstanding and enduring record of humanitarianism. She challenged all Members of Congress to extend our hearts and our resources to those in need. As a Nobel Laureate, Mother Teresa unselfishly created the Missionaries of Charity, a religious order that operates 517 missions in over 100 different countries. She led 4,000 Sisters in seeking out the poor, the abandoned, the sick and the destitute. Malcomb Mudderidge wrote of Mother Teresa, in his book "Something Beautiful for God," that she could "hear in the cry of every abandoned child the cry of the Bethlehem child; recognize in every leper's stumps the hands which once touched sightless eyes and made them see." She said she saw God in the eyes of those who suffered. She created hospices for the dying, and places of rest for the tired. She reached out and elevated the awareness of millions to the realities of those less fortunate.

While we mourn the loss of a great humanitarian, we must ensure that her giving and loving spirit lives on in each of us. Mother Teresa once said, "the poverty in the West is not only a poverty of loneliness, but also of spirituality. There's a hunger for love, as there is a hunger for God." As servants and representatives of the public, we have an obligation to make Government and Congress a benevolent and merciful institution dedicated to meeting the needs of all its citizens. Mr. Speaker, I join in honoring Mother Teresa for all that she accomplished and for her lasting impact on our world.

CONGRATULATING J. FLETCHER CREAMER SR., ON HIS INDUCTION TO THE NEW JERSEY CONSTRUCTION INDUSTRY HALL OF FAME

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate J. Fletcher Creamer Sr. on being inducted into the New Jersey Construction Hall of Fame by the Utility and Transportation Contractors Association of New Jersey. This well deserved honor comes in recognition of Mr. Creamer's many contributions to the construction industry and the welfare of our State.

As chairman and CEO of J. Fletcher Creamer & Son, Inc. since 1946, Mr. Creamer is a wonderful example of the American ideals of entrepreneurship—an example of the American dream come true. Mr. Creamer is a third generation of Creamers to head this family owned enterprise. His son, J. Fletcher Creamer Jr., serves as president and his grandson, 22-year-old Fletch, has recently joined the company as well. This continuity of family contractors has helped this important local business become a thriving, successful force in the local economy. As evidence of that, Creamer & Son was ranked 254th in Engineering News Record's recent listing of the top 400 construction contractors in the Nation. This is a family business that grew because it adhered to the standards for quality set by Mr. Creamer's grandfather and carried on by each successive generation. Whenever this company is discussed, it is always in terms of the highest professional and personal standards. People know they're dealing with honest, ethical professionals when they deal with Creamer & Son.

Mr. Creamer willingly shares his lifetime of expertise with others in the business world. He serves on the boards of the American Pipe and Plastics Co., Orange and Rockland Utilities Inc., Commerce Bank/North, the New Jersey Alliance for Action, and the Commerce and Industry Association of New Jersey, where he is a former chairman. His guidance has helped make all of those organizations the successes they are today.

Mr. Creamer is more than a businessman, however. He is a truly dedicated and active member of his community. Many people can talk about giving something back to the community that has made them successful, but Mr. Creamer actually does something about it. He and his family have worked with a wide variety of organizations, dedicating themselves to helping make their community a better place.

He has served as chief of the Fort Lee Fire Department, a trustee of the Englewood Hospital Association, vice chairman of the Bergen County United Fund, chairman of advance gifts for the Boy Scouts of America, chairman of the Private Enterprise Political Action Committee, director of the Fort Lee Chamber of Commerce, member of the Saddle River Planning Board, Bergen County Finance Chairman for former Gov. Thomas Kean's first-term election campaign, cochairman of Governor Kean's first Inaugural Committee, member of the Board of Governors of Hackensack Medical Center, member of the Hackensack Meadowlands Development Commission, commissioner of the New Jersey Sports and Exposition Authority, chairman of the National Multiple Sclerosis Golf Outing, chairman of the capital campaign for the Hackensack Medical Center, finance chairman for DARE of New Jersey, and member of the Bergen Economic Development Corporation.

As might be expected, this is only one of the many honors and awards Mr. Creamer has received during his lifetime. He has been named Man of the Year by both the Englewood Cliffs and Fort Lee Chambers of Commerce; received the De La Salle Award from Paramus Catholic Boys High School; the Brotherhood Award from the National Conference of Christians and Jews; the Catholic Youth Organization Big Guy of the Year Award; the Distinguished Service Award from the West Bergen Mental Health Center; the Foundation for Free Enterprise Hall of Fame. He has also been honored by the Boy Scouts of America, Bergen Community College, and the 200 Club of Bergen County among others.

A veteran of the U.S. Navy, Mr. Creamer served in both World War II and the Korean war. An avid outdoorsman, he enjoys hunting, fishing, and dog breeding. He is a member of the Nantucket Billfish Club, Hudson Tuna Club, Black Meadow Rod and Gun Club, and the Holiday Beagle Club.

Mr. Creamer and his wife, Katherine, make their home in Saddle River. They have three children, J. Fletcher Jr., Jeffrey (deceased), Glenn, and Dale.

With such a long and varied record of accomplishments, Mr. Creamer is certainly one

of the most outstanding citizens of New Jersey. While this current award recognizes his work in the construction industry, his contributions to the community go far beyond those made on-the-job. He is a shining example of what someone who cares about others can do to help those around him. He carries with him the values instilled by his father and grandfather, and is passing those values on to his sons and grandsons. I wish Fletch, his wife, affectionately known as Kissie, and his family many more years of continued success.

CURRENT ECONOMIC EXPANSION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. OXLEY. Mr. Speaker, for those who missed it during the August recess, I would like to bring a column by James K. Glassman of the American Enterprise Institute to the attention of my colleagues. The subject of the piece is the current economic expansion.

The most important economic lesson Ronald Reagan taught us is that high tax rates inevitably discourage investment and productivity. The theory behind reducing taxes remains perfectly sound—namely, that people will have a greater incentive to engage in fruitful enterprise if the government confiscates less of their earnings.

Through deregulation, privatization, and across-the-board tax cuts, Ronald Reagan unleashed the longest economic expansion in U.S. peacetime history. He also inaugurated a new era of American enterprise and prosperity.

The author is right on target when it comes to attacks on so-called trickle-down economics. What the opponents of supply-side tax cuts are really assailing is the simple idea of allowing people to keep more of their own money, so they may invest capital, hire workers, and produce goods and services.

Although I would, of course, give the Congress more credit than does the author for the prevailing economic figures, I could not agree more that President Reagan set it all in motion. I would only remind him that the same principles guide today's Congress and, whether they like it or not, members of the current administration.

Again Mr. Speaker, I commend the following column by Jim Glassman to the attention of all interested parties.

[From the Washington Post, August 12, 1997]

THE REAGAN BOOM

(By James K. Glassman)

Whose economy is this anyway?

Both President Clinton and Congress are eager to take credit for our 3 percent GDP growth, 4.8 percent unemployment and 2.3 percent inflation—amazing figures, all.

But government doesn't make things or sell them. People and the companies they create do. What has happened in the past 15 years is that businesses are making things (and providing services) better and cheaper. Through risk-taking, hard work, good management and the exercise of sheet talent, the economy is booming.

What have Washington politicians done to effect this success? Practically nothing, except to have the sense, occasionally, to get out of the way. President Clinton and Hill leaders are little more than supernumeraries, bit players in this great economic opera, but they still can't resist shoving to the front of the stage for the curtain calls.

For instance, last week, it was particularly annoying to see both Republicans and Democrats reveling in the balanced budget deal—as though this fictive creation were revitalizing the economy.

The truth is precisely the opposite: It's the economy that is balancing the budget, not the budget that is boosting the economy. The reason the deficit has fallen from $290 billion in 1992 to $34 billion this year is that a tidal wave of tax revenues, generated by the private sector, has washed into the U.S. Treasury.

