SENATE—*Tuesday, October 21, 1997*

The Senate met at 12 noon, and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

The Honorable JEFF SESSIONS offered the following prayer:

Almighty God, we praise You for the constancy and consistency of Your faithfulness in blessing and guiding the Senate of the United States through the years of our Nation's history. We turn to You today again to know that You will be faithful, to give the women and men of this Senate exactly what is needed in each hour, each challenge, each decision. Give us light when our vision is dim, courage when we need to be bold, decisiveness when it would be easy to equivocate, and hope when others are tempted to be discouraged.

So we commit ourselves to be Your faithful servants, examples of patriotism to our people and crusaders of the best for our Nation. In Your holy name. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 1997.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

SCHEDULE

Mr. HUTCHINSON. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until 12:30 p.m. The Senate will recess from 12:30 p.m. to 2:15 p.m. We will be recessed for the weekly policy luncheons.

When the Senate reconvenes at 2:15 p.m., the Senate will resume consideration of S. 1173, the ISTEA reauthorization bill. Members are encouraged to participate in debating this important legislation during today's session. In addition, the Senate may turn to any appropriations conference reports that become available. Therefore, rollcall votes are expected throughout today's session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Arkansas [Mr. HUTCHINSON] is recognized to speak for up to 10 minutes.

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 1299 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HUTCHINSON. I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

TRIBUTE TO THE LATE REVEREND DR. ABRAHAM AKAKA, PASTOR EMERITUS, KAWAIAHAO CHURCH

Mr. AKAKA. Mr. President, I rise today to honor the memory of the Reverend Dr. Abraham Akaka, my brother Abe, who passed away last month. Brother Abe, as our family knew him, was "kahu," meaning shepherd in Hawaiian, to people of faith in Hawaii. For 28 years, he was pastor of Kawaiahao Church, the Westminster Abbey of the Pacific, Christianity's mother church in Hawaii. A true man of God, he dedicated his life to serving our church and its congregation, while attending to the spiritual needs of our people and communities across our State, and Nation. In a life marked by numerous achievements, honors, awards, and titles, the appellation "kahu" best describes Brother Abe.

He was also a beloved husband and wonderful father to his five children, aided in his ministry by his wife Mary Lou Jeffrey Akaka. He was a source of comfort and inspiration, a bulwark of strength, and font of love for our family, and will be sorely missed.

Mr. President, I ask that a tribute I offered at my brother's memorial service at Kawaiahoa Church be printed in the RECORD.

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

STATEMENT OF TRIBUTE BY SENATOR DANIEL K. AKAKA AT THE FUNERAL SERVICE OF THE REVEREND DR. ABRAHAM KAHIKINA AKAKA, KAWAIAHAO CHURCH, SATURDAY, SEPTEMBER 20, 1997

Aloha ke Akua!

Mama Kahu, Mary Lou, Fenner, Pua, Sally, Sandy, Jeff—the family of Abraham Akaka. Spiritual, Community, Governmental, Business Leaders of Hawai'i, our sister States and the World; and friends, all who were personally touched by the ministry of this Man of God, Rev. Dr. Abraham Kahikina Akaka.

Aloha! I rise on behalf of my family, the descendants of Simeon, Pulu and Kahikina Akaka to give honor and pay tribute to brother Abe. He was truly a distinguished human being who believed deeply in God, our Lord Jesus Christ and the "pono" (making things right) as the destiny for mankind—those with needs on every level of human existence. He was the Kahu, the Shepherd to all people.

Words and time do not permit me to tell you of his untold accomplishments. Brother was a mortal being like you and me and was gifted with many Blessings from the Lord that determined his life and mission. He was a channel to all for God's love. He was in the right place at the proper time and had a manner that brought about positive changes to personal lives and our diversified communities. He was constantly working to prescribe understandable goals, even through metaphors, that we might be guided to assuring a productive, useful and positive future for all rather than a future of futility and obsolescence. He held high hopes for the people of Hawai'i, the people of our country and the people of our world.

As you know, Abe was born in a family whose parents nurtured their children in the Christian faith and lived by the Christian faith. Ma and Pa began and ended each day with a family devotion known as ohana. We thanked God at each meal and had to be home to auau, take a bath, when the ice house whistle blew at 5 p.m. and shortly after dinner we retired for the night. School and church dominated our activities. Sunday was devoted to Sunday school at 9 a.m.; service at 10:30 a.m. Pauoa Apana service at 2 p.m.; Christian Endeavor at 6 p.m.; evening church service at 7:30 p.m.; we were back home at 9 p.m. We attended Pauoa School, Kawananakoa School, McKinley High School, University of Hawai'i during the week. As the baby in our family, I was the only one that attended the Kamehameha Schools and served in the U.S. Army during World War II. Though our family was young and close-knit, brother Abe was the one that worked at developing a beautiful body and played the "Tarzan" role in the trees. He even caught, from the circular saw, flying ice flakes in his hands to eat like shaved ice. Brother John tells me of Abe, at Akaka Lane, falling into the taro patch on broken glass which cut his arm badly and caused him to bleed profusely. Brother Johnny and sister Susan called sister Phenbe for help because they didn't know what to do. And sister Pheobe nursed Abe through this and many other predicaments during his young life.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Since Pa and Ma led us, our family recited our memory bible verses, sang hymns, usually recited the 23rd Psalm in Hawaiian, kneeled and prayed and repeated the Lord's Prayer in Hawaiian together, at each ohana. As a result, Abe became a talented singer and musician, along with sister Annie and brother John. Sisters Phoebe and Susan, brother Joe and I trailed behind them. Such was our family life with Ma and Pa, Tutu Kahoa of Pearl City and Tutu Akaka and Tutu Hiwauli of Pauoa.

Following the Conference of World Christian Youth in Amsterdam, Holland, in 1939, Abe made his decision to educate himself to serve our Lord. How did brother affect people? How did people perceive him? He saved lives by helping people over crucial moments of despair and anxiety by spiritual counseling and financial assistance. He was accessible to help the needs of all—from CEOs to workers—from the rich to the poor—from those in their twilight years to those in the dawn of life. He was truly the Shepherd, a man of God; a visionary (rebel); believed and lived God first, others second, self last; related every utterance to God; extended and lived the Love of God (Aloha ke Akua); was a profound and deep thinker; extremely courteous, caring and generous; went the extra mile; good listener; had a keen sense of understanding situations; gave you 100% of his attention even though he was running to another appointment; prolific writer; expressive composer; a clarity man, made things clear; man of "pono"; good communicator through speaking, chatting, writing, promptness in writing and sending postcards; grateful man; man of creative expressions in music, oratory, prayer; believed that something new should be blessed and started right in God's hands; very humble man; would not let grass "grow under his feet"; he moved to build bridges, bring harmony to people and functions and did not let the future lead toward obsolescence.

Do you know that (to mention a few):

He was the State Senate Chaplain in 1959 for 2 years.

His Statehood address was disseminated all over the world.

He was a UH Regent, 1961–63.

The Saturday Evening Post wrote of him as the "Hustling Shepherd", Aug. '62.

He received the NAACP Award, 1964 (Civil Rights).

He was Chair of the Hawaii Civil Rights Commission.

He conducted a Service of Thanksgiving for the safe return of the Apollo 13 Astronauts at Kawaiahao Church with President and Mrs. Nixon (Aug. 19, 1970).

Preached at the White House, April 19, 1970, by invitation from President Nixon.

He was a notable composer—Kristo ka Pohaku Kihi, 1989, Aloha Ke Akua, 1996, and others.

He was honored by being given the prestigious privilege of delivering the Prayer in both the U.S. House and Senate. Excerpts from the CONGRESSIONAL RECORD:

[CONGRESSIONAL RECORD—House, Sept. 14, 1977]

PRAYER BY REV. DR. ABRAHAM KAHIKINA AKAKA

Ma Ka Inoa O Ka Makua, Keiki, Kauhane Hemolele—Almighty God, under whose mercy and judgment all people rise and fall, let Thy guiding hand be upon our beloved Nation, like a loving carpenter's level, that President Carter, Speaker O'Neill, Members of this House, and all who bear responsibility for the peaceful future of our world, can be faithful in our common stewardship of power, justice, and aloha. As new storms gather about us and our world, help all Americans exercise our puritanical responsibility for the whole social order, fulfill that responsibility in our private and public arenas, and thus give vital moral and political direction to our Nation and the nations.

Hear O America and planet Earth, the Lord our God is one Lord. Amen.

[CONGRESSIONAL RECORD—Senate, Sept. 15, 1977]

PRAYER

Mr. MATSUNAGA. Our guest chaplain for today is the undisputed religious leader of Hawaii and, to the people of Hawaii, its social conscience, the Reverend Abraham Akaka, pastor of the oldest church in Hawaii, Kawaiahao Church.

The Reverend Dr. Abraham K. Akaka, pastor, Kawaiahao Church, Honolulu, Hawaii, offered the following prayer:

Let us pray.

One nation, one world under God, with liberty and justice for all.

Almighty God, our Father, under whose mercy and judgment all people rise or fall, let Thy guiding hand be upon our beloved Nation like a gentle carpenter's level, that President Carter, Vice President Mondale, the Members of this Senate, and all who bear responsibility for the peaceful future of our world may be clear and faithful in our common stewardship of power, justice, and aloha.

Whenever dark clouds may gather about us and our world, help us and all American remember our precious heritage of faith, to exercise our puritan responsibility for the whole social order, to fulfill that responsibility in our private and public arenas and thus give vital moral and political direction to our Nation and the nations.

Help us to walk with integrity in Thy righteousness that we may fear no man or media. Let no evil have claim upon us and our Nation. Destroy, O God what is evil. Establish what is good. Let the beauty and glory, the prosperity and peace, joy and aloha of the Lord our God be upon us and our Nation. For Thine is the kingdom and the power and the glory forever.

Hear, O America. Hear, O planet Earth, the Lord our God is one Lord. Amen.

[CONGRESSIONAL RECORD—Senate, May 9, 1991]

The PRESIDING OFFICER. The prayer will be offered by the guest chaplain; Rev. Dr. Abraham Akaka, pastor emeritus of Kawaiahao Church, Honolulu, HI.

My brother.

PRAYER

Let us pray.

God has made of many national and ethnic, political and economic, religious and social diversities, but of one blood—all His children to dwell on the face of one Earth. Almighty God, our Father, as our ancient Hawaiian ancestors found new islands of life and order, sailing their brave voyaging canoes even in the face of deadly storms, by making and maintaining connection with their right guiding star, so let it be with our beloved Nation and with all peoples of our planet.

Bless our President, our Senate, and House, all who bear authority in government, nationally and locally, that by following the starlight of Your truth, justice, and love, we may help our Nation and all nations gain our right bearings with Thee.

Let no one play games with the light of Your truth and justice—and thus place our canoe in harm's way. Help us lead our Nation and all nation in turning clenched fists into open hands of friendship and family, in finding together the best ways for sailing our common canoe surely and safely to our promised new space island.

Let our connection with thy light turn MC2—massive cremation squared, into CM2—creative mutuality squared, that we and all mankind may become one winning crew-sailing our space canoe faithfully with Thee to our New World Order.

In the name of Jesus Christ, our Lord—Adonai Elohaynu Adonai Echod—for the Lord our God is one Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

Mr. MITCHELL. Mr. President, I ask the Senate to pause for a moment and note a rare and inspiring event which has just occurred when the prayer was read by the Reverend Akaka, brother of Senator AKAKA, now the Presiding Officer, and a Member of the U.S. Senate from Hawaii.

The people of Hawaii and the Akaka family can take justifiable pride in the service of two sons to the people of their State in two different but honorable ways.

The Reverend Akaka serves the spiritual needs of the people of Hawaii. Senator AKAKA serves with great distinction the material needs of the people of Hawaii.

We are honored to have Senator AKAKA as a valued and beloved Member of this body, and we are very pleased and honored to welcome his brother today and thank him for his very fine prayer.

THE REVEREND DR. ABRAHAM AKAKA, GUEST CHAPLAIN

Mr. AKAKA. Mr. President, I thank the leader for his generous remarks, and I appreciate his remarks, because our relationship in our family is very close.

It is indeed a single honor and a privilege for me to be permitted by the U.S. Senate to convene this honorable body today as its Acting President pro tempore, and a genuine personal pleasure to introduce my brother, the Reverend Dr. Abraham Akaka, to give the opening prayer.

Brother Abe, as our family knows him; or "kahu," meaning "shepherd" in Hawaiian, as many in our community in Hawaii know him, was born in Honolulu 74 years ago. He began his service to the Lord and our people after graduating from the Chicago Theological Seminary of the University of Chicago, with a bachelor of divinity degree.

He was the pastor of our Kawaiahao Church, the mother church of Hawaii, for 28 years. With brotherly love and family pride, I think I can fairly say that Brother Abe was Kawaiahao Church, and Kawaiahao Church was Brother Abe. He dedicated his life to serving our church and its parishioners and the greater Hawaii, and forgive me for my brotherly pride, but the church will not be the same again without him. In 1964, he lobbied here in Washington, DC, for the Civil Rights Act, was the first chairman of the civil rights commission for the State of Hawaii, and sent leis that were worn by Rev. Dr. Martin Luther King and his supporters in the Selma, AL, march. He began to organize the Congress of Hawaiian People, Friends of Kamehameha Schools, and Council of Hawaiian Organizations. He served as regent of the University of Hawaii.

Among the honors bestowed on my brother are honorary doctoral degrees from the Chicago Theological Seminary of the University of Chicago, the University of Hawaii, Illinois Wesleyan University, the University of the

Pacific in Stockton, CA, and Salem College in West Virginia. He served as the chaplain in our territorial senate, and subsequently, our State senate. He gave our statehood sermon on May 13, 1959, and inspired our Hawaii State Legislature to name our State, "the Aloha State." Following Henry J. Kaiser, he received the Hawaii Salesman of the Year in 1952.

Brother Abe has been most ably assisted in his calling by his bride of 47 years, Mary Louise Jeffrey Akaka. They share their love with five children and seven grandchildren.

In retirement, Kahu continues to serve through the Akaka Foundation.

LETTER OF CONDOLENCE FROM PRESIDENT AND MRS. CLINTON TO MRS. ABRAHAM AKAKA

DEAR MRS. AKAKA: Hillary and I were saddened to learn of your husband's death, and we extend our deepest sympathy. We hope that the love and support of your family and friends will sustain and comfort you during this difficult time. You are in our thoughts and prayers.

Sincerely,

BILL CLINTON.

We weep with sorrow because he will no longer talk, walk, eat and play with us. We rejoice knowing that he is with God, with Ma, with Pa, and with members of our family in that Beautiful City of God in heaven—pearls, goldlined streets, river of life. He has left each of us a legacy of his life, his light and ministry to carry and bear here on earth. I can hear him speak in his velvety, soft voice. John 13:34, "A commandment I give to you, that you love one another; even as I have loved you, that you also love one another."

A POEM FOR THE MEMORIAL SERVICE FOR THE REV. ABRAHAM AKAKA

Abe, you are not dead;
Christ has but set you free.
Your years of life were like a lovely song;
The last poignant notes held strong.
Then you passed into silence, and,
We who love you feel that grief
For you would surely be wrong—
You have but passed beyond
Where we can see.
For us who knew you,
Dread of life is past;
You took life in its fullest to the last.
It never lost for you it's lovely look;
You kept your commitment to God's book.
To you death came no conqueror in the end;
You merely rose to greet Christ, your friend.

—Anonymous.

His Master said unto him, "Well done, good and faithful servant; you have been good and faithful . . . now enter into the joy of your Master."

I will miss him. He was my inspiration. I will miss his mana and loving spirit.

Aloha ke Akua!

Mr. AKAKA. I thank the Chair very much. I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for up to 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED STATES-CHINA NUCLEAR COOPERATION

Mr. ASHCROFT. Mr. President, I rise today to address the disturbing prospect that President Clinton will make the necessary certification to Congress that would permit nuclear cooperation between the United States and China. I really believe we should be honest with each other. This is a political decision, driven by the United States-China October summit rather than the facts of China's weapons proliferation record.

The prospect of nuclear cooperation with China is perhaps the clearest illustration yet of the "trust but don't verify" approach behind the administration's China policy. The administration does not want Chinese President Jiang Zemin to return to Beijing empty-handed. But I question the need to make concessions to China in the first place.

China has a weapons proliferation record that is unrivaled in the world. Chinese trade barriers continue to block U.S. goods and companies. In the last several years, Beijing has had a human rights record that has resulted in the most intense religious persecution in several decades, and of course it has also resulted in the silencing of all political dissidents in China, according to our State Department reports.

In spite of such behavior, nuclear cooperation with China could become a reality. Beijing has made a host of nonproliferation promises to acquire United States nuclear technology, and the administration is applauding China's efforts. Sadly, China's promises of new export controls and assurances that no nuclear technology will be sent to unsafeguarded nuclear facilities will do little to stem China's proliferation activity.

China has made and broken nuclear nonproliferation commitments for over a decade, and they have broken them with great regularity. Little confidence can be placed in China's new nonproliferation promises until Beijing backs up such commitments with action. Disregarding the issue of whether or not China can be trusted, each of China's nonproliferation commitments is deficient in important areas.

China's new export controls are untested, and will be administered by agencies with close ties to the China National Nuclear Corporation—that is the organization which has helped Iran prospect for uranium and that is the organization which transferred ring magnets used for uranium enrichment to an unsafeguarded nuclear facility in Pakistan. We are relying on China's new non-proliferation promises, but we are, in effect, trusting Chinese entities with a questionable record of proliferation activity.

The ring magnet transfer was in apparent violation of United States law, although the Clinton administration did not impose sanctions. The transfer also was an apparent violation of China's commitment under the Nuclear Nonproliferation Treaty. We cannot continue to turn our head away from this proliferation activity which violates U.S. laws to international treaties. At the very least, we should not be establishing a new level of nuclear cooperation with China.

China has had a nuclear cooperation agreement with Iran since the late 1980's. The administration is allowing China to use nuclear blackmail to obtain United States nuclear technology as it relates to Iran. China will consider forswearing new nuclear cooperation with Iran, such as the sale of a nuclear reactor and a plant for uranium conversion, if the administration will allow United States-China nuclear cooperation to proceed. They are threatening to proliferate more nuclear technology if we don't give them additional nuclear information

China's pledge to join the Zangger committee says more about what China is unwilling to do rather than signaling a new commitment to nonproliferation. China has joined the Zangger committee and not the Nuclear Suppliers Group because Zangger members can continue to export nuclear technology to countries which keep some nuclear facilities from international inspection. If they were to pledge to join the Nuclear Suppliers Group and honor its guidelines, that would be a step in the right direction. But the Zangger committee has the loophole necessary to proliferate nuclear technology to places that don't have international inspections. China is the only nuclear weapons power in the world that has not joined the Nuclear Suppliers Group and they remain unwilling to do so.

The national security arguments for United States-China nuclear cooperation are far from compelling, and the economic rationale is exaggerated. As the Washington Post notes this morning, United States big business is lobbying hard for nuclear cooperation with China in hopes that this market will boost exports.

I want United States businesses to benefit from possible export markets, but China is seeking nuclear cooperation with the United States to increase the number of bidders for and to lower the price of Chinese power projects. Once China obtains nuclear technology, they will reverse engineer our products and they will start building those products themselves and be our competitors in other export markets.

As Dan Horner of the Nuclear Control Institute notes in the Post article this

morning, China is only seeking enough technology to develop a domestic production capability.

The United States should not enter into nuclear cooperation with China until real and observable progress is made in China's nonproliferation record. Before we send our nuclear technology to China, Beijing should cut off all nuclear cooperation with terrorist states, such as Iran. Before we send our nuclear technology to China, Beijing should maintain at least for 1 year an exemplary nonproliferation record for all weapons-of-mass-destruction technology, including technologies other than nuclear-chemical technologies and biological technologies.

The threat of weapons of mass destruction has become a broader issue than the proliferation of nuclear technology alone. Chemical weapons, biological weapons, and the missile systems to deliver those weapons are all part of the weapons-of-mass-destruction threat. China's improvements in nuclear nonproliferation are questionable at best, but not even the administration is defending China's broader weapons-of-mass-destruction nonproliferation record.

Even though the administration argues that China has honored its May 1996 pledge not to transfer nuclear material to unsafeguarded nuclear facilities, doubts persist about China's recent nuclear-proliferation activity. A June 1997 CIA report released this year states that:

> During the last half of 1996, China was the most significant supplier of (weapons of mass-destruction), related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic-missile programs. China was also the primary source of nuclear-related equipment and technology to Pakistan, and a key supplier to Iran during this reporting period.

Clearly, China's proliferation record does not inspire confidence, and it certainly does not deserve the bill of good health that nuclear cooperation would signify.

Therefore, I hope the President does not enter into nuclear cooperation with China to thereby diminish the credibility of the United States in the fight against the proliferation of weapons of mass destruction.

Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

EXTENSION OF MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that the period for morning business be extended by 5 minutes and that I be permitted to speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

CAMPAIGN FOR HEALTHIER BABIES MONTH

Mr. BOND. Mr. President, I rise today on a very, very important mission, and that is to highlight the important work of the March of Dimes and its over 3 million dedicated volunteers across America. I thank and congratulate them on the most worthwhile of endeavors.

During the month of October, the March of Dimes Birth Defects Foundation is celebrating Campaign for Healthier Babies Month by stepping up its efforts to reach more women of childbearing age with valuable information which will give every baby a better chance of being born healthy.

These efforts are critical to prevent birth defects, low birthweight and prematurity, which are the leading causes of infant death and morbidity and also a tremendous cause of heartbreak and tragedy for so many families in the United States today.

As all of us know, the March of Dimes is a national voluntary health agency whose mission is to improve the health of babies by preventing birth defects and infant mortality. Through its campaign for healthier babies, the March of Dimes funds programs of research, community services, education and advocacy. To enhance these efforts, the foundation has started the March of Dimes Resource Center.

The resource center provides accurate up-to-date information and referral services to the public. It consistently offers high-quality, reliable, and prompt responses. It is staffed by highly trained professionals. The March of Dimes helps people one on one to address personal and complex problems relating to maternal and child health. The center provides information on numerous topics in which the March of Dimes has been in the forefront, such as the dangers of drug and alcohol use and other hazards during pregnancy. And most important, it is promoting the use of folic acid by women of childbearing age.

We know now that 400 micrograms of vitamin B folic acid taken regularly by women of childbearing age before they become pregnant can reduce by one-half, or even 70 percent, the incidence of neural tube defects in babies born in America today. I don't know how many of my colleagues know of a family that has been afflicted with the loss of a child who was born with a severe and fatal neural tube defect. Many of us know good friends who were born with spina bifida and other problems which could be substantially reduced if women of childbearing age regularly take 400 micrograms of vitamin B folic acid every day.

The March of Dimes professionals and the resource center answer questions from parents, health providers, students, librarians, Government agencies, health departments, social workers—people from all walks of life. The good people at the March of Dimes estimate that through the resource center, they will provide information to almost half a million individuals in the first year alone.

The center is a state-of-the-art facility which can be contacted by people around the world through both a toll free number and e-mail. March of Dimes is shortened to MODIMES, M-O-D-I-M-E-S. MODIMES. The toll free number is 1-888-MODIMES, or by e-mail, the Web site is www.modimes.org. I urge people to take advantage of the toll free number or the Web site.

I congratulate the March of Dimes on the success of the resource center, and I thank them for the years of dedicated work to prevent birth defects and to reduce infant mortality.

Mr. President, we rank far too high in infant mortality in this country. Many, many countries do better than we do because we don't provide the care and the attention that expectant mothers need.

Many of my colleagues in this body know that I have been a long-time supporter of a particular priority, the March of Dimes and the Birth Defects Prevention Act I first introduced in 1992. It has been passed time and time again by the Senate. In June of this year, this vital piece of legislation passed the Senate by a unanimous vote. A House companion bill currently has over 130 cosponsors. Both bills have strong bipartisan support in our body, the majority leader and the minority leader both, along with most of the people on all the relevant committees. The groups endorsing this include the March of Dimes Birth Defects Foundation, the American Academy of Pediatrics, the National Association of Children's Hospitals, the American Hospital Association, the National Easter Seals Society, the Spina Bifida Association of America, and numerous others.

I urge all of my colleagues and people who may be listening around the country to urge the House to take up this important legislation and pass it this year. As we get to the end of a particular year's session, there are always so many things, so many other bills that people think are priorities. Let me ask anybody to name me a priority that would be higher than helping the families of America of each of our States avoid the tragedy of the loss of an infant through birth defects or the permanent disability of a child born with birth defects.

America's families and all of us have waited too long for this measure because it can go a long way in preventing birth defects, which is the leading cause of infant death. Quite

simply, a little prevention goes a long way in avoiding family pain and heartache. It is up to Congress, it is up to us to seize this excellent opportunity to protect our most valuable resources—our children. I urge all of my colleagues to pay attention and to take an interest in this vital matter.

Mr. President, I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, at 12:39 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized to speak as in morning business.

GLOBAL WARMING

Mr. KERRY. Mr. President, this week, representatives from over 160 nations are meeting in Bonn, Germany, for the final negotiating session prior to the climate change conference scheduled in Kyoto in December. It is a critical meeting, the culmination of several years of international cooperation on this extraordinarily important global issue.

Over the past several months I have had an opportunity to discuss global warming with scientists and representatives from the United States and abroad and, indeed, we have had one brief discussion on the Senate floor in the context of the Byrd-Hagel amendment.

Last week, I met in London with a number of officials of the Government of Great Britain, but most importantly on this subject with Foreign Minister Robin Cook, to discuss our mutual concerns about the climate change problem and how best to address this issue from a global perspective. As our U.S. negotiators continue their work in Bonn and the President finalizes the U.S. position for the Kyoto conference, I wanted to share with my colleagues some views on the science of global warming, on the international process, the U.S. role, and the next steps that the United States and others should undertake to address this issue in a responsible manner.

Last July, I joined with Senator BYRD and others in the Chamber to discuss global warming and to debate Senate Resolution 98 which addressed some of the Senate position on the Kyoto treaty. The Byrd-Hagel resolution called for the United States to support binding commitments to reduce greenhouse gases only if: One, all nations, developed and developing, participate in addressing this global problem; and two, if the commitment did not adversely impact the U.S. economy. In addition, the resolution created a bipartisan Senate observer group of which I am pleased to be a member. Our task is to continue to monitor this process.

I supported the Byrd-Hagel resolution, Mr. President, which passed the Senate 95–0 after we worked out in colloquy some of the interpretations of definitions contained therein. I supported it because I believe that there has to be a universal effort to tackle this ever-growing problem, and that the United States, while taking a lead role, need not jeopardize its economic viability in order to meet our international obligations.

The resolution language, in my judgment, provides enough flexibility to address the concerns of growing economies of the developing world even as we encourage them to join in this global effort.

The resolution was silent, however, as to the science of global warming. It addressed only the U.S. role in the Kyoto negotiations. During the debate over the resolution, there was some discussion by a few Senators over their interpretation individually of the science. But there was no broad debate about the science, and there was certainly in the resolution no judgment by the U.S. Senate whatsoever as to the foundations of science which might or might not be applied to the negotiations in Kyoto. From the statements in the RECORD by the resolution's chief sponsor, Senator BYRD, it is clear that he agrees, as I and others do, that the prospect of human-induced global warming as an accepted thesis is beyond debate, and that there are many adverse impacts that can be anticipated as a consequence of those theories in fact being found to be true. We are joined by many of our colleagues in thinking that there is sufficient scientific consensus that human activities are exacerbating climate changes.

The vast majority of scientists and policymakers who have examined this issue carefully have concluded that the science is sound and that it is time to take additional steps through the established international theory to address this issue in a more systematic way. A small but extremely vociferous minority continue to assert that the science is not yet convincing. They advocate a wait-and-see approach. They believe that continued review and inaction is best for the U.S. economy and for Americans in general.

Given the money that the very vociferous minority has been expending in trying to promote their view, and given the fact that shortly we will be engaged in some discussions based on the factual foundations of this issue, I would like to address the issue of science for a few moments on the floor of the Senate.

Mr. President, the vast majority of the scientific community—the vast majority of those who have taken time to make a dispassionate, apolitical, nonideological determination based on lifetimes of work, and certainly on a lifetime-acquired discipline in their particular areas—the vast majority of consensus of those who have been so engaged is that the science regarding global warming is compelling and that to do nothing would be the most dangerous of all options.

In the late 1980's, a number of our Senate colleagues—among them Vice President GORE, State Department Counselor Tim Wirth, Senators JOHN HEINZ and FRITZ HOLLINGS—and I, and a few others became increasingly concerned about the potential threat of global warming. It was at that time that I joined as an original cosponsor of Senator HOLLINGS' bill, the National Global Change Research Act, which attracted support from many Members still serving in this body, including Senators STEVENS, MCCAIN, COCHRAN, INOUYE, and GORTON. After numerous hearings and roundtable discussions, this legislation to create the global change research program at the National Oceanic and Atmospheric Administration became law in 1990.

As a Senator from a coastal State I take very seriously parochial implications of global warming. As a United States Senator and a member of the Foreign Relations Committee, I am also concerned about the crafting of a workable international response that treats all parties—including the United States —fairly.

I have stated that I would be happy to engage any of my colleagues in the debate on the science of climate change here on the Senate floor, or elsewhere. And I have sought on numerous occasions—as yet not successfully—to try to get an adequate airing of the science within the Senate observer group. And it is my hope that, before that group reports to the Senate, a broad-based review of the science will be undertaken in a bipartisan, nonpolitical way.

But, Mr. President, before we even proceed further with that analysis, I want to take this opportunity to at least lay out some precursor truths with respect to the science as we know it.

Whether by nature or experience, we know that scientists are a fundamentally cautious group of people. That is why I find it particularly compelling that over 2,000 scientists who participated in the Intergovernmental Panel on Climate Change—the most comprehensive and thoroughly reviewed assessment of any environmental problem ever undertaken—concluded that global climate change is currently under way. The 1995 IPCC report concludes that the Earth has already warmed about 1 degree Fahrenheit over the last century, and that "the balance of evidence suggests that there is a discernible human influence on global climate." The IPCC estimates that the global surface air temperature will increase another 2 to 6.5 degrees Fahrenheit in the next century. Their "best guess" is that we will experience warming of about 3.5 degrees Fahrenheit by the year 2100. That would be a faster rate of climate change than any experienced during the last 10,000 years of the history of this planet. And we have to recognize that the human history as we have recorded it and, therefore, understand its impact on ourselves and current human endeavor is within a span of about 8,000 years.

The conclusion that the observed warming trend is not simply a natural fluctuation is affirmed by the research of several institutions. Basing their conclusions on climate model calculations, scientists at the Max Planck Institute for Meteorology in Hamburg, Germany, concluded that the warming of the Earth over the past 30 years goes far beyond natural variations. Indeed, there is a judgment that there is only a 1-in-40 chance of that variation being natural. So we are dealing with a 1-in-40 prospect in terms of odds.

The United States and other governments have been collecting at ground-based and ocean-based sites global surface temperature measurements since the year 1880. Remarkably the 11 warmest years this century have all occurred since 1980, with 1995 the warmest on record.

Some will argue that there are discrepancies between our long-term surface record and recent satellite observations. But that fact—by again nonideological dispassionate and nonpolitical scientists—has been determined to be not surprising at all because the two techniques—measurement at the surface and measurement by satellite—are entirely different. They measure temperature at different parts of the Earth's system—the surface and various layers of the atmosphere. In addition, other factors, such as the presence of airborne materials from the 1991 eruption of Mt. Pinatubo volcano, affect each record in a very different way.

The natural "greenhouse effect" has made life on Earth possible. Without it, our planet would be about 60 degrees colder. Water vapor, carbon dioxide, and other trace gases, such as methane and nitrous oxide, trap the solar heat, and they slow the loss of that solar heat by the reradiation back into space. That is a natural process.

But with industrialization and with population growth, greenhouse gas emissions from human activities have consistently increased. Anthropogenic climate changes, most importantly the burning of fossil fuels—coal, oil, and natural gas—and deforestation, have tipped the very delicate balance of nature. We all know that the forests of the planet play a critical role in the recycling of carbon dioxide. The forests in the Amazon, all through Central and Latin America, and all through Asia have been disappearing in entirely measurable and discernible ways. As we have seen by satellite photography over the last 15 or 20 years, all of the areas of the Earth's green are beginning to shrink in those satellite photographs; we understand that we are diminishing our capacity to do the recycling of the CO_2.

Therefore, more gas is trapped. More gases have the impact of diminishing the amount of reradiation that takes place. This natural climate variability alone, including the effect of volcanic eruptions and solar variability—that is, sunspot activity—would not have changed carbon dioxide levels in the atmosphere. However, the manmade addition, presently about 3 percent of annual natural emissions, is sufficient to exceed what is known to be the balancing effects of "carbon sinks." As a result, carbon dioxide is gradually accumulated in the atmosphere, until, at present, its concentration is 30 percent above preindustrial levels. Existing data of other greenhouse gases show increasing concentrations of methane, nitrous oxide, and chlorofluorocarbons over recent decades. While ice core data show that concentrations of methane and nitrous oxide have increased in the past few centuries, after having been relatively constant for thousands of years, chlorofluorocarbons are absent from deep-ice cores because they have no natural sources and were not manufactured before 1930.

So I want to emphasize for those who try to doubt the science, for those who come and say there is no indicator of this change and that we have only been recording the temperature since 1880, the fact is that both in the Arctic and the Antarctic we have accumulations of thousands of years—tens of thousands of years—of ice. And we have to be able to bore down into that ice. In the bores that we bring out—just as we have tested and found geological formations which have allowed us to drill for gas—we have been able to come up with ice cores. And as the scientists look at those ice cores, they have been able to measure the degree of carbon dioxide that was trapped in those ice cores. By measuring that, and, indeed, by measuring the absence of chlorofluorocarbons, we have been able to trace thousands of years of climatic activity and change that we otherwise would not have knowledge of.

That is what has given us this capacity to make a determination about the rapidity with which changes are taking place today relative to what we knew or can discern was taking place thousands of years ago.

While we have no control over sun spots or volcanoes, we, obviously, can control human activities.

Then the question will be, "Well, why should we do that? What is the showing that somehow this really represents a danger sufficient to require a response from Government?" Well, the essential issue here, Mr. President, is one of compounding emissions over time. We know that the emissions we put into the atmosphere today have a life that goes on and on and on. It is like nuclear material that has a half-life. So does this material have a half-life. And the fact is that, even if we were to stop our activity today, what is already in the atmosphere will continue to do the damage that it does. And the models have to measure the rate at which we might be able to reduce today in order to guarantee that you have turned off the spigot sufficiently to be able to control what will happen in the future. But anyone who follows the stock market or even your back account, obviously, understands the miracle of compounded interest. It means that a small amount set aside becomes a big amount over time.

That is what is happening to the Earth's accumulation of greenhouse gases. Many of these gases reside in the atmosphere for years to come—hundreds to thousands of years. Even constant emissions of the gases can cause atmospheric concentrations to build up rapidly.

So, unlike the stock market, when it comes to emissions, the small amounts don't necessarily bring a miracle. But they could bring enormous calamities.

So why would we care if the Earth warms a few degrees? I have actually heard people say it really doesn't matter that much if all of a sudden North Dakota or South Dakota became a little more attractive, and they don't have as long a winter, or somehow you have a longer hiking season in a particular State. Well, Mr. President, it isn't that simple. It just isn't reduced to that kind of simplistic judgment about the overall impacts.

The IPCC scientific assessment of climate change estimated that the average surface temperature will increase by 1 to 3.5 degrees with an associated rise in sea level of 6 to 37 inches. These changes are projected to lead to a number of potentially serious consequences with incidence of heat waves, floods,

droughts, hurricanes, and other extreme events affecting human health and natural ecosystems.

Americans will experience more health problems and there will be an increase in health-induced deaths from future warming. Heat waves of the type in the 1995 Chicago heat wave which killed 465 people will occur more frequently, and increased warming will exacerbate existing air quality problems such as smog that aggravate asthma and allergic disorders, especially in children and the elderly. Warmer climates breed diseases such as malaria, dengue and yellow fevers, encephalitis, and cholera due to the expansive range of mosquitoes as a consequence of increased warmer climates and other disease-carrying organisms.

One key aspect of climate change that is important to remember is the slow capacity of any corrective action to have an impact. Harvard professor and member of the President's Committee of Advisors on Science and Technology, Dr. John Holdren, shared his analogy at the White House Round Table on Climate Change. He said:

> The world's energy-economic system is a lot like a supertanker, very hard to steer and with very bad brakes * * * and we know from the science that the supertanker is heading for a reef * * * it's a bad idea to keep on a course of full speed ahead.

The oceans are going to continue to expand for several centuries even after the temperatures stabilize. We are currently dealing with rising sea levels that are already eroding beaches and wetlands, inundating low-lying areas and increasing the vulnerability of coastal areas to flooding from storm surges and intense rainfall.

We know how costly droughts, flood control, and erosion mitigation efforts can be to the taxpayers. We constantly, every year, are facing requests from one community or another to do a beach-erosion project or to undertake some kind of erosion mitigation, and we spend literally millions of dollars in insurance as a consequence of those anticipated problems already.

Damages from the southern plains drought of 1996 were estimated at $4 billion; the 1993 Mississippi River flood damages were $10 billion to $20 billion; the Pacific Northwest floods of the winter of 1996–97 were $3 billion; the 1997 Ohio River flood was nearly $1 billion; and the 1997 river flood in the Northern Plains was another $2 billion. And this is just the impact of the changes perceived in the United States in the last few years.

Scientists have not definitively said that any one of these events I just listed is absolutely tied to global warming. And I am not going to suggest that that is in fact true if they are not willing to suggest that that there is that linkage. But the scientists have issued a warning. The scientists have issued a warning—not the politicians, the scientists. And their warning is that these disasters collectively show precisely what we are likely to see if we do not reverse the current trend lines of global warming. And we will see them with greater frequency, with more destruction under global warming.

The areas of greatest vulnerability are those where quality and quantity of water are already problems such as the arid and semiarid regions in the United States and the world. If warming trends were to continue, then water scarcity in the Middle East and Africa will become even more pronounced, exacerbating tensions among countries that depend on water supplies that originate outside of their borders.

Another key area of concern will be the dramatic alteration of geographic distributions of vegetation. The composition of one-third of the Earth's forests would undergo major changes as a result of a doubling of preindustrial carbon dioxide levels. Over the next 100 years, the range of some North American forest species will shift by as much as 300 miles to the north, far faster than the forests can migrate naturally. For example, in my region of the country, New England, we could lose the most economically important species, the sugar maple.

Other areas of the country would be hit economically as well. The tourism industry, for instance, surrounding the Glacier National Park could literally evaporate along with glaciers which we already know have receded steadily for decades. Since the park's founding, over 70 percent of the glaciers have already melted. Model projections indicate that all of the park's glaciers will disappear by the year 2030 unless temperatures begin to cool. One-third to one-half of the world's mountain glacier mass could disappear by the year 2100, thus eliminating a natural reservoir of water for many areas.

Let me give an example. In Lima, Peru, the entire water supply for 10 million people depends on the annual summer melt from a glacier that is now in rapid retreat. These are just some of the predictions, predictions made by scientists, predictions made by various models where they have taken the data which scientists have agreed on—not speculated about, but agreed on.

The facts about global warming are beyond reasonable scientific doubt, and they ought to be beyond reasonable policymaking doubt.

Mr. John Browne, CEO of British Petroleum, in a recent speech at Stanford University said:

> The time to consider the policy dimensions of climate change is not when the link between greenhouse gases and climate change is conclusively proven but when the possibility cannot be discounted and is taken seriously by the society of which we are part. We in BP have reached that point.

That is the CEO of British Petroleum saying that they have reached the point of concluding that linkage exists.

Efforts to rein in and reduce man-made contributions of such emissions are now warranted. Worst case scenarios under current business-as-usual practices are catastrophic.

So let me turn for a moment to the international efforts and the role of the United States at this point.

In 1992, it was precisely because of those scientific conclusions that I have just enumerated that President Bush at the Earth Summit in Rio signed a climate-change agreement, and it was ratified later that year by the Senate. That agreement pledged that nations would reduce their gas emissions to their 1990 levels by the year 2000. Regrettably, the vast majority of nations, including the United States, have failed to achieve this goal. Today, the United States has increased emissions about 8 percent above 1990 levels. Much of that increase has been tied to our economic expansion.

However, it should also be noted that industry during this remarkable growth period was also engaged in a voluntary program to reduce emissions. While not achieving its objective completely, the voluntary effort did meet 70 percent of the original targets at a time when the American economy grew and wherein the American jobs machine was rolling along at as high a rate as we have seen in recent years. The relative success of voluntary industry effort ought to encourage confidence that more comprehensive efforts under a global regime can result in greater progress at far less cost than Cassandras allowed for.

However, the question is now for all countries, developed and developing, to step forward to support binding commitments to reach an acceptable level of human-induced emissions. That is why the United States is engaged in negotiating a legally binding climate-change agreement to be finalized in Kyoto this December.

Our challenge is to shape an agreement which sets tough, realistic global emission standards and goals while harnessing the market forces to lower costs, foster technological development, and ensure economic growth.

The climate change problem is global. It requires a solution, obviously, that includes a global response—participation from all nations, industrialized countries and those countries in the developing world. The best approach is to establish a global economic incentive program in which the free market and not Government intervention is driving the reductions.

The goal of universal participation via an international treaty with binding commitments ought to be undertaken now, not with delay, not with an effort to try to have subterfuge diminish what we can accomplish in Kyoto. The United States, with 22 percent of global emissions, is the world's largest emitter of greenhouse gases. And today

the industrial world comprises nearly three-quarters of all of the global emissions. But that does not mean that we are the only ones who should deal with this problem. The reason for that is clear. China is currently the world's second largest emitter, and it is expected to displace the United States as the largest emitter by the year 2015. Over the next few decades, 90 percent of the world's population growth will take place in the developing world. Given the projected economic and population growth statistics of China and other quickly developing countries such as India, Mexico and Brazil, the developing world will exceed the industrialized world in emissions by the year 2035.

Universal participation, therefore, does not mean we have to all begin at the same time. It does not mean you have to embrace the exact same commitment at the exact same implementation moment. Clearly, if one country is doing more than another, there is room for us to be able to negotiate an agreement where we all meet at the appropriate point. But it does mean that it is quite reasonable for the industrialized nations, those nations that have put most of the greenhouse pollution into the atmosphere, initially to take the lead, as long as in so doing they do not simply fall into a trap of disadvantaging themselves economically. A scenario where the industrialized world acts alone will not be enough to prevent the costly implications of global warming in the future.

I want to emphasize that. The developing nations cannot go to Kyoto and suggest that it is up to the developed world simply to bear the burden of reductions, because even if we reduce to the greatest degree possible, we cannot alone avert the problems that will come from global warming. It is absolutely essential that China, India, Brazil, Mexico, and other countries join in the effort with an understanding that we are moving down this road together.

Currently, many of these developing nations are not inclined to join in an international treaty. Some believe it is not in their immediate economic interests to do so. Others believe that as long as the biggest contributors to the problem, the industrialized nations, are not taking sufficient effective steps to cut back on greenhouse pollution, it is not in the interest of their nations to do so either. One could well understand how they would make that kind of determination. Some of them cite the language of the 1995 "Berlin Mandate," calling on the Annex I countries, the developed countries, to be the ones to complete a treaty with binding commitments by December 1997 but to leave excluded the developing world from an established binding reduction target.

Let me say that in my reading of the "Berlin Mandate," I do not believe that we are precluded from proceeding to Kyoto in an effort to come up with a two-stage arrangement which would have the developed countries enter into an agreement while simultaneously bringing the developed countries along. I don't believe it is in any nation's interest to thwart international efforts to reduce greenhouse gases in as expeditious and as economically feasible a manner as possible. The remaining option is the option of doing nothing, and nothing would, in most people's judgment, be ultimate mutual devastation.

The only viable solution is a global treaty which provides economic incentives for all nations. I believe such a treaty can be crafted, one that would include all nations but permit flexibility in the targets and flexibility in the timing of compliance for developing nations, while at the same time requiring all countries to agree to make legally binding commitments by a date certain. If the United States signs such a treaty, it would be reasonable for the President to refrain from transmitting that treaty to the Senate until the developing world signs its binding commitments. In that way we can make Kyoto a success, coming up with the binding agreements necessary but still maintain and keep good faith with the approach we have thus far deemed to be the roadmap to the achievement of this treaty.

In this Chamber I previously shared my concerns with a component of the European proposal as it currently stands. The Europeans continue to argue for a treaty that would enable the European Union to secure an exclusive bubble emissions policy. This is tantamount to a regional emissions trading program. They want Europe to be contained under one bubble, whereby they can trade their emissions within the European bubble, a license, in effect, to increase emissions in some European countries by relying on the trendline decreases that are already in place in others. Such a posture is helpful only to the European Union. It fails to address the essential need to engage those rapidly growing economies of the developing world, and it excludes other industrialized countries which could be left to meet target reductions in a more costly manner.

The European proposal would provide the Europeans with a competitive advantage over the United States by creating this collective emissions cap as opposed to country-by-country reduction targets. Some European countries could actually increase their emissions by up to 40 percent. This approach, coupled with their opposition to joint implementation with developing nations, seems to be aimed almost exclusively at beating the United States out of economically sensible emissions reduction activities in Eastern Europe, Russia, the Far East, and elsewhere. I think they should know that is not acceptable under most people's definition of fairness.

Therefore, it is my feeling that we should approach Kyoto in the following way. I believe President Clinton and his advisers have been developing a U.S. position for these negotiations that moves mostly in the right direction. I have shared views with the administration over the course of these last months and in recent weeks, and there are a number of different options that are currently rumored to be under consideration by the President. It is my hope the President will announce a U.S. position that is aggressive in curbing the projected business-as-usual trendline.

I believe the President ought to press for a proposal that will seek at least a target of 2010, rather than the outyear options of 2020 or 2030 that we have heard discussed. The Europeans, given the protection of their European bubble proposal, have proposed a 15 percent reduction below the 1990 levels by the year 2010. Perhaps without the bubble this level may prove to be too ambitious to achieve without significant harm to their economies. However, I believe it is realistic for the United States and other nations to stabilize their emissions at 1990 levels by the year 2010, remembering, of course, that our original goal was to do so by the year 2000. With additional economic incentives such as early credits for reductions and joint implementation and a market-oriented emissions trading system, perhaps additional reductions could be undertaken.

I believe also that the centerpiece of the U.S. negotiating position should be a worldwide emissions trading program. Emissions trading is an important market mechanism that will benefit all countries including the United States. But it is not only advantageous to U.S. businesses. It will provide developing countries with incentives to sign up to binding legal commitments that are absolutely essential to a workable treaty.

The market-based approach of emissions trading is a sensible one that helps businesses lower costs by promoting emissions reductions and by giving the industry flexibility to decide how they will go about reducing pollution. We know an emissions trading system could reduce the cost of emissions controls dramatically, afford American industry great opportunities to do what we do best, which is to innovate, to develop cheaper, better ways of getting the job done. And, if the system includes joint implementation with developing countries, providing jobs here at home in the well-paying technology export sectors that serve the booming demands in rapidly industrializing nations, we would be well served.

Experiences in States such as Massachusetts or California or Texas or Florida, States which have invested in

technology and which have built on their combined technology bases and education bases—those experiences have proven where we invest in technology in order to solve some of these problems, we inevitably not only create jobs for Americans but we wind up creating an export capacity, because we are the leading, cutting edge of technology and we wind up greatly reducing the costs that the original estimates are based on.

If you look at the SO_2 reduction programs in this country, I remember the automobile and other industries arguing it was going to be upward of $1,000 per ton to reduce. In fact, because of the technology advances, the costs have come in around $90. Therefore, the opportunity, by virtue of pushing our technology and advancing our capacity to transfer that technology to the developing countries, can assist all of us in the effort to create jobs and to provide for the gains necessary to be able to meet these targets. The United States should contain in this effort, along with the rest of the industrialized countries, a significant technology transfer component in order to assist in achieving this treaty and its goals.

Economically, the best time to establish an international trading program is now. Many developing countries are currently investing in long-term energy programs. By excluding any discussion of joint implementation with developing countries and early credits for reductions prior to implementation of such a system, important incentives to encourage developing countries to begin shifting their development trajectory to a cleaner path would be lost. U.S. industry and U.S. competitiveness are the winners of an international trading system, wholly apart from any environmental gains.

Environmentally, we need to get the trading program going as soon as possible, and world events are escalating the seriousness of the problem. The terrible fires in Indonesia and the havoc that that conflagration continues to wreak on the people of South Asia are additional testaments to an urgent need for a global framework that provides powerful market incentives for environmentally friendlier behavior. Emissions from these fires are pumping greenhouse gases into the atmosphere and destroying forests that could be protected and harvested in a much more sustainable manner. A Kyoto protocol that provides credits for protecting forests that sequester carbon dioxide, and an income stream that would potentially be available to those who husband the forest, would be an important step for the nations and the peoples of the worlds.

A model for such a regime is the SO_2 trading program contained in the 1990 Clean Air Act. That program, as I mentioned a moment ago, really contradicted what had been predicted by the industry. According to the Wall Street Journal, some initial industry estimates for those SO_2 reductions were $1,500 per ton but which actually came in at $90 per ton, which was 6 percent of the original doom forecast of the industry.

I would like to emphasize one point about the sulfur program that is key to its success. In the sulfur trading program, the Government has resisted the temptation to intervene in the market and provide price props or cushions, or to print new allowances and sell them at a set price. I understand that one option before the President is exactly such an approach. I believe other Senators would join me and strongly urge him to resist such intervention here. When the Government intervenes in market trading it inevitably drives those prices up.

My recommendation to the President would be that any proposal that would make companies pay the Government for additional carbon permits is likely to be regarded—in this institution, anyway—as a thinly veiled tax, and would, frankly, not receive favorable reception. I urge the President to let the market for greenhouse emissions reductions do what the markets do best, which is to spur companies to develop better products at a lower cost. I am very optimistic that the President will ultimately make a judgment that would be opposed to that alternative, significant intervention in the marketplace.

A second goal should be a framework that brings all countries into this effort at the beginning while allowing for the developing countries to initiate their reduction efforts at a different rate than the industrialized world. I think this is an essential component of any realistic approach to this effort. Even without a universal emission reductions program, the Montreal Protocol, signed by President Reagan during his second term, called for the phaseout of chlorofluorocarbons. As with the SO_2 estimates, the CFC reduction costs were grossly exaggerated by certain industry sectors. Market-type mechanisms in the Montreal Protocol and the U.S. domestic implementation program drove prices down, with the result that companies were spurred to bring online CFC substitutes that proved cheaper and cleaner. A more inclusive treaty, covering all greenhouse gas emissions, sources and sinks would produce even more economic and environmental progress.

A final goal is to recognize the opportunity presented by technology to help in this effort. The United States is now a world leader in the high tech industries of pollution prevention, abatement and control. With a global emissions reduction treaty, the faster we invest in new pollution prevention and energy conservation technologies, the faster we will achieve emissions reductions and the quicker we will gain market share in the international arena. This means more jobs for U.S. workers and more revenues for U.S. companies. If we don't, then someone else will.

I would simply cite the example of what took place in the two decades ago. At the end of the 1970's, President Carter had made a commitment to alternative and renewable fuel research. Regrettably, when the Reagan administration arrived in 1980, support for the institute in Colorado was withdrawn. So it was that over a 10-year period of time the great lead that the United States had built up in photovoltaics and in alternatives and renewables was lost.