The figures are astounding. In fiscal 1992, the government collected $1,090 billion in taxes. This year, which ends Sept. 30, it will collect $1,578 billion, according to new estimates by the Congressional Budget Office.

Tax receipts are up 45 percent in five years, while inflation has risen only 14 percent.

In other words, the government is taking in $488 billion more in 1997 than it did five years ago. Unfortunately, it is also spending $231 billion more. If that rise in spending has only been kept down to the rise in inflation, we'd be running a surplus of about $50 billion this year.

This flood of cash is not the result of higher tax rates. Yes, Bill Clinton imposed some increases in 1993, but they were paltry compared with Ronald Reagan's cuts in 1981 and 1986. The top rate, pre-Reagan, was 70 percent on "unearned" (meaning investment) income, 50 percent on earned income and 35 percent on capital gains. Those rates have fallen to a maximum of 39.6 percent for income and 28 percent (now 20 percent) for capital gains.

And what's happened? Revenues poured in, just as the supply-side economists predicted they would. In 1980, government tax receipts were only $517 billion. Since then, they've risen 205 percent, while consumer prices are up just 85 percent.

If not higher tax rates, then what's the reason for the increase in revenues? Businesses are generating more profits, hiring more workers and compensating them better. And government gets a lower percentage of a much higher take.

But why are businesses doing so well? The best answers may come from the people who run them. Last month, Investor's Business Daily commissioned a survey of 200 CEOs and chief financial officers from the nation's largest publicly traded firms. They were asked, "What triggered recent economic growth?"

Leading the list: productivity (making more with less). Second: Federal Reserve policies, which have helped keep inflation low. Next, in order: information technology, restructuring and globalization.

The first politician to appear on the list was Ronald Reagan, in sixth place. His policies were credited by 26 percent of the CEOs and CFOs as triggering the surge in growth. Farther down the list, at 14 percent, were "Bush policies." And near the bottom, at 8 percent, were "Clinton policies."

Now, I'll admit these captains of industry have GOP leanings, and their answers may be self-serving. But their answers have the force of logic.

Consider Silicon Valley, subject of a cover story in Business Week. How did it "reach its zenith?" the magazine asks.

"What we found was a huge brain trust, companies galore to service the tech machine, and a daredevil, risk-taking culture." No mention of an increasingly irrelevant Washington.

In fact, the CEOs and CFOs have it right. Reagan is the only politician who deserves credit for the rebirth of the American economy. But at his Aug. 6 press conference, Clinton could not resist taking a swipe at him. "In 1993," he said, "we abandoned supply-side, trickle-down economics." Nonsense.

Supply-side economics is still with us, and it's performed as advertised. In fact, the past 15 years, the longest stretch in U.S. history with just one shallow recession, should be called the Reagan Boom.

The incentives of lower tax rates and deregulation have encouraged more risk-taking, less diversion of valuable resources into tax shelters, more sensible investment and work.

Revisionism dominates the press today, but the facts were clear nearly a decade ago. "Measured in 1982–84 dollars, the income tax revenue collected from the top 10 percent of earners rose from $150.6 billion in 1981 to $199.8 billion in 1988, an increase of 32.7 percent," wrote James D. Gwartney of Florida State University in the "Fortune Encyclopedia of Economics." "In effect, lower rates soaked the rich."

The current flood of revenues is merely one result of what is literally a supply-side boom. For all this, politicians shouldn't be congratulating themselves. They should be thanking the robust private sector, plus, of course, Ronald Wilson Reagan.

INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF AN OFFICIAL MASS MAILING ALLOWANCE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CASTLE. Mr. Speaker, the congressional franking privilege combines two of the American people's worst pet peeves—one being the fact that Congress is perceived to enjoy perks and privileges unavailable to average citizens. The second is junk mail. American mailboxes are flooded with junk mail, and some of that is unsolicited mass mail from their Representative here in Congress.

Members have a legitimate need to respond to the inquiries and concerns of their constituents, and the franking privilege facilities this. I think the public understands this, and supports this use of their tax dollars. Unsolicited mass mail from Members, however, is another story.

In recent years, Congress has done an excellent job cutting back the taxpayer funding of franked mail. Fiscal year 1997's level of funding was 40 percent lower than 1996's level of funding—a very impressive reduction. Furthermore, Members are prohibited from sending mailings 90 days within the general election.

But there is still room for improvement. We need to codify the reforms we've made in statute, and keep moving forward down the road to complete reform. For example, the volume of outgoing franked mail continues to outpace

the volume of incoming mail. In 1995, the House sent out four times more mail than it received. If the House had responded only to letters it received, franked mail costs would have been only $12.4 million, saving $18.6 million or 60 percent from actual mail costs.

In addition, use of the frank increases cyclically during every election year. During the 103d Congress, the House spent $24 million in 1993, and $42 million in 1994. The 104th Congress has narrowed this gap in total spending, but the irresistible temptation for individual Members facing tough re-election campaigns to use their franking perk extensively in election years remains.

That is why I am introducing this bill today to further improve our franked mail system. It creates a separate account to fund mass mail, and bans transfers of funds into the mass mail account. It bans mass mailings in election years. It tightens the definition of mass mailings to include mailings over 250 pieces, excluding solicited responses and town meeting notices. And it statutorily reduces the funding for franked mail to a maximum level equivalent to the one mailing per address.

By making statutory changes, this bill will make sure that future Congresses don't get off track and undermine the franking reforms we've made in recent years. I hope many of my colleagues will join me in cosponsoring this important piece of legislation.

FRANKED MAIL REFORM—SECTION-BY-SECTION SUMMARY

SECTION 2—OFFICIAL MASS MAILING ALLOWANCE

(1) Create a separate account to fund mass mail. Currently, mass mail is funded out of the same account as constituent response mail. Under the bill, expenditures on mass mail would be identified under a new and separate Official Mass Mail Account.

(2) Limit the funds available for mass mail. The bill limits funding of mass mail to no more than ½ of the total mail allowance. Funding of the Official Mass Mail Account could not exceed funding of the Official Mail Account.

(3 & 4) Ban transfers of funds into the Official Mass Mail Account.

(5) Ban mass mailings in election years. Mass mail would not be allowed in election years until after the general election. This prohibition does not include direct response mail, federal publications, town meeting notices, communications with the media, and correspondence with other Members of Congress, Federal, State or local government officials. It also does not include mailings which relate to an emergency or disaster declared by the President, as long as the mailing is sent within 60 days and the mailing relates solely to the emergency or disaster.

(6) Commission Approval mass mailings. Require the Commission on Congressional Mailing Standards to approve mass mail.

(7) Public Disclosure of Member expenditures. Require the quarterly Report of the Clerk to include the cost and number of mass mailings sent by each Member of the House. The current Report documents total spending on franked mail only.

Public inspection of mass mailings. Require the Commission on Congressional Mailing Standards to make available to the public for inspection and photocopying samples of mass mail, town meeting notices, and unsolicited mail in excess of 50 pieces. Recent rules changes have allowed watchdog groups and other citizens greater access than in the past, and allow photocopies to be made, but this should be put into statute.

(8) Strengthen definition of mass mailing. The definition of mass mail would include mailings over 250 pieces, excluding solicited responses, federal publications, town meeting notices, communications to other Members of Congress, Federal, State or local government officials, and news releases to the media. An exemption is also provided for a single follow-up to any direct responses, if it is made before the end of the Congress in which the direct response was made, and occurs within six weeks after any significant congressional action. Under current law, mailings are defined as 500 pieces or more, which allows members to mail thousands of letters in up to 499 piece bundles of mail within days of an election.

Clarify definition of town meeting notice. A town meeting notice relates solely to a notice, 5½++ × 8++ or smaller, of the time and place at which a Member or Members' staff will be available to meet with constituents regarding legislative issues or problems with federal programs. The notice cannot include more than 3 references to the Member, and cannot include a picture, sketch, or other likeness of the Member.

SECTION 3—PROVISIONS RELATING TO THE MEMBERS' OFFICIAL MAIL ALLOWANCE

(a) Reduce the funding available for franked mail to a maximum level equivalent to one mailing per address. The total of the funding allowed for the Official Mail Account and the Official Mass Mail Account would be equivalent to a level of 1 first class mailing per district address each year. Funding of the Official Mail Account would be limited to a level of ½ the district addresses at first class rates (the Mass Mail Account could be funded at a level no greater than the Official Mail Account).

(b) Ban transfers of funds into the Official Mass Mail Account. The bill would prohibit transfers of funds into the Official Mass Mail Account. Funds could be transferred out of the Official Mass Mail Account into the Official Mail Account.

SECTION 4—EFFECTIVE DATE

The bill would take effect the first session of Congress after the date of enactment.

TRIBUTE TO COBB COUNTY, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARR. Mr. Speaker, as we in Congress continue to search for ways to bring the Federal budget into balance and repay the mountain of debt that resulted from years of reckless Washington spending, I am pleased to have the opportunity to commend my home county for establishing a record of sound fiscal policy that is the envy of local governments all across America.

Cobb County, GA, has been awarded a coveted triple-triple A bond rating. To put this amendment in perspective, only 10 counties out of 3,033 in the entire Nation have managed their finances successfully enough to earn this coveted bond rating.

Cobb owes its success to several factors. Chief among them are local officials who are willing to make the hard choices necessary to balance spending with revenues, and residents who continue to work hard and pay taxes. By cutting government costs and financing projects with capital rather than going into debt, the Cobb County Commission has helped to win Cobb a place among the Nation's elite with regard to fiscal soundness.

Cobb County is a great place to live and work because its government and its citizens realize that a smaller and more efficient government is better and that under no circumstances do you spend money you can't repay. The Federal Government would be well advised to learn from this example.

LEGISLATION REGARDING DONATING FOOD TO THE NEEDY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. HALL of Ohio. Mr. Speaker, I rise to join my colleague from California, Mr. CAMPBELL, in introducing legislation to amend the Internal Revenue Code to remove a significant barrier that discourages businesses and farmers from donating wholesome food to the needy.

Providing food to the poor can be a costly undertaking, especially with regard to perishable food. The food must be collected, packaged, transported, and distributed. However, businesses do not receive the same tax deduction for charitable donations of food as for other inventory. Food that is not sold through normal distribution channels is considered by the IRS to have no market value; and therefore, the deduction is limited only to cost of the raw materials. This means that it makes more ecoomic sense for businesses to discard the food than to donate it. The bill that we are introducing today will encourage donations by treating food as other inventory for tax purposes.

Our bill is supported by industry and charitable organizations that deal with food including Second Harvest, the National Council of Chain Restaurants; the National Farmers Union; and Food Chain.

Incentives for food donations is one of the topics that will be discussed at the National Summit on Food Recovery and Gleaning which is sponsored by the Department of Agriculture and several groups including the Congressional Hunger Center. The opening session will be held 10 a.m. to 12 noon on Monday, September 15 at Mellon Auditorium (Constitution Avenue between 12th and 14th Streets, NW).

The text of the bill follows:

H.R.—

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 "Good Samaritan Tax Act".

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, or such circumstances, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. LOUIS B. STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 2159, which provides foreign operations appropriations for fiscal year 1998. This $12.3 billion bill has aspects which give cause for reservation, but overall, addresses critical funding for areas that are consequential for the global interests of the United States.

There is no doubt that with the end of the cold war America now reigns supreme as the world's only superpower. Over the past several years, our foreign policy has undergone a massive undertaking to adjust to a post-cold-war world which has allowed us to maintain a better balance of our domestic and foreign interests.

The world faces the proliferation of dangers that have the possibility to grow unchecked without our leadership. These dangers include terrorism and extremism, acquisition of weapons by hostile regimes, poverty and disease, economic instability, narcotics trafficking, and global environmental hazards. American national security eventually becomes an issue as these problems spread across the globe.

President Clinton's foreign operations request reasonably addressed the overseas interests of the United States by maintaining our obligations to our friends and the world's neediest people. H.R. 2159 still falls $4.6 billion short of President Clinton's request, but is still an improvement over recent years in which devastating cuts were proposed by the Republican majority. The overall funding level of H.R. 2159 is near that of fiscal year 1997.

This bill provides $7.4 billion for bilateral economic assistance, $3.3 billion for military assistance, $1.1 billion for multilateral economic assistance, and $451 million for export assistance.

Foreign aid is no giveaway. This is demonstrated by the dollars that work as an effective means of developing and expanding U.S. export markets. In fact, the recipients of U.S. foreign aid constitute the fastest growing market for U.S. exports. Over the past decade, our exports to developing countries have more than doubled from $71 to $180 billion. This valuable trade results in thousands of much needed jobs for American workers.

Mr. Speaker, a particular element of this bill that I strongly support is the total of $3.1 billion in aid to Israel. This funding level consists of $1.8 billion for foreign military financing [FMF] grants, and $1.2 billion in economic support fund [ESF] assistance. H.R. 2159 also expresses the sense of Congress that Arab League countries should immediately renounce their resumption of the boycott against Israel and its trading partners, and calls on the President to consider a country's participation in the boycott when determining whether to sell United States weapons to the country.

I am also encouraged by the House adoption of an amendment which doubles the level of the African Development Fund [AfDF], to fully fund the President's request of $50 million. This fund addresses poverty reduction in sub-Saharan Africa through loans to borrowing countries. Areas of focus include agriculture, heath care, education, micro-enterprise, and basic infrastructure. This funding plays an important role to a region in need at relatively small cost.

Contrary to critics of international assistance, foreign aid constitutes less than 1 percent of the U.S. budget. This small investment is leveraged further by a public-private partnership involving several hundred U.S.-based charitable organizations.

Greatly troubling to me about H.R. 2159, however, is the inclusion of highly restrictive provisions to international family planning assistance to developing countries. These restrictions, which unreasonably strike at reproductive rights as they pertain to current law, will draw a veto if they are contained in this bill upon arrival to the President. The Senate has not included such abortion restrictions, and it is my hope that the House restrictions will be removed in conference.

In closing, Mr. Speaker, because of dramatic changes in world politics, the U.S. is faced with a tremendous opportunity to direct funds to relieve problems here at home and help improve the lives of our friends overseas. H.R. 2159 is a reasonable step toward the latter, and it is my hope such steps will further expand for the global good.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BALLENGER. Mr. Speaker, I was unable to vote on rollcall vote No. 367 on September 5, 1997. Had I been present, I would have voted in favor of Mr. MCINTOSH's amendment to transfer funds from the wage and hour enforcement provisions under H.R. 2264 to programs under the Individuals With Disabilities in Education Act.

On the same day, I was unable to vote on rollcall No. 368. Had I been present, I would have voted in favor of Mr. TRAFICANT's motion to instruct conferees on H.R. 1119, to insist upon the provisions of section 1032 of the House bill relating to the assignment of Department of Defense personnel to Border Patrol and control.

TRIBUTE TO JOHN E. MOON ON THE OCCASION OF HIS INSTALLATION AS THE NATIONAL COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. On August 21, 1997, John E. Moon was installed as the national Commander in Chief of the Veterans of Foreign Wars of the United States.

A resident of Grover Hill, OH, John Moon entered the U.S. Marine Corps in 1967. He served with the 2d Battalion, 3d Marine Division in South Vietnam. His military honors include the Vietnam Service Medal with three bronze stars, Vietnam Campaign Medal, Vietnamese Cross of Gallantry, Vietnam Civil Action Campaign Medal, Combat Action Ribbon, and the National Defense Service Medal.