Today, as the former Soviet bloc countries of Eastern Europe come online in their effort to try to reduce the grotesque pollution that is one of the longest legacies of the Communist rule, they are turning to the Japanese and to the Germans for the technology where we once were the leader. But since we withdrew our own investment, we ceased to be that leader.

So I believe there is, in this effort, an enormous economic opportunity for the United States for the future. At home, we need to consider ways to leverage our technological leadership through domestic tax provisions, such as a zero capital gains tax rate, or a specifically targeted investment tax credit for companies that invest in pollution prevention and energy conservation, or quicker depreciation of investment in such technologies. I repeat, a zero capital gains tax rate or faster depreciation for those companies that invest in energy saving, energy conservation and pollution prevention.

I anticipate, Mr. President, that following the announcement the President makes regarding a U.S. proposal, regardless of what that proposal entails, there will be a number of colleagues on the floor of the Senate denouncing it, arguing that the science is not yet there or that the economic assumptions are unreliable. Some will argue it is unnecessary and too costly for the United States to participate in an international treaty.

On the contrary. I believe the evidence from scientists is overwhelming, that it is far too costly to sit on the sidelines and do nothing. Mr. President, 2,500 leading economists, including 8 Nobel laureates tell us:

For the United States in particular, sound economic analysis shows that there are policy options that would slow climate change without harming American living standards, and these measures may, in fact, improve U.S. production in the long term.

I believe that if we heed the warnings, if we plan for the future now, if we avoid allowing this to become the political football that it might, if we seek the involvement of all nations, we

can secure a healthy planet for ourselves and for our children and for future generations, and we can exercise our responsibility as U.S. Senators in the way that we ought to. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Massachusetts for his thoughtful comments about global warming. It is a subject in which I am deeply interested.

I was very interested and pleased with his references and comparisons with what took place with the Montreal protocol and our efforts that were successful in controlling chlorofluorocarbons, so-called CFC's. There is an example where the first scientific body of opinion suggested that, indeed, the CFC's were destroying the ozone layer. There was great skepticism, not only in this body, but throughout the Nation. But gradually, through testimony and through powerful speeches and articles by those who were involved, this country came to recognize that, indeed, CFC's were destroying the ozone layer, were causing skin cancer to our population and the population of the world.

As a result of that, we moved forward and various meetings were held, which many of us remember, and capping it all off was the Montreal protocol, which called for substantial reduction of the production of CFC's in our country and the world.

At the time, it looked as though it would be very difficult to achieve, but as the Senator from Massachusetts pointed out, the United States' scientific and mechanical ingenuity rose to the surface and, lo and behold, we not only met those reductions but we exceeded them.

The results are now showing that the amount of chlorofluorocarbons in the atmosphere has been reduced, at least the increases have been reduced, and gradually we will see a reduction in the total body of CFC's, as it were, in the atmosphere, because all of this takes a long time to achieve.

I also say to the Senator from Massachusetts that I think it is important to stress not only the costs of complying with a global warming treaty—that is always what is portrayed, it is going to cost our farmers, it is going to cost our manufacturers, it is going to cost our automobile industry, the coal miners, and on and on it goes. The costs of complying. But rarely does anybody ask, what are the costs if we don't have the treaty?

The scientific evidence, as the Senator from Massachusetts was pointing out, is increasingly coming to be recognized that, indeed, the world is becoming warmer, just as the Senator pointed out what is happening to the ice accumulations, the glaciers. In every single place in the world, the glaciers are retreating. Why is that coming about? It is coming about because of the increased temperature, infinitesimal though it might seem, that is occurring throughout the world.

So more and more I believe we have to say to ourselves, what does it cost if we don't do anything? Just take Florida. I don't know what the height of Florida is above sea level, but it must be tiny. If they get an increase in the level of the oceans of the world, and particularly those in the Caribbean, for example, the effects to Florida can't help but be devastating. Indeed, in my State, likewise; Massachusetts, likewise. In all our States, we are doing what we can to increase seawalls. What is happening? We are not sure. All we know is, once upon a time, our beaches were steeper and now they have been cut away. Now we have to have breakwaters and barriers and groins, as they call them, and so forth, to try and prevent the erosion of the soil.

The Senator from Massachusetts pointed out what one of the presidents of one of the oil-producing countries of the world had to say. I would like to also point out a statement by the chairman of the Ford Motor Co. finance committee, none other than William Clay Ford, Jr. This is what he had to say on October 11, just 10 days ago, as quoted in the Washington Post:

> Ford Motor executive William Clay Ford, Jr., called global warming a genuine threat to the environment and said automakers who oppose a proposed treaty to address the problem risk being "marginalized" in the court of public opinion.

This is what someone, whose family owns 40 percent of the voting stock of Ford Motor Co., had to say.

The remarks by Ford, a leading contender to become chairman of the No. 2 automaker, distances himself from several Detroit executives who, in recent months, have criticized the proposed global warming treaty saying the phenomenon might not exist or its causes are uncertain.

So that's what the leader of the second largest automobile manufacturing company in our country had to say.

All I am saying to my colleagues, and substantiating what the Senator from Massachusetts said, is let's examine this thing carefully. Let's look at what the scientists have to say. We can say we don't agree with them. I don't know how many Nobel laureates there are in that group—are there 10 Nobel laureates in that most recent group? It is something like that—plus a total of 2,500 scientists.

I believe this thing is serious, and I think we ought to approach it with that attitude and not say, "No, we're not going to have anything to do with it because if we have anything to do with it and try and solve the problem it will be very expensive." Well, that is no way to approach things.

I commend the Senator from Massachusetts for the remarks he made, and I hope that all our colleagues were listening. This thing is serious; let's take it seriously. We may not agree. We may have different scientific evidence, but let's not just trash it because it is going to be expensive to comply with.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Rhode Island for his generous comments and also for his substantive comments. He has been dealing with this issue for a long period of time. As chairman of the committee of jurisdiction with respect to the environment, as well as a Senator from a coastal State, a neighbor of ours, he is very knowledgeable about these impacts. He serves also on the observer group. So I appreciate his comments particularly and his leadership on it.

I will just say to my friend from Rhode Island, when I was in this discussion with the British minister just last week, he was quite dumbstruck, in fact, that Senators here are still questioning the science or that some people want to make an issue out of the science. There is almost a universal European acceptance among those in Government of the science. They really have stepped beyond that debate.

The debate now is not over the science. The debate is how do you really deal with this the best. The Senator from Rhode Island pointed out Ford Motor Co. Let me just share with my colleague the environmental commitment statement by the insurance industry. The insurance industry in America is increasingly concerned about this. Here is what they said:

> Based on the current status of climate research and on their experience as insurers and reinsurers, the member companies of the UNEP-Insurance Industry Initiative conclude that . . . Man-made climate change will lead to shifts in atmospheric and ocean circulation patterns. This will probably increase the likelihood of extreme weather events in certain areas. Such effects carry the risk of dramatically increased property damage, with serious implications for property insurers and reinsurers . . . We are convinced that in dealing with climate change risks, it is important to recognize the precautionary principle, in that it is not possible to quantify anticipated economic and social impacts of climate change fully before taking action. Research is needed to reduce uncertainty but cannot eliminate it entirely . . . We insist that in accordance with the precautionary principle, the negotiations for the Framework Convention on Climate Change must achieve early, substantial reductions in greenhouse gas emissions.

So I think that increasingly businesses are aware of the fact that the costs of not doing something are the real measurement here.

I thank the distinguished chairman for bringing that to the Senate's attention. I yield the floor.

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

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

AMBIENT AIR STANDARDS

Mr. INHOFE. Mr. President, tomorrow we will be holding public hearings on a bill that is very significant. It is Senate bill 1084.

Back almost a year ago, in November of last year, the Administrator of the EPA, Carol Browner, came out with the recommendation and the rule change to lower the ambient air standards as they pertained to particulate matter and to ozone.

After looking at this, we found that there was at that time no scientific justification for lowering the ambient air standards. Consequently we started having hearings.

Our first hearing was with the scientific community. We had representation there from CASAC, that is the Clean Air Science Advisory Committee. It was somewhat unanimous among all the scientific community that there is no scientific justification for lowering standards.

One of the things that was rather interesting that came up in that first hearing was a group of young children, we understand now, that came from some hospital who came in wearing masks, as if to say, "You must lower these standards or we're not going to be able to breathe."

I think a great disservice was done because it came out during the course of that hearing that these children used breathers, respirators; they were using various medical equipment that has the chemical CFC in it that allows them to breathe. At precisely the same time that the Administrator of the EPA was saying that we had to do something about lowering the ambient air standards so these young people could breathe, I asked for a show of hands as to how many of them used, in their particular medical devices, CFC's. Every hand went up.

I asked, "How many of you are aware of the fact that Administrator Browner, the same one who is advocating lowering the standards, has said she's going to take CFC's off the market so you folks would not be able to use these in your breathers?"

I was pleased to find out this morning that Senator TIM HUTCHINSON from Arkansas has introduced legislation that will keep the EPA and the other various bureaucracies from taking this chemical off the market. I certainly applaud him for that. I will join him in that effort.

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. INHOFE). Without objection, it is so ordered.

ISTEA AND CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, I notice that we are in a situation today that is no different than the circumstances we found ourselves in before we left for the recess last week, and that is the bill that is on the floor of the Senate is the highway reauthorization bill, or ISTEA. Most people want to get some progress made on that piece of legislation.

I might say to the Senator from Rhode Island and the Senator from Montana who are managing that bill, I think they have done an extraordinary job with that bill and I support what they have done. I very much want the Senate to be able to complete its work on the highway reauthorization bill.

I also am someone who believes that if the Senate leaves after this first session of Congress without having dealt with the underlying bill of the campaign finance reform issue, more specifically, McCain-Feingold, we will not have done what we should do for the American people on that issue. It is clear we have a serious problem in campaign finance. It ought not be lost on the American people. I am sure it is not. We have a system here that is broken. There is money ricocheting around every crevice of this political system.

There was a story in one of the newspapers today, some new groups are coming together, suggesting each of the organizations and groups contribute a million dollars so they can do new independent campaign expenditures. The fact is there is all this money ricocheting around the political system, and it ought not be lost on anybody that this system is broken and needs fixing.

How do we fix it? There are a number of different ideas, but the McCain-Feingold is one that has been worked on and a lot of time has been spent on that proposal. At least we ought to have the opportunity for a vote on the McCain-Feingold proposal. We were told prior to bringing the highway reauthorization bill to the floor of the Senate that we would debate campaign finance reform. In fact, it was on the floor of the Senate for some long while, but we never got to a vote on the substance of campaign finance reform because all we did was talk and talk and talk, and then it was pulled from the floor before there was an opportunity for a vote.

That is our dilemma. We have kind of a self-imposed set of circumstances here where shackles have been allied in this legislative process so that, first, we can't get a vote on campaign finance reform, and, second, we have the highway reauthorization bill on the floor which we need to pass—it is a good bill, incidentally, which we need to pass—but it is brought to the floor with a Byzantine kind of structure in which the parliamentary tree is filled with amendments and second degrees and they have done what is called fill the tree so that no one else can offer any amendments on this legislation. So we find ourselves in a circumstance where we have gridlock, a self-imposed gridlock, because some are worried that we will force a vote on campaign finance reform—a vote, incidentally, I think the American people would like to see us have. So the result is they take a bill such as the highway reauthorization and load it up by filling the tree so that you can't do anything on that, either.

Now, I am thinking that perhaps later this afternoon I should come over—I guess what we have is a tree filled and the last amendment is a second-degree amendment—and maybe I should ask for the yeas and nays on the second-degree amendment. I think the yeas and nays would be in order on the second-degree amendment, so perhaps in order to try to end this gridlock, we ought to at least ask for the yeas and nays on the second-degree amendment.

In fact, let me just say for the record, the second-degree amendment as constructed by Senator LOTT, the majority leader, is one I will support. So if we get the yeas and nays, and I will vote for it, presumably a number of Members of the Senate would vote for it sufficient for it to pass, and then at that point the tree isn't full and people can come out here and offer amendments. Then we have one of two opportunities to do business: Either someone can come to the floor and offer an amendment to try to get a vote on McCain-Feingold, the campaign finance reform bill that will reform the campaign finance system, or someone can come to the floor and offer an amendment on the highway reauthorization act.

Either of those alternatives is preferable to the circumstance we now find ourselves in. It does no service to the Senate to say, first, we don't want to vote on campaign finance reform, so second, we will bring the ISTEA bill or highway reauthorization to the floor of the Senate and then tie it up with the same rope that we used to tie up campaign finance reform so that we are not able to move on either.

I again observe perhaps the approach should be for one of us, perhaps myself or someone else, to come over this afternoon and ask for the yeas and nays. I assume we can find enough friends to come and get a sufficient

second, and at some point we can get the yeas and nays on the second-degree amendment, which is the lowest hanging fruit on this bitter tree that has been constructed, and at that point maybe we can offer some other amendments. My first choice would be campaign finance reform, get a vote on that and move on, but if it is not that, at least other amendments, so we can make progress on what I think is a very good highway reauthorization bill.

I began by complimenting the Senator from Montana. He was not here, and the Senator from Rhode Island, I don't know if he heard, but you have brought a bill to the floor of the Senate that is an extraordinarily good bill. I like this piece of legislation. This country needs your legislation. I think the country will be better served by having the Senate pass it and going to conference and getting more than a 6-month extension that seems to be the mood on the other side. To the extent we move this bill and put in law some very good legislation, the country will be best served.

In order to get to that point, however, we have to find a way to untie this whole process, first on ISTEA, especially on ISTEA, saying let's bring the highway reauthorization bill to the floor and tie it up so nobody can move and then also on campaign finance reform. On campaign finance reform we all know the American people want us to at least vote on that issue. They don't want people to be involved in parliamentary maneuvering sufficient so you don't get an up-or-down vote on a bill that a good number of Members of this Senate have worked on for many, many, many months.

Mr. President, I will not do so now, but I say that if we have what is called a legislative tree filled with first- and second-degree amendments sufficient so that no one else in the Senate is able to move at all on anything, perhaps what we ought to do is take that bottom second-degree amendment, which I support and I expect the ranking member and the chairman would support, and let's vote on that. Let's have a vote on it. I will vote for it, we will pass it, and we will open a spot, and then let's do the business of either the highway reauthorization bill or any other amendment that one may wish to bring to the floor of the Senate, which might include on behalf of some the campaign finance reform proposal.

That is the only way, it seems to me, that we would be able to get the Senate to begin moving. It probably can only be considered sufficient to Members of a body that understand these rules to believe somehow you make progress when the lights are on and the heat is on. But there is no thoughtful discussion about an issue that allows you to make progress because we have the thing tied in knots. That is not something that would be sufficient to the rest of the American people.

Let me finish by saying again that we have a very important bill on the floor of the Senate right now. I want to be helpful in moving that piece of legislation, but it is not moving. It hasn't moved a centimeter. We have made no progress at all since the moment it was brought to the floor of the Senate, except for some statements. Why? Because some people are afraid that campaign finance reform will be brought to the floor as an amendment and be voted on and they don't want to have a vote on campaign finance reform, so they tie up the highway reauthorization.

Let's find a way to untie all of us. Let's have our votes up or down. However they come out, they come out. We don't waive those here. We just count them. Let's have them and decide where the votes are. In fact, prior to the highway reauthorization bill being brought to the floor and the cloture vote, it looks to me like there is probably sufficient numbers of Senators who would vote for McCain-Feingold to enact legislation of that type. It appears to me that there are over 50 votes in the Senate for that. But because we couldn't get past the cloture vote we couldn't get to it.

That is part of the purpose, I assume, with tying the Senate up with this procedural tree. But I guess it would be appropriate for a Member of the Senate to ask for the yeas and nays on the underlying second-degree amendment. I would certainly consider doing that later this afternoon, if that is what is available to us, and if that might get us off dead center and allow us to open up a slot either to do this bill, or for someone to come over and offer some other amendment of their choice.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Rhode Island.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that we now go to morning business until 6 o'clock.

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

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

ISTEA AND CAMPAIGN FINANCE REFORM

Mr. BAUCUS. Mr. President, I have a lot of sympathy with the remarks of the Senator from North Dakota. Being in a deadlock we are not accomplishing very much. The Senator is suggesting that we get off this deadlock; that we start to accomplish something. And he is suggesting that we vote on one of the amendments on this tree and suggesting under the parliamentary rules that we vote on the first one, which is the second-degree amendment. I am very sympathetic to that. I want to move, too.

I also would like to get campaign finance reform passed. Why? I can tell you, having just been through an election, that this country has dramatically changed the way campaigns are run and financed from just a few years ago. The present system is so bad. It is so obscene with virtually no limit on the total number of dollars raised or spent on behalf of, or for, or by candidates that it is demoralizing the country. It is causing the American people to think that the whole system stinks and becoming less and less involved in the democratic process and beginning to lose interest. And we run the risk of fragmenting a country—a country where Americans are going their own way; not a country that works together as a whole.

It is a huge problem. I can tell you, Mr. President. It is a huge problem. And if this Senate and this House does not do something about campaign finance reform very soon, this country, as we know it, is going to no longer be the greatest country on the face of this Earth just because we are going to be so awash in campaign money that the American people are just going to begin to lose interest in the U.S. Government—certainly in the Congress, and in the Presidential campaigns as well.

That is a vivid exaggeration. I grant you. They will have some interest. But they are not going to be nearly as proud of this Congress and their Federal Government as they would like to be.

At the same time, I think we have to pass this highway bill. Why do I say so? Because if the Senate does not pass the highway bill very soon—that is, within the next week or so—then the chances of it passing this year are virtually nil. If we do not pass a highway bill—we know the House wants a 6-month bill. The House's 6-month bill is something that is just totally unacceptable, in my view, because every year, or every couple of years, we would be reauthorizing the highway bill. And it makes no sense. We need to pass a 6-year highway bill. It is that simple.

I have a lot of sympathy for the Senator from North Dakota. He is right. We have to start moving. I hope that leadership on both sides of the aisle sits down and reaches an agreement today, and figure out a way to get off of this impasse so that we can do both—find a way to take up and work campaign finance reform, and also pass this highway bill.

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

Mr. BAUCUS. Certainly.

Mr. DORGAN. My understanding is that the second-degree amendment that is pending is something that is acceptable, at least to the extent that I know it. I would vote for it. Would the Senator from Montana support it?

Mr. BAUCUS. I would. I think most Senators would support it.

Mr. DORGAN. It seems to me that the only reason the tree is full with a final second-degree amendment that would be acceptable to everyone is simply to prevent others from offering amendments. I understand the parliamentary strategy here. But the problem is that it puts the Senate in the position of having kind of a glacial progress. I have never tried to watch a glacier move. But I have been told it will pass a lot of days.

Mr. BAUCUS. If the Senator wishes, I will take the Senator up to Grinnell Glacier in Glacier Park where you can virtually watch the glacier move because the Earth is warming at such a rapid rate. It is moving in the wrong way. It is receding, is diminishing. In fact, in 20 years that glacier will totally evaporate.

Mr. DORGAN. Mr. President, the Senator from Montana has actually seen a glacier move, something I have not yet observed. Would the Senator from Montana agree that the glacier—however rapidly or slowly it is moving—is moving more rapidly than we are?

Mr. BAUCUS. I think the Senator makes a very good point. At least it is moving—the glacier.

Mr. DORGAN. Will the Senator from Montana agree that we are not moving; that we have a circumstance where a bill is brought to the floor, and we are virtually tied in knots with a procedural tree, which is not unusual? It has been used before, and used by Democrats as well. But it is rarely used. And it is used in most cases, I am told, to stop legislation.

Mr. BAUCUS. That is correct.

Mr. DORGAN. The point is the tree was developed with the longest hanging fruit a second-degree amendment. If that is acceptable to the Senate, my point was, let's come here and ask for the yeas and nays, and have a vote on it. And if the vote is yes, as I expect it would be, then the tree is open, and we can offer amendments.

My expectation would be that someone would come and say, "We are not going to allow you to offer amendments. We will fill the tree again." I say that is fine. Let's vote again. Let's keep voting, and maybe at some point we will start making forward progress. You can have your car engine idling, and you can say, "Well, the engine is running." Yes. But you are not going anywhere. That is kind of what is happening here. What I want to do is have the engine running with the lights on, with the heat going, and some discussion on the floor of the Senate. But we are not going anywhere. I want to go somewhere—both on campaign finance reform, and I want to make progress on the highway reauthorization bill. And we are going nowhere on both of those fronts.

Mr. BAUCUS. The Senator is absolutely correct. We are at dead center. We are not moving at all.

One way to perhaps get a little more momentum is the procedure outlined by the Senator. I hope that we could count on the same objective by the leadership sitting down and working out an agreement so that we don't have to go through this process. But we may have to.

Mr. DORGAN. I would observe, finally, that the chairman and ranking member are enormously patient. The bill is brought to the floor with a procedure that really doesn't allow any movement on the bill. I expect you will remain on the floor while the bill is being considered, and perhaps at some point when the bill is further considered that we will ask for the yeas and nays and see if by that manner we can make some additional progress.

Mr. BAUCUS. I thank the Senator. I very much hope, as I said many times, that the leadership works out an agreement so we can solve this thing and get moving.

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

Pending:

Chafee-Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee-Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee-Warner amendment No. 1314 (to amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to amendment No. 1317), to strike the limitation on obligations for administrative expenses.

The Senate continued with the consideration of the bill.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator majority leader.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk on the pending highway legislation.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Senators Trent Lott, John H. Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Michael B. Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard S. Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Thursday, October 23, at a time to be determined later. However, I do ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a second cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Senators Trent Lott, John Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Mike Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Thursday also, if necessary. It will be the intention of the majority leader to schedule the vote in the afternoon Thursday, if cloture is not invoked Thursday morning.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

ENCRYPTION

Mr. LOTT. Mr. President, I would like to report to my colleagues on the activities in the House to establish a new export policy on encryption. This is an issue that is still at the top of my list of legislation I hope this Congress can resolve within the next 2 months. The House's actions last month turned a spotlight on how this issue should ultimately be resolved.

Let me briefly review the issue. Encryption is a mathematical way to scramble and unscramble digital computer information during transmission and storage. The strength of encryption is a function of its size, as measured in computer bits. The more bits an encryption system has, the more difficult it is for someone else to illegally unscramble or hack into that information.

Today's computer encryption systems commonly used by businesses range from 40 bits in key length to 128 bits. A good hacker, let's say a criminal or a business competitor, can readily break into a computer system safeguarded by a lower-technology 40-bit encryption system. On the other hand, the 128-bit encryption systems are much more complex and pose a significant challenge to any would-be hacker.

Obviously, all of us would prefer to have the 128-bit systems. And equally as important, we would like to buy such systems from American companies. Firms we can routinely and safely do business with. Foreign companies and individuals also want to buy such systems from American companies. They admire and respect our technological expertise, and trust our business practices. The United States remains the envy of the world in terms of producing top-notch encryption and information security products.

However, current regulations prohibit U.S. companies from exporting encryption systems stronger than the low-end, 40-bit systems. A few exceptions have been made for 56-bit systems. Until recently, it has been the administration's view that stronger encryption products are so inherently dangerous they should be classified at a level equal to munitions, and that the export of strong encryption must be heavily restricted.

While we are restricting our own international commerce, foreign companies are now manufacturing and selling stronger, more desirable encryption systems, including the top-end 128-bit systems, anywhere in the world they want. Clearly, our policy doesn't make sense. Just as clearly, our export policies on encryption have not kept up to speed with either the ongoing changes in encryption technology or the needs and desires of foreign markets for U.S. encryption products.

My intention is neither to jeopardize our national security nor harm law enforcement efforts. I believe we must give due and proper regard to the national security and law enforcement implications of any changes in our policy regarding export of encryption technology. But it is painfully obvious we must modernize our export policies on encryption technology, so that U.S. companies can participate in the world's encryption marketplace. The legislative initiative on this issue has always been about exports, but this summer that changed.

During the past month, the FBI has attempted to change the debate by proposing a series of new mandatory controls on the domestic sale and use of encryption products. Let me be clear. There are currently no restrictions on the rights of Americans to use encryption to protect their personal financial or medical records or their private e-mail messages. There have never been domestic limitations, and similarly, American businesses have always been free to buy and use the strongest possible encryption to protect sensitive information from being stolen or changed. But now, the FBI proposes to change all that.

The FBI wants to require that any company that produces or offers encryption security products or services guarantee immediate access to plain text information without the knowledge of the user. Their proposal would subject software companies and telecommunications providers to prison sentences for failure to guarantee immediate access to all information on the desktop computers of all Americans. That would move us into an entirely new world of surveillance, a very intrusive surveillance, where every communication by every individual can be accessed by the FBI.

Where is probable cause? Why has the FBI assumed that all Americans are going to be involved in criminal activities? Where is the Constitution?

And how would this proposal possibly help the FBI? According to a forthcoming book by the M.I.T. Press, of the tens of thousands of cases handled annually by the FBI, only a handful have involved encryption of any type, and even fewer involved encryption of computer data. Let's face it—despite the movies, the FBI solves its cases with good old-fashioned police work, questioning potential witnesses, gathering material evidence, and using electronic bugging or putting microphones on informants. Restricting encryption technology in the U.S. would not be very helpful to the FBI.

The FBI proposal won't work. I have talked with experts in the world of software and cryptography, who have explained that the technology which would provide compliance with the FBI standard simply does not exist. The FBI proposal would force a large unfunded mandate on our high technology firms, at a time when there is no practical way to accomplish that mandate.

Rather than solve problems in our export policy, this FBI proposal would create a whole new body of law and regulations restricting our domestic market.

This and similar proposals would also have a serious impact on our foreign market. Overseas businesses and governments believe that the U.S. might use its keys to computer encryption systems to spy on their businesses and politicians. Most U.S. software and hardware manufacturers believe this is bad for business and that nobody will trust the security of U.S. encryption products if this current policy continues. In fact, this proposal appears to violate the European Union's data-privacy laws, and the European Commission is expected to reject it this week.

So, the FBI proposal would: Invade our privacy; be of minimal use to the FBI; would require nonexistent technology; would create new administrative burdens; and would seriously damage our foreign markets.

This is quite a list.

Mr. President, the FBI proposal is simply wrong. I have learned that even the administration does not support this new FBI proposal. So why does the FBI believe it must now subject all Americans to more and more surveillance?

This independent action by the FBI has created confusion and mixed signals which are troublesome for the Senate as it works on this legislation. Perhaps the FBI and the Justice Department need to focus immediately on a coordinated encryption position.

Mr. President, I congratulate the members of the House Commerce Committee for rejecting this FBI approach by a vote margin of more than 2 to 1.

I am sure all of my colleagues are sympathetic to the fact that emerging technologies create new problems for the FBI.

But we must acknowledge several truths as Congress goes forward to find this new policy solution. People increasingly need strong information security through encryption and other means to protect their personal and business information. This demand will grow, and somebody will meet it. In the long term, it is clearly in our national interest that U.S. companies meet the market demand. Individuals and businesses will either obtain that protection from U.S. firms or from foreign firms. I firmly believe that all of our colleagues want American firms to successfully compete for this business. Today there are hundreds of suppliers

of strong encryption in the world marketplace. Strong encryption can be easily downloaded off the Internet. Even if Congress wanted to police or eliminate encryption altogether, I am not sure that is doable.

So, let's deal with reality. Clamping down on the constitutional rights of American citizens, in an attempt to limit the use of a technology, is the wrong solution. The wrong solution. This is especially true with encryption technology because it has so many beneficial purposes. It prevents hackers and espionage agents from stealing valuable information, or worse, from breaking into our own computer networks. It prevents them from disrupting our power supply, our financial markets, and our air traffic control system. This is scary—and precisely why we want this technology to be more available.

Only a balanced solution is acceptable. Ultimately, Congress must empower Americans to protect their own information. Americans should not be forced to only communicate in ways that simply make it more convenient for law enforcement officials. This is not our national tradition. It is not consistent with our heritage. It should not become a new trend.

Mr. President, I would like to establish a framework to resolve this difficult issue. I hope to discuss it with the chairmen and ranking members of the key committees. I especially look forward to working with the chairman of the Commerce, Science and Transportation Subcommittee on Communications, Senator BURNS. He was the first to identify this issue and try to solve it legislatively. His approach on this issue has always been fair and equitable, attempting to balance industry wants with law enforcement requirements.

I believe there are other possible ideas which could lead to a consensus resolution of the encryption issue. It is my hope that industry and law enforcement can come together to address these issues, not add more complexity and problems. The bill passed by the House Commerce Committee included a provision establishing a National Encryption Technology Center. It would be funded by in-kind contributions of hardware, software, and technological expertise. The National Encryption Technology Center would help the FBI stay on top of encryption and other emerging computer technologies. This is a big step. This is a big step in the right direction.

It is time to build on that positive news to resolve encryption policy.

Mr. President, there is an op-ed piece which appeared in the Wall Street Journal on Friday, September 26. It is well written and informative, despite the fact that its author is a good friend of mine. Mr. Jim Barksdale is the president and CEO of Netscape Communications and is well-versed in encryption technology. Mr. Barksdale's company does not make encryption products; they license such products from others. They sell Internet and business software and, as Jim has told me many times, his customers require strong encryption features and will buy those products either from us or foreign companies.

Again, let's deal with reality. The credit union manager in Massachusetts, the real estate agent in Mississippi, the father writing an e-mail letter to his daughter attending a California university, each want privacy and security when using the computer. They will buy the best systems available to ensure that privacy and security. And, in just the same way, the banker in Brussels, Belgium, the rancher in Argentina, and the mother writing e-mail to her daughter in a university in Calcutta, India, each of these people also want privacy and security. They also will buy the best systems available to ensure that privacy and security. And they want encryption systems they trust—American systems. That's what this debate is about.

Mr. President, if Congress does not modernize our export controls, we run the real risk of destroying the American encryption industry. And we risk giving a significant and unfair advantage to our foreign business competitors.

THE FMC DID THE RIGHT THING

Mr. LOTT. Mr. President, I rise to congratulate the Federal Maritime Commission [FMC] for doing the right thing about Japan's ports. This action was not unexpected by the Japanese carriers, but I am sure many were surprised with the FMC's dedication to seeing this through. During the past few days, the Nation watched as a long running dispute between Japan and those countries whose ships call on Japan's ports appears to have been resolved.

Japan's ports are widely known as the most inefficient and expensive in the developed world. Additionally, Japan's port system discriminates against non-Japanese ocean carriers.

Mrs. HUTCHISON. For many years, the United States has attempted to negotiate commonsense changes to this system with Japan. Japan also faced criticism from the European Union. However, no progress was made until earlier this year when the FMC voted to assess $100,000 fines against Japanese ocean carriers for each United States port call. It is reasonable for the United States to collect fines from the Japanese shipping lines. Before these fines were to be imposed, the Government of Japan agreed to make the necessary changes. The FMC judiciously gave Japan until August 1997 to work out these changes. When Japan failed to meet this generous deadline, the fines automatically went into effect. By last week, the Japanese ocean carriers had missed the FMC's deadline to pay the first $5 million in fines. Realizing that Japan would not follow through on its promise to fix its port system unless stronger measures were imposed, the FMC voted last week to deny the same Japanese ocean carriers entry to and exit from United States ports.

Mr. LOTT. Mr. President, this firm action has had the desired effect.

An agreement between the United States and Japan on the port issue has been reached. The FMC's order will not have to be carried out, but it was vital to ensuring that Japan's discriminatory port practices are ended. International trade only works when trading partners treat each other fairly. Diplomatic solutions only work when both sides live up to their commitments, and this only occurs when nations know there are genuine consequences to inaction.

The FMC's active role in the port dispute ensured that United States ocean carriers will be treated fairly in Japan. I want to personally recognize Harold Creel, the Chairman of the FMC, and FMC Commissioners Ming Hsu, Del Won, and Joe Scroggins for their efforts to resolve the Japanese port dispute in a firm, yet fair, manner.

Clearly, the FMC has both the responsibility and the authority to take the action. And, the Commissioners approached their decision in a thoughtful and measured way.

I also want to thank the other members of the negotiation team, in particular, the Maritime Administration which provided much needed maritime expertise.

Mrs. HUTCHISON. I want to add my congratulations to the FMC, the Maritime Administration, and the administration as well. The resulting improvements in Japan's port practices will benefit not only U.S. ocean carriers, but other ocean carriers and the shippers of the world trading through Japan's ports.

Mr. LOTT. I would also note that the authority under which the FMC took these actions, section 19 of the Merchant Marine Act, 1936, and the independence of the U.S. Government's international shipping oversight agency would be preserved under S. 414, the Ocean Shipping Reform Act of 1997. Under this bill, the action would be carried out by the U.S. Transportation Board, an expanded and renamed Surface Transportation Board. To those who expressed concerns that this multimodal board would be unwilling or unable to be an effective regulator of the maritime industry, I tell them to look at the Surface Transportation Board's record of making tough decisions with regard to the mergers of the largest railroads in the United States.

When provided with similar maritime expertise, this combined board will certainly have the ability and willingness to protect the interests of the United States in international maritime disputes.

Mrs. HUTCHISON. The Majority Leader is correct. S. 414 does not limit the United States' ability to address similar situations in the future. The U.S. Transportation Board would have the same authority, independence, and I believe the same willingness, to protect America's interests as the FMC.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 20, 1997, the Federal debt stood at $5,418,457,770,302.08. (Five trillion, four hundred eighteen billion, four hundred fifty-seven million, seven hundred seventy thousand, three hundred two dollars and eight cents)

Five years ago, October 20, 1992, the Federal debt stood at $4,059,070,000,000. (Four trillion, fifty-nine billion, seventy million)

Ten years ago, October 20, 1987, the Federal debt stood at $2,384,494,000,000. (Two trillion, three hundred eighty-four billion, four hundred ninety-four million)

Fifteen years ago, October 20, 1982, the Federal debt stood at $1,137,638,000,000. (One trillion, one hundred thirty-seven billion, six hundred thirty-eight million)

Twenty-five years ago, October 20, 1972, the Federal debt stood at $438,262,000,000 (Four hundred thirty-eight billion, two hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$4,980,195,770,302.08 (Four trillion, nine hundred eighty billion, one hundred ninety-five million, seven hundred seventy thousand, three hundred two dollars and eight cents) during the past 25 years.

AMERICAN MEDICAL ASSOCIATION HONORS MARK MONTIGNY

Mr. KENNEDY. Mr. President, the American Medical Association recently honored Massachusetts State Senator Mark Montigny of New Bedford with its 1997 Nathan Davis Award. This honor is a well-deserved tribute to Senator Montigny for his outstanding commitment to public service and his leadership in health care.

The award was established by the AMA in 1989 to honor elected and career officials at the Federal, State and local levels for their leadership in advancing public health. Mark Montigny's role on these vital issues in the Massachusetts legislature has helped our State to make impressive progress in improving the quality and affordability of health care for all citizens.

In July 1996, one of Senator Montigny's principal legislative initiatives was enacted into law, to provide health insurance for the 160,000 children in Massachusetts without such insurance. His initiative also launched a pilot prescription drug subsidy program for senior citizens.

These initiatives are financed by a 25 cent increase in the State cigarette tax. The linkage between the cigarette tax and children's health insurance in Senator Montigny's bill was one of the principal models for the national children's health insurance legislation enacted by Congress as part of the balanced budget agreement this year.

New Bedford and Massachusetts are proud of Mark Montigny's leadership on these issues. I congratulate him on the AMA's award, and I look forward to working closely with him in the years ahead.

NATO EXPANSION

Mr. CAMPBELL. Mr. President, this morning the Senate Appropriations Committee, on which I serve, held an important hearing on the topic of NATO expansion. Secretary of State Madeleine Albright and Secretary of Defense William Cohen testified at this hearing.

I feel that it is fitting at this time to keep in mind one of our recently retired colleagues who has played such a pivotal role in advancing the cause of NATO expansion. I am referring to my good friend from Colorado, Senator Hank Brown.

Few people have played a more crucial or steadfast role for the cause of NATO expansion than Senator Brown. He started his efforts after Stalin's notorious Iron Curtain crumbled and never let up. His devotion and successes in advancing NATO expansion has made Hank Brown a warmly regarded household name throughout Central Europe, including the three countries that have been invited to join NATO in this first round of expansion, Poland, Hungary, and the Czech Republic.

In fact, in the fall of 1996, the people of Poland showed their highest regards for Senator Brown by awarding him Honorary Polish citizenship in the name of the historic capital of Poland, Krakow. This is one of Poland's most prestigious honors. To this day, only two other Americans have received this honor, President Ronald Reagan and President George Bush.

I recall a moving speech that Senator MIKULSKI—who sits on the Appropriations Committee with me—gave right here on the Senate Floor just after the Brown NATO Expansion Amendment passed last fall. Senator MIKULSKI said that her mother had just placed a picture of Hank Brown in a place of honor on her fireplace mantle at home. I hope it is still there. This is but one illustration of how the debate over NATO expansion transcends party lines.

Senator Hank Brown has been one of the most effective advocates of securing freedom and peace for the people of Europe. We appreciated his valuable leadership in the Senate on the cause of NATO expansion. His legacy continues as the Senate proceeds with its consideration of this issue of great importance to the national security interests of the United States.

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. HUTCHINSON (for himself and Mr. INHOFE):

S. 1299. A bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers; to the Committee on Labor and Human Resources.

By Mr. GRAMS (for himself and Ms. MOSELEY-BRAUN):

S. 1300. A bill to provide for the minting and circulation of new one dollar coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 1301. A bill to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; to the Committee on the Judiciary.

By Mr. FAIRCLOTH (for himself and Mr. MOYNIHAN):

S. 1302. A bill to permit certain claims against foreign states to be heard in United States courts where the foreign state is a state sponsor of international terrorism or where no extradition treaty with the state existed at the time the claim arose and where no other adequate and available remedies exist; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. HAGEL, Mr. KERREY, and Mr. MURKOWSKI):

S. 1303. A bill to encourage the integration of the People's Republic of China into the world economy, ensure United States trade interests, and establish a strategic working relationship with the People's Republic of China as a responsible member of the world community; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 137. A resolution to authorize testimony, production of documents, and representation of employees of Senate in the cases of *United States* v. *Tara LaJuan Edwards* and *United States* v. *Robbin Tiffani Stoney*; considered and agreed to.

By Mr. DEWINE:

S. Con. Res. 54. A concurrent resolution expressing the sense of the Congress that the United States Postal Service should maintain the postal uniform allowance program; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself, Mr. WARNER, and Mr. ROBB):

S. Con. Res. 55. A concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. INHOFE):

S. 1299. A bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers; to the Committee on Labor and Human Resources.

THE ASTHMA INHALER REGULATORY RELIEF ACT

Mr. HUTCHINSON. Mr. President, I come to the Senate floor to talk about an issue which literally means life and breath to 30 million Americans. It appears that in an effort to clean up the environment, some heavy-handed bureaucrats are willing to reduce the quality of life for those Americans—children, adults, and senior citizens—who are dependent upon inhalers like this inhaler that I have with me today. As I rode the elevator up to the Chamber, I mentioned to the elevator operator what I was going to be doing. She said, "Well, please do it because it means life to me. I have to have this to breathe."

I have a nephew, John Paul, who is an asthmatic, who has been dependent upon these inhalers that would be outlawed unless we act as the Senate.

Because of this, I am offering the Asthma Inhaler Regulatory Relief Act, AIRR, which would block the Food and Drug Administration from banning certain metered dose inhalers, MDI's. I am glad today that Senator SHELBY, Senator BOND, and Senator DEWINE have all joined as original cosponsors on this legislation. Senator DEWINE has a special interest in this, with four of his children, it is my understanding, being asthmatics and being dependent upon these inhalers. These inhalers are used by nearly 30 million Americans who suffer from respiratory diseases such as asthma, chronic obstructive pulmonary disease, and cystic fibrosis. These people have come to rely on their inhalers as a lifeline for daily living. Yet, the FDA at this time, in its very questionable wisdom, has decided that inhalers severely damage the environment and must be banned. One of only a few avenues to the outside world, the FDA would seal this avenue and ban these inhalers.

The FDA initially published an advanced notice of a proposed rulemaking to eliminate the use of MDI's that use chlorofluorocarbons on March 6, 1997. About this time, I received several letters which initially sparked my interest in the issue. I have come to find out that the FDA, in collaboration with the Environmental Protection Agency, proposed this rule as part of the EPA's desire to eliminate all uses of chlorofluorocarbons as soon as possible. Most metered dose inhalers use CFC's as the propellant to deliver the medicine from the inhaler to the lungs of the patient. Under the 1987 Montreal protocol CFC's are to be phased out globally by the year 2005. However, certain uses of CFC's, including this inhaler, were explicitly recognized by signatories of the protocol as vital to human health while posing relatively little harm to the environment. This exception has allowed the continued manufacture and use of inhalers which use CFC's as their propellants.

This exception, however, is being threatened by the Food and Drug Administration despite the objections of many, including the American Academy of Family Physicians. In their May 5, 1997 letter to Michael Friedman, Deputy Commissioner of the FDA, the physicians wrote:

> The Academy believes that the proposed rule might negatively affect our patients' health care and urges the FDA to continue to deem MDI's as "essential" under the Montreal Protocol.

These are the doctors who deal with our children day in and day out. They reiterated twice in their letter that they support eliminating CFC's from the environment but feel that this shortened timetable is not necessary and may be detrimental, very detrimental to their patients' health.

Carol Browner, the Administrator of the Environmental Protection Agency, has come to the Congress on numerous occasions to lobby on behalf of EPA's proposed clean air standards. I serve on the clean air subcommittee. We have had Administrator Browner before us numerous times as an advocate for children. One of the most compelling arguments she has made on behalf of these new air standards is that she is saving the children and the elderly from unnecessary respiratory illness. I respect Ms. Browner for her zeal to protect children and the elderly, but I find it ironic and amazing and I have to wonder how she can support taking the medication away from those whom she claims to be trying to protect.

I wonder how she can look these children in the eye and tell them she is taking away the one thing that allows them to play outside and enjoy the high-energy activities of running, climbing and participating in sports. Ms. Browner's actions will literally rob them of their childhood and force them to sit on the sidelines. Of course, the EPA has an answer. First, the EPA and the FDA will tell us there are other MDI's available that will provide the necessary protection for these children. The truth is there is only one that is currently available. Many are in the research and development stages, but that pales in comparison to the hundreds of these inhalers that are available currently.

Doctors will tell you that different patients react differently to different medications. There are many inhalers that are virtually identical in composition yet have dramatically different effects on various patients. Again, quoting the American Academy of Family Physicians:

> We are concerned that the proposed rule will severely limit the number of therapies available to our patients. We know that a drug that works for one patient may not work for another. We would like our members to have the flexibility to try different therapies to find the one that is most effective for their patients.

Simply put, 1 inhaler is not enough and 10 is not enough. Doctors must have the ability to choose the medication that best suits their patients. In the case of respiratory treatment, one size definitely does not fit all.

Another concern I have with allowing one inhaler to dominate the market is the cost to the consumer. Obviously, where there are hundreds as currently exist, including many generic brands, there will be lower prices for the consumer. If we allow the FDA and the EPA to ban CFC inhalers, many may not be able to afford the treatment. The majority of patients who suffer from these symptoms live in the inner-city where the cost of living is very high and their income very low. These families rely on inhalers which can cost eight times less than newer name brand products without CFC's. If these children from low-income inner-city families lose the most accessible inhaler, they are less likely to continue adequate treatment which is so important to a normal life.

According to a recent Wall Street Journal article, the Joint Council of Allergy, Asthma and Immunology has told both the FDA and the EPA that because of these increased costs, their proposal will unfairly punish poor children and the elderly who have the highest risks of asthma-related sickness and death.

A certain consequence of a decrease in the use of inhalers as part of a schedule to keep asthma in control is an increase in hospital admissions and an increase in deaths. According to a panel of the National Institute for Allergies and Infectious Diseases, between 1980 and 1993 failure to comply with treatment explains a 300 percent increase in asthma-related deaths among children. This proposal put forth by the EPA and the FDA will increase costs and can only worsen this statistic.

Another common argument the EPA will use is that by banning CFC's, we are making the air more safe for children and the elderly. While certainly there are studies that show these gases are harmful and increase the probability that an asthmatic will have an

attack, if you look at the statistics, you will find that inhalers, such as this one, account for at most 1.5 percent of all CFC's produced in the world. The EPA supports taking away nearly 30 million people's inhalers to eliminate approximately 1.5 percent of the CFC's produced. That hardly seems like a logical target for reducing CFC's and preserving and maintaining the health of the American people.

In the October edition of Insight Magazine, Robert Goldbert, senior research fellow at George Washington Center For Neuroscience, determines that banning MDI's that only account for 1.5 percent of CFC emissions is another cynical exploitation of kids for the sake of environmental correctness.

I do not believe that this proposal is part of a strategy to save the ozone layer. I believe it is a strategy to use children as a political tool for an end that I frankly do not understand. We cannot allow the FDA and the EPA to require children and senior citizens to foot the bill for reductions in CFC's that will do no good, while hurting the most vulnerable.

These actions, if allowed to proceed, will literally rob these children of their childhood and significantly reduce the quality of life of all those dependent on inhalers.

I urge the Presiding Officer and all of my colleagues who may be listening today to join in cosponsorship of what I think is commonsense legislation and that is going to be to the benefit of 30 million Americans including children and the elderly and those who are most vulnerable in our society.

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. 1299

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 "Asthma Inhaler Regulatory Relief Act".

SEC. 2. LIMITATION ON AUTHORITY TO BAN METERED-DOSE INHALERS.

Neither the Administrator of the Environmental Protection Agency nor the Commissioner of Food and Drug Administration may prohibit the manufacture, distribution, or sale of metered-dose inhalers that use chlorofluorocarbons unless the Administrator of the Environmental Protection Agency and the Commissioner of the Food and Drug Administration jointly certify to the Congress that alternatives to such inhalers are available that, for all populations of users of such inhalers, are comparable in terms of safety and effectiveness, therapeutic indications, dosage strength, costs, and retail availability.

SEC. 3. MORATORIUM ON FURTHER RULEMAKING.

The Commissioner of the Food and Drug Administration shall withdraw the March 6, 1997, advance notice of proposed rulemaking concerning chlorofluorocarbons in metered-dose inhalers and shall not issue any other proposal until after the 10th Meeting of the Parties to the Montreal Protocol on Substances That Deplete the Ozone Layer. Any subsequent proposal shall be in the form of an advance notice of proposed rulemaking and shall be initiated only after extensive consultations with patients, physicians, other health care providers, manufacturers of metered-dose inhalers, and other stakeholders.

SEC. 4. DEVELOPMENT OF STRATEGY.

(a) IN GENERAL.—Following the 10th meeting of Parties to the Montreal Protocol on Substances That Deplete the Ozone Layer, but not later than January 30, 1999, the Commissioner of the Food and Drug Administration shall publish a new advance notice of proposed rulemaking, setting forth the initial strategy for facilitating the transition in the United States to metered-dose inhalers that do not use chlorofluorocarbons.

(b) OBLIGATIONS UNDER MONTREAL PROTOCOL.—The initial strategy developed under subsection (a) shall be submitted by the Secretary of State to the Montreal Protocol Secretariat by January 31, 1999, to fulfill United States obligations under the Montreal Protocol decision IX/14.

By Mr. GRAMS (for himself and Ms. MOSELEY-BRAUN):

S. 1300. A bill to provide for the minting and circulation of new $1 coins; to the Committee on Banking, Housing and Urban Affairs.

THE UNITED STATES $1 COIN ACT OF 1997

Mr. GRAMS. Mr. President, today Senator MOSELEY-BRAUN and I are introducing the United States $1 Coin Act of 1997. The bill calls for a newly designated, golden-colored $1 coin to replace the Susan B. Anthony.

Unless this legislation is approved in the near future, the U.S. Mint will begin the process of minting more of the unpopular Susan B. Anthony coins by 1999. The supply of Anthony coins in government inventories fell by a total of 137 million coins in 1995 and 1996. Only 133 million remain as of September 30, 1997. The inventory has been falling at the rate of about 5 million per month because Anthony dollars are used at hundreds of vending locations, in more than a dozen major transit systems, and by the U.S. Postal Service.

Because the U.S. Mint has stated that it needs 30 months to design and fabricate a new $1 coin, the timeframe for a decision by Congress is short.

The current design of the SBA $1 coin is flawed because it has the same color and reeded edge as a quarter. This makes it difficult for consumers to tell the difference between an SBA $1 coin and a quarter.

The United States $1 Coin Act of 1997 will require the Treasury Department to change the color and edge of the SBA $1 coin so that it is different from the quarter. The act will not terminate the $1 bill.

Philip Diehl, Director of the U.S. Mint, stated his support for these reforms in his testimony to the House Subcommittee on Domestic and International Monetary Policy on October 21, 1997:

The U.S. Mint fully supports legislation which would authorize issuance of a new dollar coin with new characteristics at such time as the SBA inventory is exhausted. In addition, immediate passage is critical because the U.S. Mint needs at least 30 months to research and test coin alloys and suitability for use in commerce.

Mr. President, I ask unanimous consent that both a copy of the United States $1 Coin Act of 1997 and a section-by-section summary of its contents to be entered into the RECORD.

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

S. 1300

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "United States $1 Coin Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SECTION 2. NEW $1 COIN.

(a) WEIGHT.—Section 5112(a) of Title 31, United States Code, is amended by striking, "and weighs 8.1 grams."

(b) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the 1st sentence, by striking, "dollar,"; and

(2) by inserting after the 4th sentence, the following new sentence: "The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernable, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States clad coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997."

(c) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking out the 5th and 6th sentences and inserting the following new sentence: "The Secretary of the Treasury, in consultation with Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.".

(d) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of the enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of Treasury shall place into circulation $1 coins which comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by subsections (b) and (c) of this section. The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins are placed in circulation.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by subsections (b) and (c) of this section, the Secretary of the Treasury shall continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with such section 5112 (as in effect on the day before the date of the enactment of this Act) until such time as production begins.

SECTION 3. MARKETING PROGRAM.

(a) IN GENERAL.—Before placing into circulation $1 coins authorized under section 2 of this Act, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and local, state and federal government agencies.

(b) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program authorized by subsection (a).

(c) REPORT.—No later than March 31, 2001, the Secretary of the Treasury shall submit a report to Congress on the results of the study conducted pursuant to subsection (b).

UNITED STATES $1 COIN ACT OF 1997—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

The Act is called the "United States $1 Coin Act of 1997."

Section 2. New $1 Coin

Subsection 2(a). The new $1 coin will be of a golden color so that consumers can tell the difference between it and a quarter. The 8.1 gram weight restriction for the dollar coin is deleted to take into account the difference in weight caused by the coin being minted from a different alloy. However, the new $1 coin will retain the same 1.043 inches diameter as the old coin.

Subsection 2(b). The current $1 coin has the same color and same reeded edge of a quarter. This subsection authorizes that the new $1 coin be golden in color and have a distinctive (probably smooth) edge. The change in the edge will permit vision impaired consumers to be able to differentiate the $1 coin from a quarter.

Subsection 2(c). This permits the Secretary of the Treasury, in consultation with Congress, to change the design of the dollar coin.

Subsection 2(d)(1). The U.S. Mint estimates that the current supply of old $1 coins will be depleted within 30 months. This subsection requires that upon the depletion of the current supply of old $1 coins, the Treasury Department shall place into circulation the new $1 coins. The Treasury Department is also authorized to sell the new $1 coin as part of a special set for coin collectors prior to date in which the new coins are set to be placed in general circulation.

Subsection 2(d)(2). This requires the Treasury Department to temporarily mint more SBA $1 coins, if the supply of these coins is for some reason depleted prior to the introduction of the new $1 coin. This will assure that commercial enterprises and mass transit authorities will not experience shortages of $1 coins prior to the introduction of the new $1 coin.

Section 3. Marketing Program

This requires the Treasury Department to publicize the issuance of the new $1 coin and promote the use of such $1 coins to commercial enterprises, mass transit authorities and government agencies. It requires the Treasury Department to report on the progress of their promotion efforts no later than March 31, 2001.

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 1301. A bill to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; to the Committee on the Judiciary.

THE "CONSUMER BANKRUPTCY REFORM ACT OF 1997"

Mr. GRASSLEY. Mr. President, I rise today to introduce the Consumer Bankruptcy Reform Act of 1997. This bill, which I am introducing with Senator DURBIN, will tighten bankruptcy laws and do much to stem the tide of casual bankruptcies. With bankruptcy filings at all time record highs, it's imperative that Congress enact serious and tough reforms of the consumer bankruptcy chapters.

By far, the most pressing bankruptcy policy question facing America today relates to the explosion of consumer bankruptcies. Last April, I chaired a hearing on the crisis in consumer bankruptcies. While there's not much agreement about the root causes of the rise in consumer bankruptcies, it's obvious that Congress needs to do something now—before the economy takes a downturn—to reverse this trend. At the present time, the economy is doing well and unemployment is low. Inflation is under control.

But we know there are always potholes on the road to economic prosperity. And we know that when the economy declines, bankruptcies increase. With so many bankruptcies now, when times are good, I shudder to think of the strains we will face if we hit a recession. Clearly, Congress needs to act while the economy is still in good shape.

The Consumer Bankruptcy Reform Act will discourage casual bankruptcies by sending a clear signal that you can't file for bankruptcy and walk away from your debts if you have the ability to re-pay some portion of those debts. This is a simple and straightforward idea whose time has come. According to my research, Congress considered reserving bankruptcy relief for only those Americans who can't re-pay their debts as far back as 1932. So, what we're proposing is not based on some unprecedented concept; but instead has a long and distinguished history.

The bill I'm introducing today amends section 707(b) of the bankruptcy code to permit bankruptcy judges to transfer debtors to chapter 13, or dismiss a case outright, if the debtor could re-pay 20 percent or more of their nonpriority unsecured debts. And the bill changes current law to let creditors bring motions to bankruptcy judges to have debtors moved to chapter 13 or have their cases dismissed. This means that creditors can be the masters of their own destiny. The bankruptcy code should not prevent creditors from even presenting evidence that debtors who could repay their debts are abusing the bankruptcy code and walking away scott-free.

The bill also allows private chapter 7 trustees to bring motions under the new section 707(b). And if they win on their motion, and the debtor is either dismissed or transferred to chapter 13, the private trustee will be reimbursed for attorney's fees. As an added incentive for the private trustees, if they win on a section 707(b) motion, the court can order the debtor's attorney fined and make that fine payable to the trustee. Thus, there will be a army of trustees looking for debtors who shouldn't be in bankruptcy. This will cause people to think twice before rushing to declare bankruptcy. And that's a very positive reform.

However, in order to forge a bipartisan compromise, the bill doesn't make ability to repay the only factor in determining whether to transfer or dismiss a case. Instead, each debtor's individual circumstances will be examined. In this way, our bill avoids the injustice which can accompany a crude formula with practically no exceptions.

I'm also very aware that there have been abuses by creditors using harsh and abusive tactics to collect debts from people who have declared bankruptcy. So, the Consumer Bankruptcy Reform Act contains an entire title—title II—dedicated to enhancing consumer protections by requiring judges to impose stiff penalties for abusive conduct and frivolous court filings. As a strong supporter of rule 11 reform, I believe that Congress should crack down on groundless court filings which some creditors have used to harass and intimidate debtors.

I also believe that the Grassley-Durbin bill will encourage alternative dispute resolution and out-of-court settlements under the new section 707(b), if a creditor refuses to attempt ADR, then a debtor who could otherwise be transferred from chapter 7 to chapter 13 can raise this noncooperation as a defense. This will encourage creditors to negotiate out-of-court settlements. And that will save court time and resources—a goal which I am strongly committed to. I think that bringing Bureau of Labor statistics numbers into the bankruptcy code for the first time, as the House bill does, is unprecedented and will breed new and costly litigation. The Grassley-Durbin bill avoids this problem by relying on time-tested bankruptcy provisions to identify chapter 7 filers who really need to be in chapter 13 or out of the bankruptcy system altogether.

This bill is fair and balanced and will implement needed changes efficiently and without the uncertainty and new litigation associated with statistical formulas which are completely foreign to the bankruptcy code. It will crack down on bankruptcy abuses on both sides of the equation. And it will tell those who don't want to take personal responsibility for their debts that the free-ride is over.

Finally, the bill also strikes the cap on single asset real estate, a goal which I have long supported. I'm very grateful to Senator DURBIN for working with me on this matter, since it really is so important to the health of the commercial banking industry.

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. 1301

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 "Consumer Bankruptcy Reform Act of 1997".

TITLE I—NEEDS BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by striking "13".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ", but not at the request or suggestion of a party in interest,";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the last sentence and inserting the following:

"(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

"(A) under section 1325(b)(1) of this title, on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 20 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5 of this title);

"(B) the debtor filed a petition for the relief in bad faith; and

"(C)(i) the debtor made good-faith efforts, before the filing of the petition, to negotiate an alternative repayment schedule or to use alternative methods of dispute resolution; and

"(ii) if the debtor made efforts described in clause (i), the creditors of that debtor unreasonably refused to engage in the alternative methods of dispute resolution or to negotiate an alternative repayment schedule.

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion, the court shall order the counsel for the debtor, if the debtor is represented by counsel, to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1) of this subsection.

"(4) The court shall award a debtor all reasonable costs in contesting a motion brought by a party in interest under this subsection (including reasonable attorneys' fees and actual damages in an amount not less than $5,000) if—

"(A) the court does not grant the motion; and

"(B) the court finds that—

"(i) the position of the party that brought the motion was not substantially justified; or

"(ii) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 13.".

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court shall award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

"(A) disallows the claim; or

"(B) reduces the claim by an amount greater than 5 percent of the amount of the initial claim filed by a party in interest.

"(2) If the court finds that the position of a claimant under this section is not substantially justified, the court shall, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award additional punitive damages in the amount of $5,000.".

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended to read as follows:

"(d)(1) If a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

"(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court shall, in addition to making an award of reasonable attorneys' fees and costs under paragraph (1), award an amount equal to the greater of—

"(A)(i) the amount of actual damages; multiplied by

"(ii) 3; or

"(B) $5,000.".

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

"(j)(1) Except as provided in paragraph (2), a creditor may not charge a debtor, or the account of a debtor, for attorneys' fees or costs for work performed in connection with a case brought under this title.

"(2) Any charge made by a creditor in violation of this subsection shall constitute a violation of an injunction under subsection (a)(2).

"(k) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

"(1) the greater of—

"(A)(i) the amount of actual damages; multiplied by

"(ii) 3; or

"(B) $5,000; and

"(2) costs and attorneys' fees.".

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

"(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

"(A) the greater of—

"(i)(I) the amount of actual damages; multiplied by

"(II) 3; or

"(ii) $5,000; and

"(B) costs and attorneys' fees.

"(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.".

SEC. 205. WHO MAY BE A DEBTOR.

Section 727 of title 11, United States Code, is amended by adding at the end the following:

"(f)(1) In any case in which a creditor files a motion to deny relief to a debtor under this section and that motion is denied or withdrawn, the court shall award the debtor reasonable attorneys' fees and costs.

"(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court shall assess against the creditor for payment to the debtor a payment in an amount equal to the greater of—

"(A)(i) the amount of actual damages; multiplied by

"(ii) 3; or

"(B) $5,000.".

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5 of this title) a written notice prescribed by the United States trustee for the district in which the petition is filed pursuant to section 586 of title 28. The notice shall contain the following:

"(1) A brief description of chapters 7, 11, 12, and 13 of this title and the general purpose, benefits, and costs of proceeding under each of those chapters.

"(2) A brief description of services that may be available to that individual from an

independent nonprofit debt counseling service.

"(3)(A) The name, address, and telephone number of each nonprofit debt counseling service with an office located in the district in which the petition is filed, if any.

"(B) Any nonprofit debt counseling service described in subparagraph (A) that has registered with the clerk of the bankruptcy court on or before December 10 of the preceding year shall be included in the list referred to in that clause, unless the chief bankruptcy judge of the district involved, after giving notice to the debt counseling service and the United States trustee and opportunity for a hearing, orders, for good cause, that a particular debt counseling service shall not be so listed."; and

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—";

(2) by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition pursuant to section 110(b)(1) of this title indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b) of this title; or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

"(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

"(vi) a statement of the amount of projected monthly net income, itemized to show how calculated;

"(vii) if applicable, any statement under paragraphs (3) and (4) of section 109(h); and

"(viii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(3) by adding at the end the following:

"(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

"(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

"(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

"(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(d)(1) A statement referred to in subsection (c)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

"(C) any persons who contributed and the amount contributed to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying.".

(c) TITLE 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5) by striking "and" at the end;

(2) in paragraph (6) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.".

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and".

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" before "Except as";

(B) by striking "(1) the stay" and inserting "(A) the stay";

(C) by striking "(2) the stay" and inserting "(B) the stay";

(D) by striking "(A) the time" and inserting "(i) the time"; and

(E) by striking "(B) the time" and inserting "(ii) the time"; and

(2) by adding at the end the following:

"(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

"(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

"(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) of this title) was pending during the preceding year but was dismissed.

"(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

"(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(A) with respect to the creditors involved, if—

"(i) more than 1 previous case under any of chapters 7, 11, or 13 of this title in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

"(ii) a previous case under any of chapters 7, 11, or 13 of this title in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

"(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

"(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

"(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

"(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

"(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

"(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

"(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

"(i) for a definite period of not less than 1 year; or

"(ii) indefinitely.

"(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

"(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

"(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

"(II) the entity was notified of the commencement of the proceeding for relief from

the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

"(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.".

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

"§ 1321. Filing of plan

"The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.".

(b) CONFIRMATION OF HEARING.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: "That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.".

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

"(i) the individual that received that consideration; or

"(ii) property not in the possession of the debtor that secures that claim.

"(B) In any case described in subparagraph (A), a creditor may not proceed against an individual described in subparagraph (A)(i) or property described in subparagraph (A)(ii), if the debtor who did not receive consideration for the property that is the subject of the claim is able to demonstrate that the receipt of the property was not part of a scheme to defraud or hinder any creditor.

"(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.".

SEC. 307. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1998, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

"(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 308. AUDIT PROCEDURES.

(a) AMENDMENT.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures for the auditing of the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) The audits described in subparagraph (A) shall be made in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract with the United States trustee to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited according to generally accepted auditing standards, except that not less than 1 out of every 50 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

"(iv) establish procedures for—

"(I) reporting the results of those audits and any material misstatement of income, expenditures, or assets of a debtor to the Attorney General, the United States Attorney and the court, as appropriate;

"(II) providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported; and

"(III) fully funding those audits, including procedures requiring each debtor with sufficient available income or assets to contribute to the payment for those audits, as an administrative expense or otherwise.

"(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1) of this subsection.

"(3) According to procedures established under paragraph (1), upon request of a duly appointed auditor, the debtor shall cause the accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor as the auditor requests and that are reasonably necessary to facilitate the audit to be made available for inspection and copying.

"(4)(A) The report of each audit conducted under this subsection shall be filed with the court, the Attorney General, and the United States Attorney, as required under procedures established by the Attorney General under paragraph (1).

"(B) If a material misstatement of income or expenditures or of assets is reported under subparagraph (A), a statement specifying that misstatement shall be filed with the court and the United States trustee shall—

"(i) give notice thereof to the creditors in the case; and

"(ii) in an appropriate case, in the opinion of the United States trustee, that requires investigation with respect to possible criminal violations, the United States Attorney for the district.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 309. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first

sentence the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than one creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 310. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(B) by adding at the end the following:

"(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

"(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

"(3) For purposes of this section, the term 'notice' shall include—

"(A) any correspondence from the debtor to the creditor after the commencement of the case;

"(B) any statement of the debtor's intention under section 521(a)(2) of this title;

"(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

"(D) any notice of a hearing under section 1324 of this title.

"(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

"(2) If the court or the debtor is required to give the creditor notice, 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

"(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

"(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

"(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.".

SEC. 311. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.".

SEC. 312. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e); and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause.".

SEC. 313. DISMISSAL FOR FAILURE TO FILE SCHEDULES TIMELY OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is further amended by adding at the end the following:

"(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) of this title within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 20 days to file the information required under section 521(a)(1) of this title if the court finds justification for extending the period for the filing.".

SEC. 314. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a) of this title.".

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as added by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55) in entirely numerical sequence, so as to result in numerical paragraph designations of (4) through (68).

SEC. 402. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 403. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 404. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking "subsection (c) or (d) of".

SEC. 405. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys' ".

SEC. 406. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 407. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 408. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 409. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(19) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549.".

SEC. 410. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking "or" at the end; and

(B) by striking subparagraph (D) and inserting the following:

"(D) the satisfaction of any penalty rate or penalty provision relating to a default arising from a failure to perform nonmonetary obligations under an executory contract or under an unexpired lease of real or personal property;

"(E) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption; or

"(F) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an executory contract, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption and if the court determines, based on the equities of the case, that paragraph (1) should not apply with respect to such default.";

(2) in subsection (c)—

(A) in paragraph (2), by adding "or" at the end;

(B) in paragraph (3), by striking "or" at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1), by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

SEC. 411. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract.".

SEC. 412. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 413. PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting "unsecured" after "allowed".

SEC. 414. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of,"; and

(B) by striking ", unless" and all that follows through "support,"; and

(2) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 415. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking "or (6)" each place it appears and inserting "(6), or (15)";

(2) as amended by section 304(e) of Public Law 103-394 (108 Stat. 4133), in paragraph (15)—

(A) by inserting "or" after the semicolon at the end; and

(B) by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in paragraph (9), by inserting ", watercraft, or aircraft" after "motor vehicle";

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)";

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court";

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915"; and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears; and

(6) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 416. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 417. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 418. PROPERTY OF THE ESTATE.

Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (B)(ii), by inserting "365 or" before "542"; and

(B) by adding "or" at the end.

SEC. 419. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) (as added by section 222(a) of the Bankruptcy Reform Act of 1994; 108 Stat. 4129) as subsection (h).

SEC. 420. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

SEC. 421. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 422. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking "product" each place it appears and inserting "products".

SEC. 423. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking "362(b)(14)" and inserting "362(b)(17)".

SEC. 424. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 425. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

SEC. 426. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.".

SEC. 427. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 428. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 429. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 430. CONTENTS OF PLAN.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "(c)" and inserting "(d)"; and

(2) in subsection (e), by striking "default, shall" and inserting "default shall".

SEC. 431. DISCHARGE UNDER CHAPTER 13.

Paragraphs (1) through (3) of section 1328(a) of title 11, United States Code, are amended to read as follows:

"(1) provided for under section 1322(b)(5) of this title;

"(2) of the kind specified in paragraph (5), (8), or (9) of section 523(a) of this title; or

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime.".

SEC. 432. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "October 1, 2002" and inserting "October 1, 2012"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "October 1, 2002" and inserting "October 1, 2012"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003" and inserting "October 1, 2013"; and

(B) in clause (ii), in the matter following subclause (II), by striking "October 1, 2003" and inserting "October 1, 2013".

SEC. 433. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 434. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before " 'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before " 'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 435. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, I rise today with my distinguished colleague, Senator GRASSLEY, to introduce the Consumer Bankruptcy Reform Act of 1997. This sensible and bipartisan piece of legislation is designed to check many of the serious abuses in the Bankruptcy Code while maintaining a workable system.

Neither Senator GRASSLEY nor I can ignore the evidence that there are some people who are taking advantage of the Bankruptcy Code. Their numbers may not be great, but every abuse undermines confidence in the code. As with all systems, the Bankruptcy Code is subject to abuse. People can and will manipulate it. Senator GRASSLEY and I have introduced this legislation to attempt to curb many of these abuses. We have worked hard to craft a bill that is balanced—that corrects creditor and debtor abuses. It also attempts to catch abuses without being so harsh that it makes the system unworkable and without turning its back on the fundamental principles and good of the Bankruptcy Code.

Hovering in the background of all that we attempt to do in this legislation is the persistent news that personal bankruptcy filings are steadily increasing. Last year, personal bankruptcies broke the 1 million barrier. And this year will be worse. No one sitting in this room today can help but shudder at the prospect of 1.3 million personal bankruptcies this year.

The odds are that almost every American knows at least one person who has declared bankruptcy. Both Senator GRASSLEY and I vividly remember the farm crises of the 1980's when good, hard-working people came to the end of the line and were desperately trying to save their homes and their children's future. So they declared bankruptcy. We also remember the floods that swept through our States not too long ago that left a financial catastrophe as deep as the natural catastrophe. We must not lose sight of these people.

This jump in personal bankruptcies in good economic times is distressing, in large measure because it is a sign that many people—people we know—are in trouble.

As distasteful as bankruptcy is, the fact remains that we need the system. We cannot dismantle or radically alter it without doing serious damage to our economy, to creditors, and to millions of individuals. The cold hard fact is that the bankruptcy system does not just help individual debtors. It helps the creditors too. And by and large, it works.

To see how, imagine a world where people could not declare bankruptcy when they were in financial straits. In this world, each individual creditor would have to file suit in State court when the debtor defaulted. Only the first unsecured creditor to the courthouse door could get garnished wages to pay off the debt. The secured creditors could repossess all of the secured property. Meanwhile, all of the remaining creditors would get nothing, and the debtor would be left without an automobile, a home, or any assets and with next to no money after wage garnishment. There would be very few winners in that situation.

In stark contrast, the Federal bankruptcy system offers creditors and debtors a comprehensive system—paid for at public expense—which attempts to protect the creditors while also giving the debtor a chance to restart his life. Without our system, each creditor would be clawing his way through the State court system, racking up legal costs, achieving virtually nothing, and turning millions of debtors into financial outcasts.

Some people credit our voluntary individual bankruptcy system to the English author Daniel Defoe, who in 1697 proposed something akin to our current chapter 7. Defoe made some very wise distinctions. He felt there was a difference between the "honest debtor, who fails by visible necessity, losses, sickness, decay of trade, or the like" and the "knavish, designing, or idle, extravagant debtor, who fails because wither he has run out his estate in excess, or on purpose to cheat and abuse his creditors."

He also had something to say about creditors, praising the "moderate creditor, who * * * will hear reasonable and just arguments and proposals" while warning against the "rigorous severe creditor * * * without compassion, full of ill language, passion, and revenge."

It took almost 150 years for the American Congress to implement Defoe's suggestion, although many individual States had acted before then. In 1841, having experienced the Panic of 1837, Daniel Webster introduced and passed a bill that allowed individuals to voluntarily file for bankruptcy and discharge their debts. It is not surprising that the central subject of debate 156 years ago was whether debtors who could actually pay their debts would nevertheless try to avoid them by declaring bankruptcy. Some things never change.

Even as we focus on the Bankruptcy Code and its possible abuses, however, we should be very careful that we do not obscure a far more important and dangerous feature of our consumer economy—the proliferation of risky credit. Merely making bankruptcy abuse harder to get away with is only a small part of the equation. Another part is preventing bankruptcies in the first place by encouraging more responsibility from banks as well as consumers.

Let me make this clear, I am happy to root out abuses in bankruptcy and to encourage people to repay as much as possible within the bankruptcy system. But I insist that I be met half way—that banks and consumers do all they can to encourage healthy lending patterns and responsible money management.

Mr. President, we may never be able to fully understand why bankruptcies have jumped so much. But a few things are clear. First, personal bankruptcy rates are tied to increased consumer debt burdens. The higher the level of credit card debt a person has, the greater the chance that the person will declare bankruptcy. And individual consumer debt is very high. In 1996, consumers charged more than $1 trillion on credit cards. According to the Consumer Federation of America, an estimated $374 to $396 billion in debt was being revolved or incurring interest obligations.

To most people, accumulating credit cards seems easy and problem free. The

waters look awfully enticing when someone sends you a credit card. But there is a dangerous undertow. And as people move further from the shore, they risk getting caught by the undertow. Essentially people are placing themselves on the edge and not leaving enough of a margin for dealing with an unexpected fiscal calamity.

Yet rather than trying to blame anyone for bankruptcies, let us try to find a way to avert future bankruptcies. Both halves of the bankruptcy equation can and should act more responsibly. For creditors, that means providing consumers with enough information to assess the risks. For debtors, that means taking a hard look at what they can and can't afford.

People need to know about the deadly undertow associated with credit card solicitations. Right now people know more about what is in a box of cookies by looking at the nutritional label than they know about their credit cards. We need something like nutritional labels for credit cards.

I have previously proposed four important changes to the way people get and use credit.

First, companies should include in each bill to current cardholders information that details how long it will take that person paying only the minimum to pay off the credit card debt. In addition, the information should indicate how much of the overall payment would be interest.

Second, companies soliciting customers should provide the potential cardholders with an easy-to-understand worksheet to help them determine whether they really can afford more debt. Such a worksheet might include calculations of a person's expenses—current unsecured debt, home mortgage, rent, and other costs—and a simple formula to help people see whether they can or can't afford another card.

Third, companies should tell people the basis of the offer of more credit. When a person gets a preapproved credit card, he or she should know that the credit card company has not fully evaluated how more consumer debt could affect their overall financial health.

Finally, credit card companies should provide people who accept their card a free copy of their credit report.

These simple things might help quite a bit. Too many people are walking into consumer credit counseling bureaus, bankruptcy lawyers' offices, and bankruptcy court without any real understanding of their financial situation.

Mr. President, let me conclude on this note: I am proud to join Senator GRASSLEY in introducing this bill and in trying to prevent abuses of the Bankruptcy Code. But I believe that we must also work on something infinitely more constructive—we must try to help prevent financial catastrophes. What I propose is a small step in that direction which works on the principle that a well informed consumer is best able to protect himself.

By Mr. FAIRCLOTH (for himself and Mr. MOYNIHAN):

S. 1302. A bill to permit certain claims against foreign states to be heard in United States courts where the foreign state is a state sponsor of international terrorism or where no extradition treaty with the state existed at the time the claim arose and where no other adequate and available remedies exist; to the Committee on the Judiciary.

THE FOREIGN SOVEREIGN IMMUNITY TECHNICAL CORRECTIONS ACT OF 1997

Mr. FAIRCLOTH. Mr. President, I rise today to introduce a bill cosponsored by my esteemed colleague, Senator MOYNIHAN. This bill will close a loophole in the law and provide a safeguard for American citizens overseas. Last year, Congress amended the Foreign Sovereign Immunities Act to provide a remedy in U.S. courts to American citizens who are victims of acts of torture and terrorism perpetrated by terrorist nations.

The bill I am introducing today would broaden these antiterrorism provisions and send a forceful message to other foreign despots around the world that the United States will not tolerate the abuse of human rights of its citizens.

Last year's legislation took an important step to deal with the criminal act of terrorism and related human rights protections, however, because it targeted only those countries on the State Department's terrorist list, there is no available remedy for Americans under the Foreign Sovereign Immunities Act when governments of countries not on the torture list brutalize U.S. citizens.

Granted, only a few renegade countries not on the terrorist list systematically engage in torture. But our legislation will put these tyrants on notice that the United States will not let a legal technicality stand in the way of an American citizen bringing suit in the United States against his or her tormentor. These ruthless acts shall be judged by a court of law and, ultimately, by the opinions of mankind.

Mr. President, I urge Congress to close this loophole. To some it may seem like a small detail and the circumstances for such an incident may seem improbable, but I have first hand knowledge of two incidents of systematic torture, one of which involved a constituent from North Carolina living outside the protection of U.S. borders.

Mr. Scott Nelson was working in Saudi Arabia in 1984 as a systems engineer at King Faisal Specialist Hospital. In the course of his inspection duties, Mr. Nelson discovered a severe health hazard involving the valves that delivered oxygen during various medical procedures. He immediately reported the irregularities to his supervisors, and recommended corrective action be taken.

To his surprise, Mr. Nelson found his warnings blatantly ignored. After taking this to the highest managerial level of the hospital, he was summoned to a hospital office, arrested, imprisoned, and ultimately interrogated. When he arrived in the interrogation room, Saudi officials shackled Mr. Nelson and ultimately tortured him, causing lifelong disabilities.

Mr Nelson was thrown into a rat infested cell where he was denied food, water, and sleep for days. At some point, Mr. Nelson was presented a document in Arabic and ordered to sign it. Under a Saudi threat to arrest Mr. Nelson's wife and child, he signed the document.

At no time during his 39-day detention was Scott Nelson informed of any charges or given the due process right of having his situation brought before a court or tribunal.

After 39 days of this most horrible experience, Mr. Nelson was released. He immediately returned to the United States in grave need of medical treatment and surgery to his left knee. Since that time, he has had five additional surgical procedures.

Additionally, Mr. Nelson has been diagnosed with diffuse nerve injury and posttraumatic stress disorder with symptoms rated as catastrophic. Eight physicians and psychologists who have examined Scott are unanimous in their judgment that the severe physical and psychological injuries from which he suffers are entirely consistent with his allegations of torture.

Mr. President, had this torture taken place in Iraq, Libya, North Korea, or any of the nations the State Department has designated as "terrorist" states, he would be entitled to seek damages in a United States court. Because Saudi Arabia, like so many other countries, is not officially considered a terrorist nation by our State Department, there is no remedy for American citizens to seek legal redress for injuries resulting from torture.

Mr. President, Scott Nelson has suffered enough. It is time for his government to provide him with a vehicle for relief. The legislation I present today is a simple and indisputable proposition: The United States shall not tolerate any country in the world to violate the basic rights of her citizens. I believe this is legislation that everyone in this body can support without hesitation.

Mr. MOYNIHAN. Mr. President, today I rise as an original sponsor of the Foreign Sovereign Immunity Technical Corrections Act of 1997. This legislation will extend a provision signed into law as part of the Anti-Terrorism Act (Pub. L. 104-132) allowing individuals who are victims of terrorism and

other violations of international law to file suit for damages in United States court.

The Foreign Sovereign Immunities Act, enacted in 1976, recognizes that except in the most egregious cases, foreign states are immune from suit by a citizen of the United States. The bill Senator FAIRCLOTH and I are introducing today establishes the principle that terrorism, extrajudicial killing, and other gross abuses of human rights are not protected acts of state and are not entitled to sovereign immunity. While the Anti-Terrorism Act expanded the Foreign Sovereign Immunities Act to allow for suits against countries designated by the Department of State as a sponsor of terrorism, this bill would expand the list of states to include countries which do not have an extradition treaty with the United States, or which do not have an adequate available judicial remedy. This provision recognizes that while foreign states enjoy immunity from most legal action by individuals, there are certain fundamental principles of international law that cannot be violated with impunity.

Two examples of citizens who would gain legal standing by this legislation are James Smrkovski and Scott Nelson, Americans who were tortured by agents of their foreign state employer, a nation not on the list of terrorist states. They survived harrowing experiences only to be barred by the Foreign Sovereign Immunities Act from even attempting to obtain redress. When the United States Supreme Court said that the Foreign Sovereign Immunities Act did not permit Mr. Nelson any legal recourse, it made clear that a remedy must come from Congress.

And so, Mr. President, the Senator from North Carolina [Mr. FAIRCLOTH] and I are introducing this measure so that Americans who have been victims of terrible crimes perpetrated by foreign governments have legal recourse. I urge my colleagues to support and cosponsor the bill, and I hope it can be adopted without undue delay.

By Mr. LIEBERMAN (for himself, Mr. HAGEL, Mr. KERREY, and Mr. MURKOWSKI):

S. 1303. A bill to encourage the integration of the People's Republic of China into the world economy, ensure United States trade interests, and establish a strategic working relationship with the People's Republic of China as a responsible member of the world community; to the Committee on Finance.

THE UNITED STATES-CHINA RELATIONS ACT OF 1997

Mr. LIEBERMAN. Mr. President, I am honored to be joined by my distinguished colleagues Senators HAGEL, KERREY, and MURKOWSKI to introduce the United States-China Relations Act of 1997. I would also like to thank Congressman BEREUTER whose bill H.R. 1712, we have included in this act. The United States-China Relations Act of 1997 is legislation that will set us on a course toward more fully integrating China into the international community of nations while protecting our national economic and political interests and preserving our values.

We are at a critical juncture in our relations with the People's Republic of China. How we choose to manage China's emergence as a major global power will profoundly impact the shape of the international system in the 21st century, a situation not dissimilar to the late 19th and early 20th centuries when Germany, Japan, Russia, and the United States emerged to challenge Britain and France for world leadership.

British and French diplomacy failed although their task was not an easy one. Two terrible wars stained the history of this century. We must try to do better. We must work to establish an acceptable framework for peacefully integrating China into the evolving international economic, security, and political systems. And the core question is whether to continue on our current path of cooperation and integration or choose the path of containment and isolation.

During this session there has been much debate about which direction we should take in our relations with China. Most of the legislation that has been introduced regarding China has assumed the worst, centered on containment, and favored economic sanctions to remedy a host of Chinese transgressions. This policy of containment is ultimately premised on a view that China will be our next great enemy.

Some of my colleagues ask us to pass laws that use punishment as the primary tool in our bilateral relationship. These proposals overlook a number of realities: the ineffectiveness and unproductiveness of punitive legislation in changing China; the importance of maintaining and fostering trust and confidence in such an important bilateral relationship; the real potential for retaliation by China; and the potential upsides of a constructive relationship with China. Ultimately, those bills proposing containment of China will neither achieve their stated aims of changing China's behavior nor promote America's more general national and international interests.

The rest of the world will not join us in our effort to isolate China. That makes containment improbable. Our best policy option is to work to integrate China.

Before rushing to any conclusions about China's intentions, it is helpful to take a closer look at its development over the past 20 years. China has been engaged in a slow but steady effort to integrate itself into existing international systems. It has made efforts to be active in the United Nations, it has participated in a number of multilateral organizations, and has adapted some domestic institutions and policies to the demands of the international community.

I visited China last March with my friend and distinguished colleague, Senator CONNIE MACK of Florida, and was struck by the revolutionary changes occurring there. This time the revolution is being driven not by Mao's little red book, but by the mass quest for cellular telephones and personal computers, and incidentally, all the personal freedom of communication that goes with them.

The central government in China is still not tolerant of opposition. Political and religious dissidents are in jail. On the other hand, average Chinese seem to have lost their fear of open and spirited conversations with Westerners. And Senator MACK found the Catholic churches during that Holy Week before Easter packed with worshipers.

The Chinese Government has undertaken a slow but steady deregulation of the economy since it allowed for free enterprise in the countryside in 1982. Deregulation and the marketization of the Chinese economy has led to unprecedented improvements in the living standards—and purchasing power—of ordinary Chinese. In the past 15 years, China's per capita GDP has more than tripled, from $889 to $2,923, and is forecast to be $4,190 in 2000. Not uncoincidentally, China's demand for United States exports has increased in similarly substantial leaps. United States goods and services exports destined for China have increased from $3.7 million in 1980 to $11.1 billion in 1995. China is now America's fifth largest trading partner. Similarly, United States foreign direct investment in China has increased significantly.

On the other hand, we have a large and growing trade deficit with China that is unacceptable. A prosperous and stable relationship will only continue for as long as we have fair access to China's markets.

On balance, China's economic and political reforms are becoming more, not less, consistent with American core values. The transformation of a socialist command economy into a controlled market system has allowed for the emergence of a new class of entrepreneurs and has promoted individuals' freedom to decide what to consume, where to live, what to do as a livelihood. The State sector of the economy has steadily declined, and increasing numbers of Chinese now work for employers that do not answer directly to the central government or the Communist Party. This means that the Communist Party's ability to control and monitor individual's social, political, and economic lives has diminished substantially. Explicit political reforms have been fewer, but today there

are more local elections being held in China than at any other time in its modern history. The legal system has been reinvented over the past two decades, and has seen in recent years substantial, though still inadequate, improvements in criminal procedure and judicial review of administrative abuses. It can be said in summary that, the reforms of the past two decades have led to increased personal liberty, a strengthened legal system, and the beginnings of a civil society, although there is still a very long way to go.

In the clearest and most significant vote about China this year, a bipartisan majority in the House of Representatives chose to continue China's most-favored-nation trade status. But, after the vote, a flurry of bills were introduced expressing congressional opposition to China's economic, military, and human rights record. It is unfortunate that the Congress is sending mixed messages about this very important bilateral relationship.

To encourage China's current path of reform and development and to help ensure that China's inevitable transformation into a global economic and strategic power occurs in a way not adverse to United States interests or values, the United States must have an active China policy that aims at integration instead of isolation, and relies on carrots rather than sticks.

To ensure that our economic interests are met, we need to encourage China's increasing integration into international trade and investment regimes on commercially viable terms. This should help promote further liberalization of the Chinese economy while at the same time increasing American access to China's markets and thus decreasing the United States-China trade deficit. At the same time, the United States Government can more actively promote bilateral economic ties with those regions in China where human rights and labor conditions have shown improvement. Moreover, we should at every opportunity encourage China in the research and development of new energy efficiency and renewable energy technologies.

China's integration in international regimes also promotes American strategic interests. The bilateral strategic relationship can be strengthened, however, by developing closer exchanges with the Chinese military leadership. By opening ongoing lines of communication with the military, we will be in a better position to obtain accurate information about China's military modernization program. Through such proactive measures we will be in a better position to make Beijing more accountable for its strategic weapons exports.

It is time for Congress to end the ambivalence and build a consensus for a new China policy. Toward that end, along with my distinguished colleagues Senators HAGEL, KERREY, and MURKOWSKI, I am today introducing the United States-China Relations Act of 1997.

This legislation assumes that China will emerge as a superpower in the coming decades and become a nation with which the United States can and must have cooperative relationships—and that our relationships will be more cooperative if our economic, strategic, human rights, and environmental relations are viewed as distinct components of a larger, mutually-beneficial whole. It is based on a conclusion that China today is different from the China of the Cultural Revolution two decades ago and the China of Tiananmen Square a decade ago.

Here are some of the key provisions of the United States-China Relations Act of 1997:

Require an annual accounting of our economic relationship with China. Despite the growing significance of our trade relationship, barriers to U.S. exports should not be tolerated. The President would be required to submit an annual Economic Balance of Benefits Study to the Congress. The report would analyze the impact of existing bilateral trade agreements with China on United States employment, balance of trade, and United States international competitiveness.

Encourage China's integration into multilateral economic organizations. Just as it is important to have enforcement sticks, there should be carrots to encourage China's international economic integration. The bill requires the President to develop criteria for support of China's participation in the Organization for Economic Cooperation and Development and G–7 meetings, two groups that China is far from being accepted into, but in which it aspires to membership.

Give China permanent MFN upon accession to the WTO. First, I would like to credit Congressman BEREUTER for this innovative idea. This provision seeks to induce China to grant United States exporters adequate trade benefits and/or make significant progress toward WTO membership by authorizing a tariff increase on imports from China if those conditions are not met and by granting permanent MFN status once China becomes a WTO member.

Require greater information on energy and national security issues. The President should establish a bilateral United States-China committee on energy security and one for food security. These committees would help develop a bilateral policy for securing a stable supply of energy from politically volatile regions and securing food for China's large population. The bill also includes a sense-of-the-Senate resolution that the President and Congress continue to expand contact and exchanges between United States and Chinese national security personnel.

Establish a commission to promote the rule of law, respect for individual rights, religious tolerance, and civil society in China. This includes a bilateral commission on human rights with China; an exchange of legal professionals, government staff and religious leaders; and multilateral action on human and workers' rights. This last provision would include a prisoner information registry with information on all political prisoners, prisoners of conscience and prisoners of faith. The commission could recommend the imposition of specified sanctions to the President for human rights violations.

There is one provision more than any other that characterizes the tone and thrust of this act. It calls for the formation of a commission to prepare a profile of China province by province. This profile then would serve as a basis for consideration of transactions with China by the Export-Import Bank and the Overseas Private Investment Corporation in those identified provinces.

This provision is particularly helpful in improving and strengthening our relations with China. By opening up OPIC programs to regions that have acceptable human rights, labor, and environmental standards, we are increasing investment into China at the same time we are advancing our values. It is a provision that encourages China to improve its human rights record without punitive economic sanctions. It uses a carrot instead of a stick.

America's economic and strategic interests, as well as our fundamental values, are best served by encouraging China on its path of economic and political reform.

China's geopolitical and economic rise are inevitable developments. How we react to China's transformation and manage the bilateral relationship, however, is within our discretion. United States-China relations are at a critical turning point, and the real challenge before us now is how to peacefully integrate China into the world community, and work with China to ensure world prosperity and stability in the 21st century.

Mr. President, I ask unanimous consent that the United States-China Relations Act of 1997 which I am proud to introduce with Senators HAGEL, KERREY, and MURKOWSKI be placed in the RECORD.

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

S. 1303

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 "United States-China Relations 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. Declaration of policy.
Sec. 3. Definitions.
TITLE I—ECONOMIC NORMALIZATION
Subtitle A—General Provisions
Sec. 101. Congressional findings.
Sec. 102. Statements of policy.
Sec. 103. Reports to Congress.
Sec. 104. Bilateral economic relations.
Sec. 105. Multilateral economic relations.
Sec. 106. Use of funds for commercial and consular presence.
Subtitle B—United States-China Trade and Investment Commission
Sec. 111. United States-China Trade and Investment Commission.
Sec. 112. Study and report.
Sec. 113. Powers of the Commission.
Sec. 114. Staff and consultants.
Sec. 115. Termination.
Sec. 116. Investment treatment for United States business.
TITLE II—STRATEGIC RELATIONS
Sec. 201. Congressional findings.
Sec. 202. Statements of policy.
Sec. 203. Reports to Congress.
Sec. 204. Bilateral strategic relations.
Sec. 205. Multilateral strategic relations.
Sec. 206. Enforcement of the Iran-Iraq Non-Proliferation Act.
TITLE III—HUMAN RIGHTS
Subtitle A—General Provisions
Sec. 301. Congressional findings.
Sec. 302. Statement of policy.
Sec. 303. Radio Free Asia; National Endowment for Democracy.
Sec. 304. Multilateral human rights.
Subtitle B—Human Relations Commission
Sec. 311. Human Relations Commission.
Sec. 312. Functions of the Commission.
Sec. 313. Staff.
Sec. 314. Termination.

SEC. 2. DECLARATION OF POLICY.

It is the policy of the United States to—

(1) encourage the integration of the People's Republic of China into the global economy and community of nations;

(2) craft an economic, political, and strategic relationship with the People's Republic of China which builds mutual trust and encourages transparency;

(3) cooperate with the People's Republic of China on regional and global political and strategic issues, and to encourage the constructive interdependence of the People's Republic of China in the Asia Pacific region;

(4) recognize the sovereignty of the People's Republic of China, and oppose any unilateral change in the status quo of "one China policy", especially with respect to the Republic of China on Taiwan;

(5) continue a close relationship with the Special Administrative Region of Hong Kong; and

(6) enforce the Hong Kong Policy Act and any other provision that relates to the protection of civil liberties and the rule of law in Hong Kong.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

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

TITLE I—ECONOMIC NORMALIZATION

Subtitle A—General Provisions

SEC. 101. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) The People's Republic of China is the world's tenth largest trading nation and the United States' fifth largest trading partner. United States exports to the People's Republic of China have quadrupled over the past decade. At least 170,000 Americans owe their jobs to United States exports to the People's Republic of China. Jobs related to exported goods, on average, pay 13 to 16 percent more than nonexport related jobs.

(2) The United States is the People's Republic of China's largest export market. United States imports from the People's Republic of China were nearly $51,500,000,000 in 1996 (or nearly 25 percent of the exports of the People's Republic of China). By contrast, United States exports of goods to the People's Republic of China stood at only $12,000,000,000. While the large trade deficit with the People's Republic of China is the result of many factors, the People's Republic of China's multiple, overlapping barriers to trade and investments are a serious concern.

(3) In the coming decade, the rapid economic expansion of the People's Republic of China will exert a powerful influence on the global economy. In order to be constructive, the emergence of the People's Republic of China as an economic power should be compatible with the existing multilateral economic regime.

(4) Since the bilateral Memorandum of Understanding between the United States and the People's Republic of China signed in October 1992, the People's Republic of China has eliminated import restrictions on more than 1,000 tariff categories and opened its market to computers, heavy machinery, and pharmaceutical products.

(5) However, the People's Republic of China still maintains many barriers to the sale of foreign products and United States firms still do not have access comparable to that which the People's Republic of China enjoys in the United States. Sectors such as agriculture, telecommunications, insurance, distribution, audio-visual, advertising, and maintenance and repair need to be opened to international trade.

(6) Since 1995, the People's Republic of China has made significant progress in concluding agreements in the enforcement of intellectual property rights.

(7) Despite significant improvements in enforcement, serious problems still remain. Piracy of computer software remains at high levels. While market access for copyrighted products has improved, further improvement is required for legitimate products to be available to meet market demand.

SEC. 102. STATEMENTS OF POLICY.

It is the policy of the United States—

(1) to encourage a fair and equitable economic relationship that ensures equal market access between the United States and the People's Republic of China;

(2) to support the accession of the People's Republic of China to the World Trade Organization on commercially viable terms, which include commitments on opening up the agricultural market of the People's Republic of China, concessions on trading rights, lower tariffs, access to distribution networks, and elimination of import inhibiting standards;

(3) for importers of goods or services to affirm that such products or services were not manufactured or procured in a manner inconsistent with United States law or otherwise incompatible with the values of the United States; and

(4) for United States persons conducting business in the People's Republic of China to refrain from using oppressive instrumentalities of the state to oppose worker's efforts to organize.

SEC. 103. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Trade Representative shall, in consultation with the International Trade Commission and the Department of Commerce, prepare and submit to Congress a study showing the economic benefits that existing bilateral trade agreements between the United States and the People's Republic of China have on United States employment, balance of trade, and international competitiveness.

(b) MILITARY ACTIVITIES.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Commerce, and the head of any other appropriate intelligence agencies, shall, not later than 180 days after the date of enactment of this Act, and annually thereafter, prepare and submit to Congress a report on the commercial activities of the People's Liberation Army in the United States and the People's Republic of China. The report shall highlight the activities that provide off-budget revenue for military modernization.

(2) CONFIDENTIALITY.—The Secretary of Defense, the Secretary of Commerce, and the head of any intelligence agency may separately submit information regarding the report to Congress in confidence if such Secretary or agency head considers confidentiality appropriate.

SEC. 104. BILATERAL ECONOMIC RELATIONS.

(a) INVESTMENT TREATY.—Not later than 180 days after the date of enactment of this Act, the Trade Representative shall assess the feasibility of entering into a bilateral investment treaty with the People's Republic of China and shall advise Congress of the results of the assessment.

(b) TAX TREATY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall assess the feasibility of entering into a bilateral tax treaty with the People's Republic of China and shall advise Congress of the results of the assessment.

(c) REPORT ON JOINT COMMISSIONS.—

(1) REVIEW.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall review the functions and objectives of each United States-China Joint Commission and shall submit for congressional review a program plan that identifies the objectives of each Commission and the resources required to achieve those objectives.

(2) JOINT COMMISSIONS.—For purposes of this subsection, the term "United States-China Joint Commission" means—

(A) the United States-China Joint Commission on Commerce and Trade,

(B) the United States-China Joint Economic Commission, and

(C) the United States-China Joint Commission on Science and Technology.

SEC. 105. MULTILATERAL ECONOMIC RELATIONS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section—

(1) to authorize the President of the United States to raise tariffs on imports from the People's Republic of China to tariff levels in effect on December 31, 1994, if the President determines, upon the expiration of the 1979 United States bilateral agreement with the People's Republic of China, that the People's Republic of China is either denying adequate trade benefits to the United States or not taking steps to become a full member of the World Trade Organization;

(2) to provide a significant incentive for the People's Republic of China to gain admission to the World Trade Organization by eliminating the annual review of China's trade status after it commits to a commercially acceptable protocol and is admitted to the World Trade Organization; and

(3) therefore to enhance the ability of the President of the United States to negotiate a commercially acceptable World Trade Organization protocol with the People's Republic of China.

(b) SNAP-BACK MECHANISM.—

(1) DETERMINATION WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.—Upon the expiration of the 1979 United States bilateral agreement with the People's Republic of China, the President shall, after consulting with the appropriate congressional committees, determine whether or not the People's Republic of China is—

(A) according adequate trade benefits to the United States, including substantially equal competitive opportunities for the commerce of the United States; and

(B) taking adequate steps or making significant proposals to become a WTO member.

(2) SUBMISSION OF FINDINGS.—Not later than 180 days after the expiration of the 1979 United States bilateral agreement with the People's Republic of China, the President shall submit to the appropriate congressional committees a report setting forth his determinations under subparagraphs (A) and (B) of paragraph (1), with a rationale for each determination.

(3) TARIFF INCREASE.—

(A) IMPOSITION OF INCREASE.—If the President determines either—

(i) under subparagraph (A) of paragraph (1) that the People's Republic of China is not according adequate trade benefits to the United States, or

(ii) under subparagraph (B) of paragraph (1) that the People's Republic of China is not taking adequate steps or making significant proposals to become a WTO member,

then the President shall proclaim, within 180 days after the date of that determination, an increase in the rate of duty with respect to 1 or more products of that country to not more than the column 1 rate of duty under the Harmonized Tariff Schedule of the United States that applied to the article or articles on December 31, 1994.

(B) TERMINATION OF INCREASE.—The President shall terminate any increase in the rate of duty imposed under subparagraph (A) on the earlier of—

(i) the date on which the People's Republic of China becomes a WTO member; or

(ii) the date on which the President proclaims that—

(I) the People's Republic of China is according adequate trade benefits to the United States, including substantially equal competitive opportunities for the commerce of the United States; and

(II) the People's Republic of China is taking adequate steps or making significant proposals to become a WTO member.

(C) MODIFICATION OF TARIFF.—The President may modify any increase in the rate of duty imposed under subparagraph (A) if the President notifies the appropriate congressional committees of the modification and the reasons therefor, except that—

(i) the modification may not result in a rate of duty higher than that permitted under subparagraph (A); and

(ii) the authority of this subparagraph may not be used to terminate an increase in the rate of duty imposed under subparagraph (A).

(c) ACCESSION TO THE WORLD TRADE ORGANIZATION.—On the date on which the People's Republic of China becomes a WTO member, the provisions of title IV of the Trade Act of 1974 shall cease to apply to that country, and nondiscriminatory treatment shall apply to the products of that country.

(d) PARTICIPATION IN OECD.—The President shall—

(1) develop criteria for supporting the People's Republic of China's participation in the Organization for Economic Cooperation and Development and the G-7 meetings; and

(2) when appropriate, initiate discussions with other members of the Organization for Economic Cooperation and Development and the G-7 regarding the People's Republic of China's participation.

(e) DEFINITION.—As used in this section, the term "WTO member" has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

SEC. 106. USE OF FUNDS FOR COMMERCIAL AND CONSULAR PRESENCE.

Of the amounts authorized to be appropriated to the Department of State under the appropriations account entitled "Administration of Foreign Affairs" and of the amounts appropriated to the Department of Commerce for the United States and Foreign Commercial Service, $25,000,000 for fiscal year 1999, and $75,000,000 for fiscal year 2000, may be used to strengthen and expand the United States consular and commercial presence in the People's Republic of China to additional cities. The President, through the Director of the Office of Management and Budget, shall determine the allocation of funds to be used in any fiscal year to carry out the provisions of this section.

Subtitle B—United States-China Trade and Investment Commission

SEC. 111. UNITED STATES-CHINA TRADE AND INVESTMENT COMMISSION.

(a) IN GENERAL.—There is established a United States-China Trade and Investment Commission (referred to in this title as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be bipartisan and composed of 17 members, including—

(A) 3 individuals appointed by the President from the executive branch of the government;

(B) 2 individuals appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;

(C) 2 individuals appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives;

(D) 7 individuals from private business appointed by the Secretary of Commerce; and

(E) 3 individuals from nonprofit organizations appointed by the Secretary of Commerce.

(2) APPOINTMENT.—The members of the Commission shall be appointed not later than 6 months after the date of enactment of this Act.

(c) CHAIRPERSON.—The Secretary of Commerce shall select a Chairperson from among the private business members.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

SEC. 112. STUDY AND REPORT.

(a) STUDY.—The Commission shall conduct a study of—

(1) business practices employed by United States and foreign persons conducting business in the People's Republic of China;

(2) human rights, labor, and environmental conditions in each province of the People's Republic of China based on criteria set forth in title IV of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) relating to insurance, financing, guarantees, and reinsurance by the Overseas Private Investment Corporation;

(3) other circumstances associated with the development of rule of law and civil society in the People's Republic of China;

(4) opportunities for bilateral cooperation for improving ecosystem management and pollution control, and for integrating policies that have environmental impact in the People's Republic of China; and

(5) opportunities for developing voluntary environmental guidelines for industrial suppliers located in the People's Republic of China, including the implementation of ISO 14000 environmental management standards of the International Organization of Standards.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a);

(2) the recommendations of the Commission, based on the findings and conclusions described in paragraph (1), for—

(A) improving opportunities for United States business in the People's Republic of China; and

(B) developing bilateral cooperation between the United States and the People's Republic of China relating to labor and environment; and

(3) a list of provinces in the People's Republic of China that meet the criteria of the Overseas Private Investment Corporation for insurance, financing, guarantees, and reinsurance described in subsection (a)(2).

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the term "appropriate committees" means the Committees on Finance and Foreign Relations of the Senate and the Committees on Ways and Means and International Relations of the House of Representatives.

SEC. 113. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(c) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(d) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. 114. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 115. TERMINATION.

The Commission shall terminate on the date that is 2 years after the date of enactment of this Act.

SEC. 116. INVESTMENT TREATMENT FOR UNITED STATES BUSINESS.

(a) IN GENERAL.—The Export-Import Bank, the Overseas Private Investment Corporation, and other United States agencies shall take into consideration the study and report conducted under this subtitle in funding any transaction with the People's Republic of China.

(b) AMENDMENT TO EXPORT-IMPORT BANK ACT.—Section 2(b)(2)(D)(i) of the Export-Import Bank Act (12 U.S.C. 635(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "Subparagraph (A) shall not apply to guarantees, insurance, or extensions of credit by the Bank to a province of the People's Republic of China if the United States-China Trade and Investment Commission determines that the province meets the criteria for insurance, financing, guarantees, and reinsurance of the Overseas Private Investment Corporation set forth in title IV of the Foreign Assistance Act of 1961.".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C 2199) is amended by adding at the end the following new subsection:

"(1) Notwithstanding any other provision of law, the Corporation may insure, reinsure, guarantee, or finance a project in the People's Republic of China if the United States-China Trade and Investment Commission determines that the province in which such project is located meets the criteria for insurance, financing, guarantees, and reinsurance set forth in this title.".

TITLE II—STRATEGIC RELATIONS

SEC. 201. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) The United States and the People's Republic of China share mutual security interests in the Asia Pacific region (including the Korean peninsula) as well as other areas of the world such as the Middle East.

(2) While the People's Liberation Army poses no direct military threat to the United States now, its sales of weapons and weapons technology to sponsors of terrorism, such as Iran, endangers the regional stability and global interests of the United States.

(3) The People's Liberation Army is engaging in a military buildup and an aggressive military modernization program, for undisclosed purposes. In fact since 1992, military spending by the People's Republic of China has doubled.