John Moon joined the Sherwood, Ohio Post of Veterans of Foreign Wars in 1970. He joined the Grover Hill VFW in 1975. He has served in numerous positions in the VFW, including terms as post commander, district commander, and State commander.

John Moon is only the second Ohioan selected to serve as the national Commander in Chief of the VFW. His selection is most certainly humbling to him since the membership roster of the VFW reads as an honor roll of those who answered their country's most dire call and successfully defended freedom.

Mr. Speaker, John Moon is a former marine whose life of service is an inspiration to every American who believes our Nation's future is built on the sacrifices of today. I ask my colleagues to join me in paying special tribute to John Moon and to wish him well as he continues his dedicated service to country as national Commander in Chief of the Veterans of Foreign Wars of the United States.

CELEBRATING THE LEGACY OF ANNE FRANK

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CAPPS. Mr. Speaker, on October 14, I will be privileged to join with hundreds of my friends and constituents in Santa Barbara, CA, for a truly momentous event—the grand opening of the "Anne Frank in the World" exhibit.

The Anne Frank exhibit, which will be open to the public from October 15 to November 16, is a traveling lesson about the life of this heroic young victim of the Holocaust which specifically explores the topics of racism, discrimination, and intolerance. "Anne Frank in the World" will be housed at the Karpeles Manuscript Museum and is being sponsored by the Santa Barbara Jewish Federation and many leading corporations, civic organizations, and individuals.

Mr. Speaker, anyone who has read the "Diary of Anne Frank" knows that this profoundly moving book has been enormously influential for a number of reasons. First, the book can be enjoyed as an outstanding work of literature whose prose is even more impressive when you consider the youth of the author. Second, the diary has been a valuable tool in teaching about the Holocaust, especially to young readers. Finally, the book contains many lessons for those who seek to eradicate the stains of prejudice and intolerance in our own society.

As a teacher, I am very pleased that "Anne Frank in the World" will be viewed by thousands of schoolchildren from in and around my district. By looking at photographs of the Franks—a normal family much like any other—students will identify with Anne and easily absorb the lessons offered to us by her life and death. In addition, during the life of the exhibit, numerous related events will be held around Santa Barbara. These include theatrical, artistic, educational, and religious presentations intended to highlight the themes of diversity and tolerance.

Mr. Speaker, over half a century has passed since the end of World War II and the closing of the most horrible chapter in the history of man's inhumanity to man. To sustain the memory of those who died and honor the sacrifice of those who survived, it is incumbent on us to teach the lessons of the Holocaust to our children and future generations. We must all rededicate ourselves to the elimination of bigotry and discrimination from the communities in which we live. I am proud that my community of Santa Barbara will soon play an instrumental role in this mission, and I congratulate all of those whose hard work and dedication helped make "Anne Frank in the World" a reality.

EXPRESSING THE CONDOLENCES OF THE HOUSE ON THE DEATH OF DIANA, PRINCESS OF WALES

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mrs. MILLENDER-McDONALD. Mr. Speaker, it is so difficult to make sense of the tragic death of Princess Diana. At the young age of 36, Diana had already become one of the greatest humanitarians of our time. She crusaded against antipersonnel land mines with high-profile visits to Bosnia and Angola and worked to address many of the issues surrounding AIDS through organizations and charities for children. Although she made a beautiful princess, her true beauty shone through in her kind and generous actions on behalf of those less fortunate than herself.

Diana was deeply moved by the senseless deaths due to antipersonnel land mines in Bosnia. With as many as 70 people a month becoming injured by land mines left over from the 3½-year war that split the country, she was determined to get rid of these lethal underground bombs. Efforts to remove the explosives were dragging, but Diana worked hard to speed up this process right up to the time of her death.

Princess Diana was also a tireless advocate for children with AIDS and a leader among organizations trying to provide pediatric AIDS services. She believed that we as human beings must work together to care for these children and devoted a great deal of her time to ensuring that she did more than her part in this effort.

We have lost a woman of immense compassion and leadership on some of the most troubling issues facing society today. We will most certainly miss this vision of beauty who possessed a heart of gold. Thank you Mr. Speaker.

TRIBUTE TO ANGELYN DIONE JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Angelyn Dione Johnson of Queens, New York. Ms. Johnson is a graduate of Boston College and was formerly employed with the U.S. Census Bureau.

Angelyn graduated from Southern University School of Law and formerly clerked for the Louisiana Black Caucus. She is presently running for civil court judge in Brooklyn.

A dedicated mother and wife, Angelyn balances the duties of a working professional community-minded citizen. Married to Cyril Jefferson, who is also an attorney, they are the proud parents of three children. The Borough of Brooklyn is the beneficiary of her unwavering commitment to community and family.

TRIBUTE TO DAVID R. GLICKMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to pay tribute to David R. Glickman, who will be honored by the Consumer Attorneys Association of Los Angeles for his distinguished career in the legal profession.

Since graduating from UCLA Law School in 1957, Mr. Glickman has relentlessly dedicated his time and energy to the legal profession. His 40 years of practice have been highlighted by several awards and honors in recognition of his distinguished service. The Consumer Attorneys Association of Los Angeles named David Glickman Trial Lawyer of the Year in 1977, then honored him again in 1991 with the Ted Horn Memorial Award. He is a former president of the Los Angeles chapter of the national organization of the American Board of Trial Advocates, and in 1998 he will serve on their national board of governors. These honors, in addition to many others, are a testament to the vital role David Glickman has played in the Los Angeles legal community.

Despite all of these outstanding accomplishments, perhaps the roles David Glickman is best known for is teacher, mentor, and friend. He has been a frequent lecturer and instructor for every law school in Los Angeles County. Young lawyers and former students value Mr. Glickman as a trusted resource when they are struggling with a problem. Henry Brooks Adams once wrote: " A teacher affects eternity. He can never tell where his influence stops." It is apparent that David Glickman's wisdom is a guiding force for several aspiring attorneys.

In addition to his numerous responsibilities, David has still found time to contribute to our community by starting the Indians Guide Tribe, of which he was the local chief, and he initiated a local chapter of Boy Scouts and was the troop leader for 2 years.

Whether in the courtroom, classroom, or community, David Glickman has selflessly dedicated his time and energy to others. Mr. Speaker, distinguished colleagues, please join me in paying tribute to David R. Glickman for being a true role model for the citizens of Los Angeles.

TRIBUTE TO THE LATE SHERIFF RON COCHRAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the late Broward County sheriff, Ron Cochran. Sheriff Cochran was known throughout the community as a man who truly loved being a police officer. He was elected sheriff of Broward County in 1992 and pledged to change the direction of the police department from its traditional model of law enforcement to a humanistic approach. Successfully,

although not without opposition, the Broward Sheriff's Office, and the residents of Broward County, embraced Sheriff Cochran and his innovative ways to execute strict law enforcement initiatives.

Ron Cochran joined the Fort Lauderdale Police Department in 1958 as a patrol officer and gradually worked his way up to chief of police serving in this capacity from 1982 to 1987. From 1989 to 1992, he served the Broward School Board as the chief of the special investigative unit. He left that position in 1992 to run for sheriff of Broward County.

Throughout his 40-year career as a law enforcement officer, Ron Cochran was known as a hardheaded officer and a warmhearted gentleman. He was devoted to strict enforcement of the law and to a keen understanding of the community he was driven to protect. While serving as the chief of police for the Fort Lauderdale Police Department, he designed a community policing strategy that worked to protect the community and also prevent crimes. His principal law enforcement achievement as Sheriff was the expansion of the community policing philosophy. He believed in a grassroots approach and strongly encouraged police officers to get to know the very people they had a duty to protect. Because of his initiatives, the crime rate dropped in Broward County and Sheriff Cochran was praised for his tenacity.