(4) The People's Liberation Army is engaging in commercial activities both at home and abroad. The revenues from these commercial activities are used for military expenditures and obscure actual military expenditures by the People's Republic of China.

(5) In March 1996, the People's Republic of China demonstrated its capacity to blockade the international shipping lanes of the Taiwan Strait and the air space over Taiwan by the repeated launches of M–9 ballistic missiles in the South China Sea.

(6) In May 1996, Poly Technologies, a People's Liberation Army enterprise, and Norinco, a Chinese civilian defense company, attempted to smuggle 2,000 AK–47's into Oakland, California and offered to sell to Federal undercover agents 300,000 machine guns with silencers, 66mm mortars, hand grenades, and Red Parakeet surface-to-air missiles.

(7) The People's Liberation Army's buildup, modernization, and economic activities may pose a regional threat and a threat to broader United States interests in the future unless greater efforts are made to increase communication and transparency of process.

SEC. 202. STATEMENTS OF POLICY.

It is the policy of the United States—

(1) to encourage the political and military integration of the People's Republic of China into the Asia Pacific region and the larger global community of nations;

(2) to maintain a strong United States presence in the Asia Pacific region and to encourage cooperation between the United States, the People's Republic of China, and other nations;

(3) to encourage transparency in military funding in the People's Republic of China to the greatest extent possible; and

(4) to engage in confidence building measures between the United States and the People's Republic of China in order to reduce the risk of unintended conflict.

SEC. 203. REPORTS TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretaries of State, Defense, and Commerce, along with the heads of other intelligence agencies, shall provide Congress with—

(1) a report analyzing the effectiveness of existing weapons proliferation export controls and sanctions relating to the People's Republic of China; and

(2) a report describing economic, political, and military espionage conducted by the People's Republic of China against the United States.

The Secretaries of State, Defense, and Commerce, and the head of any other intelligence agency may separately submit any information regarding the reports to Congress in confidence if such Secretary or agency head considers confidentiality appropriate.

SEC. 204. BILATERAL STRATEGIC RELATIONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should continue and expand contact and exchanges between national security personnel from the United States and of the People's Republic of China.

(b) ENERGY BILATERAL.—The President shall take steps to establish a bilateral committee with the People's Republic of China in order to begin a dialogue relating to the maintenance of stability in regions where there are energy resources of mutual interest to the United States and the People's Republic of China.

(c) FOOD BILATERAL.—The President shall take steps to establish a bilateral committee with the People's Republic of China in order to begin a dialogue relating to—

(1) common interests in the People's Republic of China's securing a stable and adequate supply of food, and

(2) the interests of the United States as a supplier of food to the People's Republic of China.

SEC. 205. MULTILATERAL STRATEGIC RELATIONS.

The President shall take steps to establish a multilateral risk reduction protocol with the People's Republic of China and other governments in East Asia. The protocol shall provide policies and procedures that include—

(1) establishing a line of direct communication between Washington and the People's Republic of China; and

(2) developing a protocol for naval encounters in international waters.

SEC. 206. ENFORCEMENT OF THE IRAN-IRAQ NON-PROLIFERATION ACT.

It is the sense of the Senate that the security and stability of the Near East is threatened by any augmentation of weapons inventories by Iran and Iraq and the President should vigilantly enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992.

TITLE III—HUMAN RIGHTS

Subtitle A—General Provisions

SEC. 301. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the Department of State regarding human rights in the People's Republic of China:

(A) The Government of the People's Republic of China has "continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities intolerance of dissent, fear of unrest, and the absence and inadequacy of laws protecting basic freedoms."

(B) Nonapproved religious groups, including Protestant and Catholic groups, experienced intensified repression.

(C) Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. No dissidents were known to be active at year's end.

(2) Despite public assurances by the People's Republic of China that it would abide by the principles of the Universal Declaration of Human Rights and despite the United Nations charter requirements that all members promote respect for and observe basic human rights, the Government of the People's Republic of China continues to place severe restrictions on religious expression and practice.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to encourage the People's Republic of China to adhere to internationally accepted norms for the rule of law, human rights, and worker rights; and

(2) to develop a consistent multilateral response to the record of the People's Republic of China on human rights and worker rights.

SEC. 303. RADIO FREE ASIA; NATIONAL ENDOWMENT FOR DEMOCRACY.

(a) RADIO FREE ASIA.—The President shall direct the Director of the United States Information Agency and the Board of Broadcasting Governors to increase the broadcast hours of the Voice of America and Radio Free Asia to the People's Republic of China and to broadcast to the People's Republic of China in multiple Chinese dialects.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—In addition to such sums as are otherwise authorized to be appropriated for fiscal year 1998 for grants to the National Endowment for Democracy, there is authorized to be appropriated for fiscal year 1998, $1,000,000 for grants to the National Endowment for Democracy which shall be available only for purposes of programs relating to the People's Republic of China.

SEC. 304. MULTILATERAL HUMAN RIGHTS.

In the absence of significant progress in improving human rights in the People's Republic of China, the President shall direct the United States Permanent Representative to the United Nations to develop and implement a strategy to ensure that there is a debate and discussion every year on the human rights record of the People's Republic of China before the United Nations Commission on Human Rights.

Subtitle B—Human Relations Commission

SEC. 311. HUMAN RELATIONS COMMISSION.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the President, in consultation with the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, and appropriate representatives from the private sector, shall appoint a 12-member Human Relations Commission (referred to in this subtitle as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) 4 individuals appointed from the executive branch of the government;

(B) 4 individuals appointed from the legislative branch of the government; and

(C) 4 individuals from the private sector.

(c) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

SEC. 312. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall perform the following functions:

(1) Assess the status of human rights and worker rights in the People's Republic of China based on the Universal Declaration of Human Rights and internationally recognized worker rights as defined in section 507(4) of the Trade Act of 1974.

(2) Work to develop a bilateral commission between the United States and the People's Republic of China on human rights and worker rights.

(3) Expand opportunities for the exchange between the United States and the People's Republic of China of judges, attorneys, religious leaders, customs officials, and members and staff of the executive and legislative branches of government.

(4) Encourage overseas development assistance programs that support the establishment of rule of law and civil society in the People's Republic of China.

(5) Identify opportunities for multilateral action on human rights and worker rights, and rejuvenate initiatives in the International Labor Organization relating to human rights and worker rights.

(b) ASSESSMENT OF HUMAN RIGHTS AND WORKER RIGHTS.—

(1) IN GENERAL.—In assessing the status of human rights and worker rights required by subsection (a), the Commission shall establish a Prisoner Information Registry that contains the information described in paragraph (2) with respect to people detained in the People's Republic of China as political prisoners, religious prisoners, and prisoners of conscience.

(2) REGISTRY INFORMATION.—The Prisoner Information Registry shall contain the following information with respect to the prisoners described in paragraph (1):

(A) The charges against each prisoner.

(B) A description of the judicial process or administrative action taken with respect to each prisoner.

(C) The length of incarceration, incidents of torture, and use of forced labor with respect to each prisoner.

(D) The physical condition and general health of each prisoner.

(E) Any other information relating to the general condition of each prisoner that the Commission considers to be relevant.

(3) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 1 year after the first meeting of the Commission, and annually thereafter, the Commission shall report to Congress and the President the results of the assessment conducted under this subsection.

(B) RECOMMENDATION.—If the Commission determines that the People's Republic of China is not making progress in improving the status of human rights and worker rights within 2 years after the date of the first meeting of the Commission, the Commission shall recommend to the President that the President strengthen United States policies intended to improve the status of human rights and worker rights with respect to the People's Republic of China as the Commission determines to be appropriate.

SEC. 313. STAFF.

(a) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(b) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 314. TERMINATION.

The Commission shall terminate on the day that is 3 years after the date of the Commission's first meeting.

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. GORTON, his name was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 839

At the request of Mr. BINGAMAN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 839, a bill to improve teacher mastery and use of educational technology.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from

Delaware [Mr. BIDEN] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1008

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

S. 1037

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1037, a bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of chlid care provided through Federal facilities and programs, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor 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. 1162

At the request of Mr. ALLARD, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 1162, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack offenses.

S. 1206

At the request of Ms. SNOWE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 1206, a bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1262

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1262, a bill to authorize the conveyance of the Coast Guard Station, Ocracoke, North Carolina.

S. 1285

At the request of Mr. FAIRCLOTH, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the names of the Senator from Louisiana [Ms. LANDRIEU], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

SENATE RESOLUTION 124

At the request of Mr. ROTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 124, a resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity.

SENATE CONCURRENT RESOLUTION 54—RELATIVE TO THE U.S. POSTAL SERVICE

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on Government Affairs:

S. RES. 54

Whereas the United States Postal Service has successfully supplied uniforms to its employees for 42 years under the postal uniform allowance program;

Whereas the postal uniform allowance program currently provides business to more than 1,000 American companies throughout the United States which, in turn, employ more than 10,000 American workers;

Whereas the United States Postal Service has proposed a new, centralized uniform procurement system that would result in substantial loss of business to those American companies and turn over control of the procurement system to a single vendor; and

Whereas the United States Postal Service has, in recent years, become more profitable while continuing to use the postal uniform allowance program: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States Postal Service should maintain its current postal uniform allowance program and make necessary changes to improve that program, rather than implement a centralized, single-vendor program.

SENATE CONCURRENT RESOLUTION 55—RELATIVE TO THE EMS NATIONAL MEMORIAL SERVICE

Mr. GREGG (for himself, Mr. WARNER, and Mr. ROBB) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 55

Whereas in 1928, Julian Stanley Wise founded the first volunteer rescue squad in Roanoke, Virginia, the Roanoke Life Saving and First Aid Crew, and Virginia has subsequently taken the lead in honoring the thousands of people nationwide who gave their time and energy to community rescue squads through the establishment of To The Rescue, a museum located in Roanoke devoted to emergency medical services (EMS) personnel;

Whereas to further recognize the selfless contributions of EMS personnel nationwide and as the first State in the Nation to establish a volunteer rescue squad, the Virginia Association of Volunteer Rescue Squads, Inc. and the Julian Stanley Wise Foundation, in conjunction with To The Rescue, in 1993 organized the First Annual National Emergency Medical Services (EMS) Memorial Service in Roanoke, Virginia, to honor EMS personnel from across the country who have died in the line of duty;

Whereas the National EMS Memorial Service has captured national attention by honoring 119 providers of emergency medical services from 35 States;

Whereas the singular devotion of EMS personnel to the safety and welfare of their fellow citizens is worthy of the highest praise;

Whereas the annual National EMS Memorial Service is a fitting reminder of the bravery and sacrifice of EMS personnel nationwide;

Whereas according to the Department of Health and Human Services, 170,000 Americans require emergency medical services on an average day, a number which projects to over 60,000,000 people annually; and

Whereas the life of every American will be affected, directly or indirectly, by the uniquely skilled and dedicated efforts of the EMS personnel who work bravely and tirelessly to preserve America's greatest resource—people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress declares the memorial service held in Roanoke, Virginia, and sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel who have died in the line of duty as the "National Emergency Medical Services Memorial Service".

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed to place the National EMS Memorial Service under Federal authority or to require any expenditure of Federal funds.

Mr. GREGG. Mr. President, I rise today to submit a resolution for myself

and the two Senators from Virginia, honoring emergency medical services [EMS] personnel across the country. I was asked by Martin Singer, chief of the bureau of emergency medical services in New Hampshire, to submit this resolution, recognizing this important annual event. I am pleased to be joined by my two colleagues from Virginia, Mr. WARNER and Mr. ROBB, as original cosponsors.

In 1993, the Virginia Association of Volunteer Rescue Squads, Inc., and the Stanley Wise Foundation organized the first annual National Emergency Medical Services Memorial Service in Roanoke, VA. As the first State in the Nation to have a volunteer rescue squad, Virginia has taken the lead in recognizing the importance of these members of our communities both through the establishment of a museum devoted to EMS personnel called To The Rescue and now a memorial service to honor those EMS personnel who have died in the line of duty. They have opened their doors to communities across the Nation giving them the opportunity to honor these selfless individuals. It is time now that we, as a Nation, recognize Virginia's efforts and let EMS personnel across the country know that we appreciate their efforts and honor those who have given their lives to save the lives of others with this national memorial service.

The memorial service which has been held in Virginia annually for 5 years has now honored 119 EMS personnel from 35 States. My own State of New Hampshire has had three providers who had served our State honored for their extraordinary service. Most recently, in the ceremony held on May 24, 1997, Mr. Lawrence A. Volz of Newington, NH was honored. Mr. Volz lost his life in 1971 at age 48 while driving a community ambulance. This memorial service lets the family and friends of these very important people know that the ultimate sacrifice made by their loved ones for their fellow man is recognized and honored.

It is my hope that the introduction of this resolution will make this very special service more widely recognized by the country as a whole to let all EMS personnel know that their dedication and contributions to their communities are greatly appreciated.

SENATE RESOLUTION 137—TO AUTHORIZE TESTIMONY

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

S. RES. 137

Whereas, in the case of *United States* v. *Tara LaJuan Edwards*, Case No. M12677-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, and Kristina D. Brown, employees of the Secretary of the Senate;

Whereas, in the case of *United States* v. *Robbin Tiffani Stoney*, Case No. M12598-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, employees of the Secretary of the Senate;

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

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

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

Resolved That James E. LePire, Billy R. Smith, and Kristina D. Brown, and any other Senate employee from whom testimony may be required, are authorized to testify in the cases of *United States* v. *Tara LaJuan Edwards* and *United States* v. *Robbin Tiffani Stoney*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Secretary of the Senate is authorized to release Senate records and documents relevant to these cases.

SEC. 3. That the Senate Legal Counsel is authorized to represent James E. LePire, Billy R. Smith, and Kristina D. Brown, and any other Senate Employee from whom testimony may be required, in connection with *United States* v. *Tara LaJuan Edwards* and *United States* v. *Robbin Tiffani Stoney*.

NOTICE OF HEARING

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Governmental Affairs Committee will be held on Friday, October 24, 1997, at 10 a.m. The subject of the hearing is H.R. 1953, concerning State taxation of individuals working at certain Federal facilities straddling State borders.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, at 10 a.m. and 2 p.m. to hold hearings.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, October 21, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Overview of the National Bankruptcy Review Commission Report."

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 21, 1997, at 2:30 p.m. on S. 803, S. 668, and the Domestic Cruise Ship Trade.

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

ADDITIONAL STATEMENTS

TRIBUTE TO MR. R. NOEL LONGUEMARE

• Mr. SANTORUM. Mr. President, I rise today to recognize the professionalism, dedication, vision, and public service of Mr. R. Noel Longuemare, who is retiring from the Department of Defense [DOD] after serving 4 years as the Principal Deputy Under Secretary of Defense for Acquisition and Technology, and most recently as the Acting Under Secretary of Defense for Acquisition and Technology.

Mr. Longuemare's tireless support for improved acquisition management practices, work force empowerment, and reduced life cycle support costs dramatically improved the DOD's acquisition management. He was instrumental in establishing Integrated Product Teams [IPT's] in all acquisition decisionmaking activities within the acquisition community. As the acquisition work force has been significantly reduced, IPT's have enabled commands to focus their expertise and to empower their managers in ways unmatched by traditional, functionally aligned organizations. Through his emphasis on IPT's, he has generated a climate of cooperative problem solving between industry and its DOD customers.

Along with IPT's, Mr. Longuemare led the efforts to redefine the ways in which DOD specifies the products it acquires. He was the driving force in the shift to performance specifications for complex defense articles. Through his emphasis on what new systems should do rather than how they should look, industry has enjoyed unparalleled opportunities to bring technical creativity to bear on the most complex requirements. Mr. Longuemare successfully ushered the reform of military specifications and standards. In fact,

nearly 2,700 specifications and standards have been rescinded as formal acquisition requirements since the program's inception. Thus, barriers to industry's own rate of technology acceleration have eroded, and industry continues to improve the way they do business with the Department of Defense.

In addition to his leadership through difficult institutional changes, Mr. Longuemare personally pioneered many innovative acquisition concepts such as cost as an independent variable [CAIV] and the single process initiative [SPI]. CAIV provides program managers and engineers a practical method for treating cost as a true systems design criterion, and it directly supports the DOD transition to performance specifications. The SPI approach, which replaces separate Government and commercial processes, is one of the most powerful techniques available for reducing overhead and accelerating process proficiency.

Mr. Longuemare has been a champion within the DOD for more effective communications. He initiated a systems engineering directorate to better define this crucial, but often elusive, discipline within the acquisition system. He advocated continuing education for the acquisition work force and fostered significantly improved coordination between the military departments, particularly in the requirements definition process.

Mr. President, the work of this exceptional public servant will continue to have a lasting impact on the DOD for many years to come. Mr. Longuemare has rightly earned the highest respect of all who know him in Congress, the DOD, and private industry. I ask my colleagues to join me in extending the Senate's best wishes to Noel, his wife Julie, and their daughter Maria.•

OUTRAGE OVER MALAYSIAN REMARKS

• Mrs. BOXER. Mr. President, I rise today to express my outrage and disgust at recent comments by Dr. Mahathir Mohamad, the Prime Minister of Malaysia. According to reports by official Malaysian news agencies, the Associated Press, and Reuters, Dr. Mahathir speculated last week that the collapse of Malaysian currency and the subsequent turmoil in its stock market may have been the result of an international Jewish conspiracy to oppress his predominately Muslim nation.

Malaysia is in the midst of an economic crisis. Its currency, the Ringgit, has depreciated over 25 percent, which has sent its stock market to all-time lows. The Prime Minister has blamed the crisis on currency speculators, most notably the famous hedge fund manager George Soros, who is Jewish. Soros has denied trading extensively in the Ringgit and most financial analysts agree that currency traders could not have triggered the Ringgit crisis.

I do not want to mischaracterize Dr. Mahathir's remarks, so I will quote them directly, as reported by the Associated Press. According to the AP, Dr. Mahathir said, "The Jews robbed the Palestinians of everything, but in Malaysia they could not do so, hence they do this, depress the Ringgit."

Referring to the economic progress made by Malaysia over the past decade, Dr. Mahathir said, "Incidentally, we are Muslims, and the Jews are not happy to see the Muslims progress." Finally, he speculated about a global anti-Malaysian conspiracy saying, "We may suspect that they [Jews] have an agenda, but we do not want to accuse."

Mr. President, I was shocked by these comments. They are patently outrageous, hateful, and blatantly anti-Semitic. I thought it appropriate that the Simon Wiesenthal Center, which is based in Los Angeles, immediately demanded a clarification from the Malaysian Government.

Today, the Simon Wiesenthal Center shared with me a letter it received from Hashim Makaruddin, Press Secretary to the Prime Minister. Rather than clarify Dr. Mahathir's remarks, Mr. Makaruddin's letter confirms a hostile attitude among Malaysia's leaders.

Mr. Makaruddin denies that the Prime Minister specifically alleged a Jewish conspiracy to stifle Malaysia's economic growth. He writes that Dr. Mahathir "was merely explaining that the currency crisis now being faced by Malaysia was the doing of George Soros, who is a Jew, and that among the victims which suffered were Malaysia and Indonesia, which are Muslim countries. Because coincidentally Mr. Soros is a Jew and Malaysia and Indonesia are Muslim countries, there are people who thought that this currency manipulation was a Jewish 'conspiracy' against the Muslim countries. This was what Dr. Mahathir told the crowd at the rally."

Mr. President, in other words, the Prime Minister's explanation is that he was not advancing his own anti-Semitic views, he was simply repeating the anti-Semitic conspiracy theories advanced by others without refuting them. Clearly, it is wrong for any government leader to lend official credence to such anti-Semitic views by repeating them at a widely attended rally.

I find Mr. Makaruddin's explanation of the Prime Minister's remarks wholly unsatisfactory.

I call on Prime Minister Mahathir to apologize to those who have taken offense at his remarks. I do not believe any other course of action can undo the damage done by these hateful and irresponsible comments.•

JOE CENARRUSA

• Mr. KEMPTHORNE. Mr. President, integrity. That one word encompasses the life of Joe Cenarrusa. Today, family, friends, and the people of Idaho bid farewell to a man filled with integrity whose life ended tragically on September 9, 1997.

Joe Cenarrusa, the son of Idaho Secretary of State Pete Cenarrusa and his wife Freda, was first and foremost a family man. But he was also a successful businessman who was very active in his community.

Joe Cenarrusa was born on the family ranch in Carey, ID. He was Pete and Freda Cenarrusa's only son. Joe had a love for flying—a love which he inherited from his father who was a Marine fighter pilot during World War II. At the age of 4, Joe would sit on his father's lap in the cockpit and Pete would let him take over the controls. It was clear from that early age that Joe would continue to soar to new heights.

The day he turned 16, Joe took his first solo flight. He then took his FAA check rides for the instrument, commercial, and airline transport ratings on the days he became age-eligible for them. Joe graduated from the University of Idaho where he was a flight instructor and was also active in the skydiving club.

In 1974, he returned home to take over the ranch. He brought with him new ideas and innovative techniques which turned the operation into one of the most successful livestock operations in Idaho.

Joe Cenarrusa never shied away from a challenge. "You just can't take; you also have to give." That's how Joe lived his life, always finding ways to give back to his community—especially for causes that helped children.

Joe felt every child needed a bicycle. A young child riding a bike was only natural, but there were some children in the community whose families couldn't afford bikes. So Joe decided to do something about that. As the owner of Red Robin Restaurants, Joe would offer deluxe hamburgers for anyone who would donate a bicycle. Those bikes would be refurbished by a friend, Mike Cooley, and then donated to needy children at the start of each school year. "Burgers For Bicycles" was a program that made Joe happy. It made his friend Mike Cooley happy. And it made thousands of schoolchildren happy each fall.

Joe also had a place in his heart for battered and neglected children who ended up at the Hays Shelter Home. He'd bring the children and staff from the home down to his restaurant once a week and let them order whatever they wanted off the menu—including dessert. What a wonderful opportunity and a very visible sign to these neglected children that someone in their community cared.

Joe is remembered as a "good, decent man, a visionary, a man of integrity, a man who loved his family, and a man who, in the best tradition of America, gave generously to his community." He never lost sight of his Basque values. He understood the value of hard work, and he learned at an early age the importance of honor and integrity.

The measure of this man is reflected in the mission statement for his company which reads, "We are a company committed to creating opportunities for success." Joe Cenarrusa's life was committed to helping all around him succeed. And for that, each of us who knew Joe have lived a richer life. My prayers are with his parents Pete and Freda, his wife Jean, and their two sons, Andy and Tyler.•

TRIBUTE TO THE COMMITTEE OF 200

• Mr. DURBIN. Mr. President, I rise today to pay special tribute to the Committee of 200, a distinguished professional women's organization headquartered in my home State, on the occasion of its 15th anniversary the week beginning October 20.

The Committee of 200 is dedicated to promoting entrepreneurship and corporate leadership among women of this generation and the next. The committee is comprised of 370 members from the United States and abroad, representing 70 different industries. Each member is an accomplished businesswoman, including entrepreneurs whose companies generate annual revenue of $10 million or greater and U.S. corporate executives who manage divisions that produce more than $50 million in annual revenue.

Recognizing the needs of young women who will soon be entering the business world, the Committee of 200 established a foundation in 1986 to enhance its outreach activities. This foundation provides important assistance and scholarships for women business students and provides grants to foster entrepreneurship among young women.

The Committee of 200 exemplifies the spirit of American business, promoting entrepreneurship, corporate innovation, and community awareness. It supports the careers of young women by giving them the tools to complete effectively in an intensely competitive environment.

Mr. President, the Committee of 200 has provided critical support services over the last 15 years to business leaders and business students. It has distinguished itself as a preeminent professional organization for women. I am confident that over the next 15 years, the committee will continue to be a credit to American businesses and women corporate leaders. I want to congratulate all the members of the Committee of 200 as they celebrate this important milestone in the organization's history.•

ASTRONAUT JERRY LINENGER

• Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. Jerry Linenger and his wife Kathryn and sons John and Jeffrey as they celebrate their homecoming to Eastpointe, MI.

Astronaut Jerry Linenger has traveled a little farther than just the ends of the Earth. Having been a crewmember of STS-64 aboard the Space Shuttle *Discovery* and the recent STS-81 and STS-84 missions of the Space Shuttle *Atlantis*, and a resident aboard the Russian *Mir* Space Station, Dr. Linenger has logged a total of 142 days in outerspace, clearly, he exemplifies the spirit of a modern-day American pioneer.

Dr. Linenger has made a profession of reaching for the stars, and now spends much of his time sharing his experience with the people of Michigan and of this great Nation. By bringing the stars to Earth, Dr. Linenger has inspired young minds to look beyond their immediate surroundings and has offered them a vision of an even greater future.

Tonight, there is no doubt a young Dr. Linenger in the audience. As a graduate of East Detroit High School, at one time walking in your shoes, he has shown us what can happen with hard work and commitment toward a goal. I encourage you to view Dr. Linenger's accomplishments with the thought in mind that you too may someday share the same experience.

With all of his educational, personal and professional accomplishments, Dr. Linenger has truly proven to be an American hero for his family, friends, all citizens of Michigan, especially the citizens of the city of Eastpointe.

On behalf of the U.S. Senate, I congratulate Dr. Linenger and his family and wish them the best of luck in their future endeavors.•

JANE ALEXANDER'S RESIGNATION FROM THE NATIONAL ENDOWMENT FOR THE ARTS

• Mr. DODD. Mr. President, I rise today to commend Jane Alexander on her tenure as Chairperson of the National Endowment for the Arts. Just a few days ago, she announced her resignation from the NEA and her plan to return to private life. I am truly saddened that the NEA will lose such a strong and respected leader and that the Nation will lose one of its most articulate and effective champions in the effort to preserve the NEA.

I am proud to be a strong supporter of the arts. It is clear that future generations will remember us not for our gross national product or our stockpile of advanced weapons, but for the content of the artistic and cultural expression that characterizes our civilization. The arts give us an opportunity to leave our mark on history.

Jane Alexander's tenure has not been easy. Her term has spanned four of the most challenging years in the NEA's history, filled with annual fights over its survival. Each year we have seen assaults mounted on the arts and the NEA in particular. But the supporters of the arts in the Congress have met each of these challenges and emerged victorious thanks to the leadership of Jane Alexander.

Perhaps as important as her leadership in these legislative battles has been her efforts throughout the country as an articulate voice in support of the arts and a Federal role in supporting the arts. She has visited schools and community centers as well as theaters and galleries across the country and has reminded Americans of the strength and importance of the arts.

Beyond these efforts on the national scene, she has proved an able and adept manager of the NEA. She has implemented the mandated staff cuts at the NEA and restructured the agency without compromising its mission. She has compensated for fewer resources by forming partnerships with other agencies and encouraging all arts organizations to work more closely together. In addition, under her leadership, grantmaking processes have been reorganized, accountability measures have been put in place, investments in arts education have increased, and new communication tools including a website have been developed.

From the stage and the big screen to the halls of Congress, Jane Alexander has proven she is a remarkable individual, a great voice for the arts in America, and a true national treasure. I thank her for her dedication and her tireless efforts, and I wish her the best of luck in her future endeavors.•

THE AGRICULTURAL PRODUCTS MARKET ACCESS ACT

• Mr. GORTON. Mr. President, I would like to add my name as a cosponsor to S. 219, the Agricultural Products Market Access Act of 1997 and to commend Senators GRASSLEY and DASCHLE for their excellent work on behalf of American agricultural exports.

S. 219 will set up a system for agricultural trade identical to that used to identify violations of intellectual property rights—the "Special 301" procedure. Specifically, the bill requires the Office of the U.S. Trade Representative to annually designate as priority countries those trading partners having the most egregious trade barriers to U.S. agricultural products. USTR would then initiate a streamlined 301 investigation of the trade practices of those countries identified to determine

whether their agricultural trade barriers merit sanctions or other retaliatory actions.

As many of my colleagues know, my home State of Washington is a major producer and exporter of agricultural products. In fact, agriculture is Washington's No. 1 industry employing well over 100,000 people directly and accounting for 20 percent of the State's total exports. I and my constituents, however, are continually frustrated by the unfair and irrational barriers erected to our agricultural exports in countries throughout the world.

The most recent example is Mexico's imposition of a 101.1-percent prohibitive duty on red delicious and golden delicious apples. This tariff hike is based on claims by Mexican apple farmers that United States producers are selling apples to Mexico at half the fair price. There is no factual basis for these claims, yet Mexico has successfully closed the United States-Mexico border to apples and cut Washington apple producers off from their largest export market. The administration has pledged to work to resolve this impasse, but the process is likely to be long and hard fought with no guarantee of a solution through the NAFTA or WTO dispute resolution process.

Japan too has continually used protectionist measures to lock Washington apples out of its domestic market. On questionable phytosanitary grounds, Japan has erected barrier after barrier to Washington apples. Under the current protocol for the export of apples to Japan, only red delicious and golden delicious varieties may be shipped to Japan. Since the Japanese market was first opened to United States apples in 1994, Japan has required the cold treatment and fumigation of all United States apples. While scientific data supports the United States contention that this type of treatment is unnecessary, Japan insists on subjecting all additional United States apple varieties to the same costly and time-consuming tests.

Washington's wheat exports also face formidable export barriers. Since 1972, the People's Republic of China has maintained a nontariff barrier on Pacific Northwest wheat affected by TCK smut. Over the past 20 years, the United States has presented Chinese officials with scientific evidence that conclusively shows there is no risk of introducing this smut into China, but the Chinese Government refuses to budge. The continued ban on our wheat only adds to our large and growing trade deficit with China which has already reached $40 billion.

These are just a few of the most egregious examples of the seemingly endless obstacles to Washington's agricultural exports. The time has come for the U.S. Trade Representative to take quick and decisive action against all nations that engage in unfair trade practices to lock out U.S. agricultural exports. S. 219 will give the administration the tools it needs to do just that. If this legislation can accomplish even half of what the "Special 301" process has done to protect U.S. intellectual property, we will be well on our way to a freer, fairer system of international trade in agriculture.

Mr. President, Washington, and every State in the Nation engaged in agricultural trade will gain if this legislation is signed into law. I commend my colleagues Senators GRASSLEY and DASCHLE for their insight and hard work in devising this intelligent solution to a difficult and pressing problem and am proud to join them as a cosponsor of S. 219.●

TRIBUTE TO CARMEN WARSCHAW

● Mrs. BOXER. Mr. President, I rise today to honor and congratulate Carmen Warschaw on receiving the 1997 Heart of Gold Award from the Medallion Group of the Cedars-Sinai Medical Center.

Through the years, Ms. Warschaw has shown her commitment to the people of Los Angeles, and to the people of California. She has served her community with pride and dignity. I commend her on a job well done, and an honor richly deserved.

Ms. Warschaw has served on many governing boards and commissions, including the California Fair Employment Practices Commission, the National Council of Women, the California State Board of Social Welfare, the Los Angeles County Election Security Commission, and the 1996–97 Los Angeles County Blue Ribbon Budget Task Force. She is currently an active member of the State Central Commission of California.

Ms. Warschaw has also served as a delegate to the Democratic National Convention, chairperson of the Jewish Community Relations Committee, and National Vice Chairperson of the Anti-Defamation League. She has a long tradition of supporting the arts: She was president of the Los Angeles County Art Museum, a founder of the Civic Light Opera, and a board member of the Truman Library Institute. In 1968, she was a recipient of the prestigious Los Angeles Times Woman of the Year Award.

In addition to these accomplishments and activities, Ms. Warschaw is a mother of two and a grandmother of three.

There are many heroes among us: Men and women who, like Ms. Warschaw, give something back to the world in which they live. They inspire and move us. We may not always know their names, nor recognize their faces, but their goodwill lives on in every life they touch. Their selflessness and courage is an example to us all.

I congratulate Carmen Warschaw once again, for her years of dedication and hard work on behalf of her city, her State, and her country. She is a true hero, and I salute her.●

AMERICAN LEGION AUXILIARY SCHOLARSHIP

● Mr. COVERDELL. Mr. President, I rise today to commend the American Legion Auxiliary, State of Georgia, and their efforts in assisting educational opportunities for fellow Georgians. Specifically, as it has recently come to my attention, they have distributed $10,125 toward the education of 21 medical students in Georgia. In addition, $3,678.55, given by the Past Presidents Parley, was equally distributed to the following medical college students: Regina Lewis, of unit 107; Laura Sargent, of unit 64; Krista Nicole Swann, of unit 160.

As we continue to strive to better our country and the educational opportunities it promotes, it is vital that we work in partnership with organizations like the American Legion Auxiliary so all of our fellow Americans may reach their goals.●

TRIBUTE TO RICHARD D. ORR

● Mr. SANTORUM. Mr. President, the Sons of Union Veterans of the Civil War [SUVCW] is a congressionally chartered organization dedicated to preserving the memory of Union veterans and their sacrifices on behalf of our Nation. Today, I rise to recognize an exceptional Pennsylvanian, Mr. Richard D. Orr, who was recently elected commander-in-chief of the SUVCW.

Richard's forefathers answered the call to duty during the Civil War. His great-great-grandfather, Pvt. Peter Paul Gallisath, served in the 5th Pennsylvania Cavalry. Another great-great-grandfather, Sgt. Martin Schaefer, served in Pennsylvania Militia of 1863, which defended the arsenal at Pittsburgh during the Gettysburg Campaign. His great-great-grandfather, Sgt. David Orr, was a member of the 14th Pennsylvania Cavalry. Other Union veterans in Richard's family include his great-great-great uncle, Capt. Bardele Gallisath of the 5th Pennsylvania Cavalry, and Medal of Honor recipient Col. Robert L. Orr, of the 61st Pennsylvania Volunteer Infantry.

Since joining the SUVCW on April 11, 1981, Richard has been very active in the organization. A life member, Richard has served the Pittsburgh Davis Camp as camp commander and treasurer. After attending his first department encampment in 1982, he immediately took an active role at the department level. He has served the Pennsylvania Department as patriotic instructor, junior vice commander,

senior vice commander, counselor, department council member, and department commander. In the national organization, Richard has held the positions of committee chairman, trial commissioner, national treasurer, national counselor, junior vice commander-in-chief, and senior vice commander-in-chief.

I am pleased to note that Mr. Orr is equally active in his community. A former Eagle Scout, the new commander-in-chief continued his affiliation with the Boy Scouts of America as a volunteer for more than 35 years. In fact, Richard was awarded the District Award of Merit for his many years as a volunteer with the Boy Scouts. Similarly, the Boy Scouts' National Court of Honor presented him the Silver Beaver Award—the highest honor that can be conferred upon a volunteer. Likewise, the National Catholic Committee on Scouting recognized his contributions to youth with the St. George Award.

Mr. Orr is employed as an environmental health administrator by the Allegheny County Health Department [ACHD]. He has worked for ACHD for the past 19 years in a variety of programs including public drinking water, waste management, food protection, housing, community environment, and emergency response. Currently, he is responsible for evaluating, acquiring, and coordinating the training needs for all ACHD employees. Richard has earned the respect of colleagues and subordinates alike for his uncompromising dedication to sound principles of environmental health and environmental protection. Others outside the ACHD have taken notice as well. Richard received two community service citations from the Allegheny County Board of Commissioners. Also, the U.S. Army Corps of Engineers presented him with the Planning Excellence Award for his role in the development of an intragovernmental plan to provide an uninterrupted supply of drinking water during environmental emergencies.

Mr. President, I ask my colleagues to join me in extending the Senate's best wishes for continued success to Mr. Orr and his family.•

FORWARD TO ETHICS IN LAW AND POLITICS BY SENATOR PAUL SIMON

• Mr. DURBIN. Mr. President, our friend and former colleague in this body, Paul Simon, has always been a man of exceptional integrity who has demonstrated exemplary leadership on national issues. He continues to contribute to the national debate as the director of the Public Policy Institute at Southern Illinois University in Carbondale.

Paul recently authored the foreword for the Loyola University of Chicago Law Journal on the subject of ethics in law and politics. While the Senate continues to investigate and debate the conduct of our federally elected officials, Paul's foreword to this journal provides valuable insight about political ethics and the public trust which I would like to share with my colleagues.

I ask that Senator Simon's foreword be printed in the RECORD.

The forward follows:

[From the Loyola University of Chicago Law Journal, Volume 28, 1996]

FOREWORD—ETHICS IN LAW AND POLITICS

(By Senator Paul Simon)

Paul Simon was a Democratic member of the United States Senate from the State of Illinois from 1985 to 1996. He has also served as member of the United States House of Representatives (1975–1984), Lieutenant Governor of Illinois (1969–1972), member of the Illinois Senate (1963–1968), and member of the Illinois House of Representatives (1955–1962). In addition to his extensive years of service in the political arena, Senator Simon is the author of numerous works, including Lincoln's Preparation for Greatness (1965), The Once and Future Democrats (1982), and The Glass House, Politics, and Morality in the Nation's Capitol (1984).

I. INTRODUCTION

I am pleased to introduce Loyola University of Chicago Law Journal's special symposium issue on Legal Ethics. I may not be the obvious choice for this honor since I am not a lawyer. I am, however, the husband of an attorney and the father of another; moreover, I work everyday with lawyers and have drafted far more legislation than most attorneys in the profession.

My years in state and federal politics have also provided me with empathy for the legal profession. After all, politicians and lawyers share at least one uneviable distinction—they are both roundly criticized in America today for their ethical shortcomings. The public's distrust of lawyers and politicians can be traced to a common cause—to a perception that both professions have failed to live up to the full range of their responsibilities, and particularly to a sense that both too often see their obligations in terms of temporarily pleasing constitutents or clients and not enough in terms of serving the national interest and the public good. This pervasive attitude is harmful, not only to the public standing of lawyers and politicians, but—more importantly—to the well-being and moral strength of the nation itself.

II. PUBLIC TRUST AND POLITICAL ETHICS

For many years, I have warned of the increasing influence of public opinion polls, focus groups, and political consultants in Washington. Office-holders have become too quick, when faced with issues of immense public importance, to stick their finger to the wind to see which way the public passions are blowing. It is easy to understand this temptation. As a Senator, I know how appealing it is to do the popular thing. Most elected officials enjoy their jobs. We are treated with respect; we are listened to and applauded; and we make decisions about matters which effect the lives of thousands, if not millions, of people. Naturally, we dislike casting votes that might jeopardize our positions. And so political self-interest makes the office-holder excessively sensitive to his constitutents' desires.

Certainly, the desire to please one's constituents is not a bad thing in and of itself. Public accountability and constituent service are a vital part of the democratic process. But the legislator's duty is greater than simply serving his or her constituents' immediate interests. A representative also has an obligation, as James Madison wrote, to "refine and enlarge the public views," to use independent judgment, and to serve the public good.[1] Edmund Burke declared, in his famous speech to the electors at Bristol, that "[y]our representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."[2]

Burke sometimes spoke as if he believed elected officials should concern themselves solely with the national interest and not at all with local affairs.[3] I certainly would not go that far. Rather, I believe representatives have two principal obligations—one to their constituents and one to the broader public good. Fortunately, those obligations do not generally conflict, and especially in matters of vital national significance, they are often closely aligned. Nonetheless, when they diverge, as they inevitably do at times, conscientious politicians face an ethical dilemma—how to balance the voice of their constituents with the call of the conscience.

Representatives must resolve this tension as best as they can. It is reasonable, in my opinion, for representatives to defer to their constituents' desires when an issue is not clear-cut and the stakes are not vital. But in fundamental cases where justice is clear, politicians must have the courage to vote their conscience. The lawmaker must recognize this simple truth—that some things are more important than being reelected.

The obligation to exercise independent judgment—rather than to blindly follow public opinion—is strong in cases affecting citizens marginalized by society, such as the poor or minorities. These are people whom the general public is prone to ignore; they are often powerless to defend themselves in the "court" of public opinion. Frequently, the legislator's independent sense of justice is all that protects the underprivileged members of society from neglect or isolation. If representatives are to be worthy of their positions, they must have the courage to fight for the least fortunate, even when doing so in unpopular.

The passage of the new welfare bill is only the most recent and egregious illustration of Congress' increasing tendency to choose expediency over principle. To be sure, the political calculus in favor of the bill was clear. Welfare has become a dirty word in America today. Proportionately few welfare recipients vote, and the cases where welfare is abused are highly publicized. President Clinton certainly knew which way the political winds were blowing when he signed the bill.

But "ending welfare as we know it" is not a noble goal. "Ending poverty as we know it" is, and the latter goal requires genuine welfare reform. But that cannot be achieved without jobs for people with limited skill, without day care for single mothers with small children, and without job training for those who need it. We are pursuing "welfare reform on the cheap"—but the next generation will find it very expensive. Real welfare reform will take an additional initial investment but, in the long term, will save money, reduce crime, and make America a more productive society.

The dangerous consequences of the "welfare reform" measure have been well publicized. According to the Urban Institute's

Footnotes at end of article.

estimates, the bill will push a million more children into poverty. It will cut food stamps—basic nutrition for the poor—by nearly 20% from already low levels.[4] This is an unconscionable act, a failure by Congress to meet its essential obligation to protect those who are neglected by society.

Candidates who yield to public passions and vote for this kind of measure may gain some temporary increase in popularity. But in the long run, citizens perceive the truth. They come to view Washington as an arena for dividing spoils among powerful factions and interest groups rather than as a proper forum for deliberating over the common good. When elected officials follow public opinion at the expense of justice, they ultimately discredit themselves and their own institutions.

By contrast, candidates who act against public opinion may find themselves penalized in the polls. But my experience is that over time the public comes to respect those men and women of principle who vote their conscience. These politicians gain an unexpected reward: a deep kind of public respect. I had a small taste of this type of reaction in 1990, when I was running for reelection to the Senate. Although I voted against the death penalty and spoke about the need to raise revenues—two very unpopular positions—I won the election by the largest margin of any seriously contested campaign for Senator or Governor. Once, in Chicago, a man approached me and said, "Senator Simon, I don't think I agree with you on anything. But I trust you, and I'm going to vote for you." Citizens yearn for candor and for officials they can trust. If all we can give them is blind obedience to current polls, we as public officials have failed our public duties.

Politicians should be distinguished by their willingness to meet the full ethical obligations of their position—to exercise independent judgment in matters of justice and to act on that judgment, even when it leads to unpopular decisions. Walter Lippmann once wrote that a statesman emerges whenever a politician "stops trying merely to satisfy or obfuscate the momentary wishes of his constituents, and sets out to make them realize and assent to those hidden interests of theirs which are permanent. . . . When a statesman is successful in converting his constituents from a childlike pursuit of what seems interesting to a realistic view of their interests, he receives a kind of support which the ordinary glib politician can never hope for. . . . [O]nce a man becomes established in the public mind as a person who deals habitually and successfully with real things, he acquires an eminence of a wholly different quality from that of even the most celebrated caterer of the popular favor. . . ."[5]

Ultimately, the political profession will not redeem itself in the public's eyes until a larger number of its representatives begin to heed the call of their conscience over the call of the polls.

III. ETHICS AND THE LEGAL PROFESSION

Unlike the political realm, the legal profession has not always been viewed with the scorn reserved for it today. in words that may seem strange to us now, Alexis de Tocqueville wrote that "people in democratic states do not mistrust the members of the legal profession, because it is known that they are interested to serve the popular cause; and the people listen to them without irritation because they do not attribute to them any sinister designs."[6] During the last century, however, this picture of the legal profession has too often been replaced by an entirely different one—a picture of lawyers as parasites, hired-guns of large corporations or grasping clients, motivated by greed and neglectful of the public good. The legal industry—and it is an industry—has become increasingly commercialized, with too much emphasis on profits and the bottom line.

Paralleling this development has been the growth of a new ideology within the legal culture itself, which one observer has called the "ideology of adversarial zeal."[7] It is more prevalent than it should be. This ideology tells lawyers that they need not concern themselves with the public good or the ordinary obligations of justice. Rather, their ethical obligations are simply to serve their clients' desires and commands.

When unrestrained, this ideology puts few ethical burdens on the legal profession. Simply stated, it affirms that: "[l]awyers should not commit crimes or help clients to plan crimes. They should obey only such ethical instructions as are clearly expressed in rules and ignore vague standards. Finally, they should not tell outright lies to judges or fabricate evidence. Otherwise, they may, and if it will serve their clients' interest must, exploit any gap, ambiguity, technicality, or loophole, any not-obviously-and-totally-implausible interpretation of the law or facts."[8]

Like the norm of constituent service through polling in the political realm, the ideology of adversarial zeal panders to the lawyer's own self-interest. It enables lawyers to ignore the effects of their work on the rest of society—considerations that may detract from their profits but should bother their conscience.

To be fair, the ideology of adversarial zeal may have value in some contexts. For example, in criminal trials, there is a strong temptation to pre-judge a defendant who stands before the court of law, who often is a marginalized member of our society, and who faces the awesome power of the state's legal machinery. Public norms that encourage a fervent defense may help to counteract this pressure and ensure that the defendant has at least one committed defender. That defender may be all that stands between the innocent individual and the loss of his or her liberty.[9]

The finest legal traditions are followed when attorneys use their zeal and skills in pro bono work, but today the combination of federally assisted legal aid and pro bono work still leaves far too many unserved or under served. In all cases, there is a strong ethical argument for encouraging lawyers to weigh the broader implications of their work for society. Just as the politician must balance his constituent's interests with the public interest, so too must a lawyer balance client service with public service.

I do not know precisely how that balance should be drawn today in the legal profession. But it certainly means that lawyers—like candidates and office-holders—should hold themselves to a higher standard of conduct than they sometimes do now. It often means that lawyers should resist the temptation to exploit loopholes in the law and instead seek to ensure compliance with the spirit of the law. It certainly means that a lawyer should not engage in a scorched earth approach to discovery in order to overwhelm a less resourceful opponent, even if that means sacrificing a strategic edge in litigation. And it surely means working with the political branches to improve and strengthen our legal system, even if that effort may temporarily work to the detriment of existing clients or the attorney's pocketbook. Self-restraint is essential for a free society to function effectively. We as a society should set our ethical goals high, even the likelihood that many will inevitably fall short.

We need, in other words, to revive an old ideology that once permeated the legal profession, which Dean Kronman of Yale Law School called the ideology of the "lawyer statesman."[10] The lawyer statesman understands that professional obligations extend far beyond the client's interests to those of the nation at large, and that the Bar's enormous power in American society comes with a great responsibility to protect the common good. This is vital, in part, because the legal profession plays such a basic role in maintaining the nation's ideals. Professor George Anastaplo has rightly spoken of the Bar's obligation: "to mediate between popular passions and informed and principled men, thereby upholding republican government. Unless there is this mediation, intelligent and responsible government is unlikely . . . . The bar is, in short, in a position to train and lead by precept and example the American people."[11] Similarly, Justice Louis Brandeis, who lived the noble ideal of the lawyer statesman in his own life, spoke of lawyers "holding a position of independence, between the wealthy and the people, prepared to curb the excesses of either."[12]

Not least of all, a resurgence in the ideal of the lawyer statesman is important to our nation's future because, in the United States, the legal profession has traditionally been a training ground for many political aspirants. We will have little hope of finding statesmen in the political arena, if we are unable to cultivate statesmen in the legal sphere.

This is an extraordinarily difficult challenge. To change the culture of the legal and political professions will require a partnership among law schools, bar leaders, schools of political science, and the public at large. But before we can begin this task, we need to understand the reasons an ideology of self-interest has too extensively replaced a commitment to the public interest in both of our professions. We need creative suggestions about how to reverse that trend. For this reason, a symposium issue such as this one is so timely and important to our national welfare. I congratulate the Loyola University of Chicago Law Journal for taking on this fundamental issue.

FOOTNOTES

[1] The Federalist No. 10 (James Madison).

[2] Edmund Burke, Election Speech at Bristol (Nov. 3, 1774), reprinted in Burke's Politics 115 (Ross J.S. Hoffman et. al. eds., Alfred A. Knopf, Inc. 1949).

[3] For example, Burke also declared in his election speech at Bristol that: Parliament is a deliberative assembly of one nation, with one interest, that of the whole—where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of Parliament. If the local constituent should have an interest or should form a hasty opinion evidently opposite to the real good of the community, the member for that place ought to be as far as any other from any endeavor to give it effect.

Id. at 116 (emphasis in original).

[4] David Super, et al., Center on Budget and Policy Priorities, The New Welfare Bill 17–23 (1996).

[5] Walter Lippmann, The Essential Lippmann 457 (1963).

[6] Alexis de Tocqueville, Democracy in America 275–76 (Phillips Bradley ed., 1987) (1835).

[7] See David Luban & Michael Millemann, "Good Judgment: Ethics Teaching in Dark Times," 9 Geo. J. Legal Ethics 31, 57 (1995) (stating that "the ideology of adversarial zeal—the professional religion of a great many lawyers—tells them that they are morally required to push the edge of the envelope").

[8] Robert W. Gordon, "The Independence of Lawyers," 68 B.U. L. Rev. 1, 20 (1988).

[9] For a broadly similar point about the ethics of criminal defense work, see Daniel Luban, Lawyers and Justice. An Ethical Study 62-63 (1988).

[10] Anthony T. Kronman, The Lost Lawyer: Failing Ideals of the Legal Profession 11 (1993) (quoting Chief Justice Rehnquist).

[11] In re Anastaplo, 366 U.S. 82, 110 (1961) (Black, J., dissenting) (quoting Anastaplo's statement to the Bar Committee).

[12] L. Brandeis, "The Opportunity in the Lands" in Business—A Profession 329, 337-39 (1933), quoted in Robert W. Gordon, The Independence of Lawyers, 68 B.U. L. Rev. 1, 3 (1988).

VETERANS DAY 1997

• Mr. BURNS. Mr. President, as a veteran of the U.S. Marine Corps, I rise today to pay tribute to our Nation's veterans, their families, and to those who died in defense of our great land.

On November 11, 1997, we will again pay tribute to our Nation's veterans. There will be parades, ceremonies, and in my home State of Montana, where I served as Yellowstone County commissioner, a dedication of a veterans wall will take place in Billings.

One must stop and wonder on Veterans Day 1997, if our Government is doing all we can for our country's veterans. For the many men and women who rely on Uncle Sam to provide the benefits they earned by putting their lives on the line, the answer is a resounding "No." We must do more to ensure that veterans and their families are looked after and afforded every opportunity to receive the health care and the benefits they so rightly deserve. The veteran stepped forward when the Nation called; it is time the Government stepped up to the plate and delivered the benefits the veterans deserve.

Today, I would like to say "thank you" to the veterans for the sacrifices you made defending our country. Thank you for the time you spent away from your home and families to heed the call of our great Nation.

Mr. President, we must never forget those brave men and women who paid the ultimate sacrifice by giving their lives for the United States of America.

As the saying goes, "If you love your freedom, thank a vet." I urge our Nation to reach out and shake the hand of a veteran today and say "thank you" for a job well done.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 269, 270, 287, 308, 309, 310, 314, 317, 321, 322, 325, and 330. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Timberlake Foster, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Thomas M. Foglietta, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

SECURITIES AND EXCHANGE COMMISSION

Paul R. Carey, of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2002.

Laura S. Unger, of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2001.

NATIONAL TRANSPORTATION SAFETY BOARD

George W. Black Jr., of Georgia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2001. (Reappointment)

NATIONAL TRANSPORTATION SAFETY BOARD

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2000.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2002.

DEPARTMENT OF STATE

Alphonse F. La Porta, of New York, 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 Mongolia.

Stephen W. Bosworth, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

THE JUDICIARY

Richard Conway Casey, of New York, to be United States District Judge for the Southern District of New York vice Charles S. Haight, Jr., retired.

THE JUDICIARY

Dale A Kimball, of Utah, to be United States District Judge for the District of Utah vice David K. Winder, retired.

STATEMENT ON NOMINATIONS OF DALE A. KIMBALL TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH AND RICHARD C. CASEY TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. HATCH. Mr. President, it is with great pleasure that I endorse the nomination of Dale Kimball, who has been nominated by President Clinton for the position of U.S. district judge for the district of Utah, and I urge my colleagues to do the same. I am acquainted with Mr. Kimball personally and know that he comes before the Senate with an already distinguished record as a lawyer and litigator, an individual demonstrably well qualified for the position of Federal district court judge.

After working as an associate and then as a partner with a leading Utah law firm, Van Cott, Bagley, Cornwell & McCarthy, for 8 years, Dale Kimball became a founding partner, and is now the senior partner, at what has become one of my State's most distinguished firms: Kimball, Parr, Waddoups, Brown & Gee.

During his 30-year career, Mr. Kimball has developed extensive expertise in various areas of civil practice, particularly the litigation in Federal and State court of complex business cases involving such matters as energy, antitrust, securities fraud, insurance, and contracts. As an experienced litigator, Dale Kimball is particularly well-qualified to serve as a trial court judge. The respect Dale Kimball has earned from the Utah legal community is reflected in his selection as Distinguished Lawyer of the Year by the Utah State Bar in 1996.

Dale Kimball's dedication to the practice of law is matched by his dedication to serving his community. He has been a member of the board of the Pioneers Theater Co., Alta View Hospital, the Desert News Publishing Co., the Jordan Education Foundation, and the J. Reuben Clark Law Society.

I am confident that Dale Kimball will be a worthy addition to the Federal district court in Utah, and I am very pleased that the Senate has confirmed his nonination.

Mr. LEAHY. Mr. President, I am delighted that the Senate majority leader has decided to take up the nomination of Dale A. Kimball to be a U.S. district judge for the District of Utah. Mr. Kimball has been engaged in the private practice of law for 30 years and is currently the senior partner in the Salt Lake City law firm, Kimball, Parr, Waddoups, Brown & Gee. The ABA unanimously found him to be well-qualified for this appointment.

We received Mr. Kimball's nomination on September 5, 1997. He participated in a confirmation hearing on September 30 and was unanimously reported by the committee on October 9. Now, less than 7 weeks after receiving his nomination, the Senate has confirmed this nominee. Had the Senate not taken a recess last week, I suspect this nominee would have been confirmed in less than 6 weeks. Nonetheless, 7 weeks is a good benchmark against which to consider our progress on other judicial nominations.

I congratulate Mr. Kimball and his family and look forward to his service on the U.S. district court.

I also congratulate Richard C. Casey on his confirmation as a district judge for the Southern District of New York. Mr. Casey is both an accomplished

legal practitioner and a true inspiration. He has been associated with, and a partner of the law firm of Brown & Wood in New York City since 1964. Remarkably, he has been practicing law without his eyesight since the early 1980's—a congenital disease stripped him of his ability to see. Dedicated to serving the blind community of New York City, Mr. Casey is a member of the board of directors for organizations such as Guiding Eyes for the Blind, Catholic Guild for the Blind, and Ski for Light.

I congratulate Mr. Casey and his family and anticipate his outstanding service on the U.S. Federal Court.

We have experienced 115 judicial vacancies over the course of this year. These are only the 20th and 21st nominees that the Senate has confirmed. More than 50 additional nominees remain pending in committee and before the Senate. The Senate is not even keeping pace with attrition for since the adjournment of Congress last year, judicial vacancies have increased by almost 50 percent.

Another of the well-qualified nominees who has been delayed far too long is Margaret Morrow. Her nomination has been pending before the Senate for over 16 months. Last year this nomination was unanimously reported by the Judiciary Committee and was left to wither without action for over 3 months. This year, the committee again reported the nomination favorably and it has been pending for another 4 months. There has been no explanation for this delay and no justification. This good woman does not deserve this shameful treatment.

Senator HATCH noted in his recent statement on September 29 that he will continue to support the nomination of Margaret Morrow and that he will vote for her. He said: "I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf."

I have looked forward to that debate since June 12 when she was favorably reported to the Senate for a second time. This is a nomination that has been pending for far too long and that has been stalled here on the floor twice over 2 years without justification.

Meanwhile, the people served by the district court for the Central District of California continue to suffer the effects of this persistent vacancy—cases are not heard, criminal cases are not being tried. This is one of the many vacancies that have persisted for so long that they are classified as judicial emergency vacancies by the Administrative Office of the United States Courts. There are four vacancies in the court for Los Angeles and the Central District of California. Nominees have been favorably reported by the Judiciary Committee for both of the judicial emergency vacancies in this district but both Margaret Morrow and Christina Snyder have been stalled on the Senate calendar.

This is a district court with over 300 cases that have been pending for longer than 3 years and in which the time for disposing of criminal felony cases and the number of cases filed increased over the last year. Judges in this district handle approximately 400 cases a year, including somewhere between 40 and 50 criminal felony cases. Still these judicial vacancies are being perpetuated without basis or cause by a Republican leadership that refuses to vote on these well-qualified nominees.

I am told that last week a Republican Senator announced at a speech before a policy institute that he has a hold on the Morrow nomination. The Senator's press release stated that he had placed a hold on Margaret Morrow's nomination because he wants to "be able to debate the nomination and seek a recorded vote." I too want to debate the nomination of Margaret Morrow and have been seeking Senate consideration of this outstanding nominee for many months. After being on the Senate calendar for a total of 7 months, this nomination has been delayed too long.

I believe all would agree that it is time for the full Senate to debate this nomination and vote on it. I have inquired about a time agreement but gotten no response. Now that an opponent has finally come forward to identify himself, I look forward to a prompt debate and a vote on this nomination in accordance with the apparent commitment of the majority leader. I look forward to that debate. I ask again, as I have done repeatedly over the last several months, why not now, why not today, why not this week?

I again urge the majority leader to call up the nomination of Margaret Morrow for a vote. She has suffered enough. The people of the Central District of California have been denied this outstanding jurist for long enough. The chairman of the Judiciary Committee said last month that he had the assurance of the majority leader that she will be called up for a vote but neither has said when that will be. I hope that the majority leader will proceed to the consideration of this nomination and that he will support Margaret Morrow to be a district court judge for the Central District of California.

STATEMENT ON THE NOMINATION OF PAUL R. CAREY TO BE A COMMISSIONER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in emphatic support of the nomination of Paul R. Carey of New York to be a commissioner of the Securities and Exchange Commission. Mr. Carey, who has served since 1993 as special assistant to President Clinton, is an inspired public servant who is exceptionally well qualified for this position.

I have known Paul Carey, boy and man. He was born in Brooklyn, the borough of churches. And indeed it was in a sort of church that we first met. It was in the summer of 1977. I was a newly serving Senator and Paul's father was New York's Governor. It was through Hugh Carey's heroic efforts that New York City was saved from bankruptcy. As I have often said elsewhere, Hugh Carey was New York's greatest Governor since Al Smith. Paul's father and I had gathered, along with several hundred others at Siena College, to be present at the induction of Howard Hubbard to serve as the bishop of the Diocese of Albany. Paul accompanied his father that day. He was still in grade school but he was attentive throughout and his firm handshake alone identified him as his father's son. We became friends and I shared his family's pride as he progressed through high school, graduated from Colgate University, and entered the world of business and finance.

But I think he was always interested in public service. In 1991 he chanced upon my wife Liz in the Albany train station and said as much. He joined the Clinton administration at the first. And he has just shone. Paul has exemplified what Alexander Hamilton called Energy in the Executive. No bill has been too complex to yield to his explanation. Few Senators are able to withstand his persuasive powers. He has seen the President's program through. Paul has proved his worth and his talents have not escaped the President's notice.

If I may say Mr. President, Paul's time in the White House will serve him well at the SEC. For despite being an independent agency, the Commission is withal a part of the national government. As such, it is useful to have a Commissioner who knows intimately the workings of the legislative and executive branches. Government has been called the art of the possible. Paul has over these last years learned what is possible and what is not. As the Commission confronts a world made more complex by technology and the globalization of finance, proposals will be made for regulations and laws of great sweep and broad scope. Having a Commissioner who knows what can be done as well as what should be done will allow the Commission to better serve us all.

Mr. President, I do not believe there is any representative of the administration who enjoys a higher degree of respect on Capitol Hill than Paul Carey, as was demonstrated by the unanimous vote in favor of Paul's nomination by the Senate Banking Committee, and by the enthusiastic support of its chairman. Senator D'AMATO.

Mr. President, I urge the Senate to follow suit and confirm the nomination of Paul Carey by a unanimous vote.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 137 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (S. Res. 137) to authorize testimony, production of documents and representation of employees of the Senate in the cases of United States versus Tara LaJuan Edwards and United States versus Robbin Tiffani Stoney.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, United States versus Tara LaJuan Edwards and United States versus Robbin Tiffani Stoney are two criminal cases set for trial in the Superior Court of the District of Columbia, charging the defendants, two former Senate employees, with financial misconduct during their former Senate employment.

Three employees of the Secretary of the Senate not implicated in the alleged wrongdoing have been subpoenaed by the Government to testify at these trials. This resolution would authorize these Senate employees to testify, and would also authorize representation of these Senate witnesses by the legal counsel. The resolution also would authorize the Secretary to release Senate records and documents relevant to these cases.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 137) and its preamble read as follows:

S. RES. 137

Whereas, in the case of *United States* v. *Tara LaJuan Edwards*, Case No. MI2677-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire, Billy R. Smith, and Kristine D. Brown, employees of the Secretary of the Senate;

Whereas, in the case of *United States* v. *Robbin Tiffani Stoney*, Case No. M12598-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, employees of the Secretary of the Senate;

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

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

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

Resolved, That James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, are authorized to testify in the cases of *United States* v. *Tara LaJuan Edwards* and *United States* v. *Robbin Tiffiani Stoney*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Secretary of the Senate is authorized to release Senate records and documents relevant to these cases.

SEC. 3. That the Senate Legal Counsel is authorized to represent James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, in connection with *United States* v. *Tara LaJuan Edwards* and *United States* v. *Robbin Tiffani Stoney*.

ORDERS FOR WEDNESDAY, OCTOBER 22, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, October 22. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each, with the exception of Senator BAUCUS for 15 minutes.

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

Mr. LOTT. I also ask unanimous consent that at 12:30 p.m. the Senate resume consideration of S. 1173, the ISTEA reauthorization bill.

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

PROGRAM

Mr. LOTT. Tomorrow, the Senate will be in a period of morning business until the hour of 12:30, after coming in at noon. At 12:30, we will go back to the ISTEA legislation. It is hoped that the Senate will make some progress on this important legislation which authorizes the funding for transportation projects and safety programs so essential to the transportation infrastructure of this country.

As a reminder to all Senators, a cloture motion was filed this afternoon on the ISTEA legislation. Therefore, all second-degree amendments must be filed prior to the vote on Thursday. In addition, a cloture vote will occur on Thursday, with the exact time to be announced later, with the mandatory quorum being waived.

In addition, the Senate may turn to appropriations conference reports that become available at any time and, of course, Members can expect votes during the day tomorrow.

I know Senator CHAFEE, the distinguished Senator from Rhode Island, would like very much to get on with the substance of this bill. I believe it is important legislation and that there is a growing desire to work together on this bipartisan issue, and I believe and hope that we will get cloture on Thursday. If not, then we would have another vote on Friday, so that we could get to the germane amendments and deal with this issue in a serious way.

It is my intent to continue to work with the members of the committee—they have done good work on this legislation, it was reported out of the committee unanimously—and complete action on it next week so we will have this 6-year bill completed in the Senate. Then we can see what might happen at that point. Then it would be my intention, shortly after that, whenever that may be, late next week I hope, to go to fast track legislation.

This is ambitious, but these are very important bills that I believe most Senators want us to act on. The President of the United States today personally asked me to try to move both of these bills, and I will continue to work with Senator DASCHLE and other Senators to try to find a way to move this process forward. We did have some good faith exhibited today. Our committees were allowed to meet. We did move some nominations that are required, needed for the administration in order for it to be able to do its work. I hope we can continue in that vein.

So far we have not been able to get everybody to agree to a process whereby we can move on to important, substantive legislation like ISTEA and fast track and Amtrak and adoption and foster care legislation. But it is certainly my intention to do everything I can to get to these serious issues.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the distinguished Senator from Alaska, Senator MURKOWSKI. I yield the floor.

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

WARD VALLEY LOW-LEVEL WASTE DISPOSAL FACILITY

Mr. MURKOWSKI. Mr. President, it is often useful to compare the public statements of Government officials with their private statements. Such a comparison can say a great deal about an official's true motives, not to mention their character. Last week, in response to a question I posed for the public record, the Department of the Interior provided me with a copy of a memo written by Deputy Secretary of the Interior John Garamendi to his boss, Secretary Bruce Babbitt. This memorandum was dated February 21, 1996, and it concerns the Ward Valley low-level waste disposal issue.

For those who do not know, Ward Valley is the site of a low-level radioactive waste facility licensed by the State of California under the Federal Low-Level Radioactive Waste Policy Act. The site sits on the Bureau of Land Management land in a remote and sparsely populated area of the Mojave Desert. But the Department of the Interior reversed an earlier decision to sell the land to California, and has insisted on study after study to achieve endless delays.

Meanwhile, low-level radioactive waste is piling up at hundreds of urban locations all across California. It is stored in basements, stored in parking lots, stored in trailers, stored in warehouses, and temporary shelters. It is on college campuses, it is in residential neighborhoods, it is in hospitals—sites that were not designed for permanent storage. As long as the waste in these temporary locations in populated areas is where it is, it is subject to accidental radioactive release from, fire, earthquakes, and floods.

Governor Wilson is understandably concerned about the health and safety of Californians. That is his job. He is frustrated by the delays California has faced in trying to get this facility open, and so am I.

I am further frustrated by the fact that the President's nominee to be the Deputy Secretary of the Interior, Mr. John Garamendi, appeared before our committee, the Energy and Natural Resources Committee, on July 27, 1995, and testified under oath that Ward Valley and the issue should and would be quickly resolved. Mind you, this was July, 1995.

It may interest my colleagues to know that Ward Valley was scrutinized by two—not one, but two—environmental impact statements under NEPA, and two biological opinions under the Endangered Species Act. Although all these environmental reviews have been favorable to the Ward Valley facility, the Secretary of the Interior continues to opt for further studies rather than just transferring the land to California.

In 1994, having seemingly exhausted the studies available to delay the process under NEPA and the Endangered Species Act, the Secretary turned to the National Academy of Sciences and asked for yet another study. But in May 1995 the National Academy of Sciences study was complete, and again it was favorable to the Ward Valley site.

Finally, it appeared that Secretary Babbitt had little choice but to transfer the land, and announced his intention to do so in May 1995. Environmentalists bitterly complained. Greenpeace even picketed the Secretary. Movie stars and pop singers rallied against the facility. It did not matter what the science said. The facts didn't seem to matter. It was simply good politics in California to oppose a radioactive waste site and I guess the Secretary did not like the unfavorable press he was getting at the time.

Indeed, the politics of Ward Valley seems to loom large in another memorandum that we have uncovered, going back to 1993. I have a memorandum to the Secretary from October 19, 1993, that speaks to the prevailing mindset at Interior, and it says:

And I quote:

> This memorandum addresses only the politics of Ward Valley. I can imagine no scenario that allows us to go forward with the land transfer and retain credibility with Boxer and the enviros.

So to keep themselves out of hot water with environmental groups, Deputy Secretary Garamendi had to devise a new way to delay Ward Valley while simultaneously waging a public relations and political campaign against the site.

As far as John Garamendi was concerned, a new excuse for a new study and further delay simply had to be found.

So in February 1996, the Department of Interior evidently struck gold, or thought they had. A former low-level waste facility in Beatty, NV, was determined to be "leaking."

Ignoring the fact the Director of the U.S. Geological Survey told him that you could not relate Ward Valley with the Beatty, NV, site, Deputy Secretary Garamendi knew a good excuse for another study when he saw one and a PR campaign to go with it.

So environmental and radiological factsheets were prepared by the Department for the press and the public, factsheets that were later criticized by the chair of the Nuclear Regulatory Commission for the errors and misinformation they contained.

Press conferences were held where Deputy Secretary Garamendi announced that new tritium tests would be conducted, and another new EIS would be performed because of so-called new information about the Beatty, NV, site.

These new studies and the lawsuits that would surely follow might take years.

But what were Interior's true motivations? Did Interior ever intend to transfer the site under their watch? Was Interior interested in the public health and safety or good PR and political advantage?

Mr. President, I now have the internal memo that cuts through the public statements and press releases to provide clear insight into the Department's motivations. Let me read this memorandum for my colleagues. It is dated February 21, 1996, memorandum to Bruce Babbitt from John Garamendi. Subject: Ward Valley:

> Attached are the Ward Valley [press] clips. We have taken the high ground. Wilson—

Meaning Governor Pete Wilson—

> is the venal toady of special interests (radiation business).

It goes further to state:

> I do not think Greenpeace will picket you any longer. I will maintain a heavy PR campaign until the issue is finally won.

Mr. President, here is the Deputy Secretary of Interior engaged in a PR campaign to portray the Governor of California as a venal toady. For those in this Chamber who may not know the precise definition of a "venal toady," it means a deferential, fawning parasite who is open to bribery.

A venal toady. That is Secretary Garamendi's characterization of the Governor of California, or the goal of his PR campaign. I am not sure which.

Is this what Deputy Secretary Garamendi calls the high ground? Is it taking the high ground to call for study after study and create delay after delay while ignoring all the studies that show the site is safe so far?

Is it taking the high ground to keep radioactive waste spread around 800 locations in California subject to some accidental release, a flood, fire or earthquake, where literally millions of people could be exposed to radioactivity, or finding a site and put it there, which we have given California the authority to do?

Is it taking the high ground to say you are working to protect public health when you are, in fact, endangering the public's health?

Is it taking the high ground to pretend to be pursuing a careful deliberative process following standards of good Government when, in fact, you are waging a ruthless PR campaign in which misstatements and half-truths are used?

Remember, I am not the one claiming that misstatements have been made. President Clinton's own selection as chair of the Nuclear Regulatory Commission, Dr. Shirley Jackson, has highlighted the Interior Department's misleading errors and misstatements in her letter to me of July 22, 1997, which I ask unanimous consent be printed in the RECORD.

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

UNITED STATES,
NUCLEAR REGULATORY COMMISSION,
Washington, DC, July 22, 1997.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of Interior, Washington, DC.

DEAR SECRETARY BABBITT: I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to share our views related to the Department of Interior's (DOI) actions regarding the proposed Ward Valley low-level radioactive waste (LLW) disposal facility in California. In February 1996, DOI announced that it would prepare a second supplement to an environmental impact statement (SEIS) for the transfer of land from the Federal government to the State of California, for the development of the Ward Valley low-level radioactive waste (LLW) disposal facility. We understand that DOI has identified 13 issues that it believes need to be addressed in the SEIS. DOI also stated that it would not make a decision on the land transfer until the SEIS was completed. NRC will actively serve as a "commenting agency" on the SEIS in accordance with the Council of Environmental Quality regulations in 40 CFR 1503.2 "Duty To Comment." NRC's interest in the Ward Valley disposal facility is focussed on protection of public health and safety, and many of the 13 issues to be addressed in the SEIS are related to our areas of expertise. As a commenting agency, we will review the draft SEIS, and provide comments based on the requirements in federal law and regulations, and our knowledge of policy, technical, and legal issues in LLW management. We would also be available to discuss these issues with DOI, both before and after publication of the draft SEIS.

On a related matter, it is our understanding that Deputy Secretary John Garamendi of DOI held a press conference on July 22, 1996, addressing the effect of Ward Valley facility availability on the use of radioisotopes in medicine and medical research. It was recently brought to our attention that DOI distributed a document entitled, "Medical, Research, and Academic Low Level Radioactive Waste (LLRW) Fact Sheet" at the press conference. This Fact Sheet contains several errors and statements that may mislead the reader. To assist DOI, we have addressed these errors and statements in the enclosure to this letter. Some of the points contained in the Fact Sheet are useful and contribute to the dialogue on this issue; however, NRC is concerned that some of the subjective information of the document is characterized as factual. We are particularly concerned by the statement that the NRC definition of LLW ". . . is an unfortunate and misleading catch-all definition . . ." In fact, NRC's definition is taken from Federal law, specifically the Low-Level Radioactive Waste Policy Act of 1980, and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA). Additionally, it is NRC's view that some of the information that was referenced or relied on in the Fact Sheet may not represent a balanced perspective based on facts. For example, a table of the sources and amounts of radioactive waste that is projected to go to the Ward Valley facility is erroneously attributed to NRC, the U.S. Department of Energy (DOE), U.S. Ecology, the Southwestern Compact, and the Ward Valley EIS. Raw data from the sources quoted appear to have been interpreted based on uncertain assumptions about future activities of generators to produce the figures in the table. Additionally, NRC noted that the figures in the table are identical to those in a March 1994 Committee to Bridge the Gap report.

With respect to the relationship between LLW disposal policy and medicine and medical research, we note that the National Academy of Sciences Board on Radiation Effects Research has prepared a Prospectus for a study entitled, "The Impact of United States Low-Level Radioactive Waste Management Policy on Biomedical Research." The study would, among other things, "Evaluate the effects of higher disposal costs and on-site storage on the current and future activities of biomedical research, including the effects of state noncompliance [with the LLRWPAA of 1985] on institutions conducting biological and biomedical research and on hospitals where radioisotopes are crucial for the diagnosis and treatment of disease." Thus, the issue of medical uses of radioisotopes and how they have been affected by the Ward Valley process is far less clear than the Fact Sheet portrays.

Finally, since there are no formal arrangements that permit NRC to review and comment on the technical accuracy of various DOI documents on LLW and Ward Valley, we may not be aware such documents exist, thus the absence of NRC comments does not imply an NRC judgment with respect to the technical accuracy or completeness of such documents.

I trust our comments will be helpful in your efforts to address Ward Valley issues.

Sincerely,

SHIRLEY ANN JACKSON,
Chairman.

Enclosure.

NRC STAFF COMMENTS ON THE DEPARTMENT OF INTERIOR "FACT SHEET" [1]

1. The Fact Sheet contains a projection of LLW to be sent to the Ward Valley disposal facility over its 30-year life, and attributes the table to the Department of Energy, the U.S. Nuclear Regulatory Commission, the Southwestern Compact, U.S. Ecology, and the Ward Valley environmental impact statement. In fact, the figures in the table are identical to those in a table from a March 1994 Committee to Bridge the Gap report, are substantially different from California projections, and are based on assumptions that are not identified. The actual assumptions used are contained in the Committee to Bridge the Gap report and minimize the amount and importance of the medical waste stream.

2. The Fact Sheet is incomplete in that it provides only anecdotal evidence of the impact of not having the Ward Valley disposal facility available to medical generators. Although its arguments about short-lived radionuclides appear to be generally true, the Fact Sheet downplays the effects on generators that use longer-lived radionuclides. According to the Fact Sheet, there are an estimated 53 research hospitals in California, out of some 500 hospitals overall. The Fact Sheet describes the impact at three of these research organizations and concludes that they can manage their waste, either by disposing of it at an out-of-state facility (Barnwell or Environcare), storing it, or, for sealed sources, sending them back to the manufacturer. The Fact Sheet concludes that there is a no health and safety impact from the approach, but does not address broader issues such as the continued availability of existing disposal sites as an option, and the fact that transferring a sealed source to a manufacturer does not eliminate the problem, but simply shifts it from one organization to another.

3. The Fact Sheet does not address the more complex issues concerning use of radioisotopes in medicine, such as how medical research in general has been affected by issues such as disposal and storage cost increases, and the need to switch from longer-lived radionuclides to short-lived nuclides or non-radioactive materials. The National Academy of Sciences Board on Radiation Effects Research has prepared a Prospectus for a study entitled "The Impact of United States Low-Level Radioactive Waste Management Policy on Biomedical Research." The study would, among other things, "Evaluate the effects on higher disposal costs and on-site storage on the current and future activities on biomedical research, including the effects of state non-compliance on institutions conducting biological and biomedical research and on hospitals where radioisotopes are crucial for the diagnosis and treatment of disease." Thus, the issue of medical uses of radioisotopes and how they have been affected by the Ward Valley process is far less clear than the Fact Sheet portrays.

4. The Fact Sheet characterizes the NRC definition of LLW in 10 CFR Part 61 as "unfortunate and misleading" because it includes both long-lived and short-lived radionuclides. It fails to acknowledge that this definition is contained in Federal law (the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985) and that information on the kinds and amounts of radionuclides contained in LLW for land disposal is widely available in NRC regulations and/or NUREGS, and from DOE. In developing Part 61 in the early 1980s. NRC sought public comment on the proposed rule, and provided extensive information on the assumptions, analyses, and proposed content of the regulation for review. In developing the regulations for LLW, including how different classes are defined, NRC received and considered extensive public input. Four regional workshops were held, and 107 persons commented on the draft rulemaking for 10 CFR Part 61, which defines LLW. In short, NRC encouraged public involvement in developing the definition of, and defining the risk associated with LLW.

The Fact Sheet focuses on the half-life of radionuclides, but fails to discuss risk to the public from the efforts of ionizing radiation and how they are affected by the half-life of radionucludes. Public health and safety is measured in terms of risk, not half-life. Risk is a function of radiation dose, and the determination of risk depends on a variety of factors, including the type of radiation emitted, the concentration of radionuclides in the medium in which they are present, the likelihood that barriers isolating the radionuclides will be effective, and the likelihood of exposure if radioactive materials are not fully contained. The Fact Sheet is misleading when it states that the half-life of ^{123} used in medicine is 13 hours, and that of ^{129} from nuclear power plants is 16 million years and that it remains hazardous for 160–320 million years. Either isotope can be a risk to the public, depending upon the other factors discussed above, and half-life by itself does not indicate risk.

5. In the definition section, the Fact Sheet defines "radioactive half-life" as "The general rule is that the hazardous life of a radioactive substance is 10–20 times its half-life."

[1] "Medical, Research, and Academic Low Level Radioactive Waste (LLRW) Fact Sheet." U.S. Department of Interior, Office of the Deputy Secretary. Distributed at a press conference of the Deputy Secretary on July 22, 1996.

This definition contains a new term (hazardous) not used by the national or international health physics or radiation protection communities, and not defined in the Fact Sheet.

Mr. MURKOWSKI. Mr. President, I might add, I did not seek this letter from the NRC. It came unsolicited. Perhaps one might give the Department the benefit of the doubt and recognize that it is human to err. But then you encounter a memorandum such as that of February 21 to the Secretary and the Department's intent becomes obvious.

This is nothing more than a political and public relations game. Secretary Garamendi seems to be saying: Let's not worry about the waste or danger it may pose. If nothing is done, that's fine. Let somebody else take care of it on their watch. But let's just make the Governor of California look like a "parasite open to bribery," as the definition of "venal toady" describes.

I believe that the Department of Interior has absolutely no intention of transferring the Ward Valley land until they are ordered to do so by the Congress or the courts.

If the Senators from California and I cannot work out something with respect to land transfer legislation, we will either have to have a floor fight of some kind or be content to let the courts decide the issue.

I encourage my colleagues to recognize the significance of the administration's attitude toward the Ward Valley issue and refer to the memorandum that I have highlighted of February 21, 1996, from John Garamendi to Bruce Babbitt where he criticizes, in inappropriate terms, the motivation of the Governor of California and suggests to the Secretary that he does not think Greenpeace will picket him any longer.

So again, Mr. President, the terminology, referring to the Governor of California as "the venal toady of special interests," deserves reflection by my colleagues on the total inappropriateness of such a memorandum from the Deputy Secretary, John Garamendi, to the Secretary of the Interior, Bruce Babbitt.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 5:59 p.m., adjourned until Wednesday, October 22, 1997, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21, 1997:

DEPARTMENT OF STATE

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

TIMBERLAKE FOSTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

THOMAS M. FOGLIETTA, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

SECURITIES AND EXCHANGE COMMISSION

PAUL R. CAREY, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2002.

LAURA S. UNGER, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2001.

NATIONAL TRANSPORTATION SAFETY BOARD

GEORGE W. BLACK, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2001.

JOHN ARTHUR HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2000.

JAMES E. HALL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2002.

DEPARTMENT OF STATE

ALPHONSE F. LA PORTA, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MININSTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

STEPHEN W. BOSWORTH, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

RICHARD CONWAY CASEY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DALE A. KIMBALL, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

HOUSE OF REPRESENTATIVES—*Tuesday, October 21, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Ms. GRANGER].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 21, 1997.

I hereby designate the Honorable KAY GRANGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 8. Concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 399. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes;

S. 587. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado;

S. 588. An act to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition;

S. 589. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys;

S. 591. An act to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado;

S. 595. An act to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the "John Griesemer Post Office Building";

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building";

S. 973. An act to designate the United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, as the "David B. Champagne Post Office Building"; and

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office".

The message also announced that in accordance with sections 1928a–1928d, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Utah [Mr. BENNETT] as a member of the Senate delegation to the North Atlantic Assembly during the 1st session of the 105th Congress, to be held in Bucharest, Romania, October 9–14, 1997.

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 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. PAUL] for 5 minutes.

TOBACCO SETTLEMENT

Mr. PAUL. Madam Speaker, tobacco industry leaders are under attack by nearly everyone. A tobacco-friendly tax provision that was hidden in the settlement was quickly removed by the Senate and the House once the public became aware of it. But without a tax benefit or higher cigarette prices, or both, there is no way the industry can afford the astronomical $368.5 billion settlement they have agreed to pay over the next 25 years. The industry makes only $8.4 billion annual pretax profit.

The tobacco companies deserve every bit of grief they are receiving, but for reasons other than commonly assumed. It is true they profit from selling a dangerous product, but so do automobile, airplane, and gun manufacturers as well as food producers, drug companies, and coffee farmers. When we boil it down, any product used incorrectly or excessively is dangerous. Even oxygen used incorrectly can be dangerous. And most people know tobacco is dangerous without the benefit of the nanny-state inspectors and the bureaucrats' warning label.

Tobacco company executives symbolize much of what is wrong with corporate America and our corrupt system of special interests, favoritism, and interventionism. For decades, Big Tobacco lobbied for and gladly accepted subsidies and trade benefits, while anyone with a grain of common sense knew smoking was a bad habit that adversely affected some people's health. It is no secret that young people could easily become addicted to nicotine.

There were specific gains to be realized from the charade that surrounded tobacco sales. Pretending that smoking was a benign habit made it easier to collect benefits from the nonsmoking taxpayers. And the alternative, arguing for personal responsibility, was hardly in vogue.

Over the past 50-plus years, responsibility for risk incrementally has been shifted from the individual to the State. As we moved further from a free society toward a managed welfare state, responsibility for nearly everything began to be systematically delivered to someone else through the State and its growing army of bureaucrats. The tobacco industry was a willing accomplice to this betrayal of individual responsibility.

The failure of Big Tobacco to fight Government's requirement to put warning labels on cigarettes while accepting agricultural subsidies allowed the entire smoking industry to be invaded by the Federal Government.

Tobacco put the welcome mat out for big Government. Now it is only a matter of time before nicotine will be declared a drug and more FDA regulation will inundate us. Unfortunately, this will only compound our many problems with nicotine.

Madam Speaker, smoking should be treated no differently than compulsive eating, chocolate addiction, or driving too fast. But the way the tobacco corporate leaders are acting in cahoots with big Government, one would think they are conspiring to prevent this.

Madam Speaker, the question is who has responsibility for our well-being? Who should make decisions regarding risk-taking and personal habits, the Government or the individual?

During the Clinton health care debate, tobacco, and nearly every other industry took the easy way out. They conceded that it was Government's responsibility, Federal and State, to provide medical care for everyone, as if it were in itself a constitutional right.

When the free market works, medical insurance premiums adjust to reflect the cost of habits like smoking, sky diving, overweight, and medical preconditions. When Government pays,

the concept of insurance goes out the window and everybody gets everything paid for and no one can be discriminated against.

Persons who have harmed their health by smoking have learned they can coerce those with good health into paying for the consequence of their bad habit. In fact, many who harm themselves through their chosen lifestyles, not just a single bad habit, religiously believe they have a right to be taken care of by someone else. This group of individuals, not only those who smoke, but those who drink too much or perform sexual acts which increase their chance of acquiring AIDS or hepatitis, or who will not diet to take care of diabetes or heart conditions.

It is this abdication of personal responsibility, this misconceived notion that the State is responsible for us, that drives counterintelligent drug laws, which inspires the use of dirty needles, which serves to further spread AIDS and hepatitis. And instead of legalizing the right to buy a clean needle for a few pennies, the bureaucrats insist on making it the Government's responsibility to coerce nondrug users into paying for free needles so the addicts can keep using their illegal drugs. Nothing could be more bizarre.

This lack of understanding responsibility, rights and subsidies has led the tobacco industry leaders to further compound the problem by not fighting the trumped up obligation to pay for any health care that may have arisen from smoking.

Not once have we heard a tobacco industry leader defend his right to sell something that is risky to someone but not others, which is the case with tobacco and most other products.

Tobacco industry leaders are under attack by nearly everyone. A tobacco-friendly tax provision that was hidden in the settlement was quickly removed by the Senate and House once the public became aware of it. But without a direct tax benefit or higher cigarette prices, or both, there's no way the industry can afford the astronomical $368.5 billion settlement they have agreed to pay over the next 25 years—the industry makes only $8.4 billion annual pretax profit.

The tobacco companies deserve every bit of grief they are receiving—but for reasons other than commonly assumed. It's true they profit from selling a dangerous product. But so do automobile, airplane, and gun manufacturers, as well as food producers, drug companies, and coffee farmers. When you boil it down, any produce used incorrectly or excessively is dangerous. Even oxygen used incorrectly can be dangerous. And most people know tobacco is dangerous without the benefit of the nanny-state inspectors and the bureaucrats' warning label.

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There were specific gains to be realized from the charade that surrounded tobacco sales. Pretending that smoking was a benign habit made it easier to collect benefits from nonsmoking taxpayers. And the alternative—arguing for personal responsibility—was hardly in vogue.

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Persons who have harmed their heath by smoking have learned they can coerce those with good health into paying for the consequences of their bad habit. In fact, many who harm themselves through their chosen lifestyles, not just a single bad habit, religiously believe they have a right to be taken care of by someone else. This group includes not only those who smoke, but those who drink too much, or perform sexual acts which increase their chances of acquiring AIDS or hepatitis, or those who won't diet to take care of their diabetes or heart conditions.

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This lack of understanding responsibility, rights, and subsidies has led tobacco industry leaders to further compound the problem by not fighting the trumped-up obligation to pay for any health care that may have arisen from smoking.

Not once have we heard a tobacco industry leader defend his right to sell something that is risky to some but not others—which is the case with tobacco and most other products. One pack of cigarettes a year never hurt anyone. Everyone who smokes doesn't become addicted. Ninety percent of smokers never get a smoking-related illness. Absent fraud, the user is responsible for the risk he assumes, not the seller of any given product.

It has been suggested by some that smoking cigarettes provides certain immunity from some diseases. I personally cannot stand smoking, and even as a child I knew it was dangerous. It was a time when parents had a lot more to do with assuming the responsibility for teaching children about all dangers—like fire, chemicals, heights, crossing highways, sharp objects, guns, and smoking.

We still don't hear a principled challenge to the demands of the various states to be reimbursed by the tobacco industry for the costs of smoking-related illnesses. States should not be in the medical business in the first place, let alone be extorting funds from the producers of tobacco products.

Yes, the business leaders in the tobacco industry deserve sharp criticism. Once this precedent of paying medical bills is set, the manufacturers of automobiles will then be liable for all accidents even if the drivers are speeding and intoxicated. Chocolate addicts can then sue Hershey, fat people can sue cattle ranchers. The whole notion that tobacco companies should pay for tobacco-related illnesses is absurd.

The tobacco deal does great harm, because it further undermines the principle of self-responsibility. The spread of this concept will not only push up the costs of medical treatment and the products involved, it could actually encourage the use of dangerous products. The response of potential users will be, "If I'm unfortunate and become ill or injured, the seller or the Government will be made to take care of me"—a very common reaction in a welfare state. To the extent one can lower the cost of one's own risky habit by socializing it, one is less likely to worry about consequences and more likely to engage in that dangerous behavior.

If this attitude toward consumer risk is not changed, the free society that we once had cannot be restored.

I'd like to see a spokesman for tobacco come forward and insist on recognition of the moral principle that individuals have responsibility for themselves and a duty to make choices and assume the consequences of the risks they take. My advice to him would be to give up the subsidies, demand freedom, and

fight the social misfits who argue for collective guilt and collective responsibility. Any other course of action will lead to more evils.

CONGRESSIONAL CAUCUS ON WOMEN'S ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Madam Speaker, the women of the House have something to celebrate this evening. Nearly all—Republican and Democratic women alike—are members of the Congressional Caucus on Women's Issues. The caucus will celebrate 20 years of historic legislation and other milestones for women, families, and children led by the Women's Caucus for two decades.

Madam Speaker, an all-star cast will be on hand at the elegant Andrew Mellon Auditorium for the 7 p.m. dinner led by remarks from President Clinton himself. Secretary of State Madeleine Albright will speak, ABC's Cokie Roberts, the daughter of former Congresswoman Lindy Boggs, will MC, and "Sweet Honey in the Rock," the award-winning singing group, will entertain.

Today, 50 of the 52 women of the House are members of the caucus. We are more than three times the group we were in 1977 when 15 Members led by former Representatives Elizabeth Holtzman and Margaret Heckler founded the Congressional Caucus on Women's Issues. Resolutely bipartisan from that day to this, the caucus has a list of achievements that boggle the mind. Here is a sampling from the honor roll of legislative landmarks achieved through the leadership of the Women's Caucus:

The Family Medical and Leave Act, the Violence Against Women Act, the Pregnancy Discrimination Act, retirement equity legislation, child support enforcement legislation, the Mammography Quality Assurance Act, legislation that established the NIH Office of Research in Women's Health, legislation barring health plan discrimination against victims of domestic violence and against the genetic information of clients, criminalization of female genital mutilation, and policies requiring that women be included in clinical trials. There is too much more where that came from to name and there is lots more to come.

Madam Speaker, this year we have initiated new approaches in the caucus that promise even greater legislative production. We have inaugurated a series of Women's Caucus hearings and we now have 14 issue teams, each led by a Republican and a Democratic Member. My cochair, the gentlewoman from Connecticut [Mrs. JOHNSON], and I have worked hard in the tradition of prior Republican and Democratic cochairs, the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from New York [Mrs. LOWEY], former Congresswomen Liz Holtzman and Margaret Heckler, former Congresswoman Pat Schroeder and former Representative and now Senator OLYMPIA SNOWE.

Tonight we are throwing ourselves a party. We hope to see our colleagues there.

SUPPORT THE 21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. COBLE] is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Madam Speaker, I want to respond to the unfounded and increasingly bizarre criticism of H.R. 400, the 21st Century Patent System Improvement Act.

Throughout the winter and spring of the current session, I have been involved with the writing, reshaping, and marshaling support for H.R. 400. While I understand that the legislative process is necessarily deliberate and often contentious, I confess my ongoing amazement that this bill has engendered so much controversy.

Madam Speaker, we are not talking about a red meat issue that divides people on partisan ideological lines. This is not a subject matter that hits at the gut or tears at the heart. This is not gun control, abortion, or the death penalty. This is a patent bill, but significant to America's economic well-being.

Now, for most people the words "patent bill" are sufficient to induce sleep. For a small minority, however, it inspires a level of paranoia that reaches biblical proportions. I recently witnessed two floor critiques of H.R. 400 and S. 507 and the experience was quite revealing, Madam Speaker.

Previously, I was led to believe that my exclusive motivation in sponsoring H.R. 400 was to destroy the U.S. patent system. But no, I am far more ambitious. I have now learned that Senator HATCH and I are part of a nefarious plot designed to ruin the United States of America financially.

Madam Speaker, the two orations through which I sat were, charitably considered, devoid of factual content. Worst still, however, were the base metaphors and cliches invoked to drive home the opposition's point. There were references to secret deals with the Japanese Government that will enable Japanese corporations, Chinese corporations, huge multinationalists, and if it can be believed, the People's Liberation Army, to bully the little guy and brutalize Americans.

Representatives from American corporations were criticized for having talked to Congressmen and were clearly identified as members of the enemy. Presently, the paranoid jumble was tied together and we learned that H.R. 400 and S. 507 constitute the first fight in a war that, if not won on our opponents' terms, will result in the complete internationalization of American economic activity and the total elimination of our liberty. I recall no mention of black helicopters or drug trafficking by the Queen of England, but such testimony is sure to follow.

Madam Speaker, for anyone who cares to know the facts, H.R. 400 and S. 507 are forward-thinking attempts to make our current patent system even stronger. Both bills would allow the Patent and Trademark Office to operate more like a business on a day-to-day basis, while subjecting the agency to congressional and executive oversight.

Good faith users of the patent system, those who the Constitution was intended to protect, will be guaranteed a minimum of 17 years of patent term and, in most instances, will receive more than 18 years.

□ 1045

Far from hurting applicants, the publication feature of H.R. 400, or what is left of it, will inhibit patent submarining, which does indeed harm American businesses and generally violates the constitutional spirit of patent policy. Both bills also create a new patent pending right, along with a commercial use defense for inventors who do not have the resources to file for protection. And companies which pedal application scams to innocent inventors will be punished severely under H.R. 400.

A well-known American inventor once wrote, "with the change of circumstances, institutions must advance to keep pace with the times." This inventor, Madam Speaker, was Thomas Jefferson and he knew a little bit about the Constitution, which charges the Congress with the duty of promoting the progress of science and useful arts through intellectual property.

None of us discharges his or her duty by pandering to the worst instincts of other people. Nor do we honor ourselves by pretending that complex and arcane subject matter is easily and snappily explained. The regrettable effect of the two lectures just described is that they may motivate 20 or 30 people in some Member's district to write or call urging a "no" vote on the patent bill. I urge support of the patent bill.

SEXUAL PREDATORS

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 21, 1997, the

gentleman from Texas [Mr. LAMPSON] is recognized during morning hour debates for 5 minutes.

Mr. LAMPSON. Madam Speaker, yesterday the people of Friendswood, TX, whose lives have been inexorably altered by the kidnapping and murder of 12-year-old Laura Kate Smither, saw a light at the end of their tunnel. Police Chief Jared Stout announced yesterday that they had a prime suspect who was in custody. The Friendswood police were able to name this suspect after his arrest for kidnapping a 19-year-old woman from a nearby community called Webster.

In the case for which this suspect was arrested, he approached a young woman changing a flat tire and offered assistance, but as he approached, he pulled a knife on her and ordered her into his truck. This woman escaped by throwing herself out of his truck, which was moving down an interstate highway at 70 miles an hour sustaining significant injuries.

That was not the first time this individual had attacked a woman. The prime suspect in the murder of Laura Smither had been sentenced on December 18, 1986, to a total of 28 years for convictions on charges of aggravated kidnapping, forcible oral sodomy, and rape. He was released a year ago. He served less than half of that sentence, and now this man has been named as the prime suspect in the slaying of Laura Smither.

In less than a year, this individual, who had committed previous acts of kidnapping and violent sexual assault, has already been charged with aggravated kidnapping again. It is outrageous. Scientific data demonstrates that individuals who commit sex crimes against children have the highest recidivism rate of any criminal. It is irresponsible, if not downright negligent to release this individual back into society after serving only 10 years of a 28-year sentence for aggravated kidnapping, forcible oral sodomy and rape.

Violence against women and children cannot be tolerated. It cannot be excused. It cannot be swept under the rug. Rape and sexual violence are not minor offenses. They are violent attacks that violate the body and violate the human spirit. These crimes must be punished swiftly and severely. An Oklahoma court tried to do that when it sentenced this man to 28 years in prison. But somehow in that State's criminal justice system someone decided that 10 years was enough for that rapist. And less than a year later, one 19-year-old woman had to throw herself out of a truck to save herself, traveling 70 miles an hour down a highway sustaining significant injuries, to save herself from a rapist. And when Chief Stout's investigation is completed, we are likely to learn that this individual has committed a total of three acts of aggravated kidnapping, one act of forcible oral sodomy and two rapes and a murder.

We cannot lose these people in this system. Yes, this man was registered as a sex offender, but if he had been an incarcerated sex offender as he was sentenced, we might have a 12-year-old child alive today.

As for Bob and Gay Smither, they may soon know for certain who took their little girl away never to return again. That is little solace, but that is what the Friendswood Police Department has worked so hard to accomplish since we discovered Laura's body on April 20. We thank and salute them and the Webster Police Department, as well. And today we still pray, as many did last night gathered in Stevenson Park in Texas. We are all still mourning, and worst of all, we must continue to pray for the safe return of Jessica Cain, who has kidnapped from the same vicinity on August 17.

It was the way the community came together to search for Laura that spurred me to form the Congressional Caucus on Missing and Exploited Children. I am proud of the fact that 80 of our colleagues in the House have joined the effort to protect our children and reunite families. But this morning, Madam Speaker, I am frustrated and angry. Whatever we do here in Congress will not matter a bit if we do not punish these sexual predators and make them serve their full sentences in prison. Madam Speaker, we cannot allow more of these tragedies.

FDA'S MISGUIDED POLICY COULD HARM PATIENTS WITH RESPIRATORY PROBLEMS

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. Madam Speaker, on March 6, 1997, the FDA issued an advanced notice of proposed rulemaking, which set forth its plan to ban CFC-containing metered-dose inhalers once certain criteria are met. The plan was developed in collaboration with the Environmental Protection Agency and is intended to eliminate the minuscule amount of CFC's currently allowed to be used for medication delivered by metered-dose inhalers.

CFC is the abbreviated term used to refer to chlorofluorocarbon gas. There are tens of millions of Americans who suffer from asthma; 5 million of those are children. These patients depend upon CFC-propelled metered-dose inhalers to treat their asthma and to help them breathe. With over 5,000 deaths each year in America due to asthma, I am convinced that the FDA's rule would eliminate treatment options for asthmatic patients.

Today, I want to talk about H.R. 2221, legislation that I, along with my colleague, the gentleman from New Jersey [Mr. SMITH], introduced on July 22 of this year. Since that time I have received tremendous support from all over the country. With 28 cosponsors, the bill continues to receive new cosponsors daily. The bill would require the Secretary of Health and Human Services to take no further action on the FDA's proposed ban on CFC-containing metered-dose inhalers.

My colleague, the gentleman from New Jersey [Mr. SMITH], and I are working with Members from the House and Senate from the relevant committees in an effort to add language in the conference report to the Food and Drug Reform legislation. It will direct the FDA to withdraw its March 6, 1997, advanced notice of proposed rulemaking and to take no further action to promulgate a proposed final rule on the basis of such advanced notice.

Madam Speaker, recently it has been pointed out in several leading publications, including the Wall Street Journal editorial dated September 17, 1997, that asthma is on the rise in our Nation. It is the most common chronic illness affecting children. In fact, among children's chronic diseases, asthma is the No. 1 reason for school absenteeism. Asthma mortality is also on the rise. Explanations for the increasing prevalence, morbidity and mortality are varied. Regardless, these populations include children, especially poor children living in urban areas.

Are not these the very children that the EPA claims it is helping with its new air quality standards? This misguided policy is definitely the case of one hand not knowing what the other hand is doing.

With one hand, the EPA presents new air quality standards that are supposed to protect the health of asthmatic children, while on the other, the FDA proposes to ban life-saving metered-dose inhalers from the market. The result of these actions would be to deny these children the treatment to help them to lead almost normal lives.

Madam Speaker, I urge my colleagues on the conference to adopt the language that I have presented and outlined in their final report. I urge my colleagues to support our bill, H.R. 2221, by becoming a cosponsor.

YOUTH SUMMIT '97

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 5 minutes.

Mrs. CLAYTON. Madam Speaker, I am pleased to inform the House about an exciting and successful event that I sponsored in Ayden, NC, Saturday, October 18. This event, called Youth Summit '97, is an annual event for students

that I have sponsored for the last 5 years. Each year, I am particularly pleased that the turnout is equal or greater than the one the previous year.

This year's summit brought together an impressive number of youth; over 600 participated. It was certainly an inspiration to see so many students expressing their interests in pursuing an education. Most of the youth were minority students throughout eastern North Carolina. Many came with school or church groups, while others came with their parents.

The youth summit was held this year in Pitt County at a local school called Ayden-Grifton High School. Over the past several years, I have sponsored the event in different counties exposing students throughout North Carolina to the seminar.

The youth summit is designed to expose children to educational opportunities afforded to them, to reaffirm the importance of their skills and competency development, to alert the children to explore all job and career options they have, and to remind and to encourage students that they should pursue their goals to their utmost ability.

The summit also prepares students about the entire process of applying to colleges, from testing procedures to the availability of financial aid. Because I feel that the financial aid is so important to students, particularly those who come from low-income homes, we explained to the students just exactly what has transpired in Congress this session regarding funding for education.

For example, we discussed and explained the legislation enacted granting increases in title I funding and what effects these increases would have particularly on particular families. The increases included, $1,500 HOPE scholarships, the increase in Pell grants by 26 percent, the largest in the last 20 years, and 20-percent tuition tax credit for families with students in their third and fourth year of college and universities.

These increases are so critical for North Carolina's educational success, and particularly important for the educationally disadvantaged. According to the U.S. Department of Education, North Carolina families will tremendously benefit from the increase in the scholarships and grants appropriated by title I.

Not only was the event an informational session, but the summit was also a forum where several speakers made their presentation. It also was a social event. Several speakers included guidance counselors, pastors, doctors, professors, judges, county commissioners, and representatives from the military academy. They spoke on a wide range of topics, including testing, financial aid, job career opportunities, parent-child communication, self-esteem, service academies, and the church's role in the development of our youth.

Additionally, our session three students explained just how difficult it was and their struggle from their path to make sure they would become adults.

The youth summit reinforced how essential education is for students and their communities. In order to be entirely successful, however, students must appreciate the importance of developing values and morals in their life, in addition to education they receive in attending class.

I am particularly pleased with the youth summit's success this year and I am looking forward to many future youth summits in North Carolina. These annual events seem to have such a positive effect, not only on the children, but on their parents and other communities. Therefore, I am also recommending to my colleagues that they do similar in their districts.

□ 1100

H.R. 2564, MARRIAGE TAX ELIMINATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois [Mr. WELLER] is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Madam Speaker, today I stand here to speak in favor of H.R. 2564, legislation entitled the Marriage Tax Elimination Act, which many of us believe should be the centerpiece of next year's budget. And I am proud to report that the Marriage Tax Elimination Act today has 222 cosponsors. Members of both parties have joined with us in this very important effort.

Let me explain why elimination of the marriage tax is so important; why bipartisan support is needed and so necessary for the Marriage Tax Elimination Act, with some three very simple questions:

Do Americans feel that it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples pay almost $1,400 more a year in taxes just because they are married; $1,400 more than an identical couple living together outside of marriage? Do Americans feel it is morally right that our Tax Code provides a financial incentive to divorce?

I think the answer is pretty clear. The marriage tax is not only unfair, it is wrong, it is immoral. It is immoral that our Tax Code punishes our society's most basic institution, which is marriage. And, according to the Congressional Budget Office, this marriage tax is imposed on 21 million married working couples for an average of $1,400 more in taxes just because they are married.

Let me give my colleagues an example of a couple from my district in Illinois, a couple with the combined income of $61,000. This particular couple, and I will say the husband is a machinist at the Joliet Caterpillar plant, the wife is a schoolteacher at the Joliet public schools. They each have essentially identical incomes, right around $30,000.