Among his many accomplishments as sheriff, Ron Cochran emphasized rehabilitative programs such as the multimillion dollar southwest Broward County boot camp for juvenile offenders and intensive counseling for drug and alcohol abusers. His belief in people and their ability to change was evident in the programs he initiated in the community and throughout the Broward County Sheriff's Office.

The people of Broward County will sorely miss Ron Cochran. Throughout his life those who knew him regarded him as a driven leader, a competent law enforcement officer, a humanitarian, a friend, a son, a father, and a husband. Now, he is remembered as a hero to the residents of south Florida.

TRIBUTE TO THE LATE JOHN W. "JACK" OREMUS

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to pay tribute to John W. "Jack" Oremus, who passed away on August 14, 1997.

Mr. Oremus' life was a symbol of the American dream. Through smarts and hard work Mr. Oremus took a modest cement company and developed it into one of our Nation's largest producers of concrete, cement, and aggregate. He applied the values that his father, John A. Oremus, passed along as the company's founder. Values that stressed loyalty, dedication to family, and a commitment to fairness. His many achievements are testament to the Oremus family's ability to utilize all that America offers to build a successful business, then return these successes by investing in our communities and our neighborhoods. I can think of no higher accomplishment.

In addition to his work as chief executive officer of his company, Mr. Oremus served on the boards of directors of both the Northern Illinois Ready-Mix Association and the Portland Cement Association, and he was chairman of the Prairie Bank and Trust Co.

I want to extend my sympathies to the family of John W. Oremus; his father, John; his wife, Rubina; 2 daughters, Kim Hanson and Sheri Smith; 3 sons, Alan, Michael, and John Christopher; a sister, Dorthy Lindauer; 2 brothers, Thomas and Robert, and 12 grandchildren.

TRIBUTE TO DARREN PEARSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize the efforts of Mr. Darren Pearson. Darren is an established entrepreneur, which includes three real estate businesses.

Prior to developing his real estate businesses, Darren worked as an account executive for Amergold Corp. He also worked for Vanguard Oil Corp. as a fuel salesman in the commercial and barge departments. He was subsequently promoted to director of public relations for Vangaurd.

After leaving Vanguard, Darren worked as the real estate sales manager for the Charles E. Simpson Real Estate Co. Darren is active in the Brooklyn and Manhattan communities. Darren also hires and trains college-bound students as trainees in real estate management and office administration. I am pleased to recognize Darren's community involvement and contributions.

THE INTRODUCTION OF A BILL IN HONOR OF FIVE FBI AGENTS WHO HAVE BEEN KILLED IN THE LINE OF DUTY WHILE ASSIGNED TO THE WASHINGTON FIELD OFFICE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. NORTON. Mr. Speaker, today, I introduce legislation to designate the newly constructed Federal building located at 601 Fourth Street NW. in the District of Columbia as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of five FBI agents who were killed in the line of duty while assigned to the Washington Field Office. The five agents are William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

Only 46 FBI agents have been killed in the line of duty since the agency was established in 1908. Yet these five agents were all killed in a period of 16 years. Moreover, the FBI has had a particularly close and useful relationship to crime fighting in the District of Columbia and this region. For years, the professionalism and dedication of FBI agents and other personnel of the Bureau have been made available to the District of Columbia and the Metropolitan Police Department. For the residents and law enforcement officers of the District, it is our honor to dedicate this new headquarters to agents who were so dedicated to us and to law enforcement.

It is most appropriate to dedicate this new building to these five dedicated agents. On May 29, 1995, Special Agent William H. Christian, Jr., was murdered in his car by Ralph McClean while performing surveillance on him. McClean was suspected in a series of unprovoked attacks on officers of the Metropolitan Police Department which left several officers wounded and one dead.

On November 22, 1994, Martha Dixon Martinez and Michael J. Miller were conducting official business at the homicide office of the Metropolitan Police Department headquarters. Without warning, Bennie Lawson entered the homicide office, pulled an automatic weapon from his coat, and began firing randomly. His shots killed Special Agents Martinez and Miller, as well as Metropolitan Police Department Detective Henry Daly.

Agents Anthony Palmisano and Edwin R. Woodriffe were killed attempting to arrest a Lorton escapee, Billie Austin Bryant, on January 8, 1969. The agents had just entered an apartment building in southeast Washington when Bryant opened fire on them in a hallway.

I am introducing this legislation to pay lasting tribute to the sacrifice of courageous agents who gave their lives in the line of duty. I am particularly pleased that all of the Washington, DC, regional members of Congress have become original cosponsors. Our legislation will remind all who pass through the new Washington Field Office Building of the high price that has been paid for the FBI's work in protecting the lives and safety of the residents of the District of Columbia.

TRIBUTE TO DAVID HAMIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SCHAFFER. Mr. Speaker, I would like to take this time to tell you about a man who has achieved so much for Colorado and the country, Mr. Dave Hamil of Sterling, CO. According to Colorado Country Life Magazine, in an article written by Mona Neeley:

> Dave Hamil started out simply as a man from the plains of Colorado, but the effects of his leadership still ripple across the State and the Nation. Hamil, now 88 and retired in Sterling, Colorado, grew up in the northeastern corner of the state, the son of a rancher.
>
> Circumstances and unexpected phone calls took him from Sterling to Holyoke, on to Denver and the Colorado State Legislature, into State government, and eventually to Washington, D.C., where he ran the Rural Electric Administration for an unmatched 14 years.

During his years of service he helped develop Highline Electric Association, one of the first rural electric cooperatives in Colorado. He represented his district in the State legislature for 16 years, including three terms as Speaker of the House. He was called to Washington, D.C. by President Dwight D. Eisenhower to serve as the national administrator of the Rural Electric Administration (REA), an appointment that lasted until John F. Kennedy took office. Then, following one of only two elections he lost, he was appointed Director of Institutions for Colorado by his primary opponent. He returned to Washington, D.C. in 1969, when he was reappointed REA administrator, and served another 10 years.

He slowed down in 1978, when he resigned from the REA (at age 70). He and his wife, Genevieve, returned to Sterling. Since then, he has stayed involved in the industry by serving as a consultant, staying in touch with today's decision-makers, and providing valuable background information.

Now, as the electric industry is poised on the precipice of change, it's time to honor a man who propelled the industry so far. A Colorado Women's Task Force committee, chaired by Janice Pflager, is leading an effort to establish a museum addition in Sterling to honor Hamil and to preserve the history of rural electric and rural telephone systems for future generations.

Much of what would go into the Dave Hamil Exhibit at the Overland Trail Museum now hangs on the walls of what Dave refers to as the trophy room in the basement of his home. Some of the trophies go back to the 1920's when Dave was one of the best college milers in the United States. Graduating from Logan County Industrial Arts High School, Dave followed his brother, Harold, to Hastings College in Hastings, Nebraska. Besides working his way through college, he also ran track, and in 1926 Dave came in 8th at a Chicago track meet pitting the top 26 college milers in the United States against each other. The 1932 Olympics were mentioned, but Dave returned to his studies, running a 4:21 mile and came back to Sterling after graduating in 1930 with a degree in English.

The degree languished as Dave went back to the cattle business in which he was raised. First, he worked with a large land and cattle company and later switched to a cattle and sheep feeder. He made his first real money with the sheep feeder, earning $10,000 raising 2,568 lambs and between 500 and 600 head of cattle.

After marrying Genevieve Robinson in 1933, Dave used his newly earned cash to buy a ranch. Since the ranch had no electricity, this forced the first step toward his lifelong involvement with the electric industry. But, before bringing electricity to his own ranch and thousands of others across the country, Dave received an unexpected phone call announcing that he had been nominated as the Republican candidate for the State House of Representatives. He won the election and began his political career.