If this couple were two singles, say living together outside of marriage, they would each be in the 15-percent tax bracket, after considering the standard deductions and exemptions. But because as a married couple they file jointly, their combined income, which is almost $61,000, they are pushed into the 28-percent tax bracket.

For this married couple, this machinist at the Joliet Caterpillar plant, this public schoolteacher at the Joliet public schools, they pay almost $1,400 more in higher taxes just because they got married. And do the American taxpayers believe that it is right that we impose a higher tax on this Joliet couple just because they are married?

Think about it, what that $1,400 would mean for an average married working couple. Fourteen hundred dollars is several months worth of a car payment, tuition at the Joliet Junior College, or tuition at a local parochial or private or religious school for their child. Of course, even a portion of a downpayment on a home.

Let me quote Mike Reading from Monee, IL, who many have talked with about the Marriage Tax Elimination Act, and Mike says, you know, "You try and be honest and do things straight, and you get penalized for it. That's just not right."

Well, that is really what it is all about. This is an issue of right and wrong. The marriage tax is wrong. We proposed the Marriage Tax Elimination Act to do something about it, and we really want to provide an issue of fairness by giving working married couples the power to choose their filing status. Very simple.

Under the Marriage Tax Elimination Act, this Joliet machinist and Joliet public schoolteacher would be able to choose to file each as single, even while they are married, to be able to enjoy the same tax rate as that couple who lives together outside of marriage. That would save this couple $1,400, money they could spend to meet their family's needs.

And I am pleased that our efforts to eliminate the marriage tax penalty, which now has 222 cosponsors for the Marriage Tax Elimination Act, is gaining momentum. I am proud our efforts have been endorsed by the Joliet Herald News. The hometown newspaper for this Joliet couple, this Joliet machinist and this Joliet public schoolteacher, has said that working families would welcome repeal of the marriage tax penalty.

The Daily Journal, another paper in the 11th Congressional District, says:

"The marriage tax is an unfair imposition. The code should be rewritten to eliminate it.

"While we are all for simplicity in the Tax Code, the reality is that taxes drive social engineering."

The marriage tax should be eliminated and repealed today.

I have a letter here from Robert Eckert of Jacksonville, FL, a tax preparer. He says, "As a seasoned tax preparer and enrolled agent, I find the marriage penalty can be very significant, 12 percent of after tax income or 33-percent increase in tax liability."

My colleagues, group after group have endorsed the Marriage Tax Elimination Act. It should be the centerpiece. The bottom line is elimination of the marriage tax penalty should be the centerpiece of next year's budget agreement. I ask for bipartisan support and I ask for public support for our campaign to eliminate the marriage tax.

THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized during morning hour debates for 2 minutes.

Ms. CHRISTIAN-GREEN. Madam Speaker, I rise to salute the Congressional Caucus for Women's Issues for 20 years of leadership and tenacity on legislation affecting the lives of women and all Americans.

Our founders, Representatives Elizabeth Holtzman and Margaret Heckler had the foresight to realize that women and their families required significantly more attention from our Nation's leaders.

The baton has been passed on to us and so I salute all of my colleagues, past and present, Democrat and Republican, and especially Representatives NORTON and JOHNSON for the direction and leadership they have provided to this distinguished caucus.

I hope that you have noticed that our famous women's intuition is alive and well. Just this past weekend in my district, the Virgin Islands, women were reenergized as they came together at the annual women's conference hosted by our Senate president, Senator Lorraine Berry and the local women's caucus. And this week, as we celebrate our anniversary, members of the Congressional Black Caucus and thousands of American African women are preparing to travel to Philadelphia for the million woman march on Saturday.

Madam Speaker, I am proud to have been given the wonderful opportunity to be one of the caucuses' 50 members in the 105th Congress, and although some of us will not be in Philadelphia this weekend, we should all stand with the women who will be there in the Godly, creative, energetic, and loving spirit that has made this caucus what it is.

So Madam Speaker, I am pleased today to salute the past, the present, and, most importantly, the future of the Congressional Caucus for Women's Issues.

SUPPORT LEGISLATION TO HELP STATES PROTECT CHILDREN FROM SEX OFFENDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized during morning hour debates for 2 minutes.

Mr. GUTKNECHT. Madam Speaker, I join my colleague today, the gentleman from Texas, Mr. NICK LAMPSON, and congratulate Texas law enforcement agents for identifying a prime suspect in the kidnapping and murder of young Laura Smither, but I also share his frustration that things might have turned out differently.

We need tougher mandatory sentences; we need more effective community notification programs. While every State now registers child sex offenders, many of their notification programs have been stalled by legal challenges and confusion. This is unacceptable.

To help the States, 31 of my colleagues have joined me in introducing a resolution which gives the States a model community notification program that they can follow, if they choose. This resolution is not a Federal mandate. Instead, it expresses the sense of Congress that States should enact a tier-based system, like nine States have already done successfully.

For example, a released sex offender posing a high risk of repeating his crimes moves into a community. Everyone, police officers, past victims, and, most importantly, neighborhood parents, are notified.

As someone who served in the State legislature for 12 years, I urge my colleagues to join me in helping the States to protect America's children. Cosponsor House Concurrent Resolution 125.

CELEBRATION OF 20 YEARS OF THE WOMEN'S CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from New York [Mrs. MALONEY] is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, tonight we will honor the 20th anniversary of the Women's Caucus. President Clinton will join us as we celebrate the past, present, and future of the Women's Caucus.

Women have always faced extra hurdles as they served in Congress. Recognizing these extra challenges, Elizabeth Holtzman, from my home State of New York, along with Peggy Heckler of Massachusetts, organized 13 Members to join them in forming the Women's Caucus in 1977.

We have certainly expanded our numbers. The caucus is 53 members strong this year, but we still face many obstacles.

I would like to submit this copy of achievements of the Women's Caucus during its 20 years for the Record, and just note some of the achievements for the Record.

In 1978, the caucus was instrumental in the passage of the Pregnancy Discrimination Act, guaranteeing employment rights to pregnant workers.

In 1979, Congress, at the pushing by the Women's Caucus, created the Office of Civil Rights at the Education Department to enforce the title IX ban against sex discrimination in education.

In 1984, the caucus' Economic Equity Act was the driving force behind enactment of important legislation in retirement equity and child support enforcement legislation.

That year, also, a caucus member, Geraldine Ferraro, from my home State of New York, was nominated for Vice President of the United States, the first time a woman ran for that office on a major party ticket.

In 1985, for the first time, legislation was introduced to provide temporary leave for parents of newborns and seriously ill children and for workers with serious health problems. This effort sparked an 8-year campaign that ended with the 1993 enactment of the Family and Medical Leave Act. That was the first bill that I voted for in Congress.

In 1992, the media called this year the "Year of the Woman" in politics as hundreds of women lined up to run for office. It was a year in which many people voted for women candidates, not as a slogan but as a force to be reckoned with. A record 48 women were elected to the House and 6 to the Senate. And our presence here truly did make a difference.

We passed many important bills: The Family and Medical Leave Act; we expanded the earned income tax credit; we passed the domestic violence bill; the Violence Against Women Act; we expanded coverage and funding for breast cancer and breast cancer research; and this year, in 1997, Congress passed landmark legislation to balance the Federal budget, and they included in it very important expansions for women's health provisions.

One bill that I am particularly proud of is one that I worked on since 1992 with my Republican colleague, Barbara Vucanovich, which expanded the coverage of mammograms in Medicare for women over 65 and bone mass measurement. And I note the very good work of my Republican colleague, the gentlewoman from Maryland [Mrs. CONNIE MORELLA], in this area.

We also enacted a child tax credit, assistance for families with children in college, and expanded health coverage for uninsured children.

I would like to take this time to thank the Congresswomen who have chaired the Women's Caucus. This year the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

This year, on Mother's Day, again with my colleague, the gentlewoman from Maryland, Mrs. CONNIE MORELLA, it was a symbolic victory, but after many hurdles we finally moved the only statue of women that are in the rotunda, from the basement into the rotunda. On that particular day Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, two of whom were women from New York State and who worked very hard on women's issues and for the right for women to gain the vote, they finally took their place in the Capitol rotunda, along with our other great revolutionary leaders.

I would like to put the rest of my remarks into the RECORD and also note other great women leaders from New York State, Bella Abzug, Shirley Chisholm, Geraldine Ferraro and Elizabeth Holtzman, all of whom were members of the Women's Caucus.

PROGRAM BOOK HIGHLIGHTS

1977—Reps. Elizabeth Holtzman (D-NY) and Margaret Heckler (R-MA) founded the Congresswomen's Caucus. Comprised of 15 of the 18 women in the House, the group focused its early efforts on eliminating sex discrimination and improving women's employment opportunities in the federal government.

1978—The Caucus led a successful effort to gain an extension of the ratification period for the Equal Rights Amendment. Also that year, Congress passed landmark legislation—the Pregnancy Discrimination Act—guaranteeing employment rights to pregnant workers.

1979—Double digit inflation spurred the Caucus to focus on economic equity for women, ranging from women's business opportunities to the susceptibility of women workers to unemployment. Congress created the Office of Civil Rights at the Education Department to enforce the Title IX ban against sex discrimination in education. Rep. Patricia Schroeder (D-CO) took over as Democratic Co-Chair of the Caucus.

1980—The Caucus called for a Congressional investigation of the extent to which women-owned businesses were gaining access to federal contracts. Congress voted to require federal agencies to report the dollar value of all federal contracts awarded to small, minority-owned and female-owned businesses.

1981—The Caucus introduced the Economic Equity Act—a package of legislation to address key economic security issues. Sandra Day O'Connor was sworn in as the first woman Associate Justice of the U.S. Supreme Court. The Congresswomen's Caucus opened its membership to men and changed its name to the Congressional Caucus for Women's Issues.

1982—At the urging of the Caucus, the Joint Economic Committee convened hearings on the economic status of women and its impact on family income. Congress extended flex-time arrangements for federal workers and made former military spouses eligible for health benefits.

1983—Virtually every piece of the Caucus' Economic Equity Act was the subject to Congressional hearings, including tax and retirement matters, dependent care, nondiscrimination in insurance, and child support enforcement. In a major jobs bill, Congress enacted provisions important to working women. Rep. Olympia Snowe (R-ME) becomes Republican Co-Chair of the Caucus.

1984—The Caucus Economic Equity Act was the driving force behind enactment of important retirement equity and child support enforcement legislation. Caucus member Geraldine Ferraro (D-NY) was nominated for Vice-President of the United States, the first time a woman ran for that office on a major party ticket.

1985—For the first time, legislation was introduced to provide temporary leave for parents of newborns and seriously ill children, and for workers with serious health problems. This effort sparked an eight year campaign that ended with the 1993 enactment of the Family and Medical Leave Act (FMLA).

1986—Congress passed major legislation to increase accessibility of a college education to non-traditional students—mostly women—and to allow states to expand Medicaid coverage to pregnant women and infants. Sen. Barbara Mikulski (D-MD) was the first Democratic woman elected to the Senate without first having been elected or appointed to fill a vacant seat.

1987—The Caucus celebrated its 10th anniversary as the nation marked the 100th Congress and the 200th anniversary of the Constitution. Two important Supreme Court decisions upheld the constitutional use of affirmative action plans for women and ruled that states could force all-male clubs to admit female members.

1988—An important Caucus priority was achieved when Congress restored broad coverage of Title IX and other civil rights laws. The Caucus won passage of legislation to address the impoverishment faced by many elderly women when their spouses entered nursing homes. Congress also passed the Women's Business Ownership Act aimed at ending discrimination in credit to women entrepreneurs.

1989—The Caucus continued to push Congress to approve the Family and Medical Leave Act as well as new legislation to increase the availability, quality, and affordability of child care. Congress increased funding for maternal and child health programs and required states to expand Medicaid programs to cover pregnant women and children under six, Rep. Ileana Ros-Lehtinen (R-FL) was the first Latina elected to Congress.

1990—Congress approved the first major child care legislation in 20 years. A General Accounting Office (GAO) report requested by the Caucus confirmed the widespread exclusion of women from federally funded medical research. Caucus members introduced the first Women's Health Equity Act and traveled to the National Institutes of Health (NIH) to discuss plans for creating an NIH Office of Research on Women's Health.

1991—Congress approved civil rights legislation that expanded remedies for victims of sex discrimination, established a Glass Ceiling Commission to examine barriers to the advancement of women in management positions, and removed the statutory prohibition against women flying combat missions. Rep. Patricia Schroeder (D-CO) became the first woman in nearly 20 years to chair a full committee in the House.

1992—Caucus initiatives to improve quality of mammograms and combat infertility in women were enacted. The media labeled 1992 the "Year of the Woman" in politics as hundreds of women lined up to run for office. A record 48 women were elected to the House and 6 to the Senate.

1993—After an eight year battle, the Family and Medical Leave Act was signed into law. Major women's health legislation drafted by the Caucus also became law. Congress removed the remaining statutory limits on women serving in the military. The Earned Income Tax Credit was expanded to help raise poor working families above the poverty level.

1994—With strong bipartisan support from the Caucus, Congress enacted the Violence Against Women Act, which authorized $1.6 billion over six years for services to victims of sexual assault and domestic violence. Congress also passed legislation to ensure more equitable treatment for women and girls in education and required federal agencies to establish a five percent goal for contracting with women-owned businesses.

1995—Congress approved legislation applying civil rights and employment statutes to itself, long a priority of the Caucus. Congress also defunded the legislative offices of House caucuses, including the Congressional Caucus for Women's Issues. Reps. Constance Morella (R-MD) and Nita Lowey (D-NY) were named to co-chair the reorganized Congressional Caucus for Women's Issues. Three women were named to chair committees in the House and Senate.

1996—Legislation was enacted to guarantee continued health insurance coverage for workers who change or lose their jobs. Included were Women's Health Equity Act provisions barring insurers from discriminating on the basis of genetic information or evidence of domestic violence. Congress also require insurers to expand hospital stays for new mothers and approved a Caucus initiative to strengthen child support enforcement.

1997—Congress passed landmark legislation to balance the federal budget and included in it important women's health provisions which expand Medicare coverage of mammography and bone mass measurement. Also enacted were a child tax credit, assistance for families with children in college, and expanded health coverage for uninsured children. Congresswomen Nancy Johnson (R-CT) and Eleanor Holmes Norton (D-DC) take over as Co-Chairs of the Caucus.

□ 1115

TRIBUTE TO THE LATE HONORABLE JOEL PRITCHARD

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Madam Speaker, it is with deep sadness and sorrow that I rise today to note the death last week of former Congressman Joel Pritchard, a man deeply respected and admired and liked by everyone.

Joel was a rare politician who worked across partisan lines to solve problems. He exemplified the qualities

that make our system work in his 40 years in the political system, from 1956 until 1996. Joel went on to serve 12 years in Congress. I was still in the State Senate when he was our Lieutenant Governor.

An affable, unassuming politician, Joel will be remembered as a man of his word. He believed strongly in term limits, as I do, and kept his word to leave Congress after 12 years, even when friends and colleagues urged him otherwise.

Joel believed you do not have to give up your principles to work with people and to be pleasant. He said, "I have always been able to get along with people, people I disagreed with, to help find a way out of an impasse."

I considered Joel both a friend and respected colleague. He will be deeply missed, not only in Washington State, but also here in Washington, DC.

Today I would like to pay respect to Joel Pritchard and to send from the House of Representatives our sympathy to his family. Joel, you will most certainly be missed. I hope that we in Congress can continue to work across partisan lines that you so aptly personified in your exceptional career.

THE 20TH ANNIVERSARY OF THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Maryland [Mrs. MORELLA] is recognized during morning hour debates for 3 minutes.

Mrs. MORELLA. Madam Speaker, tonight the Congressional Caucus for Women's Issues will be celebrating its 20th anniversary. Since 1977, the Caucus has worked to ensure the well-being of women, children and families, and has played a major role in the enactment of more than 100 laws or provisions of laws. The Family and Medical Leave Act, child support enforcement legislation, child care legislation, expanded funding for women's health research, civil rights legislation, the Violence Against Women Act, just to name a few, are among the achievements of the Caucus.

In the last Congress, I had the honor of cochairing the caucus with my good friend and colleague, NITA LOWEY. We had the difficult assignment of guiding the caucus from its former status as a legislative service organization with a separate office and five paid staffers to the current status as a congressional members organization, without paid staff or office space.

While many of the caucus' folded under the lack of financial and staff support, the Congressional Caucus for Women's Issues continued to thrive and contribute its energies to legislation benefiting women, children and families.

In the 104th Congress, the caucus successfully worked on behalf of increased funding for the Violence Against Women Act, women's health research, and other priorities at a time when funding was reduced for many other programs. We worked to preserve the title X Family Planning Program and the Women's Educational Equity Act, and, as part of health care reform legislation, the caucus won the inclusion of provisions to prevent discrimination by health plans against domestic violence victims and on the basis of genetic information. A provision requiring insurers to guarantee minimum hospital stays for new mothers was also approved.

We successfully fought for substantial increases in funding to the States for child care under welfare reform, and the caucus child support enforcement initiative was made part of the bill as well. Most recently, provisions to expand Medicare coverage to include annual mammograms and bone density testing for the diagnosis and prevention of osteoporosis were also made part of the Balanced Budget Act, which is now law.

I am pleased to join with my colleagues today and later tonight in celebrating the work of the caucus over these past 20 years, from the initial founding of the caucus by Margaret Heckler and Liz Holtzman with a bipartisan group of 15 women, through the distinguished leadership of OLYMPIA SNOWE and Pat Schroeder, to today's organization, comprised of 50 women Members of the House under the able leadership of cochairs NANCY JOHNSON and ELEANOR HOLMES NORTON.

As we celebrate 20 years of accomplishment in sisterhood, I know that the caucus will only continue to grow, leading to new advancements for women and their families. We still have a long way to go in achieving our goal, but we also need to stop and acknowledge the long journey we have already traveled.

TRIBUTE TO THE LATE REGINA FRANKEWICZ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. MICA] is recognized during morning hour debates for 5 minutes.

Mr. MICA. Madam Speaker, when citizens are elected to have the great honor of serving in Congress, there are numerous individuals who help to make that experience possible for us. Each Member of Congress has family, friends, and supporters who have worked hard and sacrificed to elect us to office and to make our system of representative government work.

Today I would like to take just a few moments to honor the memory of one of my most faithful friends and supporters, Regina Frankewicz. She passed away yesterday in central Florida, and I would like to extend my very deepest sympathy to her husband, Leonard, and to her family.

While Regina was not a State or national figure, she was one of those great individuals in our Nation, one of those untold heroes who indeed helped make our democratic system function. Besides being a devoted wife and mother, Regina would often roll up her sleeves, and she went to labor in the political vineyards to support her candidates and her party in an untiring fashion.

Madam Speaker, I am pleased today to pay a very special tribute to the memory of my good friend, Regina Frankewicz. Without her kind, faithful, and devoted efforts, I am certain that I would not be serving in Congress.

Madam Speaker, I submit if every citizen would take up their political and electoral responsibility in a manner and fashion as exemplified by Regina Frankewicz, our Nation and our communities would well be served.

To Regina's husband, Leonard, today, and to her family and her friends, I would like to extend my deepest sympathy on their great loss.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 22 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. EMERSON] at 12 noon.

PRAYER

The Reverend Constantine Nicholas Dombalis, Dean Emeritus, Sts. Constantine and Helen Greek Orthodox Cathedral, Richmond, VA, offered the following prayer:

We thank You God, for the return of the mystic and quiet spell of this autumn season, that brings a majesty of color to the singing symphonies of our woodlands and our mountains.

In this Chamber, the finest minds of our Nation convene, responsible to the citizens, our laws, and on final account to You. May they never lose confidence, grow weary nor desolate. May they see in every adversity an opportunity, and serve Your will, nothing more, nothing less, nothing else.

We are strengthened by the House of Representatives, unafraid of standing for the dignity, worth, and rights of men as a special Congressional Gold Medal was presented this morning to

His All Holiness, Ecumenical Patriarch Bartholomew, world leader of the Greek Orthodox Faith and the presentation of the honor, transmits an advocacy of religious freedom.

May we take something of the love of God wherever we go. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

WELCOME TO OUR GUEST CHAPLAIN

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

Mr. BLILEY. Madam Speaker, it is indeed a high honor for me and a great personal privilege to recognize today and to present our guest chaplain, a longtime friend and constituent from Richmond, VA, the retired dean of the Cathedral of Sts. Constantine & Helen. Father Bombalis is not only a great religious leader, but he is a great community leader throughout Virginia, and certainly not least of which in our capital city, Richmond. He is a longtime friend. He is a wonderful pastor and a devoted father and husband, and it is, indeed, a great pleasure to have him here with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Wednesday, October 15, 1997:

H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and

H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 15, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker. Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on October 15, 1997 at 5:00 p.m. and said to contain a message from the President pursuant to the Line Item Veto Act (P.L. 104–130) transmitting a cancellation with respect to the Department of Defense Appropriations Act, 1998 (P.L. 105–56).

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–155)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment and Control Act of 1974, referred to the Committee on Budget and the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,
Washington, DC, October 14, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Department of Defense Appropriations Act, 1998" (Public Law 105–56; H.R. 2266). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitute a special message under section 1022 of the Congressional Budget and Compoundment Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 16, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on October 16, 1997 at 3:00 p.m. and said to contain a message from the President pursuant to the Line Item Veto Act (P.L. 104–130) transmitting a cancellation with respect to the Treasury and General Government Appropriations Act, 1998 (P.L. 105–61).

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–156)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on the Budget, the Committee on Government Reform and Oversight, and the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,
Washington, DC, October 16, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amount of discretionary budget authority, as specified in the attached report, contained in the "Treasury and General Government Appropriations Act, 1998" (Public Law 105–61; H.R. 2378). I have determined that the cancellation of this amount will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachment, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 17, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on October 17, 1997 at 2:11 p.m. and said to contain a message from the President pursuant to the Line Item Veto Act (P.L. 104-130) transmitting cancellations with respect to the Energy and Water Development Appropriations Act, 1998 (H.R. 2203, approved October 13, 1997).

With warm regards.

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-157)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment and Control Act of 1974, referred to the Committee on the Budget and the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,
Washington, DC, October 17, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Energy and Water Development Appropriations Act, 1998" (H.R. 2203, approved October 13, 1997). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

NUCLEAR WASTE DUMP DECISIONS SHOULD NOT BE BASED ON CAMPAIGN CONTRIBUTIONS

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

Madam Speaker, a recent editorial in the Las Vegas Sun stated: "Nuclear industry stacks the deck." The article further states, "Dollars here. Get your campaign money here."

How true. Like hucksters at a carnival, the nuclear industry is dangling dollars in front of Senators and Congressmen, then stuffing their campaign coffers with nearly $13 million. The prize, of course, is a nuclear waste dump in Nevada.

According to the study aptly titled, "The Nuclear Industry: A Cash Cow for Congress," pointed out that nearly $10 million was given to House Members and $3 million to Senators. Nevadans wonder what effect this money has had on the scientific study of Yucca Mountain's suitability as a nuclear waste repository. Does this money amount to hush money or is it just political contributions to pay off opposition? Should the industry's $13 million not be better spent recycling this waste?

Madam Speaker, I urge my colleagues to vote "no" on H.R. 1270. Government should make its decisions on sound science; not bank accounts.

WOMEN'S CONGRESSIONAL CAUCUS ADVOCATES ADEQUATE CHILD CARE

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

Ms. DEGETTE. Madam Speaker, and that sounds kind of good, "Madam Speaker," when 18 women established the Congressional Caucus on Women's Issues in 1977, little did they realize that their brainchild would be the single most important tool for advancing issues most important to American women.

One of the most pressing issues that is facing women and families today, and as we move into the next century, is child care. I know this personally, having faced struggles in child care in just the last few months in moving in the Washington area and looking for quality child care for my two young girls.

Madam Speaker, finding child care for me was tough, but finding child care for low-income women and families, where a dollar spent on child care means a dollar less on food or rent, is even harder.

That is why I applaud the efforts of the Women's Congressional Caucus and the White House, which this week is holding a conference on child care, the first of its kind ever.

Mothers and families should not have to choose between work and adequate child care. That is why the Women's Caucus has been, and continues to be, a strong advocate for quality child care.

OSHA AND MSHA SHOULD BE MERGED

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

Mr. BALLENGER. Madam Speaker, last Congress I proposed legislation to merge two Federal workplace safety and health agencies, OSHA and MSHA, into a single agency. In my view, merging these two agencies would more effectively promote workplace safety. It would also help reduce Washington bureaucracy.

The Clinton administration strongly opposed my proposed merger. But after he criticized my plan to merge the agencies, the Clinton administration made the head of MSHA a part-time job. And 2½ years later, the Clinton administration still considers MSHA so important that the Acting Solicitor of Labor is running the agency in a couple of hours a week.

Madam Speaker, I am all for saving taxpayer money and combining Federal Government jobs where possible, but I am curious whether this sharing of top-level jobs might be part of a larger strategy. I know the Department of Labor has criticized companies in the past for filling too many lower level positions with part-time workers. Is the Clinton administration trying to turn the tables by putting part-timers in top positions?

Madam Speaker, how far will the administration carry this? Will the Attorney General be officially splitting time as a White House Press Secretary?

WHITE HOUSE MUST ACCEPT CHANGE IN BURDEN OF PROOF IN TAX DISPUTES

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

Mr. TRAFICANT. Madam Speaker, the White House is opposed to shifting the burden of proof from the taxpayer to the IRS. The White House wants to leave it alone, smack dab on the taxpayer.

The White House says it will cost too much. Unbelievable. The IRS accuses; the taxpayer must prove it. Could my colleagues imagine George Washington opposing the Bill of Rights over dollars and cents?

Shame, White House. Shame. As far as I am concerned, the White House will get the burden of proof change in a civil tax case one way or the other. They will either accept it with common sense and good logic, or they will get it as a stone cold congressional suppository.

Madam Speaker, I would tell them, "Make your choice, White House, and make our 1040. It is time to put the Bill of Rights back into the Tax Code. Audit this."

LIBERAL EDUCATION ADVOCATES ARE NOT TO BE TAKEN SERIOUSLY

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

Mr. HUTCHINSON. Madam Speaker, it appears to me that the liberal thinkers who talk about education and always call for education standards are

not to be taken seriously. These advocates for children, who proudly call themselves progressives, are the same people responsible for the outrageous academic fads in the classroom which have produced such terrible academic results in the first place.

Academic rigor gives way to emphasis on self-esteem. Merit is replaced by cooperative learning. Common sense, time-tested methods to teach kids how to spell correctly lose out to whole learning.

□ 1215

Classrooms which challenge the gifted are scrapped for dumbed-down learning that cheat kids out of real education. Math that requires actual calculations yields to rain forest algebra that teaches no mathematical skills whatsoever, and so on and on. So before we listen to the progressives who are responsible for this deplorable state of affairs, let us consider instead whether a return to the basics and common sense learning methods are what is really needed.

WOMEN'S CAUCUS

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

Ms. NORTON. Madam Speaker, what do President Clinton, Secretary of State Madeleine Albright, Cokie Roberts, and the singing group, Sweet Honey in the Rock have in common? They are part of the all-star line up this evening when the Women's Caucus celebrates 20 years of incredible achievements for women and families.

Originally 15, we are now 50 strong. Almost all of the women of the House are Members. We are bipartisan and proud of it. At 7 tonight at Mellon Auditorium we will celebrate extraordinary legislative achievements that range from the Pregnancy Discrimination Act to the Family Medical and Leave Act. The Women's Caucus has given shape and focus to women's issues and we have a lot to show for it. Tonight, though, we will just show off.

CONGRESSIONAL GOLD MEDAL CEREMONY

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

Mr. PAPPAS. Madam Speaker, I just attended the Congressional Gold Medal presentation ceremony in the rotunda of this building in which that was presented to His All Holiness Patriarch Bartholomew of the Greek Orthodox Church. It was a real honor to be there and be a Member of this House that made that possible in recognition for his leadership, not just as a religious leader, but as someone who is a defender of freedom around the world.

I decided to come here and just take this moment to draw attention to the people around our country that this has taken place and that we in this country are very, very fortunate to be able to speak freely of our religious beliefs and, yes, even the U.S. Government through the U.S. Congress recognizes the importance that religion plays in our world and certainly in our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

Mr. McKEON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2535) to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program, as amended.

The Clerk read as follows:

H.R. 2535

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Student Loan Consolidation Act of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. LOAN CONSOLIDATION PROVISIONS.

(a) DEFINITION OF LOANS ELIGIBLE FOR CONSOLIDATION.—Section 428C(a)(4) (20 U.S.C. 1078–3(a)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) made under part D of this title, except that loans made under such part shall be eligible student loans only for consolidation loans for which the application is received by an eligible lender during the period beginning on the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and ending on October 1, 1998;".

(b) TERMS OF CONSOLIDATION LOANS.—Section 428C(b)(4)(C)(ii) is amended—

(1) in subclause (I), by inserting after "consolidation loan" the following: "for which the application is received by an eligible lender before the date of enactment of the Emergency Student Loan Consolidation Act of 1997, or on or after October 1, 1998,";

(2) by striking "or" at the end of subclause (I);

(3) by inserting "or (II)" before the semicolon at the end of subclause (II);

(4) by redesignating subclause (II) as subclause (III); and

(5) by inserting after subclause (I) the following new subclause:

"(II) by the Secretary, in the case of a consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and before October 1, 1998, except that the Secretary shall pay such interest only on that portion of the loan that repays Federal Stafford Loans for which the student borrower received an interest subsidy under section 428 or Federal Direct Stafford Loans for which the borrower received an interest subsidy under section 455; or".

(c) NONDISCRIMINATION IN LOAN CONSOLIDATION.—Section 428C(b) is amended by adding at the end the following new paragraph:

"(6) NONDISCRIMINATION IN LOAN CONSOLIDATION.—An eligible lender that makes consolidation loans under this section shall not discriminate against any borrower seeking such a loan—

"(A) based on the number or type of eligible student loans the borrower seeks to consolidate;

"(B) based on the type or category of institution of higher education that the borrower attended;

"(C) based on the interest rate that is authorized to be collected with respect to the consolidation loan; or

"(D) with respect to the types of repayment schedules offered to such borrower.".

(d) INTEREST RATE.—Section 428C(c)(1) is amended—

(1) in the first sentence of subparagraph (A), by striking "(B) or (C)" and inserting "(B), (C), or (D)"; and

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

"(D) A consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and before October 1, 1998, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the rate specified in section 427A(f), except that the eligible lender may continue to calculate interest on such a loan at the rate previously in effect and defer, until not later than April 1, 1998, the recalculation of the interest on such a loan at the rate required by this subparagraph if the recalculation is applied retroactively to the date on which the loan is made.".

(e) AMENDMENTS EFFECTIVE FOR PENDING APPLICANTS.—The consolidation loans authorized by the amendments made by this section shall be available notwithstanding any pending application by a student for a consolidation loan under part D of title IV of the Higher Education Act of 1965, upon withdrawal of such application by the student at any time prior to receipt of such a consolidation loan.

SEC. 3. ADMINISTRATIVE EXPENSE REDUCTIONS.

Section 458(a)(1) (20 U.S.C. 1087h(a)(1)) is amended by striking "$532,000,000" and inserting "$507,000,000".

SEC. 4. TREATMENT OF TAX BENEFITS.

(a) FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.—

(1) PARENTS' AVAILABLE INCOME.—Section 475(c)(1) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) the amount of any tax credit taken by the parents under section 25A of the Internal Revenue Code of 1986.".

(2) STUDENT CONTRIBUTION FROM AVAILABLE INCOME.—Section 475(g)(2) is amended—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amount of any tax credit taken by the student under section 25A of the Internal Revenue Code of 1986.".

(b) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (iv); and

(2) by inserting after clause (v) the following new clause:

"(vi) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986; and".

(c) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b)(1) (20 U.S.C. 1087qq(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986.".

(d) TOTAL INCOME.—Section 480(a)(2) (20 U.S.C. 1087vv(a)(2)) is amended—

(1) by striking "individual, and" and inserting "individual,"; and

(2) by inserting "and no portion of any tax credit taken under section 25A of the Internal Revenue Code of 1986," before "shall be included".

(e) OTHER FINANCIAL ASSISTANCE.—Section 480(j) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986 shall not be treated as estimated financial assistance for purposes of section 471(3).".

The SPEAKER pro tempore. Pursuant to the rule the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON].

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

Madam Speaker, I rise in support of the Emergency Student Loan Consolidation Act of 1997 and urge its immediate passage.

Madam Speaker, this bill is the first in a series of education bills that Members of our party will bring to the floor this week. Already this year the House Republicans have passed bills that will make our schools safer, train Americans for high-paying jobs and educate disabled children and make college more affordable.

Now, over the next 2 weeks, Americans will see the House of Representatives vote on a series of innovative education bills introduced by Republicans. These are dramatic efforts, not old, tired Federal programs from Washington. Our bills will help children read, send dollars directly to the classroom, and assist families in saving for the high cost of education. Our bills also will empower low-income families with new parental choice, scholarships and launch new innovative charter schools.

The bill I support today will help college students and recent graduates who are caught in a credit crunch created by the U.S. Department of Education. On September 24, 1997, when I, along with the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Ohio [Mr. BOEHNER], introduced this legislation, the Department of Education was facing a backlog of more than 80,000 applications for Direct Student Loan consolidations, and had stopped accepting new applications for loan consolidations altogether. Many of these borrowers had waited months for their applications to be processed. Today, over 30,000 are still waiting and another 35,000 have simply given up and been dropped out of the process.

Countless thousands more need to consolidate their student loan debt but have been told to wait until the Department begins accepting applications again.

The legislation before us today will provide these borrowers with immediate relief. The Emergency Student Loan Consolidation Act will allow borrowers to consolidate direct student loans into FFEL consolidation loans. The interest rate for all new consolidation loans will be identical to the rate in the Direct Loan Program and borrowers who consolidate subsidized loans will not lose their deferment benefits simply because they consolidate their loans.

In addition, thanks to an amendment offered in committee by our colleague, the gentleman from Michigan [Mr. KILDEE], and our colleague, the gentleman from Missouri [Mr. CLAY], this legislation makes urgently needed technical changes to the need analysis provisions found in the Higher Education Act. These changes will ensure that low- and middle-income families who receive the benefits of the education tax credits provided for in the Taxpayer Relief Act of 1997 will not be penalized with respect to their eligibility for financial aid in future years.

Making these changes now will allow the Department of Education to begin the process of revising its forms and procedures for the 1999 academic year well in advance so that students and families will not encounter delays in the processing of their applications for financial aid.

While many of us still have doubts about the long-term viability of the Direct Student Loan Program and the Department's ability to manage it, this legislation is not about direct loans or guaranteed loans or which program is better. It is about helping students who are currently unable to obtain a consolidation loan through the Direct Loan Program.

These are students who may pay hundreds or even thousands of dollars in additional interest costs, who may have serious difficulty in securing other credit such as a mortgage, and who may even default on their student loans if we do not act now to offer them an alternative to the Direct Loan Program.

The alternative offered under the Emergency Student Loan Consolidation Act will also take some of the pressure off of the Department of Education. We do not want the Department to hastily try to fix the current system problems only to cause more delays and problems in the future.

One graduate from the Boston University School of Law was delighted to have received a Direct Consolidation Loan after 8 months of waiting. However, when the direct loan servicing center began sending her bills and charging her interest on a $57,000 consolidation loan when it should have been a $37,000 consolidation loan, she was not too happy. Mistakes such as this will continue to occur if the Department attempts to hurriedly process all the pending applications without first ensuring that the applications are being processed correctly.

This is emergency legislation, so these changes will only remain in effect until September 30, 1998. However, I want to assure lenders that step in to help students and the Department during this crisis that we realize that every time we change the law, it also requires changes in the way we do business. We will be reviewing the changes included in this legislation for inclusion in our authorization of the Higher Education Act.

The cost of this legislation will be paid for by reducing the section 458 administrative funds available to the Department of Education and for the Direct Loan and the FFEL programs by $25 million in fiscal year 1998. Statements made by the Assistant Secretary for Postsecondary Education and others at the Department about being unable to administer the Direct Loan Program without the $25 million are very troubling.

The Department's fiscal year 1998 budget proposal for section 458 requested an increase of $41 million with 75 percent of the increased funds or $30 million needed as a result of the growth in the Direct Loan Program. However, with the net gain of only one school participating in the fourth year of the program, it is difficult to imagine why the Department would need another $30 million in order to manage this program.

I would also note that the administration has expressed concerns that private sector lenders might discriminate against some borrowers when making these loans. I want to point out that the legislation before us today contains antidiscrimination provisions. This is a change from the legislation reported from the committee to specifically address these concerns.

Unfortunately, for many students, this bill does not go far enough. It does not require the Department and its contractor to reimburse students for the additional interest they have been charged while waiting for this mess to be resolved. The Secretary should look into that possibility. The Secretary should also look into the quality of the information being provided to students. The students who testified at our hearing expressed a total lack of confidence in the Department's ability to provide quality customer service and accurate information.

Additionally, a while back I spoke with a constituent, David Higbee, a recent law school graduate. He had written me a letter about his concerns with the direct loan consolidation process. In the letter he said, "we quickly received an estimate from Sallie Mae on the portion of our student loans we were refinancing there. The Department of Education was slow and refused every reasonable suggestion to expedite its inadequate customer service process."

I am inclined to believe David and the other students who testified before us. I am inclined to help them and others like them with their similar stories. This bill will provide these borrowers with immediate emergency relief, which is the right thing to do.

Finally, I want to thank my colleagues on both sides of the aisle for supporting this effort. I particularly want to thank the gentleman from Ohio [Mr. BOEHNER], for his active participation in addressing this problem. I also want to thank the gentleman from Missouri [Mr. CLAY], and the gentleman from Michigan [Mr. KILDEE], for their efforts in bringing a bipartisan bill before the committee and the gentleman from New Jersey [Mr. ANDREWS], for his recommendation that we specifically ensure that the students caught in the current delays have the final say in deciding whether they obtain a consolidation loan. I am happy that we were able to address his concern in the committee.

I urge my colleagues to support this emergency legislation and provide immediate relief to student loan borrowers trapped by the shutdown of the direct student loan consolidation process. I urge a "yes" vote on this Emergency Student Loan Consolidation Act of 1997.

Madam Speaker, I reserve the balance of my time.

□ 1230

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

Madam Speaker, I believe that speedy enactment of H.R. 2535 is necessary for one reason, to help students, and to my mind no other reason need be offered.

Suspension of the Direct Loan Consolidation Program initially left more than 84,000 students without the ability to consolidate their student loans. These are not simply numbers, they are real people who suddenly faced additional costs and difficulties in paying off their student loans. This crisis is something they should not have had to endure.

While I believe the Department must bear the responsibility for suspension of this program, I applaud the progress it has made in approving the consolidation for almost 22,000 students since the program was suspended. I remain deeply concerned, however, that almost 34,000 students have withdrawn or have had their consolidation applications deactivated, and that another 30,000 students will continue to await approval of their applications.

I have been informed that the Department expects to renew operation of its Loan Consolidation Program by December 1 of this year, and I am very hopeful that they will reach that target. I would caution officials at the Department, however, to prepare for a potential avalanche of new consolidation applications that has been building in the period since the current program suspended operation in August. We cannot afford another crisis for our students.

I believe that broadening loan consolidation in the Federal Family Education Loan Program provides more choices for students to consolidate their outstanding student loans. I am especially encouraged that this will be done, to the extent possible, on terms that are the same as those now provided in the Direct Loan Consolidation Program. Especially important is the provision in this legislation that will enable students participating in loan consolidation in the FFEL program to receive a lower interest rate on the consolidated loans than they now enjoy.

The other important provision of H.R. 2535 involves an amendment that I offered on behalf of the gentleman from Missouri [Mr. CLAY] and myself, and which was unanimously accepted during full committee consideration of this bill. It would make sure that the receipt of a HOPE scholarship would not count against a student's eligibility for other Federal student aid.

When we enacted the HOPE scholarship program as part of the tax bill, we intended to make sure that the receipt of a HOPE scholarship would not adversely affect a student's eligibility for a Pell grant and other student aid. Financially needy students need all the help they can get if they are to pay for a college education, and pitting a HOPE scholarship against a Pell grant or other student aid was certainly something we never intended.

In order to avoid this situation, changes in the need analysis provisions of the Higher Education Act are necessary. Without this amendment, some 69,000 students will annually lose an estimated $125 million in Federal student aid.

I would also point out that this provision is very time sensitive. While changes in the new tax law regarding the HOPE scholarship will not take place until 1999, my understanding is that this change is already included in the CBO baseline for the Pell Grant Program. Failure to make the changes included in this legislation will result in the removal of those assumptions from the baseline. Restoring them at any time other than the current calendar year will, as I understand it, result in the cost of at least $120 million a year.

Madam Speaker, this legislation is worthy of strong bipartisan support, the same support it had in committee. The need for its enactment is immediate, and I urge my colleagues to join me in supporting its passage.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Madam Speaker, this would be a good time to say I told you so, if it were not for the fact that probably 100,000 students and former students are dangling in the wind. But I have repeated, since 1991 or earlier, what my predecessor, Chairman Ford, would say over and over again, "There is no way under the sun that the Department of Education can become the effective largest bank in the world." But I learned something. If one wants to get a program named after oneself, make sure it does not work, and then one will succeed.

At any rate, we have a problem. Leo created it. He was the lion and he wanted to make very sure that the private sector would be put out of business as far as student loans were concerned, and he did everything under the Sun to make sure that that would happen, that only direct lending would be allowed. And some of the things he did, of course, was say, well, we will give reduced interest rates, we will give subsidized deferments, knowing that the private sector could not do that. And of course that brought all these wonderful applicants to consolidate loans at these good offers that Leo the lion was making.

And of course all of a sudden they discovered, well, now we are 84,000 behind, so we will just shut down the operation and let the rest of the students wonder what is going to happen.

Now of the 84,000, we understand there has been some reduction in the number, but most of it has been done because they just gave up and dropped out or others the Department decided just not to consider. So we have a serious problem, and it is the students we are interested in, the former students, not what will work or will not work.

So I am happy to be here today to say that in a bipartisan way we have done the right thing in the name of honoring those students who were tricked into what appeared to be what the Government so many times promises, something wonderful for nothing that never happens.

Today we can take a bipartisan step with an overwhelming vote and we can help all of those students and maybe send a message to the Department, to the departed lion, Leo, that we told him so. We knew he could not do it. Did not matter which administration, he never did very well managing anything, and, obviously, he could not become the biggest bank in the world.

So let us pass it unanimously, help the students.

Mr. CLAY. Madam Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Missouri.

Mr. CLAY. Madam Speaker, the gentleman is speaking about bipartisanism and he has had a frontal attack on the former chairman of this committee, Bill Ford, who has had an outstanding record of supporting education in this committee, and I do not know how the gentleman can stand there——

Mr. GOODLING. Madam Speaker, reclaiming my time, I did not attack Bill Ford at all. Bill Ford and I are very good friends.

Mr. CLAY: It sounds like the gentleman and Mr. Ford are very good friends.

Mr. GOODLING. I merely repeated what Bill Ford said time and time again, when the gentleman from Wisconsin [Mr. PETRI] would try to move direct lending. It was the gentleman from Wisconsin who was moving it, and Bill Ford would say over and other again that is a silly idea, that is a crazy idea, that cannot work, the Department is not capable of doing that. And, of course, I have just repeated what he said over and over again.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY], the ranking Democratic member of the full committee.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am supporting the bill before us today because, on balance, it provides some students an additional option to consolidate their loans. While this serious problem with loan consolidation cannot be minimized, I am pleased to hear that the Department of Education is making good progress in eliminating the backlog of loan consolidation applications. I believe Secretary Riley has a strong commitment to eliminate this backlog and to prevent future problems.

Madam Speaker, I remain confident about the quality of service direct lending provides in originating student loans, and there continues to be substantial support in the use of direct lending in the education community. It is indisputable that by providing competition, direct lending has brought great improvement to the whole student loan program.

Finally, Madam Speaker, I am pleased that this bill includes an amendment I offered, along with the gentleman from Michigan [Mr. KILDEE], that will ensure that students who receive HOPE scholarship credits will not have their Pell grants or other student aid reduced. Without this amendment, some 69,000 students would lose an estimated $125 million annually.

Madam Speaker, I recommend that the Members of this House support this bill.

Mr. MCKEON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER], the chairman of our Republican conference, a member from this committee, who is on leave of absence with the leadership.

Mr. BOEHNER. Madam Speaker, we have spent the past several years knocking down the status quo barriers to our children's future, but nowhere is the status quo still more evident than in the Federal education establishment, a bureaucracy built on empty promises to our young people.

Not long ago an Education Department official bragged that the direct loan program, and I will quote, "provides a simpler, more automated, and more accountable system," to its student customers. But last month American students learned the harsh truth: That the Government cannot handle the job.

If you're looking for proof that the education bureaucracy hurts our kids' future, the consolidation meltdown offers some good examples—84,000 examples, to be exact. That's the number of students left in the lurch while the education bureaucracy tries to get its act together. That's the number of students being told to put their financial futures on hold until their government figures out how to deliver its promises.

The Education Department has made students an offer that sounds too good to be true, and it is. The truth is, for students hoping to consolidate their direct loans, their government has sold them a lemon. For many who grew up in the era of big Government, it is just the latest empty promise from Washington.

I have two daughters, a 19-year-old and a 17-year-old. People have labeled that generation Generation X, implying that they are disillusioned or unsure of who or what they can believe in. Madam Speaker, if this is the way their government treats their hopes for the future, who can blame them for being disillusioned?

Today, the House will take action to help give students caught up in this bureaucratic nightmare a way out by allowing the consolidation of the direct loans to occur through private lenders. The hard work of my colleagues on the committee, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON], certainly the gentleman from Michigan [Mr. KILDEE], and the gentleman from Missouri [Mr. CLAY] should be commended. I urge all my colleagues to vote for this bill today.

Mr. KILDEE. Madam Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Madam Speaker, I thank the gentleman for yielding me this time.

To my thinking, this bill addresses a crisis and also addresses over 1 year an inequality which needs to be addressed.

The crisis is the Federal Government's loan consolidation program offered as part of the Department of Education's Direct Lending effort. With a backlog of over 80,000 loan consolidation requests, that part of the system clearly is in crisis. This is simply not fair to the students, and the bill helps address that.

I am confident that the private lenders of the Guaranteed Student Loan Program will meet the challenge we give them in this bill. Rather than delays, backlogs, and shutdowns, students will have the service they have a right to expect.

As to the fairness issue, I am glad that the private sector will be allowed a loan consolidation role like the Government's loan program for the next year. I hope this becomes permanent in future legislation. If we are to have two student loan programs, one run by the Government yet one made available through the private sector, let us give them equal range. Let us give permanently to the private sector this loan consolidation opportunity.

Mr. MCKEON. Madam Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this is an issue with which I have some experience because it was not all that long ago that my wife and I were in the process of repaying the loans, the money that we borrowed to finance our college education.

I believe that this is a very commonsense approach to dealing with an issue that is so important to ensuring that

our young people have an opportunity to pursue a higher education.

It has already been noted there is a backlog of some 84,000 applications for consolidation. The Department of Education has stopped accepting any future applications, and that means there are tens of thousands of students waiting to even submit their application, trying to seek a way to solve their financial problems and with no other way to solve them.

□ 1245

This bill encourages students to do business with the private sector instead of the Federal Government. I do not think we want people to depend upon the Government to handle their personal financial matters. Consolidation will allow students to make lower payments, thus reducing the number of defaults. In the long run that is going to mean better credit ratings, which means students will have a better chance to secure credit in the future, especially when it comes time to apply for things like a mortgage.

I would encourage all our colleagues, and I am delighted to hear the bipartisan support for this approach today, to put the private sector on a level playing field with the Federal Government and to assist the thousands of students who need to consolidate their loans. In my view, this is something that is very much win-win. It is very pro student, pro consumer and user of government programs. It is also something that is very pro taxpayer in that it gives us a more efficient mechanism with which to deal with the student loan program. And so I credit those who have worked on it on both sides of the aisle, and I would encourage all my colleagues here to support this important move toward better efficiency in government.

Mr. KILDEE. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Madam Speaker, I thank the gentleman for yielding me this time. I thank my former committee colleagues, the two chairmen, for their kind and great work on this bill. H.R. 2535 is very similar to section 8 of a bill that I introduced in both this Congress and the last Congress, this Congress it is H.R. 2140, the Federal Accountability and Institutional Reform and Education Act, or FAIR Ed Act, which would make commonsense reforms to the student loan program.

The bill that we are talking about today, H.R. 2535, deserves a positive vote from Members on both sides of the aisle. It is going to provide students with the ability to consolidate loans either from the Federal Student Loan Program or the Federal Family Education Loan Program into a single student loan. This is going to allow students to better manage their student loan debt and avoid defaults. That is going to be good for the students, it is going to be good for the schools, and it is going to be good for the Federal Government.

It is unfortunate under the current circumstances that this has to come forward as an emergency bill, but this is a great first step in the process of reauthorizing the Higher Education Act. I urge my colleagues to vote "yes."

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

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. GORDON], who has worked very hard on this whole question of loans.

Mr. GORDON. Madam Speaker, I thank the gentleman from Michigan [Mr. KILDEE] for allowing me the opportunity to express my strong support for H.R. 2535, the Emergency Student Loan Consolidation Act. I want to begin by commending the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON], the gentleman from Missouri [Mr. CLAY] and the gentleman from Michigan [Mr. KILDEE] for their leadership on this issue.

When talking about student financial assistance, more specifically about student loans, there is one thing that we as Members of Congress can all agree upon. We want what is in the best interests of students by making available the means to pay for higher education. Each year that goes by, the cost of higher education climbs more and more, as does student debt. A major component for students as they graduate and enter into repayment of their loans is to consolidate their multiple loans into one manageable debt that has monthly payments. Unfortunately, the Federal Government, after providing students with loans, has failed those same students in need of consolidating their previous loans into one manageable sum.

These recent graduates are trying to start their lives, start their families and buy homes. Unfortunately, more than 87,000 students throughout the country are now having trouble making ends meet, balancing their checkbooks and getting a mortgage because they cannot consolidate their student loans. I think it is clear that Congress needs to take action and correct this problem. This bill will accomplish two things in regard to loan consolidation. First, it will allow them to consolidate their loans now. Second, it will level the playing field between our two distinct loan programs, allowing students more choices in dealing with their finances.

I would like to once again commend my colleagues and the committee staff for their hard work and for addressing this issue quickly and in a timely bipartisan manner.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume. I believe it is very important that we recognize the staff for their good, hard work that they put into this legislation. In particular, I want to thank Mr. David Evans, Mr. Mark Zuckerman, Ms. Sally Stroup, Mr. George Conant and Mr. Jeff Andrade for their efforts. Their work has been very, very helpful. They work back and forth between the chairman and I, and we certainly appreciate their efforts.

Mr. CUNNINGHAM. Madam Speaker, I rise in strong support of H.R. 2535, the Emergency Student Loan Consolidation Act.

Millions of American college students and graduates depend on the Nation's student financial aid system to work reliably for them. Unfortunately, the bureaucracy at the U.S. Department of Education is letting down our students and graduates time and time again. And Congress must act to remedy the Clinton administration's failure.

The most recent problem is that the U.S. Department of Education's Direct Lending Consolidation Loan Program has collapsed. In August, it stopped accepting applications from students and graduates to consolidate their direct student loans. Loan consolidations allow students with multiple loans to simplify their finances by combining their many monthly loan payments into a single loan. Often, students can consolidate at a preferred rate that lowers their monthly payments. At the end of August, some 84,000 student borrowers found their consolidation applications delayed by as much as 10 months. And since then, when this crisis first broke, the U.S. Department of Education bureaucracy has made headway on a mere 12,000 consolidation applications.

In San Diego, this failure is having a significant and negative impact. We are working very hard to encourage young people to advance their education in institutions of higher learning. Our local, high technology economy depends on a growing stream of qualified graduates. But the failure of the direct lending consolidation system causes students to question whether their system will work for them. Is it causing students to reconsider whether they will pursue their college education? I hope not, but the failure of the U.S. Department of Education to keep its promises may cause people to make that decision. This collapse is forcing student borrowers to pay more, and undergo more hassle, for no good reason, just because the Clinton bureaucracy failed.

Now, what does this mean in practical terms for American student borrowers? Students typically participate in several student loan programs at once, as their education institutions prepare individual packages of financial aid involving grants and many types of loans. Simply put, thousands of American students and graduates are in a credit crunch. They expected consolidations that the Department's bureaucracy failed to deliver. They are having to make several student loan payments every month, instead of just one. They are paying higher rates of interest than they need to. In all the confusion, some students face damage to their credit ratings, jeopardizing their ability to buy a home or a car.

All of this has occurred because the bureaucratic U.S. Department of Education has failed to do its job, again.

One may reasonably ask: Can't students consolidate their loans elsewhere? The answer is that some can. But in 1993, the Clinton administration and the Democrat Congress passed a Washington-knows-best type of law. It requires students that use the Direct Lending Program—in which student loans are made directly by the U.S. Department of Education and not by private sources—to use only the U.S. Department of Education to consolidate their loans. Because educational institutions, not students, often make the choice in what loan programs to offer, this choice was not the students; to take. As a result, students whose schools are direct lending have simply been led off the edge of a cliff. And that's wrong.

The Clinton administration has failed to adequately remedy this situation. Congress must act. And we do today, by moving H.R. 2535.

H.R. 2535 simply allows direct lending borrowers to consolidate their loans using a private sector student loan provider. It was approved on a unanimous, bipartisan 43–0 vote in committee. And now, it falls to use in the House to promptly adopt their legislation today.

Madam Speaker, the Clinton administration's U.S. Department of Education has time and time again let America's students and our children down. Its bureaucracy is failing our young people, burdening our schools with paperwork and needless regulation, and costing us too much money for too little good.

Let the record show that this Republican Congress will continue to fight for better education for our young people. We will work to bring accountability and good management to those programs that are important, and to eliminate wasteful programs that are failing. We will fight for the bottom line: better student achievement, better results, better teacher training, better technology, and less bureaucratic overhead. We have already made progress in this area by enacting HOPE scholarships and other incentives for citizens to expand their education, and by moving my 21st Century Classrooms Act to expand private investment of technology in our schools.

If we do nothing, our young people and our country will suffer. We can and will act. We will put our citizens, our students, and our children first—ahead of big government bureaucracy, ahead of the status quo special interests, and ahead of partisan political agendas. The American people demand nothing less. This Emergency Loan Consolidation Act is just one more step in our long journey forward.

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

Mr. MCKEON. Madam Speaker, I want to second the remarks of the gentleman from Michigan [Mr. KILDEE] in thanking the staff for their good work, especially on an emergency bill which takes very quick movement and good cooperation.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and pass the bill, H.R. 2535, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2535.

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

There was no objection.

CARLOS J. MOORHEAD POST OFFICE BUILDING

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 681) to designate the U.S. Post Office building located at 313 East Broadway in Glendale, CA, as the "Carlos J. Moorhead Post Office Building."

The Clerk read as follows:

H.R. 681

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

SECTION 1. DESIGNATION.

The United States Post Office building located at 313 East Broadway in Glendale, California, shall be known and designated as the "Carlos J. Moorhead Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Carlos J. Moorhead Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. MADAM SPEAKER, I YIELD MYSELF SUCH TIME AS I MAY CONSUME.

Madam Speaker, H.R. 681 was introduced by the gentleman from Illinois [Mr. HYDE]. As has been noted, the legislation designates the U.S. Post Office building located at 313 East Broadway in Glendale, CA, as the Carlos J. Moorhead Post Office Building and honors a colleague with whom many of us in this body were very familiar.

Madam Speaker, though the sponsor of the bill, Mr. HYDE, is from Illinois, the measure did receive, as required by the committee rules, the support of the entire House delegation from the State of California, where the office is located, and many other friends and colleagues of Mr. Moorhead.

Madam Speaker, Mr. Moorhead, as we all know, represented and served in this body with distinction from 1972 until he retired in 1997. Mr. Moorhead was a member of the Committee on the Judiciary and then became chairman of the Subcommittee on Courts and Intellectual Property. He is a native Californian, having been born in Long Beach and attending public school in Glendale, receiving a B.A. from UCLA and a J.D. from the University of Southern California School of Law in Los Angeles. Former Representive Moorhead is a veteran of World War II and a retired judge advocate lieutenant colonel.

Madam Speaker, I have a longer statement that I will submit for the RECORD. I will end my comments at this time by saying I am very pleased that the gentleman from Illinois [Mr. HYDE] has acted to honor a dear friend and a very distinguished colleague, Congressman Moorhead. Those of us who had the opportunity and the privilege of serving with him knew him as a hard-working legislator, an honorable man and a good friend. I think this is the kind of tribute that this House makes that is so appropriate and so fitting.

Madam Speaker, I reserve the balance of my time.

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume. Let me join with the gentleman from New York in support of this measure. I think it is appropriate and fitting that this House take notice of the fine work of our colleague in this manner. I want to congratulate the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, for offering this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, let me first acknowledge and express my appreciation to the ranking member, the gentleman from Pennsylvania, as always for his leadership and his assistance in this and all matters involving the subcommittee. I deeply appreciate his support and his hard work.

Madam Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. COBLE] for some comments about a friend and colleague.

Mr. COBLE. Madam Speaker, I thank the gentleman for yielding me this time. I also express my appreciation to the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary for having introduced this bill and the committee of jurisdiction for having expeditiously handled it.

During my time in the Congress, a little over a decade now, I served with Carlos Moorhead and with the gentleman from Illinois [Mr. HYDE], the chairman, on the Committee on the Judiciary and served with Carlos Moorhead during the years that he was the ranking Republican and during the term when he served as chairman of the Subcommittee on Courts and Intellectual Property. Oftentimes, Madam

Speaker, when one refers to a man, a male, a boy, or a man, as being gentle, sometimes that is perceived as being soft or being vulnerable. Carlos Moorhead was neither soft nor vulnerable, but he was, indeed, gentle. He was a gentle man. He loved this House, and he loved the Committee on the Judiciary, and for that matter the Subcommittee on Courts and Intellectual Property.

I think it is very fitting, I say to those who have handled the bill and I say to my friend the gentleman from Illinois [Mr. HYDE], I think it is very fitting that this bill be introduced and enacted and that that Post Office in Glendale, I have never been to Glendale, CA, one day I may ride by there and look with pride as it, is identified as the Carlos J. Moorhead Building.

Mr. FATTAH. Madam Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, being here on the floor, I would just like to rise and pay tribute to the distinguished past chairman and also pay tribute to the gentleman from Illinois [Mr. HYDE], the current chairman, for having brought this legislation. Mr. Moorhead was a great member, a good friend. He helped a lot of people like myself and others. I just want to rise and associate myself with the remarks of the previous speaker and add my little 2 cents in commending Mr. Moorhead and congratulating him on this.

Mr. MCHUGH. Madam Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE], the primary sponsor of this legislation, the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding me this time. Madam Speaker, I have a prepared statement here which I will try to get through, but I just want to say this. I, in a long life have never met a nicer person than Carlos Moorhead. He was a gentleman. He had a sense of patriotism. He loved this country, he loved the law, he loved the Committee on the Judiciary, and we loved him back.

Today I rise to pay tribute to a man who dedicated his professional life to the service of this country and to the people of California. Most Members are familiar with Congressman Moorhead who served this body with distinction until his retirement at the conclusion of the 104th Congress. He was born in Long Beach, CA. He was a veteran of World War II, a retired judge advocate lieutenant colonel. Carlos was first elected to Congress in 1972 to represent the 27th District of California, which includes his hometown of Glendale where this post office is located, along with Pasadena, Burbank, La Crescenta, and San Marino.

As a member of the Committee on the Judiciary and later chairman of the Subcommittee on the Courts and Intellectual Property, Carlos led some of the most controversial and important legislative debates that we have ever had in Congress. Throughout his 24 years of service to the people of California, Carlos typified the very best of what the House has to offer, vigorous debate by a gentleman statesman. He worked hard and was highly respected by Members on both sides of the aisle, as evidenced by the fact that all 52 members of the California delegation are cosponsors of this legislation. He proved himself to be one of the most versatile and adaptable legislators this body has seen. He consistently had the most conservative voting record of any Member of Congress, and that did not stop him from being an effective legislator during his 22-year tenure in the minority.

Always a loyal statesman, Carlos was also skilled in the art of the possible. He had a special ability to get past politics and negotiate legislation that achieved the best result possible under the circumstances. Nevertheless, after 22 years in the minority, Carlos wasted no time adapting to the majority.

□ 1300

He proved to be one of the most efficient and effective subcommittee chairmen of the 104th Congress. In just 2 years, he managed to favorably report several of the most important and controversial elements of the Contract With America. He went on to break decades-old log jams of legislation in the area of patents, copyrights, trademarks, and the Federal courts.

In his short tenure as chairman of the Subcommittee on Courts and Intellectual Property, Carlos was responsible for the enactment of 14 public laws, both qualitatively and quantitatively. That was the best record of any subcommittee chairman.

I join with pride the California delegation in saluting this man of service, a great patriot, and wish him and his wife, Valerie, and his five children and grandchildren the very best.

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

Madam Speaker, let me again join with the chairman of the Committee on the Judiciary. I did take note while some of us were on break, he kept the home fires burning here in Washington and the committee was working.

Madam Speaker, I want to again say that in terms of this bill, that we join on this side of the aisle in recognizing the achievements of our colleague, and want to see this post office in California named after him. I am happy he was able to serve for more than two decades in the House. As a newer Member of the Congress, I look forward to one day of having that type of lengthy service.

I think it is very important to see that the experience a Member gains over those years comes to be admired by both sides of the aisle and comes to be appreciated, hopefully, throughout the country.

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

Mr. MCHUGH. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. ROGAN], Mr. Moorhead's successor in this Congress.

Mr. ROGAN. Madam Speaker, I thank the gentleman for yielding me time. I especially want to thank the distinguished chairman of the Committee on the Judiciary for bringing this very well-deserved bill to the floor.

As Carlos Moorhead's successor, I have both a benefit and a burden. It is a benefit, because I have enjoyed him not just as a friend, but as a mentor in my private and public career. It is also a burden, because he sets a very high standard of respect and accomplishment for those who follow in his footsteps.

As we walk through the Capitol, we see there is a propensity to build statues to heroes. Yet not all of our heroes are represented in statue. Although he deserves a statue, naming a post office for Carlos Moorhead is a modest way of thanking him for a job well done. In 32 years of public service, Carlos served his community and country with a sense of quiet dignity and resolve. And he did so without there ever being a hint of scandal or of impropriety. He is a man who has faithfully served his country for 24 years in this House, and in doing so he has left a lasting mark.

As I meet both veteran and new Members of Congress, I have found that if I want to ingratiate myself, I simply tell them that I took Carlos Moorhead's place. Invariably this introduction brings a smile and a nod of appreciation for both Carlos as a friend, and for Carlos as a colleague.

Mr. Speaker, it is a great honor to join with so many distinguished Members of this House in paying tribute to a great Congressman, a great public servant, a great friend, and most of all, a great American. This bill is a fitting tribute to a well-deserving public servant, the Honorable Carlos J. Moorhead of California.

Mr. MCHUGH. Madam Speaker, I am honored to yield two minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Madam Speaker, I want to thank the gentleman from Illinois, Chairman HYDE, of the Committee on the Judiciary for bringing forth this bill, the gentleman from New York, Chairman MCHUGH, and the ranking member, the gentleman from Pennsylvania, Mr. FATTAH, for their expeditious handling of the bill to bring it to the floor in this timely manner.

Madam Speaker, I just was thinking while people were talking, I was thinking about Carlos Moorhead. He was the

first Congressman I had the pleasure of meeting in my lifetime. I was the mayor of our city and he was our Congressman.

I was at work one day and received a phone call from our receptionist who said, "There is a Congressman out front that would like to meet you." I did not know how to act or how to react to that, but I invited him to come into the office. Those of you who are colleagues who know Carlos know how quiet and unassuming he was. He came in, introduced himself, and we had a nice chat. That began a strong friendship.

To me, Carlos represents all that is great about the House of Representatives. As has been mentioned, he had an unimpeachable character. He served this House and his countrymen for many years with great dignity. He practiced his Christian principles that he believed in. He was a humble, unassuming man. As was said earlier by the gentleman from North Carolina [Mr. COBLE], he was a true gentleman.

The greatest praise my dad could give to someone was that he was a real gentleman. I cannot think of anything greater to say about Carlos.

He was great to work with. He helped me very much in assuming my role here. He was my Congressman. I replaced part of his district when we had the reapportionment in 1992.

Madam Speaker, I am happy to see this done. I have been to Glendale many times. I am happy this Post Office will be named after him. I know the people of that district will love to see this named after him, and they appreciate all the things he did for them.

Mr. MCHUGH. Madam Speaker, I have no further requests for time, and, with a final urging to my colleagues to support this very worthwhile legislation for a very distinguished colleague, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 681.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed, H.R. 681.

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

There was no objection.

OSCAR GARCIA RIVERA POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 282) to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building".

The Clerk read as follows:

H.R. 282

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

SECTION 1. DESIGNATION.

The United States Post Office building located at 153 East 110th Street, New York, New York, shall be known and designated as the "Oscar Garcia Rivera Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Oscar Garcia Rivera Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

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

Mr. Speaker, H.R. 282, the bill designating the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the Oscar Garcia Rivera Post Office Building, was introduced by the gentleman from New York [Mr. SERRANO] and cosponsored by the entire House delegation of the State of New York in accordance with the policy of the Committee on Government Reform and Oversight.

This legislation honors the first Puerto Rican elected to public office in the continental United States. Having been born in Puerto Rico, Mr. Rivera came to New York. After graduating from high school, he worked at the post office and city hall while pursuing his further studies.

He was instrumental in organizing and establishing the Association of Puerto Rican and Hispanic Employees within the Post Office Department. Mr. Rivera received his law degree from St. John's University in New York in 1930 and was elected as a State assemblyman in New York in 1937 and served until 1940.

He returned to his hometown of Mayaguez, PR, where he continued to be known for his commitment to protecting the rights of manual laborers, and remained a role model and a community leader. He died in Mayaguez in 1969.

Mr. Speaker, I urge our colleagues to support H.R. 282 to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY as the "Oscar Garcia Rivera Post Office Building" which has twice been approved by the House. The Congressional Budget Office has determined that enacting H.R. 282 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply, nor does it contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, Public Law 104–4, and would impose no costs on the budgets of State, local, or tribal governments.

Mr. Speaker, I would at this time like to commend the gentleman from New York [Mr. SERRANO], for his initiative on this bill. Under any circumstances, Mr. Rivera would represent a totally worthy recipient of this particular honor, but given the odds that he overcame, the ground that he broke, I think this is a particularly fitting tribute, and I am honored and proud to be a part of this. I also would like to thank the gentleman from Pennsylvania [Mr. FATTAH] for his invaluable assistance in helping this bill to come to the floor in a timely manner.

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

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

Mr. Speaker, I rise in support of H.R. 282, to name a post office in the State of New York after Mr. Garcia Rivera. He has two last names, and I guess we alternately have used both. But, nonetheless, it is a fitting tribute.

Mr. Speaker, this is a gentleman who was the first Puerto Rican to be elected to the State assembly in the State of New York, a labor leader, someone committed to human rights, who helped to fight and support legislation to punish lynchings throughout our land, someone who in his own time and space has made a contribution.

I join with my colleague, the gentleman from New York [Mr. SERRANO], who has sponsored this bill, in support of this legislation. I would like just to add that in terms of the leadership that my colleague from the State of New York is providing in this Congress on so many important issues, he has helped inspire all of us on the committee to give due consideration to this measure.

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

Mr. MCHUGH. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York [Mr. SERRANO], the prime sponsor of this bill.

Mr. SERRANO. Mr. Speaker, I would like to thank the gentleman from New York, Chairman MCHUGH, and the gentleman from Pennsylvania, Mr. FATTAH, for bringing this bill to the floor. I would like to thank the New York delegation for supporting the bill.

Mr. Speaker, I rise today to urge my colleagues' support of H.R. 282, a bill that would designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the Oscar Garcia Rivera Post Office Building.

Let me in addition thank my colleague and mentor, the gentleman from New York [Mr. RANGEL]. The post office is in his district, and he has allowed me to play this role throughout these couple of years on this bill.

Mr. Garcia Rivera, and let me clarify for the gentleman from Pennsylvania [Mr. FATTAH], this is an old tradition in Latin America. His name was Garcia, and then you pick up your mother's last name, and that created a big confusion in New York. That is why I am "Serrano" and not "Serrano Soto." Otherwise it would be kind of confusing at times.

Mr. Garcia Rivera was elected assemblyman in New York in the 14th District on March 30, 1937. He was born in Mayaguez, PR, on November 6, 1900, which happens to be my hometown.

Oscar Garcia Rivera was raised on a coffee plantation. After graduation from high school, Garcia came to the mainland and began working part time in a factory in Brooklyn while he continued to take courses to reach his goal of becoming a lawyer.

He applied for a job in the U.S. Postal Service, obtained high recommendations, and was assigned to the post office in city hall. He quickly became very involved in union issues, and later encouraged the establishment of the Association of Puerto Rican and Hispanic Employees within the U.S. Postal Service. Garcia Rivera attended law school at St. John's University and graduated in 1930.

Dedicated and committed to the struggles of the then pioneering Puerto Rican and Hispanics in East Harlem, he announced publicly in 1937 that he would seek a seat in the New York State Assembly.

In March of that same year he made history by becoming the first Puerto Rican elected to public office in the United States. The gentleman from New York [Mr. MCHUGH], would be happy to know he was elected as a Republican, the first and only one, but that is an issue for another day. He won reelection the following year and continued in this post until 1940.

During the short time that he served in the assembly, however, Garcia Rivera, initiated legislation that offered valuable and lasting contributions to his Puerto Rican community, the labor movement, and to the working class at large.

He introduced a bill guaranteeing safeguards against unemployment. This revolutionary piece of legislation at that time was enacted into law in 1939. Garcia Rivera defended minimum wage laws, fought for regulated hours of labor, worked to establish tariff agreements, and, most importantly, he was committed to protecting the rights of manual laborers and encouraged workers to organize themselves into active unions.

□ 1315

He also supported the campaign, which, as my colleague, the gentleman from Pennsylvania [Mr. FATTAH], has said, established a law which punished lynchings throughout the United States.

Every year the anniversary of his election as the first Puerto Rican who attained a public office marks a proud moment in my community's history. Despite his brief career as Assemblyman, Oscar Garcia Rivera became a great leader in his community, creating a role model for young people and establishing hope for his people that they could achieve their dreams in the United States. His actions transformed the Puerto Rican community and improved working conditions for all New Yorkers.

Mr. Speaker, I believe the passage of this bill and the dedication of this building to this great leader would serve as an inspiration to the future generations in my community and Americans throughout this country and throughout the United States. Please join me in support of H.R. 282.

Once again, I want to thank these two gentlemen for bringing this bill to the floor. This has been a long time coming, and as one who served 16 years in the State Assembly in New York, I take very seriously the fact that Mr. Garcia Rivera opened the doors for so many members of my community.

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

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

Again, Mr. Speaker, I commend the gentleman from New York [Mr. SERRANO] for his hard work on this bill to honor a gentleman who obviously is a very, very fitting recipient of this kind of honor. I urge all of my colleagues to join with the gentleman from Pennsylvania [Mr. FATTAH] and the gentleman from New York [Mr. SERRANO] and myself in supporting this bill.

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 282.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 282, the bill just passed.

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

There was no objection.

THE DAVID B. CHAMPAGNE POST OFFICE BUILDING

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2013) to designate the facility of the U.S. Postal Service located at 551 Kingston Road in South Kingstown, RI, as the "David B. Champagne Post Office Building."

The Clerk read as follows:

H.R. 2013

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, shall be known and designated as the "David B. Champagne Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "David B. Champagne Post Office Building".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

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

Madam Speaker, H.R. 2013 was sponsored by our colleague, the gentleman from Rhode Island [Mr. WEYGAND], and cosponsored by the Rhode Island House delegation, according to the policy rules of the Committee on Government Reform and Oversight.

The legislation designates the facility of the U.S. Postal Service located at 551 Kingstown Road in South Kingstown, RI, as the "David B. Champagne Post Office Building." The bill recognizes the valiant efforts of David Champagne, a 19-year-old marine who lost his life in the Korean conflict.

Mr. Champagne was born in Wakefield, RI, and entered the military soon after completing high school. Corporal Champagne was posthumously awarded the Medal of Honor by President Eisenhower for his gallantry above and beyond the call of duty in action against the enemy.

Corporal Champagne skillfully led his first fire team through intense enemy machine gun and grenade fire in spite of a severe leg wound. An enemy grenade landed in the midst of the fire team, and Corporal Champagne hurled it in the direction of the enemy. His hand was blown off in this endeavor and he was hurtled out of the trench.

He succumbed to his injuries, but not before he saved the lives of his fellow marines.

Madam Speaker, I urge our colleagues to support H.R. 2013, designating the facility of the U.S. Postal Service located at 551 Kingstown Road in South Kingstown, RI, as the "David B. Champagne Post Office Building". Additionally, Madam Speaker, the Congressional Budget Office has notified the committee that the legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on State, local, or tribal governments.

Madam Speaker, I think the recipients of these designations today have all been very, very worthy gentlemen, but I have to say in all candor that few displayed the sense of courage and sense of dedication and love of country as did the gentleman that we are seeking to honor here today. He is truly an epitome of the American spirit, and we all, as a Congress and as a Nation, are in his debt.

I want to commend the gentleman from Rhode Island [Mr. WEYGAND] and the gentleman from Pennsylvania [Mr. FATTAH] for working together on their side to bring this bill to the floor to honor a very, very worthy American and very, very worthy individual.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, this is, as the gentleman from New York [Mr. MCHUGH] has stated, someone who has literally given his life through an act of courage to save his fellow comrades. For this young man, David Champagne, this is an honor that is obviously something that we would like to bestow, but it does not even begin to represent what should be the appreciation for his act of great courage.

I want to join with my colleague, the gentleman from Rhode Island [Mr. WEYGAND]. The gentleman from New York [Mr. MCHUGH] said that the cosponsor requirement had been met because the entire delegation from the State had signed on to this naming bill.

I want to join with fully 50 percent of the Rhode Island House delegation and support this piece of legislation. It is very worthy. This gentleman, Corporal Champagne, has been already awarded the Medal of Honor, but I think this is something that people in the community of Rhode Island will have as a living memory of his act of courage.

Madam Speaker, I yield such time as he may consume to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Madam Speaker, I want to thank Chairman MCHUGH and the ranking member, the gentleman from Pennsylvania [Mr. FATTAH], for allowing me to speak today on this very important naming of the post office in South Kingstown, Rhode Island.

I would also like to thank my colleagues, Senator REED and Senator CHAFEE, who have also cosponsored similar legislation, which has already passed the U.S. Senate, and as the ranking member, the gentleman from Pennsylvania [Mr. FATTAH] has said, the entire Rhode Island delegation, which is a total of two people, the gentleman from Rhode Island [Mr. KENNEDY] and myself, we totally support this bill, and I want to thank the gentleman for helping us get this through the committee.

Madam Speaker, I rise today to express my support for H.R. 2013, a bill to name the South Kingstown Post Office in Wakefield, RI, as the David B. Champagne Post Office Building. As mentioned by the chairman, David Champagne was born on November 11, 1932, Veterans Day. Not only is he a local hero in Rhode Island, but he is also a Congressional Medal of Honor recipient.

Corporal Champagne of the U.S. Marine Corps led a life dedicated to serving his country, his community, and his family. Even as I walked through his elementary school just yesterday, people said how proud they would be to have the post office dedicated in his memory. The South Kingstown High School graduate, the Wakefield Elementary School graduate, received the Congressional Medal of Honor in May 1952 by then-President Eisenhower for conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while serving as fire team leader of Company A, 1st Battalion of the 7th Marines, the 1st Marine Division, in action against enemy aggressor forces in Korea on May 28, 1952.

Advancing with his platoon in the initial assault on the company against a strongly fortified and heavily defended hill position, Corporal Champagne skillfully led his fire team through a veritable hail of intense enemy machine gunfire, small gunfire, and grenade fire, overrunning trenches in a series of almost impenetrable bunker positions before reaching the crest of a hill and placing his men in a defensive position.

Suffering from painful leg wounds while assisting in repelling the ensuing hostile counterattack, which was launched under cover of a murderous hail of mortar and artillery fire, he steadfastly refused evacuation and fearlessly continued his control of his fire team. When the enemy counterattack increased in intensity and a hostile grenade landed in the midst of his fire team, Corporal Champagne unhesitatingly seized that deadly missile and hurled it in the direction of the approaching enemy.

Unfortunately, as the chairman just mentioned, the grenade as it left his hand exploded, blowing off his hand and throwing his body into the midst of the oncoming fire. Mortally wounded by enemy mortar fire while in this exposed position, Corporal Champagne lost his life, but in doing so showed his gallant leadership, fortitude, and spirit of self-sacrifice in the face of almost certain death, and undoubtedly saved many of the lives of his fellow marines.

Mr. Champagne made a great contribution, not only to our State but also to the history of our Nation. I look forward to the day when Mr. Champagne's family and I cut the ribbon, and let them know just how much we appreciate his gallantry. By naming this post office, we will bestow a well-deserved honor on a great man who will be forever remembered.

Madam Speaker, I again want to thank my colleagues, our ranking member, the gentleman from Pennsylvania [Mr. FATTAH], and Chairman MCHUGH for their support of this legislation, and I ask the support of my colleagues for 2013.

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

Madam Speaker, let me just associate myself, if I may, with the very eloquent words of the last speaker, and urge all of my colleagues to join us in supporting what is a very worthy tribute to a more than deserving young man.

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

We, in support of this bill, not only recognize the courageous act of Corporal Champagne, but in some important way symbolize our thanks to thousands and thousands of Americans who have given their lives in defense of this Nation or on behalf of our Government, either in the armed service or in law enforcement, in any number of ways. So I think it is very appropriate that this House recognize an individual, but in doing that, hopefully send a signal to the Nation that we appreciate the acts of so many individuals that have helped us move forward.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 2013.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed, H.R. 2013.

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

There was no objection.

DOUGLAS APPLEGATE POST OFFICE

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2129) to designate the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the "Douglas Applegate Post Office."

The Clerk read as follows:

H.R. 2129

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

SECTION 1. DESIGNATION.

The United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, shall be known and designated as the "Douglas Applegate Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Douglas Applegate Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

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

Madam Speaker, H.R. 2129 designates the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the Douglas Applegate Post Office. The legislation was introduced by the gentleman from Ohio [Mr. TRAFICANT] and cosponsored by the entire House delegation from the State of Ohio, as in accordance with the policy of the Committee on Government Reform and House Oversight.

Mr. Applegate was born and educated in Steubenville. He served in the Ohio House of Representatives and the Ohio Senate for 8 years, respectively. He was then elected to the 95th Congress by Ohio's 18th Congressional District, and reelected each term until his retirement after the 103d Congress.

Mr. Applegate was known as an advocate of America's veterans, and was chairman of the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veterans' Affairs. Though he was known as a quiet worker, he strongly and emphatically defended American jobs.

Madam Speaker, H.R. 2129 designates the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the Douglas Applegate Post Office. The legislation was introduced by Mr. TRAFICANT and cosponsored by the entire House delegation from the State of Ohio in accordance with the policy of the Committee on the Government Reform and Oversight.

Mr. Applegate was born and educated in Steubenville. He served in the Ohio House of Representatives and the Ohio Senate for 8 years respectively. He was then elected to the 95th Congress by Ohio's 18th Congressional District and reelected each term until his retirement after the 103d Congress. Mr. Applegate was known as an advocate of America's veterans and was the chairman of the Veterans' Affairs Subcommittee on Compensation, Pensions, and Insurance. Though he was known as a quiet worker, he strongly and emphatically defended American jobs.

Madam Speaker, I urge our colleagues to support H.R. 2129 designating the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the Douglas Applegate Post Office.

Madam Speaker, the Congressional Budget Office has affirmed that the legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on State, local, or tribal governments.

Madam Speaker, I would say, as happened earlier this afternoon with our tribute to a former colleague, Mr. Moorhead, that Mr. Applegate as well represents the kind of dignity, the kind of hard work and honesty, that this body strives for each and every day.

□ 1330

And he certainly would represent a very, very fitting recipient of this postal naming bill, and I urge the support by all of my colleagues.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 2129. The sponsor of this bill, the gentleman from the great State of Ohio [Mr. TRAFICANT], has been very enthusiastic in making sure the committee acted expeditiously on this piece of legislation. But I think it is appropriate because the colleague whose service we recognize in the naming of this postal facility is someone who, in many ways, the gentleman from Ohio seemingly has some bond with because of their support for similar causes.

Madam Speaker, the naming bill that is in front of us is a bill that hopefully will enjoy broad-based support.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, Steubenville is a tough town. It produced Dean Martin and Douglas Applegate, and both of them had as big an effect in the professional careers that they pursued. Dean Martin, a giant on the screen and, although a lot of people did not realize this, Doug Applegate was a giant right here.

Madam Speaker, when it comes to veterans benefits, veterans compensation, and benefit compensation to survivors of those who lost their lives, Doug Applegate was responsible for that legislation. When it came about, as chairman of the Subcommittee on Water Resources, to restrict the interstate transportation of hazardous materials, Douglas Applegate did not get a whole lot of attention for it. When the Taiwanese manufacturers were producing American flags and giving us a great deal on them, it was Doug Applegate that brought to the attention of Congress and the American people that Old Glory was being made by a Taiwanese factory.

Madam Speaker, all of these imports all of a sudden had a "Made in America" label on them. Doug Applegate worked very hard with me to pass the law now that provides for a Federal offense to be applied to anybody who places a fraudulent "Made in America" label.

When it comes to benefits to veterans, Doug Applegate is a giant in our history just like Dean Martin is a giant in the movie industry.

Madam Speaker, he was one of my mentors. He was just a great guy. Along with Walter Jones and Jamie Whitten, there was no one better, and maybe he is responsible for what I have evolved into. But this is certainly one of the great Members that we have had in our past. He really did not get the attention and the glory that he should have earned. But I would like to, hopefully with the naming of this post office, see that that comes to pass.

His beautiful wife Betty, I hope that they are watching, great children and grandchildren. I do not know, maybe Doug is down there in Florida now. But hopefully we will see him up in Steubenville.

Madam Speaker, it is a tough town, he is a tough guy, and he will have his name on a new post office. I am hopeful that we will get the other body to expeditiously handle our affair, and I thank the Congress for listening to my plea.

H.R. 2129, to designate the U.S. Post Office in Steubenville, OH, as the "Douglas Applegate U.S. Post Office," will pay a much-deserved tribute to a strong leader, a loyal friend, and a great man.

As many of you may remember, Doug was not one to grandstand or bring attention to himself. Doug chose, instead, to work quietly, yet diligently. It was in this manner that he affected important change, earned the respect of his colleagues, and won the loyalty of Ohio's 18th Congressional District.

Doug chose his legislative battles then devoted himself to them completely. Among the most important items on his agenda was protecting the benefits to our country's veterans. He worked to substantially increase the benefits to the survivors of those who did not make it home. Realizing that no amount of money could ever make up for their terrible loss, he also knew that such compensation could make life a little less complicated for those left behind.

Doug was a champion of American jobs and industry. His house stationery was emblazoned with the slogan "Buy American! Save

American Jobs!" But, this was not just a slogan to Doug. Time and again he demonstrated his determination to protect and promote American jobs.

He fought to protect the sanctity of the "Made in the U.S.A." label when he worked to uncover a scheme, concocted by American companies, to cut labor costs by having United States flags made in Taiwan, then labeled "Made in the U.S.A." Doug refused to let our workers and our industry be misrepresented by those only concerned with the bottom line.

Throughout his tenure in Congress, Doug demonstrated tremendous integrity and true leadership ability. He could work to build a consensus, yet he was not afraid to stand alone.

Never afraid to stand up for what he believed, he would not play partisan politics if he felt the interests of the American people could be better served by following another viewpoint.

In addition to all of this, however, some of my fondest memories of Doug will be of a great and loyal friend.

I urge all of my colleagues who believe that great leadership should be memorialized, to vote for H.R. 2129 to designate the U.S. Post Office in Steubenville, OH, the "Douglas Applegate Post Office."

Mr. MCHUGH. Madam Speaker, I have no further requests for time. I would join with the gentleman from Ohio [Mr. TRAFICANT], a man who is known for his plain words and straight-to-the-point comments on this floor, and he has done them again here today, and his very poignant tribute to a former colleague. I urge all of our colleagues to support passage of this bill.

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

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

Madam Speaker, I would just say that the gentleman from Ohio [Mr. TRAFICANT], in the conclusion of his remarks said that he hoped that the House would hear his words. There is not a day that he has spoken before the House that all of America has not heard his words. So we thank the gentleman for authoring this legislation, and we would hope that it would receive unanimous support.

Mr. JOHNSON of Wisconsin. Madam Speaker, I rise today in strong support of H.R. 2129, which would designate the U.S. post office in Steubenville, OH as the Doug Applegate Post Office.

Although I never had the privilege of serving in Congress with former Congressman Applegate, I do have the privilege of serving on the Subcommittee on Water Resources and Environment, which he chaired. I have also heard a lot about him through my legislative director, George Shevlin, who worked for Mr. Applegate for 5 years. George has told me of the fine work that Congressman Applegate did on behalf of his congressional district and about how he was known for providing excellent constituent services. He was very aware of the needs of his district, which was hard hit by the economic restructuring of the 1970's and 1980's, and worked hard to protect American jobs. He followed the example of his father, who was the mayor of Steubenville, by dedicating his life to public service, first in the statehouse in Columbus, and then for nine terms in the U.S. House of Representatives. Despite his many years in Congress, he never lost touch with his district, and traveled back there every weekend possible, even after he had announced his retirement.

Doug Applegate was also known for his tireless work on behalf of veterans and, as chairman of the Veterans' Affairs Subcommittee on Compensation, Pensions, and Insurance, he worked hard to increase the benefits to the survivors of those who gave their lives for our country. He was well-liked by his colleagues on both sides of the aisle and was loved by his loyal staff, most of whom served him for many years.

Madam Speaker, I believe that we would all do well by following Congressman Applegate's example of service to his constituents and therefore I urge my colleagues to vote in favor of this fine tribute to a dedicated public servant and former colleague.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH], that the House suspend the rules and pass the bill, H.R. 2129.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2129, the bill just passed.

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

There was no objection.

PETER J. McCLOSKEY POSTAL FACILITY

Mr. McHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2564) to designate the U.S. Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility".

The Clerk read as follows:

H.R. 2564

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

SECTION 1. DESIGNATION.

The United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, shall be known and designated as the "Peter J. McCloskey Postal Facility".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Peter J. McCloskey Postal Facility".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

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

Madam Speaker, the legislation before us, H.R. 2544, designates the United States Post Office located at 450 North Centre Street in Pottsville, PA, as the Peter J. McCloskey Postal Facility. The bill was introduced by the gentleman from Pennsylvania [Mr. HOLDEN] and cosponsored by the House delegation of the State of Pennsylvania in its entirety, in accordance with the policy of the Committee on Government Reform and Oversight.

Peter McCloskey, a native of Pennsylvania, joined the U.S. Army Air Corps in 1944. In 1967, he was selected to join the Post Office Department as acting postmaster of the City of Pottsville, and then was reappointed postmaster. During his 23 years as postmaster, Mr. McCloskey has seen 30 of the employees that he has supervised become postmasters. He has been an active member of the Pottsville community for more than 60 years.

Madam Speaker, the Congressional Budget Office has commented that this bill contained no intergovernmental or private sector mandates as defined in the Unfunded Mandated Reform Act of 1975, and would impose no costs on State, local, or tribal governments.

Madam Speaker, on four occasions previously today, we have honored truly deserving gentlemen. I think this one is especially appropriate because it is an opportunity to recognize the Postal Service's own, a gentleman who worked his literal entire adult career in the Postal Service in service to that great cause.

I think for that reason, particularly, this is a very, very fitting tribute for a man who stands out, but probably is best recognized for the kind of dedication to the service that so typifies the over 800,000 postal employees who each and every day go out and make sure that all of us in this Nation receive our mail in a timely fashion.

So I would commend the gentleman from Pennsylvania [Mr. HOLDEN] and thank the gentleman from Pennsylvania [Mr. FATTAH] for helping to bring this bill to the floor to pay tribute to a gentleman who represents all of the good and positive things that the Postal Service has stood for for more than 200 years in this Nation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 2564 as introduced by my colleague, the gentleman from Pennsylvania [Mr. HOLDEN], a Member with whom I have had the opportunity to serve and who has provided a great deal of leadership here in the House and on behalf of the citizens of Pennsylvania.

Madam Speaker, this bill is appropriate. We sometimes joke about the Postal Service in our country. Let the record be clear that we have the finest Postal Service anywhere in the world, and partly because of people like the gentleman we honor with the naming of this postal facility in Pottsville, PA, because we have dedicated people who work very, very hard, almost 700,000 people who work for the United States Postal Service. And I think that among these bills, it is, indeed appropriate that we would take one and name it after someone who has labored to help make sure that our Nation has a Postal Service that is really second to none in the world.

Madam Speaker, I am not surprised at all that the naming of a postal facility on behalf of someone who has worked for the Postal Service would come from my colleague, the gentleman from Pennsylvania [Mr. HOLDEN], because the gentleman is someone that we all know who has seriously applied himself to understanding the interworkings of the Federal Government and how it interacts and is relevant in the lives of the people who we attempt to serve.

Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. HOLDEN], my colleague.

Mr. HOLDEN. Madam Speaker, I rise today as the proud sponsor of H.R. 2564, a bill to designate the U.S. Post Office located at 450 North Centre Street in Pottsville, PA, as the Peter J. McCloskey Postal Facility. I would like to thank the gentleman from New York [Mr. MCHUGH] the subcommittee chairman, and the gentleman from Pennsylvania [Mr. FATTAH], ranking member, and all 21 members of the Pennsylvania delegation for cosponsoring this legislation and bringing it to the floor today.

Madam Speaker, Pete McCloskey has dedicated his entire life to serving his country, his Government, and helping people. He was born in New Castle Township, PA, on September 20, 1920, and graduated from Cass Township High School in 1938.

In February 1941, Pete married Catherine "Kitty" Mahoney. They are the proud parents of Ethel McCloskey Joyce and have four grandchildren: Patrick, Peter, Lalor and Kaeti.

In 1942, Pete joined the U.S. Army Air Corps serving with distinction as an aerial gunner instructor in the European Theater. Upon discharge from the Army, he worked for the Metropolitan Life Insurance Co. and was later appointed by Pennsylvania Auditor General as the supervisor for the Bureau of School Audits, where he served until 1967.

In 1968, he was appointed postmaster of the Post Office in Pottsville, PA. In his 23 years as postmaster of Pottsville, he earned the respect of the hundreds of employees he supervised, approximately 30 of whom moved on to become postmasters in their own right.

During his tenure as postmaster, and prior to that and since that, Pete not only earned the respect of his coworkers and his employees but of the entire community of Pottsville and of Schuykill County, PA. Whether that be involved with civic organizations such as the Elks or the Rotary or the Lion's or the Knights of Columbus or with his church, Saint Patrick's.

After retirement from the Postal Service, Pete continues to be active in the community. He has served on the Pottsville Housing Authority Board of Directors. And the thing that most impresses me about Pete McCloskey is that he never looks to help himself; he is always there to help others with their problems.

Madam Speaker, I wish I could count the number of times that Pete has come to see me or other political leaders or other businesspeople in the community to say I have so-and-so who is in need of a job. They have a difficult situation right now and they need employment. Can you help them? Or the number of times he would bring a widow to my office and say, can you help with the black lung benefits? Or another constituent of mine who had trouble with the Social Security Administration or with the Veterans Administration. It is Pete who acts as an intermediary to try to bring those people to get help. He does that through my congressional office, with the county commissioners, with our State representatives throughout Schuykill County and, in particular, the city of Pottsville.

Madam Speaker, here is a man who has dedicated his life to serving his community and, as was mentioned by the gentleman from New York [Mr. MCHUGH], he is a retired worker from the Postal Service. I think it is proper and fitting that we rename the Pottsville Post Office for Peter J. McCloskey.

Madam Speaker, I thank the gentleman from New York and the gentleman from Pennsylvania for bringing this to the floor.

Mr. MCHUGH. Madam Speaker, I have no requests for time at this moment, and conclude with a final urging to my colleagues to supporting this very worthy legislation for a very, very worthy recipient.

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

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

Madam Speaker, let me again thank the gentleman from New York [Mr. MCHUGH]. It has been a real pleasure to work with him on these bills and any number of activities that we have had to deal with over the course of this session thus far. I really do appreciate the level of cooperation and the spirit of bipartisanship. That is talked a lot around here, but in actuality is practiced by the gentleman from New York, and I want to publicly thank him for his efforts as we have worked together in these matters.

Madam Speaker, I would like to thank my staff, Denise Wilson and also Neal Snyder, for their work on these bills and other matters related to postal affairs.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 2564.

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

A motion to reconsider was laid on the table.

□ 1345

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2564, the bill just passed.

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

There was no objection.

REREFERRAL OF H.R. 1249 TO THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill, H.R. 1249, and that H.R. 1249 be rereferred to the Committee on Government Reform and Oversight.

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

There was no objection.

REGARDING MANAGEMENT OF NATIONAL FORESTS TO REDUCE GREENHOUSE GASES

Mr. YOUNG of Alaska. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) expressing the sense of the Congress that the United States

should manage its public domain national forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives and that the United States should serve as an example and as a world leader in actively managing its public domain national forests in a manner that substantially reduces the amount of carbon dioxide added to the atmosphere, as amended.

The Clerk read as follows:

H. CON. RES. 151

Whereas carbon dioxide, a major greenhouse gas, can be removed from the atmosphere by trees through photosynthesis and stored in wood;

Whereas releases of carbon dioxide can be prevented by the use of wood products as substitutes for products whose manufacture consumes fossil fuels and releases substantial amounts of carbon dioxide; and

Whereas managing our forests by planting and growing our forest resources will remove carbon dioxide from the atmosphere: Now, therefore, be it

Resolved, by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States—

(1) should manage its forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives; and

(2) should serve as an example and as a world leader in managing its forest in a manner that substantially reduces the amount of carbon dioxide in the atmosphere.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA], each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

In December, representatives of 150 nations will gather in Kyoto, Japan, to sign a successor treaty to the United Nations 1992 framework convention on climate change. Today, as we anticipate this important event, we will debate a nonbinding measure putting the House on record as supporting proper management of our Nation's forests to maximize the reduction of greenhouse gases, among other important objectives. This resolution is similar to the Byrd-Hagel resolution passed by the Senate earlier this year that put them on record opposing any treaty that would cause serious economic harm to the United States.

Everyone agrees that we must have clean environment, but we must do it in a way that does not impair or harm our economy. This resolution represents the fact we can have both a healthy environment and a vibrant economy.

By the Clinton-Gore administration's own economic model, the effect of mandatory reductions of greenhouse gases would be devastating to this economy of ours. The United States has an obligation to defend the rights of people who inhabit our planet. It seems that officials representing the United States in the climate change treaty negotiations have lost sight of that duty. Science has proven to us that carbon dioxide, the leading greenhouse gas, can be taken out of the atmosphere by properly managing our forests. Carbon dioxide is kept out of the atmosphere by harvesting the forest before it begins to decompose or burn, thus storing the carbon in wood products that are environmentally friendly, as well as providing an economic benefit to society.

The United Nations Framework Convention on Climate Change, which may commit the United States to mandatory greenhouse gas reductions, could lead to enormous burdens and costs on the American people, the economy, and our way of life. The key issue is whether the Clinton-Gore administration will commit the United States to mandatory reductions of carbon dioxide.

Mandatory reductions will cost taxpayers billions of dollars and will cost many Americans their jobs. There are alternatives to mandatory reductions of carbon emissions. The alternative we bring before the Congress today is to properly manage our forests in order to take from the atmosphere carbon dioxide.

This means using the controls on greenhouse gases that Mother Nature gives to us rather than controls that Government mandates for us to follow. For that reason, we would move to agree on House Concurrent Resolution 151 and urge our colleagues to give it their full support.

Madam Speaker, I reserve the balance of my time.

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

As cosponsor of House Concurrent Resolution 151, I am proud to rise today in strong support of this important measure introduced by our distinguished chairman, the gentleman from Alaska [Mr. YOUNG]. The chairman's legislation sends a crucial message. Carbon dioxide and other greenhouse gas emissions constitute a serious problem of global dimension. We can begin, in part, to address and control gas emissions and the growing crisis of global warming by proper and prudent management of our national forests and Federal lands.

Madam Speaker, coming from the South Pacific, I am particularly sensitive to the related phenomena of global climate warming and rising sea levels. For many low-level Pacific island nations, especially those that rise only 6 feet at their highest point of elevation, increasing sea levels threaten to flood, engulf and destroy the very homelands of many Pacific peoples.

Global climate warming presents a real and terrifying danger in the region that cannot be dismissed.

I have introduced a companion-related resolution, House Concurrent Resolution 157, to address the need for the United States to work with the Pacific island leaders on these issues. I have attached a copy of House Concurrent Resolution 157 for the RECORD and urge our colleagues' support.

Madam Speaker, just last month, as a member of the House Committee on International Relations, I attended the South Pacific Forum meetings in Rarotonga in the Cook Islands as a representative of the U.S. Congress. As Members know, the South Pacific Forum is the annual meeting of the Heads of State of 16 Pacific island nations, including Australia and New Zealand.

The Forum meetings revealed that the most urgent priority of the island leaders concerned global climate warming and the related phenomenon of rising sea levels.

House Concurrent Resolution 157 expresses the sense of the Congress regarding the effects of global warming-induced climate disruptions to Pacific nations that are longtime allies of the United States. The measure calls on the United States to work with the island nations to address this extremely serious problem.

As I foresee the process unfolding, the United States will play a leadership role to ensure that all nations and major economies in the world—including China, India and Mexico—fairly share the burden of reducing global greenhouse emissions. All members of the international community must bear the sacrifice for the greater good of the world. No nation should be exempt from doing its part.

As to the measure before us, House Concurrent Resolution 151, Madam Speaker, the ranking member of the committee, the gentleman from California [Mr. MILLER], has contributed immensely to the amended legislation. Unfortunately, the gentleman from California [Mr. MILLER], is at the White House and is unable to be here with us to urge adoption of this measure.

House Concurrent Resolution 151, as amended in committee with the leadership of the gentleman from California [Mr. MILLER], recognizes that our forests have an important role to play in removing carbon dioxide, a major greenhouse gas, from the atmosphere. In our view, however, the amended resolution clearly does not endorse the original premise that it is desirable to increase old growth harvests of U.S. national forests in order to reduce global warming. That would be a horribly misguided message to send to the rest of the world, especially as we seek to encourage conservation of forest resources in other countries.

Instead, we believe that the old growth forest reserves of the United States should be protected. The temperate rain forests in the Pacific

Northwest are among the most effective carbon sinks in the world. If the old growth is harvested it takes many decades to recover the vast amount of carbon released in the process.

We do recognize that carbon dioxide reduction can and should be improved by planting and growing more forest cover in the United States, especially on marginal crop and pasture lands. That is why the amended resolution applies not only to national forests, but to all U.S. forests including private lands.

Finally, Madam Speaker, we want to be very clear that forest-based carbon sequestration, while important, does not replace the need to reduce fossil fuel emissions.

Just yesterday, the Department of Energy reported U.S. emissions of carbon dioxide and other gases, which contribute to global warming, significantly increased in 1996. Contrary to our 1992 treaty obligations, such emissions have increased by 7.4 percent since 1990. This should give the administration a sense of urgency as they prepare to engage in global warming talks with the rest of the world in Kyoto, Japan, this December.

Madam Speaker, I would urge our colleagues to adopt House Concurrent Resolution 151, a worthy measure that symbolizes America's commitment to address the growing crisis of global climate warming.

H. CON. RES. 157

Whereas the world's leading climate experts who comprise the Intergovernmental Panel on Climate Change (hereafter in this preamble referred to as the "IPCC") have reported that "the balance of evidence suggests a discernible human influence on global climate";

Whereas the IPCC has concluded that the effects of global climatic disruption due to increased greenhouse gas emissions could result in (1) a global temperature increase of 1.8 to 6.3 degrees Fahrenheit by the year 2100; (2) a rise in sea level of 6 inches to 3 feet by the year 2100; (3) extreme weather events due to a more vigorous hydrological cycle, such as increased flooding in some areas and more severe droughts in others; (4) saltwater intrusion into freshwater supplies; and (5) the spread of infectious diseases, including malaria and dengue fever;

Whereas the IPCC estimates that today's carbon emissions will remain in our atmosphere for a century or more;

Whereas more than 2,600 scientists recently signed the Scientists' Statement on Global Climatic Disruption calling on the United States, and the world leader in greenhouse gas emissions, to provide leadership this December in Kyoto, Japan, where an international protocol to the United Nations Framework Convention on Climate Change, to which the United States is party, is scheduled to be signed;

Whereas relations between the United States and Pacific island nations historically have been marked by a spirit of mutual understanding and cooperation on a wide range of issues;

Whereas Pacific island nations and the United States share a commitment to world peace, and the Pacific islands have traditionally been supportive of major United States initiatives, including United States positions at the United Nations;

Whereas at the Seventh Economic Summit of Smaller Island States (SIS), held September 17, 1997, in the Cook Islands, a statement was issued to reaffirm, recognize, and endorse the Second Assessment Report of the Inter-Governmental Panel on Climate Change (IPCC) of 1996;

Whereas the United States is a Forum Dialogue Partner in the South Pacific Forum and is a participant or contributor to other regional organizations, including the South Pacific Regional Environment Programme, the South Pacific Commission, the Forum Fisheries Agency, the El Nino research in conjunction with the United States National Oceanic and Atmospheric Administration (NOAA), the South Pacific Geoscience Commission (SOPAC), the Joint Commercial Commission (JCC), the U.S. Studies Country Program (USSCP), in connection with the Integrated Coastal Zone Management (ICZM) Program, the International Coral Reef Initiative (ICRI), the South Pacific Nuclear-Free Zone (SPNFZ) Treaty, the Asia-Pacific Economic Cooperation (APEC), the World Bank, and the Asian Development Bank;

Whereas the bonds of cooperation are established between the United States and Pacific island nations either through independent territorial, commonwealth, or free association relationships;

Whereas certain Pacific island nations, in alliance with the United States, have historically provided for an important U.S. regional strategic presence and have continued to provide such vital assistance in recent years;

Whereas the world is becoming more politically and socially volatile, with growing security threats in proximity to the Pacific region and in other potentially hostile global theaters;

Whereas Pacific island nations, with many inhabited atolls, lie only a few feet above sea level and are faced with the constant threat of flooding and the possible loss of their nations due to a rise in sea level induced by global warming;

Whereas Pacific island nations such as Nauru, Tuvalu, Kiribati, Niue, Tonga, the Cooks Islands, the Marshall Islands, and the Federated States of Micronesia are already experiencing the effects of an accelerated sea level rise, such as salinization of soil and water, erosion, and rising tides;

Whereas the National Academy of Sciences has determined that the efficiency of nearly every United States energy use can be improved and that the United States could reduce its greenhouse gas emissions significantly at low cost or potential savings; and

Whereas research and development into advanced energy saving technologies would position the United States as the leading exporter of these technologies, reduce the dependency of the United States on foreign oil, and help balance the trade deficit: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States, with its advanced technologies and comprehensive studies on global climate conditions, should be committed to the proposition that global warming is a very serious international issue, and the United States take appropriate measures to consult closely with the nations of the world to address this serious problem; and

(2) the leaders and peoples of Pacific island nations should be commended for their efforts to enhance the consciousness and sensitivity of the world community by raising the issue of global warming and greenhouse gas emissions.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield 7 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH], subcommittee chairman.