Back home in 1939, Dave started looking at stringing electricity to his ranch. While Public Service Company wanted $10,000 to string the wires, (Dave only paid $20,000 for the land itself) he knew there had to be a better way. He and a group of neighbors contacted representatives of the fledgling REA, setting in motion the wheels that eventually led to Logan County becoming Section B of the new Highline Electric Association in nearby Holyoke, CO. "I had no more idea (then) of becoming the administrator (of REA) than I had of going to the moon," says Dave, looking back on those early years. He was too busy locally.

He stayed active at Highline Electric, serving as a director for years. He was also busy at the Statehouse. He served on the powerful Appropriations Committee, made an unsuccessful run for governor, and then returned to the State House of Representatives where he became Speaker. During his last stint as Speaker, he was instrumental in relocating the Air Force Academy to Colorado Springs. He also was part of the decision to extend Interstate 70 west of Interstate 25, into the mountains and through the Eisenhower Tunnel, avoiding Loveland Pass. "The value of those (two items) to the state is incalculable," Dave says with pride.

Enough was enough. Dave announced that he would not seek a ninth term in the House. He was planning to run for the U.S. House or Senate when one of his respected friends there retired, but, Washington called him first.

In May 1956, President Eisenhower was looking for a western Republican with a solid background in politics and in the rural electric industry to lead the REA. Dave Hamil, with his years in Colorado politics and his experience with the Highline Electric Association, was brought to the President's attention by a family friend who had become a presidential advisor. Dave figures there was more to the nomination than that. "I hadn't done anything to make anyone mad," he says.

That was Dave's strength as he took the reigns of REA. While he was straightforward and honest about how he saw an issue, he also had a knack for bringing people together.

It was Dave who got rural electric cooperatives and the investor-owned utilities to pool their resources and work together on projects. It was Dave who went into many volatile, unpredictable situations and got everyone talking until all sides agreed on a compromise. "I have said time and again that it's better to meet in the banquet room than in the courtroom," Dave says. "And it is a hell of a lot less expensive."

Dave was instrumental in bringing together more than just people. It was Dave Hamil who pursued new technology that led to the David A. Hamil Direct Current (DC) Energy Tie in Segall, Nebraska, linking Colorado to the eastern electric power grid in the United States. During Dave's tenure with REA, the entire country was linked electrically. The DC tie worked so well in Nebraska that four more ties were put in place across the country. Those DC ties, and the growing cooperation between utilities, brought us to the place where we are today—on the verge of deregulation. Yet, the prospect of change is splintering the industry. Investor-owned utilities and rural electric co-ops are fighting over who is getting the most government help, or the biggest tax break. They are jockeying to write the legislative acts that will change the industry, and debating how the changes ahead will affect everyone from the corporate chiefs to farmers at the end of the line.

So much change. So much dissension. It seems that what we need today is another Dave Hamil—someone to bring the industry together, to get all sides to sit at the same table, and coax all compromises from everyone as only Dave Hamil could have done.

Mr. Speaker it is people like Dave Hamil who have made this country great. Dave Hamil shaped America simply by being a good solid American citizen who works hard to implement the values on which he was raised. He continues to contribute so much because he sees a need and fills it. Thank you David Hamil.

NOTING THE PASSING OF FORMER CONGRESSMAN GEORGE W. CROCKETT, JR.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. STOKES. Mr. Speaker, I was deeply saddened to learn of the passing of our former colleague, George W. Crockett, Jr. George passed away on September 7, 1997, after a courageous battle with cancer. I join my colleagues throughout the Chamber and Members of the Michigan Congressional Delegation in mourning the loss of a good friend and a great champion.

George Crockett was elected to the United States Congress in 1980. He came to Capitol Hill to represent the people of Michigan's Thirteenth Congressional District. Throughout his tenure in Congress, they were the beneficiaries of his strong leadership and outstanding legislative skills. George brought to the Congress his compassion as a former lawyer and judge. He also exhibited the ability to stand firm in the midst of controversy.

Mr. Speaker, when he came to the United States Congress, George Crockett had already established a name for himself after nearly 4 decades in Detroit politics. He earned a reputation as an excellent defense attorney before being elected to the criminal court. Throughout his legal career, George won praise for his impartial administration of justice. He was also a civil rights hero who was greatly admired. In 1964, George organized and directed the Mississippi Project, which provided free legal defense for civil rights workers jailed in Mississippi.

Mr. Speaker, when he was elected to the United States Congress in 1980, George Crockett brought with him the highest level of commitment to public service. He compiled a voting record which was described as one of the most liberal in Congress. We recall that George Crockett stood with us in the 1980's when we protested the Reagan administration's drastic budget cuts which would harm America's urban areas. He was also one of the first to call to our attention the plight of Haitian refugees who, under President Reagan, were being subjected to discriminatory immigration policies. I also recall that my friend, George Crockett, was with us when the first Members of Congress were arrested at the South African Embassy for protesting their system of apartheid.

Mr. Speaker, George Crockett was someone whom I greatly admired and respected. His passing brings to a close a life that was dedicated to serving others. My wife, Jay, and I enjoyed a close friendship with George and his wife, Dr. Harriette Clark Chambliss. We extend our deepest sympathy to Harriette and members of the family. Our thoughts and prayers are with them during their time of bereavement.

TRIBUTE TO ALICIA PONCE DE LEON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Alicia Ponce de Leon. Alicia is a native of Puerto Rico, in addition to being the proud mother of three children.

Alicia is accustomed to overcoming personal obstacles. As a single mother, she has committed herself to helping others to improve themselves through education, empowerment, and employment opportunities. Alicia has obtained associate, baccalaureate, and masters degrees.

For the past 17 years, Ms. De Leon has served as the executive director for the Ladies Committee for Puerto Rican Culture, Inc., an organization committed to improving educational opportunities for minority groups.

Alicia is an elected member of Community School Board 23 in Brooklyn. She also is a member of numerous professional organizations. Her commitment to community activism is truly noteworthy. It is my pleasure to recognize her valuable contribution.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KIND. Mr. Speaker, another day has gone by and we have not yet voted on campaign finance reform. Today, our schedules have been interrupted several times by procedural votes called in protest over the fact that we haven't had a vote. Our time, really the taxpayer's time, could have been saved if we were simply allowed to vote on campaign finance reform.

During debate today we voted for an amendment to increase funding for the We the People Program. It is a program to promote citizenship and knowledge of the U.S. Constitution among our Nation's elementary and secondary school students. The vote on that amendment was adopted overwhelmingly. I wonder what the We the People Program would teach students about the failure of this House to even allow a vote on an issue that the public and a majority of the Members want to see debated and voted on this year. I am embarrassed to go back to the students in my district and tell them that this House does not operate in the manner that our Constitution envisioned.

It is obvious that a growing number of Members want a vote on campaign finance reform. I hope that the other Members who share my frustration will begin to make their voices heard on this issue. I ask my colleagues to join me in calling for a campaign finance reform vote before we adjourn this year. Mr. Speaker, the time to act is now, next year will be too late.

INTRODUCTION OF RESOLUTION DISAPPROVING PRESIDENT'S VETO OF FARMER COOPERATIVE TAX PROVISION

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. STENHOLM. Mr. Speaker, last month, the President exercised his line-item veto authority to strike out a provision in the tax bill providing a tax deferral on gains from the sale of agricultural processing facilities to farmer cooperatives. I was very disappointed that the President chose to exercise his line-item veto on a proposal that is very important to U.S. agriculture. However, I welcome the opportunity to debate this proposal on its merits. I am confident that this provision can withstand scrutiny and will receive strong bipartisan support.

Today, I am joining with my colleagues, KENNY HULSHOF, to introduce a resolution of disapproval overturning the President's veto of this provision to ensure that this debate occurs. In addition, we are continuing to explore other legislative options to address this issue. I hope that this issue can be resolved without resorting to a veto override. That notwithstanding, I am prepared to use all means available to me through the legislative process to enact this legislation.

This provision has been repeatedly mischaracterized in the press as a provision narrowly targeted to benefit Harold Simmons. As the principal Democratic cosponsor of this provision, I can say with confidence that this is not the case. I support this provision because it will be beneficial to the entire agricultural cooperative community.

Refining and processing of commodities represent an ever-increasing share of total profit in the agricultural sector. The price paid to farmers for farm commodities represent less than 25 percent of the cost of the final product purchased by the consumer. It is imperative for the American farmer to increase his ownership stake in processing and refining in order to survive in an increasingly competitive market. Allowing farmers to become vertically integrated in their products will permit farmers to better adjust to fluctuations in commodity prices.

Now that we have adopted an agricultural policy that will leave farmers to compete in a more market-oriented system, we must enact provisions to help farmers and ranchers compete in the market place if these farmers and ranchers are to survive. Farmer cooperatives allow farmers and ranchers to improve their bargaining power and benefit from economies of scale. Strengthening farmer cooperatives will provide a counterweight to the increasing concentration of U.S. agriculture in large corporations.

This proposal provides tax fairness by allowing farmer cooperatives to receive the same tax-deferred status for sales of processing facilities available to other businesses and entities under current law. Under current law, there are several strategies available to corporate agribusinesses to structure tax deferred purchases of processing facilities that farmer cooperatives cannot utilize.

I appreciate the President's commitment to address this important issue, and look forward to continuing to work with the White House and representatives from the Department of Treasury to craft a provision that will aid our Nation's farmers and ranchers. Although we are introducing a resolution of disapproval in order to preserve our legislative options on this issue, Mr. HUSLSHOF and I would prefer to resolve this issue by working with the administration in a cooperative manner. I am hopeful that we can reach an agreement with the administration on legislation to help farmers and ranchers, through their membership in farm cooperatives, become more involved in the profitable, value-added production of agriculture products.

Enactment of this legislation is an important part of an agricultural strategy of helping individual farmers survive in an increasingly competitive global marketplace. I encourage all Members to support this effort.

TRIBUTE TO JESSE MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Jesse Martin, a loving husband, father and concerned community activist.

Jesse was born in Albany, New York, and married his high school sweetheart Lillie Cooper. The father of seven children, Mr. Martin reflects old world values.

Jesse's professional career began in the Garment District of New York City. Subsequently, he went to work for the Model Cities Program and has performed admirably as the superintendent of maintenance for a major house development, the Marcus Garvey Village. The residents of the complex know, love and respect Jesse Martin.

Jesse has been a wonderful role model in his home, on the job, and in the community. Jesse has earned a reputation for working hard, being loyal and being committed to serving his community. It is my pleasure to recognize his accomplishments and contributions.

PERSONAL EXPLANATION

HON. WALTER CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CAPPS. Mr. Speaker, yesterday I missed rollcall votes Nos. 369 and 370. I was unavoidably detained while returning from my district where I was fortunate enough to be celebrating the wedding of my son. Had I been present I would have voted "no" on both votes.

TRIBUTE TO MOTHER TERESA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. PACKARD. Mr. Speaker, this week we pay tribute to Mother Teresa, a selfless woman who received her calling from God and devoted much of her life to caring for the poor and needy. She was a miracle worker who consistently put others ahead of herself; a woman who believed the worst tragedy was to be someone to no one. She spent her life relating to audiences the need to tell the poor that they are somebody to us. She said, "they too have been created by the same loving hand of God, to love and be loved."

Mother Teresa was a living saint, drawing both the rich and poor to her side and to the message of God. I have followed her work over the years and have lived my own life by her edict that we must love one another and care for one another. She was an amazing woman and a willing servant of God. Her compassion, piety, and devotion will truly be missed.

Mr. Speaker, when Mother Teresa was alive, she relied on herself and on her followers to aid the needy. She obtained financial assistance from individuals and corporate benefactors. I believe in this same philosophy and have gotten involved with the Renewal Alliance, a group of Congressmen and Senators, to educate others that local problems can be cured with community solutions. Stronger families, churches, and community organizations—the backbone of America—can provide the solutions to problems created by poverty, broken families, substance abuse, and loss of hope.

Mother Teresa was a marvelous woman. Her work will not soon be forgotten. To that end, I will continue to further promote her message of hope and love through my work with the Renewal Alliance. By working together with families and communities, we can make more of a difference than government assistance ever could. Mother Teresa should serve as an example to everyone. I encourage all those across the Nation to reach out to their families, churches, and neighborhoods. Improving the lives of the less fortunate should be our top priority.

TRIBUTE TO ARNOLD BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Arnold Brown. Arnold was born in New York City and graduated from Thomas Jefferson High School and Central State University. He also attended Pennsylvania State University, where he received his masters degree.

Since 1983, Arnold has served as the head teacher for preschool and kindergarten. He is indeed a rarity, an African-American male elementary schoolteacher. Mr. Brown undertook the noble profession of teaching because of his deeply maintained optimism, especially as it pertains to young people. Arnold has been recognized by day care workers for his exceptional work.

In addition to his labors of love, Arnold Brown enjoys reading, chess, physical fitness, and sports.

HISPANIC HERITAGE COMMITTEE OF ORANGE COUNTY HISPANIC HERITAGE MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to address my colleagues about the celebration of Hispanic Heritage Month. For years our Nation has officially recognized the important contributions Hispanics have made to our great country through Hispanic Heritage Month. It is important to periodically pause and reflect on the rich contributions Hispanic-Americans have made to this extraordinary Nation. I commend the Hispanic Heritage Committee of Orange County as they celebrate Hispanic Heritage Month, 1997.

While contributing to the diversity of the United States, Hispanic-Americans themselves are diverse. Some are recent immigrants. Some have had their roots in the United States for centuries. Hispanic-Americans embrace the American society and culture while at the same time perpetuate a unique Hispanic cultural heritage. This heritage proudly asserts love of family, country, and religion.

Hispanics have demonstrated unfailing loyalty to our Nation through their service in the Armed Forces. Men and women of Hispanic heritage have proudly fought to maintain freedom and democracy throughout the world.

Hispanics hold tremendous faith in the power of the American dream. The opportunities offered by this country have enabled many Hispanics to succeed. Along with their successes, Hispanics have strived to give back something to their community.

Hispanics helped to build our Nation. From the railroads to the freeways, Hispanics have provided not only their labor, but their engineering expertise. They have contributed to the colorful tapestry that is our American culture through language, music, art, and literature. In so doing, they have fortified one of our country's greatest assets, its diversity.

By celebrating Hispanic Heritage Month, we celebrate the proud tradition of family, cultural heritage, and religion that are the foundation of Hispanic culture as well as the diversity that enriches our Nation and helps it to prosper.

I ask my colleagues to join me in commending the Hispanic Heritage Committee of Orange County for their outstanding work in celebrating Hispanic Heritage Month.

TRIBUTE TO WILLIE WREN, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Willie Wren, Sr. For over 20 years he has dedicated his life to serving New York City's vulnerable and neediest children and families.

An electrical engineer and business major, he began his public service as chairman and founder of the Freewill Day Care Center. After retiring from the New York Transit Authority, he became the executive director of the Miracle Makers, Inc. The organization is a growing multiservice agency and has administrative offices in Brooklyn and Queens.

The Miracle Makers serve predominantly people of color and many working class ethnic groups. With vision and purpose, Mr. Wren helped to develop a plan to work with managed care providers in providing health and social services to many other agencies. I am pleased to acknowledge his tireless efforts.

75TH ANNIVERSARY OF THE BURNING OF SMYRNA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate the 75th anniversary of the burning of Smyrna and honor the memory of its civilian victims.

The destruction of Smyrna in 1922, was the culmination of a Turkish campaign to systematically eliminate the ethnic Greek population in Asia Minor, in the current day Republic of Turkey. During this campaign, thousands were consigned and killed in forced labor battalions and hundreds of Greek towns and villages were destroyed. Turkish forces massacred 450,000 Greek civilians in areas where they comprised a majority, specifically, on the Black Sea coast, in Pontus, and the Smyrna region.

Smyrna was the largest city in Asia Minor and a cosmopolitan hub populated by a highly educated Greek community and flourishing commercial and middle classes. In September 1922, the city was sacked and burned to the ground, and its Greek and Armenian inhabitants along with refugees from the countryside were slaughtered by Turkish forces. Western diplomats and journalists stationed in U.S. and European ships offshore compared the devastation to that of Carthage.

Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city, was seized from religious services in the cathedral by the Turkish police and was turned over to be dismembered by a street mob. Other Greek metropolitans were brutally tortured to death as were dozens of Armenian clerics.

The 75th anniversary of the destruction of Smyrna is more than a symbolic anniversary. A year later, in 1923, more than 1.2 million Greeks were uprooted from Turkey and persecutions of the Greek minority remaining in Turkey have since recurred. In a pogrom in

Istanbul in 1955, Orthodox churches and Greek businesses were burned and vandalized, and expulsion of Greeks followed in 1964. Restrictions on press and religious freedoms and harassment of the Ecumenical Patriarchate continue today.

Mr. Speaker, so that such atrocities may never again be repeated, it is important to honor the memory of the victims of Smyrna on this 75th anniversary. It is important that we bring these events to the attention of the American people and encourage the Republic of Turkey to acknowledge and recognize the victims of Smyrna.

TRIBUTE TO PHOEBE LAYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Phoebe Layne. Ms. Layne is the director of community affairs for Brookdale University Hospital and Medical Center.

Ms. Layne has been an activist for over 30 years. She is a member of the Community Board 13 and the Thomas Jefferson Democratic Club. Phoebe helped to establish the First Canarsie League, an auxiliary of Brookdale Hospital. She has worked tirelessly to help implement city ambulance outposts throughout Brooklyn. She helped create a grass roots effort to bring CPRA training to her community as part of her involvement with the hospital and many other civic organizations.

Phoebe is a woman of vision. She is also a member of the Interagency Council for the Aging in East Flatbush, east NY, Brownsville/Ocean Hill, and district No. 18. She is the mother of two sons, and three granddaughters.

IN HONOR OF THE VICTIMS OF THE DESTRUCTION OF SMYRNA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to commemorate the 75th anniversary of the burning of Smyrna and to honor its victims.

The destruction of Smyrna in 1922, was the culmination of a Turkish campaign to eradicate the Greek population in Asia Minor, known today as Turkey. During this genocide, thousands were killed in forced labor camps, hundreds of Greek towns and villages were destroyed, and 450,000 civilians were massacred by Turkish forces in areas where they composed a majority as on the Black Sea coast, in Pontus, and the Smyrna region.

In 1922, Smyrna was the largest city in Asia Minor and a cosmopolitan hub populated by a highly educated Greek community and flourishing middle classes. In September of that year, Turkish troops sacked, burned to the ground, and slaughtered Smyrna's Greek and Armenian inhabitants along with refugees from the countryside.

Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city, was seized from religious services in the cathedral by the Turkish police and horribly murdered by a street mob. Other Greek metropolitans were brutally tortured to death as were dozens of Armenian clerics.

As George Santayana said, "Those who cannot remember the past are condemned to repeat it." That is why today I introduced, along with Mr. BILIRAKIS of Florida and Mr. SHERMAN of California, a bill to commemorate this anniversary and honor the victims of the burning of Smyrna.

I urge my colleagues to join in commemorating this horrible tragedy by becoming a cosponsor of this resolution. It is important that these crimes against humanity are never forgotten and never repeated.

TRIBUTE TO JUAN D. MARTINEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Juan D. Martinez. Mr. Martinez is a product of the New York City Public School System and has committed himself to the pursuit of education and community improvement.

He attended Brooklyn Technical High School, graduated from Mercy College, and received his masters degree from Long Island University. Juan has 15 years of professional experience where his responsibilities have steadily increased. He has served as an educator, lecturer, program coordinator, executive director, and trainer.

Presently, Mr. Martinez serves as the president of Progress, an organization which provides technical assistance in capacity-building to community-based organizations throughout New York. Juan is well known for his community efforts which include his serving as president of school district 14, and his founding of the Progress High School in the Williamsburg section of Brooklyn. I am proud to recognize the efforts of Juan D. Martinez.

NO CONSENSUS ON THE CENSUS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, imagine the grocery clerk only glancing at your basket, then calculating your bill, not based upon the actual items selected, but based upon the statistical average purchase of other families like yours.

Ridiculous as this may sound, it's exactly what the U.S. Census Bureau is promoting for the upcoming census. The bureau's proposal to use statistical sampling in 2000 has a potential price tag of more than $12 billion and threatens to skew the electoral process.

Proponents of the idea point out that statistical sampling is good enough for public opinion polls and disease control. Why not use sampling when counting citizens too?

In a recent letter, Denver Mayor Wellington Webb told me of his concern about "the possibility of a serious undercount in Denver if sampling is not permitted." The last census overlooked 1.6 percent of the national population, he claims.

Sampling, some say, would be more accurate than traditional census taking because census takers can't possibly reach all individuals by questionnaire, phone calls, site visits or other means.

Debate over census methodology is as old as the census itself. In 1780, the first census in the new United States reported 3.8 million persons. President George Washington thought the number was too low.

Then, as today, the concern of various political jurisdictions was undercounts. With the advent of large Federal redistribution programs, live bodies equal money. To a mayor or Governor, anyone not counted is lost revenue.

Furthermore more bodies can add political clout. Since legislative districts are drawn according to population, more people could mean, for example, additional seats in Congress.

But not all congressional seats are identical. In Denver, a new district would likely favor a more liberal candidate. In Greeley, a conservative would be the likely choice.

Clearly, the census entails more than just counting people. That's why our Nation's founders addressed the topic early in the Constitution. Article I, section 2 makes Congress responsible for conducting a census every 10 years and calls for "the actual Enumeration" of citizens. The 14th amendment takes it from there stating, 'Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State."

Sampling opponents obviously rely on the Constitution and other laws to block sampling but they also point out the inaccuracies of sampling, and the method's propensity toward political manipulation.

As one colleague of mine put it, 'It may be cheaper to pay a few people to sit in a room and guess how many people there are in America, but when you do this, you don't have a census, you have a guess."

I agree. In America, every individual has a fundamental right to be counted, not estimated, to see their Constitution honored, not ignored.

TRIBUTE TO MARCELLE MIRANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Marcelle Miranda, director of community affairs for the East New York Diagnostic Treatment Center in Brooklyn. Marcelle performs the critical function of community education and outreach and spreading the message of primary care and preventive medicine in the East New York and Brownsville

communities. Ms. Miranda also coordinates and performs liaison with other community based organizations.

The eldest of four children born to Ida and Frank Miranda, she emigrated from Georgetown, Guyana, to Brooklyn, NY, in 1966. Marcelle graduated from Stuyvesant High School, attended Bennett College, and the School of Dentistry at University of North Carolina at Chapel Hill.

Ms. Miranda began a new career in journalism when she became an editorial trainee at Newsday. Since that time, she has been an effective journalist, marketing consultant, and spokeswoman. Marcelle is the chairwoman of Cypress Hills West Block Association, serves as a tutor, and is a strong advocate on behalf of individual health care rights. She is the mother of two children, and resides in Cypress Hills, Brooklyn. I am pleased to recognize her accomplishments.