Mrs. CHENOWETH. Madam Speaker, I thank the gentleman from Alaska for yielding me the time. This is a very interesting subject. I listened with great intrigue to the gentleman from American Samoa [Mr. FALEOMAVAEGA]. I can identify with his remarks and appreciate them.

Today, as the administration considers its position on global warming, though, the House will send a message to the White House that regardless of whether you believe that human-induced global climate change is occurring are not, our forests should play an integral part in reducing greenhouse gases.

At the 11th World Forestry Congress taking place in Antalya, Turkey, many professional forest managers in other countries have criticized the Clinton administration for its lack of management of our national forests. This is very interesting to me, Madam Speaker, because they feel that we have great resources here in America and we are not using them. Instead, we are demanding that the wood that we export now from other countries be harvested in other countries putting an undue pressure on those countries to produce the wood.

By not applying good silviculture treatments to our forests, we are creating burdens for the rest of the world. The ramification is decertification and destruction of tropical forests because of the pressures of the world demand as well as increases in world levels of greenhouse gases that are leading to some of the problems we are talking about today.

Science has proven to us that carbon dioxide, the leading greenhouse gas, can be taken out of the atmosphere by allowing a young vibrant forest to absorb carbon through photosynthesis and storing it as wood. In 1 year, an acre of healthy forest can absorb approximately 3 tons of carbon dioxide by sequestering 1 ton of carbon in woody tissue and converting 2 tons into oxygen for our use. Tree planting, forest management and increasing forest productivity research can positively reduce greenhouse gas buildup.

Carbon dioxide can also be kept out of the atmosphere by harvesting the forest before it begins to decompose on the forest floor or burn, thus storing the carbon dioxide in wood products that are environmentally friendly as well as providing an environmental and economic benefit to society.

In December of this year, the United Nations Framework Convention on Climate Change, which may commit the

United States to mandatory greenhouse gas reductions, is expected to meet in Kyoto, Japan. The ramifications of this treaty could be enormous for the American people, for our environment, for our economy and our way of life.

The key issue, Madam Speaker, is whether the Clinton-Gore administration will commit the United States to mandatory reductions of carbon dioxide. Mandatory reductions will cost taxpayers billions of dollars and will cost many Americans their jobs and that is very sad, Madam Speaker. This is based on the fact that we do not know how much greenhouse gas emissions, especially carbon dioxide, from the burning of fossil fuels contributes to the rise in temperatures.

There are alternatives to mandatory reductions of carbon emissions. To suggest that the United States now take radical steps to curb greenhouse gases such as imposing heavy taxes on carbon dioxide emissions, such as 50 cents per gallon of gasoline, to all of the people who drive cars, is a horrible burden for the United States of America. Rather than head down this road void of scientific information that will lead to devastating economic, environmental consequences, we should begin to manage our public forests through sound silviculture methods. This means using the controls on greenhouse gases that mother nature gives to us rather than controls that Government mandates us to follow.

We must send a message that the Federal Government itself should take the lead by reducing the levels of carbon dioxide in the atmosphere, but not by mandating unrealistic, costly, ambient air quality standards, but by doing that which comes natural. That is, that we as good stewards of this Earth should help manage our forests to reestablish themselves as healthy forests.

By managing our national forests to minimize additions of carbon dioxide to the atmosphere, we will improve our air quality, the health of our Nation's forests, and set an example for other nations as the world prepares for the negotiations in Kyoto, Japan.

□ 1400

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

Certainly I would commend and thank the gentlewoman from Idaho for her eloquent statement and her thoughts and reasoning, which are well taken.

With regard to the Global Climate Treaty to be negotiated in Kyoto, I do not think there is any question that the Administration is very mindful of the concerns of both private industry as well as the many hundreds of thousands of American workers. The impacts upon the U.S. business community and labor force from the Kyoto conference will be significant but positive. Aside from all of that, I think the jury is still out. We will see tomorrow what the Administration's decisions will be as far as greenhouse gas emissions and the United States' role, which I am sure will be very critical, in the upcoming conference this December in Kyoto.

Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee.

Mr. HANSEN. Madam Speaker, I thank the gentleman for yielding me this time.

This week in Bonn, Germany, representatives from around the world will meet on the issues of greenhouse gases. They will be negotiating how quickly the industrial nations must rein in the emissions of carbon dioxide and other so-called greenhouse gases. These talks are in preparation for later negotiations in December in Kyoto, Japan.

Global warming has been an issue of great debate and discussion in Congress. Nearly all of the discussion on global warming surrounds the mandatory reduction of carbon dioxide through costly government controls. The Clinton administration's own studies show that this effort would result in substantial increases in energy prices and damage to the economy.

Quoting from "Economic Effects on Global Climate Change Policies" published by the administration's own Interagency Analytical Team, the higher energy costs would produce GDP losses between 0.2 and 1.0 percent of GDP. For an economy which grew 5.1 percent last year, 1.0 percent would financially hurt every single American.

There is no doubt that everyone agrees that we need to keep our planet clean. To this end, we are here today to put the House on record as supporting proper management of our Nation's forests to maximize reductions of greenhouse gases. Science has conclusively proven that carbon dioxide can be reduced in the atmosphere by allowing a young vibrant forest to absorb carbon through photosynthesis and store it in wood.

Proper management of our forests is important to the environment as well as our economy. There is no doubt that how we are currently managing our Federal forests is neither good for the economy nor is it good for the environment. This resolution puts us on record as supporting good forest management. The forests can and should be managed to help reduce greenhouse gases from the atmosphere.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume to restate what has been said very eloquently by the gentlewoman from Idaho [Mrs. CHENOWETH], the gentleman from Utah [Mr. HANSEN], and my good friend, the gentleman from American Samoa [Mr. FALEOMAVAEGA]. We cannot have it both ways. We must have sound forest management and we must have young trees growing today.

I remember when there was the old saying "plant a tree today for tomorrow," and we have forgotten that. Many people now want the old trees, the constant dying old trees, which contribute very little to mankind. They will either burn or they will die from beetle kill and they will stand and they do nothing to clean the air.

All this concurrent resolution says is we say it is time for us to have sound management, scientific management of our new forests; to plant those trees, to harvest the older trees and have these forests clean up our air.

Mr. SMITH of Oregon. Madam Speaker, I rise in strong support of this resolution. Over the last several months the Committee on Agriculture has held a series of hearings on the management of our Nation's forest resources. The scientists who have appeared before the committee have taught us a great deal about the environmental benefits of proactive forest management. This resolution on the minimization of greenhouse gases addresses one of the foremost of these benefits.

Those who truly care for the environment should be quick to realize that wood is our most environmentally friendly building material. Processing construction grade wood releases a tiny fraction of the carbon dioxide produced by steel, concrete, brick, and other non-renewable construction materials that are processed using fossil fuels.

Wood also stores vast amounts of carbon for long periods of time. Wood extracted from the forest for construction purposes continues to store carbon. Furthermore, the resulting regeneration of trees in the forest sequesters carbon from the atmosphere. In other words, when we use wood for homes, furniture and pulp and paper products, we both minimize carbon releases into the atmosphere and provide an efficient means of removing carbon from the atmosphere. This is a win-win proposition for both the environment and our economy.

In contrast, failing to actively manage our forests to both provide useful wood products to society and to maximize the ability of our forests to store carbon can have devastating results. In 1996, six million acres of national forest burned in one of the worst fire seasons of the century. This tragedy came on the heels of the 1994 fire season during which over 4 million acres of national forest burned.

These fires, because of their size and intensity, released staggering amounts of particulate matter into the air. One study indicates that the fires of 1994 alone emitted as much as a ton of particulate matter into the atmosphere for each acre of forest burned and over 400 million tons of carbon in the aggregate.

Proactive forest management, that focuses on reducing fuel loading and tree density in overstocked timber stands, can significantly reduce carbon emissions caused by wildfire. It

can also improve the ability of the forest to store carbon by replacing denser stands of sick, fire prone small diameter trees with more vigorous, fire resistant stands where tree growth and health are both maximized.

Scientifically managing our forests to reduce atmospheric carbon dioxide levels is a policy that America should enthusiastically embrace, particularly in preparation of the upcoming conference in Kyoto. Yet, surprisingly, the administration does not yet appear to have included a forest management component to its official policy position.

This resolution fills that void. It frames a policy that will enable the United States to lead the world in pursuit of scientific, proactive forest management practices that will both clean our air and improve our quality of life. I urge my colleagues to support the resolution.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 151, as amended.

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

The title was amended so as to read:

Concurrent resolution expressing the sense of the Congress that the United States should manage its forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives, and that the United States should serve as an example and as a world leader in managing its forests in a manner that substantially reduces the amount of carbon dioxide in the atmosphere.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 151, the concurrent resolution just agreed to.

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

There was no objection.

GRAZING AT GRAND TETON NATIONAL PARK

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 708) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges, as amended.

The Clerk read as follows:

H.R. 708

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

SECTION 1. FINDINGS.

Congress finds that—

(1) open space near Grand Teton National Park continues to decline;

(2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the park becomes more scarce;

(3) the loss of open space around Teton Park has negative impacts on wildlife migration routes in the area and on visitors to the Park, and its repercussions can be felt throughout the entire region;

(4) a few ranches make up Teton Valley's remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;

(5) the Act that created Grand Teton National Park allowed several permittees to continue livestock grazing in the Park for the life of a designated heir in the family;

(6) some of the last remaining heirs have died, and as a result the open space around the Park will most likely be subdivided and developed;

(7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the Park Service should conduct a study of open space in the region; and

(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming, and associated use of certain agricultural and ranch lands within and adjacent to the Park, including—

(1) base land having appurtenant grazing privileges within Grand Teton National Park, Wyoming, remaining after January 1, 1990, under the Act entitled "An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes", approved September 14, 1950 (16 U.S.C. 406d–1 et seq.); and

(2) any ranch and agricultural land adjacent to the Park, the use and disposition of which may affect accomplishment of the purposes of the Act.

(b) PURPOSE.—The study shall—

(1) assess the significance of the ranching use and pastoral character of the land (including open vistas, wildlife habitat, and other public benefits);

(2) assess the significance of that use and character to the purposes for which the park was established and identify any need for preservation of, and practicable means of, preserving the land that is necessary to protect that use and character;

(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the land; and

(4) estimate the costs of implementing any recommendations made for the preservation of the land.

(c) PARTICIPATION.—In conducting the study, the Secretary of the Interior shall seek participation from the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected land owners, and other interested members of the public.

(d) REPORT.—Not later than 3 years from the date funding is available for the purposes of this Act, the Secretary of the Interior shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

SEC. 3. EXTENSION OF GRAZING PRIVILEGES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall reinstate and extend for the duration of the study described in section 2(a) and until such time as the recommendations of the study are implemented, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

(b) EFFECT OF CHANGE IN LAND USE.—If, during the period of the study or until such time as the recommendations of the study are implemented, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary of the Interior shall cancel the extension described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Madam Speaker, I rise in support of H.R. 708 and urge its adoption. Senator THOMAS of Wyoming introduced similar legislation in the form of S. 308 in the Senate. The Subcommittee on National Parks and Public Lands of the Committee on Energy and Natural Resources held hearings on that legislation and it has been widely supported by the people of Jackson Hole, WY, the administration, conservation groups, and the ranching community.

I applaud the gentlewoman from Wyoming [Mrs. CUBIN] for her hard work on this issue and I am pleased to be sending this message to the President for his signature after it is worked out with the Senate.

H.R. 708 recognizes the increasing demand on private lands within the Jackson Hole area of Wyoming and the benefits that open space and ranching provide Grand Teton National Park. This legislation would require the Secretary to conduct a study concerning grazing and open space in and around Grand Teton National Park. Moreover, the Secretary must analyze the benefits of existing ranching and grazing operations to wildlife, the national park, and other public benefits.

This legislation initiated by the gentlewoman from Wyoming recognizes the development pressures on resort lands in and around national parks. If the public policy is to drive these long-held ranching families out of business, we must be prepared to deal with the

consequences of ranches being sold to pay the estate taxes and development into resort communities.

In some groups' zeal to drive livestock grazing off the public lands, we are leaving no alternative to these landowners but to sell out to developers. The gentlewoman from Wyoming has convinced the people of Jackson Hole to stand back and take another look at this situation and assess the benefits of these ranches on wildlife and the park itself. I urge my colleagues to support H.R. 708.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I wish to thank the chairman of the Subcommittee on National Parks and Public Lands, the gentleman from Utah, [Mr. HANSEN], for his management of this legislation, and also the chief sponsor of this legislation, the gentlewoman from Wyoming [Mrs. BARBARA CUBIN] for her leadership in providing this legislation for our consideration.

Madam Speaker, the goals of H.R. 708 are quite laudable. The National Park Service and the Jackson Hole community are concerned that the ranchlands and open space surrounding Grand Teton National Park may be developed, furthering the loss of wildlife habitat, migration routes, and scenic values.

Much of the land south of Grand Teton has already been developed or is under pressure of development. H.R. 708 provides for a study to determine if there are viable means to preserving open space and ranching operations for the benefit of both the park and the community.

When the Committee on Resources held a markup of H.R. 708, an amendment in the nature of a substitute was adopted that incorporated many of the suggested changes made by the National Park Service. The changes that were made improved the bill. This study has the potential to be a win-win situation for both the park and the local community. I hope that this is the case and look forward to seeing the final study.

Madam Speaker, I support H.R. 708, as amended, and urge my colleagues to approve this proposed bill.

Mrs. CUBIN. Madam Speaker, Jackson Hole, WY is one of the most beautiful and unique areas of our Nation. Over 3 million visitors per year come to hike, camp, ski, and sightsee amidst the grandeur of the Teton range and the winding Snake River in Grand Teton National Park and the Greater Yellowstone area beyond.

Many wildlife species such as moose, bear, eagles, and trumpeter swan make the valley their home, while the largest elk herd in the lower 48 states annually migrates through it to winter on the wildlife refuge at its southern end.

While much of the valley is protected in perpetuity by Federal ownership, some of the most valuable wildlife habitat, migration routes, and scenic vistas remain in private ownership as working ranch lands.

Conservation groups in Jackson Hole and around the country have worked for years to help protect these ranches from development through the use of scenic easements and other means and are to be commended for their good work.

The concept of preserving and protecting parts of the Teton Range and Jackson Hole date from the time settlers moved into the valley in the late 1800's. In January 1929 the U.S. Senate reported on a bill to establish Grand Teton National Park and stated:

The Teton range presents the most profoundly impressive view in America. It is a gift to the Nation and posterity in which the people of Wyoming may be proud, and the wilderness surrounding them may be preserved in their natural state for the benefit and enjoyment of the people of these United States and future generations to come.

In 1950, the act establishing Grant Teton National Park allowed the continuation of grazing privileges within the boundaries of the new park for the life of the designated heirs of the current holders of grazing permits.

Early management of the park determined that managing cattle in a concentrated area with irrigated grass was less destructive to the resource and less intrusive to the visiting public than random grazing throughout the park.

The purpose of my legislation, H.R. 708, is not about granting special grazing rights; it is about doing the right thing to maintain the scenic wonderment that encompasses this magnificent area and keep the area open for wildlife, especially migratory elk.

This pristine land obviously comes with a price tag. Real estate prices have skyrocketed, and intense development pressure has occurred because of this fact.

Through this legislation I have worked in cooperation with officials from Grant Teton National Park to resolve many issues. I know that all parties involved in this matter are striving to reach the same goal: maintain the scenic beauty that those of us who have been fortunate enough to spend time in the Tetons will continue to enjoy the park for a long time to come.

I have incorporated some changes to the legislation proposed by the Park Service during the National Parks and Public Lands Subcommittee hearing this summer, and the bill reflects some, but not all, of those changes.

Madam Speaker, I am dedicated to maintaining the highly valuable open space and ranching culture in this vicinity of the park. The authorization of a 3-year study will allow time to explore a network of relationships and avoid the indiscriminate development that will occur on these pastoral lands.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 708, as amended.

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

The title was amended so as to read: "A bill to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 708, the legislation just passed.

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

There was no objection.

ASIAN ELEPHANT CONSERVATION ACT OF 1997

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1787) to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants, as amended.

The Clerk read as follows:

H.R. 1787

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 "Asian Elephant Conservation Act of 1997".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Asian elephant populations in nations within the range of Asian elephants have continued to decline to the point that the long-term survival of the species in the wild is in serious jeopardy.

(2) The Asian elephant is listed as an endangered species under section 4 of the Endangered Species Act of 1973 and under appendix I of the Convention on International Trade of Endangered Species of Wild Fauna and Flora.

(3) Because the challenges facing the conservation of Asian elephants are so great, resources to date have not been sufficient to cope with the continued loss of habitat and the consequent diminution of Asian elephant populations.

(4) The Asian elephant is a flagship species for the conservation of tropical forest habitats in which it is found and provides the consequent benefit from such conservation to numerous other species of wildlife including many other endangered species.

(5) Among the threats to the Asian elephant in addition to habitat loss are population fragmentation, human-elephant conflict, poaching for ivory, meat, hide, bones and teeth, and capture for domestication.

(6) To reduce, remove, or otherwise effectively address these threats to the long-term viability of populations of Asian elephants in the wild will require the joint commitment and effort of nations within the range of Asian elephants, the United States and other countries, and the private sector.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To perpetuate healthy populations of Asian elephants.

(2) To assist in the conservation and protection of Asian elephants by supporting the conservation programs of Asian elephant range states and the CITES Secretariat.

(3) To provide financial resources for those programs.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices.

(2) The term "conservation" means the use of methods and procedures necessary to bring Asian elephants to the point at which there are sufficient populations in the wild to ensure that the species does not become extinct, including all activities associated with scientific resource management, such as conservation, protection, restoration, acquisition, and management of habitat; research and monitoring of known populations; assistance in the development of management plans for managed elephant ranges; CITES enforcement; law enforcement through community participation; translocation of elephants; conflict resolution initiatives; and community outreach and education.

(3) The term "Fund" means the Asian Elephant Conservation Fund established under section 6(a).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Administrator" means the Administrator of the Agency for International Development.

SEC. 5. ASIAN ELEPHANT CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary, subject to the availability of funds and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of Asian elephants for which final project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSAL.—Any relevant wildlife management authority of a nation within the range of Asian elephants whose activities directly or indirectly affect Asian elephant populations, the CITES Secretariat, or any person with demonstrated expertise in the conservation of Asian elephants, may submit to the Secretary to project proposal under this section. Each proposal shall include the following:

(1) The name of the individual responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—Within 30 days after receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall—

(A) request written comments on the proposal from each country within which the project is to be conducted;

(B) after requesting those comments, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal, the Administrator, and each of those countries.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a final project proposal under this section if the project will enhance programs for conservation of Asian elephants by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and elephants that arise from competition for the same habitat;

(3) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of Asian elephants or regulate the use and management of Asian elephant habitat;

(4) develop sound scientific information on the condition of Asian elephant habitat, Asian elephant population numbers and trends, or the threats to such habitat, numbers, or trends; or

(5) promote cooperative projects on those topics with other foreign governments, affected local communities, nongovernmental organizations, or others in the private sector.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable integrated conservation development programs to ensure effective, long-term conservation of Asian elephants.

(f) PROJECT REPORTING.—Each person who receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information required by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

(g) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give priority to those projects for which there exists some measure of matching funds.

(h) LIMITATION ON USE FOR CAPTIVE BREEDING.—Amounts provided as a grant under this Act may not be used for captive breeding of Asian elephants other than for release in the wild.

SEC. 6. ASIAN ELEPHANT CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "Asian Elephant Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 5.

(2) ADMINISTRATION.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 5. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002 to carry out this Act, which may remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Madam Speaker, I introduced H.R. 1787, the Asian Elephant Conservation Act of 1997, along with the gentleman from Hawaii [Mr. ABERCROMBIE] and 17 other Members on June 4, 1997.

The fundamental purposes of this legislation are twofold: First, to create an Asian elephant conservation fund; and, second, to authorize the Congress to appropriate up to $5 million per year to this fund to finance various conservation projects for each of the next 5 fiscal years.

The legislation is modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. The new authorization would be separate from those funds appropriated for African elephants or for rhinos or tigers.

Under the terms of H.R. 1787, the Secretary of the Interior would carefully evaluate the merits of each proposed conservation project, select those that best enhance the future of the Asian elephant, and give priority to those projects whose sponsors demonstrate the ability to match some portion of the Federal funds. In addition, the bill stipulates the Secretary may accept donations to assist Asian elephants and shall spend no more than 3 percent of the amount appropriated to administer the fund.

Unless immediate steps are taken to conserve this magnificent animal, it will surely continue to disappear from much, if not all, of its traditional habitat. We cannot allow the Asian elephant, which has such a direct impact on so many other species, like the clouded leopard, the rhinos and tigers, to become extinct. The goal of H.R. 1787 is to stop the decline and hopefully rebuild the population stocks of this irreplaceable species by financing, with a small amount of Federal money, a limited number of conservation projects.

While not an exact list, it is likely that these projects would include efforts to monitor known populations of Asian elephants, develop improved conservation management plans, and educate the public about the value of this so-called flagship species.

Finally, I want to acknowledge the tireless dedication of our former colleague, Andy Ireland. Due to his inspirational leadership, Feld Entertainment has played a major role in helping to move this legislation forward. This company, which has been a leader in Asian elephant conservation and husbandry for decades, is motivated by the goal of ensuring that there are Asian elephants living in the world, and will be for the next century.

Obviously, I am going to urge a "yea" vote on this, but before I do that, let me pay particular thanks to our staff for helping move this bill forward this morning, and in particular a young lady by the name of Sharon McKenna, who is not able to be here with us today, as she is home taking care of her brand new little baby, Jackson. So we wish Sharon and her husband Mike, and Jackson, all the best, and thank her for the great work that she has done on this bill.

Madam Speaker, let me just say that when I introduced this bill with the gentleman from Hawaii, who has joined us in the Chamber, I think we both were deluged with a number of questions as to why in the world a Congressman from Hawaii and a Congressman from New Jersey should devote the time and energy that we have to trying to save an Asian species, the Asian elephant.

The answer to that is quite simple, and I think it was brought to bear quite clearly here today by the previous speakers, the gentleman from Alaska [Mr. YOUNG] and the gentlewoman from Idaho [Mrs. CHENOWETH], who were talking about the controversies surrounding the issue of global warming and making the point very clearly that this world's forests, not just this Nation's forests, but this world's forests are vital in the fight against global warming.

This species, the Asian elephant, has been named a flagship species because it is easy to see. It is easy to see it disappearing. And one can quite readily draw the conclusion that one of the reasons it is disappearing is because of its disappearing habitat, the forests in which it lives.

So by concentrating on this magnificent species that men and women and boys and girls all around the world recognize and have grown to love as one of God's creatures that we all recognize, by using it as a flagship species, so-called, we draw attention and educate ourselves as a world people about the importance of not only the Asian elephant but the African elephant as well and rhinos and tigers and the forests in which they reside.

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And so to the extent that we can set an example here today by passing this bill and working to save the Asian elephant in this case, we will also be successful in doing our part in the effort to combat global warming.

Madam Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume. I am delighted to be here today, particularly in the company of the gentleman from New Jersey [Mr. SAXTON], my good friend. I too want to pay tribute not just to him and his great leadership on this issue but to the especially strong staff support we have received along the way with the enactment of this bill.

Madam Speaker, I am just getting to the floor now because we have had the opportunity over the past couple of hours to be meeting on the questions of travel, tourism and the world, not only in relation to the United States but in relation one to another as people throughout the world.

Madam Speaker, I cannot emphasize enough to Members that in paying particular attention to this species as covered under the Asian Elephant Conservation Act, we are taking a giant step forward in seeing to it not only that we respect the ecological consequences for the Asian elephant as such, but that we recognize that in this context, the people of the world are coming to know that we are all interrelated, and we are very, very hopeful that we will be able to fund as a result of this act partnerships, international partnerships, that will result in people being able to view the Asian elephant, to understand through the conservation of the Asian elephant its relationship to ecological balance, environmental balance in South Asia and that this is beneficial on a planetary basis when all of the species of the world understand their interrelationship.

This is then a modest step in the effort to protect the existing Asian elephant herds from multiple sources of danger, including poaching for meat, hides, teeth and bones as well as capture for domestication and the encroachment of humans and civilization, so-called.

Madam Speaker, the population of Asian elephants as has been pointed out, has been dwindling steadily and now numbers roughly 40,000 animals. It is an incredible thing to contemplate, as we did in the course of our examination in the committee hearings, what such a relatively small number of great animals and of course I must say parenthetically, Madam Speaker, that my respect for and admiration for the diversity of life on this planet was only enhanced by the hearings that we had. This is indeed one of God's most magnificent creatures and indeed represents something unique. Not everyone is aware that the Asian elephant has been a partner with humankind throughout all of the thousands of years of its existence. That relationship is now threatened by the advance of modern life.

Maybe advance is almost the wrong word, Madam Speaker. But nonetheless we are realizing more and more that this great creature of South Asia, the Asian elephant, represented a true symbiosis between humankind and the animal kingdom that is now threatened. The numbers are less than 10 percent of the numbers of African elephants in the wild. I think that that is a very sobering statistic.

The African elephant of course has received great publicity. It also of course is magnificent in its presentation of self in the wild and has attracted the imagination and admiration of people throughout the world. The Asian elephant being a blue collar animal, a working animal, a domesticated animal working in close proximity with human beings, has been ignored in the process.

So this legislation will help prevent the eventual extinction of the Asian elephant as an endangered species. The future of these magnificent animals in the wild is in clear jeopardy. H.R. 1787 authorizes $5 million to fund projects crucial to the survival of the species. Our goals are to assist and support the conservation of elephant range, as the gentleman from New Jersey [Mr. SAXTON] has enunciated so clearly and to support the United Nations Convention on International Trade in Endangered Species. Although wild Asian elephants are scattered across 13 Asian countries, there are only 4 remaining herds containing 1,000 or more animals.

Douglas H. Chadwick, a distinguished and honored scientist and author, wrote of these animals:

> Elephants are one of those animals by which we define the grandeur of creation. No larger life forms walk our earth and precious few are more intelligent. Elephants are more than just a part of the extraordinary variety of the plants and animals found in Asia's tropical forest. Elephants are one of the main reasons that the genetic bounty is there in the first place with the potential to provide humanity with new sources of food, fiber and pharmaceutical products. Elephants distribute seeds of perhaps one-third

of all tropical trees. In some cases elephants are the only known agents of dispersal. To save Asian elephants is to save one of the principal shapers of biological diversity. To maintain habitat is to maintain the resources that enrich human communities over the long run.

I am absolutely certain, Madam Speaker, speaking parenthetically that with the expansion of the Asian elephant habitat and with their preservation and conservation, we will see enormous increases in travel and tourism and by extension the awareness of the items that I am speaking of. Going back, then, in my quotation, "To pass an Asian Elephant Conservation Act would be one of the most foresighted and yet practical, cost-effective things we can do for the benefit of Americans, people throughout Asia, and the world we all share."

H.R. 1787 received overwhelming support in the Committee on Resources, again under the leadership of the gentleman from New Jersey [Mr. SAXTON]. I was pleased to be an original cosponsor of the bill. Not only does H.R. 1787 enjoy strong bipartisan support in the House, Madam Speaker, but it has also been endorsed by such diverse groups that bears repeating, the American Zoological and Aquarium Association, the World Wildlife Fund, Wildlife Preservation Trust International, the Sierra Club, and Feld Entertainment, emphasizing the partnership we have in the private sector. Feld Entertainment is the owner of the Ringling Brothers and Barnum and Bailey Circus.

It is clear that if we are to prevent the extinction of the Asian elephant, a number of coordinated and visible activities must be undertaken by the international community and host-range nations. I believe it bears repeating, Madam Speaker, as to what they might be:

Protection of the remaining elephant populations and their habitat from further loss and degradation by establishing and managing special protected areas;

Promotion of coexistence between people and elephants by developing and implementing sound management practices that would prevent or reduce conflict;

Promotion of effective law enforcement through participation of local communities;

Reduction of captures from the wild, and extension of care and humane management of the remaining domesticated population;

Madam Speaker, I believe it has been stated but I believe again bears repeating that the Asian elephant as a participant in society as a domesticated work elephant, I was going to say workhorse, I guess is the equivalent, is now finding itself in the situation of being unemployed.

The work elements associated with the Asian elephant are disappearing much as the workhorse did, as the great workhorses that my grandfather was associated with as a teamster in Buffalo, NY, the great eight-horse hitches that the great beer wagons that we see advertised now with Budweiser, they were working animals. My grandfather was the manager of the stables that carried baked goods on great wagons throughout Buffalo for the then existing Hall's Bakery. So horses, great workhorses, were displaced by engines, by the internal combustion engine. The same thing is happening to the Asian elephant. The elephants who worked under these circumstances need to be taken care of, need humane management and treatment, and this bill will help agencies and individuals and groups interested in this in completing that task. Finally, restoration of the congenial relationship that previously existed between people and elephants through education and awareness programs. And of course this is where travel and tourism can play a great role.

Many groups and individuals contributed to the development of the bill. The Tiger and Rhinoceros Conservation Act is one to be cited. It would be administered by the Secretary of the Interior after consultation with the Administrator of AID. Instead of focusing on remedies appropriate for trade-related conservation issues, this bill emphasizes remedies that would address the human-elephant conflict resolutions that prevails throughout the Asian elephant's natural range. I think I have already made reference, Madam Speaker, to the African elephant and I am particularly grateful to the gentleman from Alaska [Mr. YOUNG], the chair of our committee, who has been instrumental in working with the preservation and conservation of the African elephant and who realized that the Asian elephant emphasis that we have in this bill is an appropriate next step to take.

The purpose then of H.R. 1787 is to assist initiatives in the Asian elephant range nations as well as regional and national agencies and organizations whose activities directly or indirectly promote Asian elephant habitat conservation. Then the bill would be funded in a manner so as not to affect funds currently earmarked for the African Elephant Conservation Act and the Rhino and Tiger Act. The legislation would specify that support would be provided for projects that would directly support and promote wild elephant management practices such as monitoring population trends of known populations, assessing the movement and the annual ranging patterns of known populations. We would emphasize law enforcement through community participation, develop management plans for managed elephant ranges, translocation of elephants, conflict resolution initiatives and community outreach and education. It specifically authorizes the Secretary of the Interior to fund projects addressing the use of domesticated elephants as such use relates to conservation of Asian elephants in the wild. It provides for multiplying the impact of funding by authorizing priority to be given projects which have matching funds from private sector sources.

In that instance I, too, want to add my congratulations and grateful thanks to our colleague Andy Ireland, who brought this issue to our attention in an extraordinarily comprehensive way and in that context, Madam Speaker, I want to conclude by urging all of our colleagues to take advantage of the pioneering work that was done in the Committee on Resources previously with respect to conservation of the great animals in Africa and Asia and add to it then this great and magnificent representation of the symbiotic relationship of humankind and the animal world in the Asian elephant.

Madam Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

□ 1430

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me time.

Madam Speaker, I am delighted to be a cosponsor of this piece of legislation, and commend the gentleman from New Jersey [Mr. SAXTON], the chairman of the Subcommittee on Wildlife and Fisheries.

Madam Speaker, I would like to thank the gentleman from Hawaii [Mr. ABERCROMBIE] for introducing H.R. 1787, the Asian Elephant Conservation Act of 1997. Like the similar African Elephant Conservation Act of 1988, and the Rhinoceros and Tiger Conservation Act of 1994, the fund created by this act should provide valuable financial assistance to programs protecting a keystone species which is greatly threatened throughout its range.

This bill will focus projects toward those problems which most threaten Asian elephants: habitat loss and human-elephant conflicts. This bill also supports conservation programs within range states, which is the best way to perpetuate healthy populations of Asian elephants in the wild.

Furthermore, this act will help provide the infrastructure necessary to limit Asian elephant poaching activity, which threatens the population that now numbers only one-tenth its previous level.

The Asian Elephant Conservation Act of 1997 also contains provisions that encourage efficiency and public participation in wildlife conservation programs. The act works to obtain the greatest leverage for U.S. taxpayer dollars by directing that preference for funding be given to those projects that

will generate matching funds in cooperative projects.

Additionally, the Asian Elephant Conservation Act of 1997 promotes public involvement in our efforts to protect this species by permitting the Secretary of the Interior, through the Fish and Wildlife Service, to accept and use private donations to the fund.

This proposed bill, Madam Speaker, is but one example of the environmental leadership that is needed to protect threatened and endangered species, both at home and overseas. H.R. 1787 deserves our support, and I urge our colleagues' support for its adoption.

Mr. YOUNG of Alaska. Madam Speaker, as a cosponsor of H.R. 1787, I rise in support of this legislation to create an Asian elephant conservation fund.

This measure is modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. It will authorize up to $5 million per year to be appropriated to the Department of the Interior to fund various projects to conserve the African elephant.

This flagship species of the Asian continent is in grave danger of extinction. According to international experts, there are less than 45,000 Asian elephants living in the wild. On a daily basis, these animals face the loss of their forest habitat, poachers who kill them for their bones, hide, ivory, and meat, capture for use in Burma's timber industry, and conflicts between elephants and man. While Asian elephants are found in 13 countries in South and Southeast Asia, nearly half of the wild population reside in India. Unless immediate steps are taken to help conserve this species, it will continue to disappear from its historic habitat.

By enacting this legislation, it is my hope that projects will be funded to update census figures, assist in antipoaching efforts, translocate highly endangered elephants, and educate the public on why it is important to protect Asian elephants.

This small but critical investment of U.S. taxpayer money will be matched by private funds and will significantly improve the likelihood that wild Asian elephants will exist in the 21st century.

We should not allow this magnificent animal to disappear from this planet. H.R. 1787 will not solve all of the problems facing the Asian elephant but it is a positive step in the right direction.

I urge an aye vote on the Asian Elephant Conservation Act of 1997.

Mr. MILLER of California. Madam Speaker, I would like to thank Mr. SAXTON and Mr. ABERCROMBIE for introducing H.R. 1787, the Asian Elephant Conservation Act of 1997. Unfortunately, it appears as if the programs this legislation will promote are needed now more than ever.

Many of us have expressed our concerns about the decision made at the recent Convention on International Trade in Endangered Species of Fauna and Flora [CITES] to downlist several populations of African elephants. At that meeting, which I attended, many representatives from elephant range states expressed their concern about the downlisting, fearing that it would send a signal to poachers that the ivory trade was about to resume. Sadly, it now seems their concerns were justified. Several of the elephant range states have experienced increased levels of poaching leading up to, and following the CITES decision, which is exactly why some of these range states opposed the downlisting proposal.

The Asian elephant has not escaped this slaughter. At the CITES conference, the representative from India stated his country's opposition to the downlisting because of the impact it would have upon the elephants in that country which is home to 50 percent of the Asian elephant population. In June and July of this year—following the CITES conference—poachers killed 20 Asian elephants in India, raising India's total poaching numbers to 52 for the first half of 1997. This is an increase in poaching activity over recent years, and when combined with habitat loss and other factors, does not bode well for the future of Asian elephants.

The Asian Elephant Conservation Act of 1997 deserves our support. H.R. 1787 will support projects that focus on protecting wild populations of Asian elephants against poaching, habitat loss, and human-elephant conflicts. This legislation promotes both fiscal efficiency and public participation by working to obtain the greatest leverage for U.S. taxpayer dollars by giving funding priority to those projects that will generate matching funds and cooperative projects. Furthermore, based upon the experiences of the similarly structured African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994, the programs funded by this legislation should prove highly effective.

Our own Endangered Species Act recognizes the critical importance that protecting species' habitat plays in the long term survival of that species. Our goal should be to restore healthy populations of all animals in the wild by fighting poaching and protecting habitat—H.R. 1787 is a good start for doing this for Asian elephants.

Mr. CUNNINGHAM. Madam Speaker, I rise today in support of the Asian Elephant Conservation Act (H.R. 1787). This important piece of legislation will continue America's commitment to worldwide elephant conservation. I would also like to congratulate Chairman SAXTON for introducing and promoting this important legislation.

H.R. 1787 will authorize the Asian elephant conservation fund to receive $5 million each fiscal year from fiscal year 1998 to 2002. This contribution will be matched with private funds from outside interest groups committed to preserving Asian elephants. Our investment will coordinate and leverage private sector support for elephant conservation and fund projects that focus on antipoaching efforts, elephant population research, efforts to mitigate elephant-human conflict, habitat restorations, and identifying new techniques for elephant management. The creation of this important and successful program will continue to promote America's leadership to conserve and restore elephant herds in their native habitat. The future survival of Asian elephants depends upon America's leadership, and our small but crucial amount of financial support.

The Asian elephant conservation fund is based on the very successful African Elephant Conservation Act [AECA], which has been responsible for rescuing African elephants from the path to extinction. The AECA has stabilized elephant populations across Africa, tremendously slowed poaching, and provided important incentives to native people to preserve elephants.

The need for this legislation is clear. Asian elephant populations living in the wild have fallen dramatically. Right now only about 40,000 animals exist in the wild. The major cause for this decrease is shrinking habitat and expanding human populations. However, passage of this act will reverse the downward trend to elephant populations. This fund will help local villagers, who often live in fear of elephants, to coexist and benefit from the long-term conservation of elephants. This is an important step. Over time, this will reduce the high cost of conservation and save elephants from extinction.

Madam Speaker, the African Elephant Conservation Act has been a tremendous success. Let us now authorize the Asian elephant conservation fund and continue America's leadership to promote worldwide elephant conservation. I encourage all my colleagues to vote for H.R. 1787.

Mr. GILMAN. Madam Speaker, I rise in support of H.R. 1787, the Asian Elephant Conservation Act. I ask unanimous consent to revise and extend my remarks.

Madam Speaker, this legislation was referred to our Committee on International Relations, but in the interest of advancing it to early passage we waived our right to consider it.

I want to thank the sponsor of the bill, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] and the leadership of the Committee on Resources, the chairman, the gentleman from Alaska [Mr. YOUNG] and the ranking minority member, the gentleman from California [Mr. MILLER].

As has already been explained, this bill sets up a system whereby the Administrator of the Agency for International Development and the Secretary of the Interior shall look for ways to help preserve the precious heritage of Asian Elephants. Not only are Asian elephants endangered—and deserving of protection—but they are especially important from a cultural and economic point of view to Americans and Asians alike.

I want to salute the many organizations that had a role in moving this bill, such as the World Wildlife Fund, Safari Club International, the Sierra Club, and our former colleague Andy Ireland of Feld Enterprises. The bill was supported by representatives of the Indian Institute of Science and the Wildlife Preservation Trust International. The model of protection in this bill is appropriate, flexible, and carries a reasonable cost.

Madam Speaker, I reiterate my support for this important legislation and yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I believe everyone who wishes to speak on the issue has done so, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1787, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1787, as amended.

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

There was no objection.

CONCURRING IN THE SENATE AMENDMENTS TO H. CON. RES. 8, REGARDING CORAL REEF ECOSYSTEMS

Mr. SAXTON. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the concurrent resolution (H. Con. Res. 8) recognizing the significance of maintaining the health and stability of coral reef ecosystems.

The Clerk read as follows:

Senate Amendments:

Strike out all after the resolving clause and insert:

That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

(1) promoting comprehensive stewardship for coral reef ecosystems;

(2) discouraging unsustainable fisheries or other practices that are harmful to coral reefs and human health;

(3) encouraging research, monitoring, and assessment of and education on coral reef ecosystems;

(4) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry; and

(5) promoting preservation and sustainable use of coral reef resources worldwide.

Strike out the preamble and insert:

Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forest of the oceans;

Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property

Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

Whereas a wide variety of destructive fishing practices, including the use of cyanide, other poisons, surfactants, and explosives, are contributing to the global decline of coral reef ecosystems;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

Whereas 1997 has been declared the "International Year of the Reef" by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Madam Speaker, on April 23rd, the House of Representatives unanimously approved House Concurrent Resolution 8, a resolution that I introduced along with my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

This measure expresses strong support for research, monitoring, and education related to the coral reef ecosystems. Healthy coral reefs help provide numerous benefits to the United States and other nations. For example, coral reefs support important commercial and recreational fisheries, as well as a large tourism and vacation industry, provide natural storm protection in coastal communities, and have recently become an important frontier for biomedical research.

The other body has now approved an amended version of House Concurrent Resolution 8. The amendment takes note of the alarming damage to coral reefs caused by destructive fishing practices, as unbelievable as the use of cyanide and dynamite in fishing in some areas of the globe. It further expresses the sense of Congress that international action to eliminate these unbelievably harmful practices is much needed.

I believe that this amendment is not only acceptable, but strengthens the resolution, and I am sorry that I did not think about it to begin with.

Madam Speaker, I urge the House to approve this measure as amended, and complete Congressional recognition of the importance of the coral reef ecosystems and the need to conserve them. I urge my colleagues to vote "aye".

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, before I rise in strong support of the Senate amendments to House Concurrent Resolution No. 8, I want to assure the gentleman from New Jersey [Mr. SAXTON] that in the statement of the gentleman from California [Mr. MILLER], that I submitted on the Asian elephant resolution, that it did not contain a statement, as rumored, that while he was in favor of increasing the number of Asian elephants in South Asia, that he was for decreasing the number of elephants on the Committee on Resources.

Madam Speaker, this resolution brings much-needed attention to the crisis that coral reefs are facing worldwide. I commend yet once again the gentleman from New Jersey [Mr. SAXTON] for his leadership in introducing and passing House Concurrent Resolution No. 8, and for focusing on the subcommittee's attention on the value of and threats to coral reefs.

I also want to praise the efforts of the ranking member, the gentleman from California [Mr. MILLER] for his concern over cyanide fishing and the need to promote sustainable coral reef fisheries, ideas incorporated in the Senate amendments to the resolution.

Coral reefs, as I have every opportunity to observe, being from Hawaii, Madam Speaker, are vital to the environment and the economy of many islands and coastal States, territories, and nations. They are among the most biologically diverse and productive ecosystems on Earth, rivaling the tropical rain forests on land. The hard structure of the reef is built up over thousands of years by the secretions of tiny living coral animals, so a coral reef is truly a living structure. As a living structure, thousands, perhaps millions, of individual coral animals are dying, and others are taking their place on the reef at any one time.

The problem now is that human activities have shifted that balance, and coral reefs are dying off at an alarming rate worldwide. Coral is very sensitive to water pollution, sedimentation, damage from boat groundings, or even simple physical contact by divers. These largely inadvertent injuries are a significant cause of the well-documented decline of coral reefs worldwide. Coral reefs are, in a sense, the canary in the coal mine of the ocean.

A great deal of injury is also being inflicted on coral reefs, mainly in Southeast Asia and the Indo-Pacific

through largely illegal fishing techniques. Cyanide and other elements, such as dishwashing liquids, are being used to stun fish for capture for the aquarium trade and for the live food fish trade.

The demand for live food fish, fueled by increasing affluence in Asia, has resulted in widespread depletion of stocks of the preferred species. As a result, the live-capture boats are moving into even more remote and thus more pristine reefs. Most of the aquarium fish captured by these techniques end up in hobby tanks in the United States, I am sorry to say. Most of the live food fish end up on plates in the homes and restaurants of Southeast Asia.

More damaging than the depletion of coral reef fisheries, these chemicals kill nearby coral, and divers scrambling to get fish out of the nooks and crannies of the reef often cause substantial physical damage to the reef. In fact, research has shown that cyanide kills reef-building corals at concentrations many thousands of times less than that used by live-capture divers. While depletion of certain fish species threatens the ecological balance of the reef by removing key predators and grazers, the destruction of the reef building corals themselves tears at the very fabric of the ecosystem.

Although the State Department, NOA, the Department of the Interior and other agencies are working through the international coral reef initiative to identify and reduce threats to coral reefs, they need our help. Thus, this resolution before us today.

These kinds of unsustainable fishing practices would not be occurring if powerful market forces were not at work. The U.S. and Asian consumer demands for reef fish is, in part, driving its destruction of coral reefs. Yet, how many aquarium hobbyists would purchase a wild-caught reef fish if they truly understood that in doing so they were contributing to the destruction of the reef environment that they sought to reproduce in their tank?

Furthermore, if affordable alternatives to wild-caught fish were available, would the educated consumer not choose them? This has worked very well in the exotic bird trade, and we can do the same for reef aquarium species and specimens.

Many of the countries where the reefs are being destroyed, Indonesia, Malaysia, the Philippines, and others, have laws on the books that protect the reefs, but there is little money for enforcement, and the more lucrative the market, the more people are willing to risk the penalties in any case.

So the keys are information and education. Only by identifying these destructive practices and consumer demands that drive them can we begin to eliminate or modify them, and only through the development of sustainable coral reef fisheries can reefs be saved.

This concurrent resolution before us today, Madam Speaker, No. 8, brings the global plight of coral reefs before Congress. It is intended to raise the level of awareness of policymakers and asks us to do more.

The scientific and environmental communities have declared 1997 the International Year of the Reef. We cannot stop ships from running aground on reefs, and we may not be able to stop global warming at this stage, but what better time for us to pay attention to the many problems plaguing coral reefs and seek practical solutions to those threats that we can address? If we do not do something soon, there may not be any reefs left to save.

With these thoughts in mind, Madam Speaker, and again thanking the gentleman from New Jersey [Mr. SAXTON] for his leadership on this issue, I urge the House to adopt the resolution.

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

Mr. SAXTON. Madam Speaker, I would like to thank the ranking member, the gentleman from Hawaii, for his great cooperation and his leadership in helping to bring this coral reef bill to the floor today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to House Concurrent Resolution 8.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendments to House Concurrent Resolution 8.

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

There was no objection.

DEVILS BACKBONE WILDERNESS BOUNDARY ADJUSTMENT

Mr. BLUNT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, MO, to exclude a small parcel of land containing improvements.

The Clerk read as follows:

H.R. 1779

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

SECTION 1. BOUNDARY ADJUSTMENT, DEVILS BACKBONE WILDERNESS, MARK TWAIN NATIONAL FOREST, MISSOURI.

The boundary of the Devils Backbone Wilderness established by section 201(d) of Public Law 96-560 (16 U.S.C. 1132 note) in the Mark Twain National Forest, Missouri, is hereby modified to exclude from the area encompassed by the Devils Backbone Wilderness a parcel of real property consisting of approximately two acres in Ozark County, Missouri, and containing a garage, well, mailbox, driveway, and other improvements, as depicted on a map entitled "Devils Backbone Wilderness Boundary Modification", dated June 1996. The map shall be retained with other Forest Service maps and legal descriptions regarding the Devils Backbone Wilderness and shall be made available for public inspection as provided in section 202 of Public Law 96-560 (94 Stat. 3274).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. BLUNT], and the gentleman from Texas [Mr. STENHOLM], each will control 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. BLUNT].

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

Madam Speaker, I rise today to ask my colleagues to support H.R. 1779. This bill makes a minor adjustment in the boundary of the Devils Backbone Wilderness in the Mark Twain National Forest in the Seventh District in Missouri.

Don and Laverne McFarland of Pottersville, MO, purchased their home in 1979. At the time they purchased their home they relied on a neighbor who had been part of the original surveying team to help establish where their outside boundary was and where the boundary of the wilderness area was.

As it turned out, a later survey proved that his recollections from the 1930's were not accurate. That later survey left part of their improvements, a well, their garage, and their driveway, inside the boundary of wilderness land.

□ 1445

The McFarlands are now in their seventies. They would like to retire and sell their property and move closer to their children and grandchildren. It is very difficult for them to do without this issue being settled. So I hope my colleagues will join me today in passing this resolution that will clarify this problem.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 1779. It is exactly as the gentleman from Missouri [Mr. BLUNT] has

explained it. I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Missouri [Mr. BLUNT] that the House suspend the rules and pass the bill, H.R. 1779.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLUNT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1779, the bill just passed.

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

There was no objection.

REAUTHORIZING THE DAIRY INDEMNITY PROGRAM

Mr. POMBO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1789) to reauthorize the dairy indemnity program.

The Clerk read as follows:

H.R. 1789

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

SECTION 1. EXTENSION OF DAIRY INDEMNITY PROGRAM.

(a) EXTENSION.—Section 3 of Public Law 90-484 (7 U.S.C. 4501) is amended by striking "1995" and inserting "2002".

(b) TREATMENT OF EXISTING CLAIMS.—Section 2 of Public Law 90-484 (7 U.S.C. 450k) is amended by adding at the end the following new sentence: "Funds appropriated pursuant to this section for fiscal year 1998 to carry out this Act may also be used to pay valid claims arising under this Act during fiscal year 1997 to the extent that such claims are not fully paid using fiscal year 1997 funds.".

(c) ALTERNATIVE FINANCING OPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report identifying and evaluating alternative methods to finance the dairy indemnity program established under the first section of Public Law 90-484 (7 U.S.C. 450j).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. POMBO] and the gentleman from Texas [Mr. STENHOLM] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

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

Today, Madam Speaker, we are considering H.R. 1789, the reauthorization of the dairy indemnity program. H.R. 1789 was introduced by the ranking member of the Committee on Agriculture, the gentleman from Texas [Mr. CHARLIE STENHOLM], and I am glad to be an original cosponsor.

In the overall scheme scheme of things, the dairy indemnity program is a modest undertaking which reimburses dairymen when they are directed to remove their products from the market because of harmful residues occurring through no fault of the producer or the processors. Although this may be a small program, it can be vitally important to some of America's dairymen facing possible bankruptcy.

Since 1964, the dairy indemnity program was routinely reauthorized without much notice or attention. Unfortunately, it seems that after the smoke cleared from deliberations of the last farm bill, this program had been overlooked, since no action was taken to reauthorize it.

The recent rise in aflatoxin contamination in several States, however, has refocused attention on the need for this program. Therefore, H.R. 1789, which itself spends no money, would simply provide the authorization for this important program, which has quietly helped dairymen in trouble for over 20 years. At a time when our dairy industry is facing major challenges and restructuring, I would hope that we could continue to authorize and support this as a fair and equitable program.

Madam Speaker, I urge my colleagues to pass this bill, and I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 1789, and I want to thank committee chairman, the gentleman from Oregon [Mr. SMITH], and Chairman POMBO, and the ranking member, the gentleman from Minnesota [Mr. PETERSON] of the Subcommittee on Livestock, Dairy, and Poultry for joining me in sponsoring and supporting this legislation. I am also grateful to the Secretary of Agriculture, Mr. Glickman, for his support of the bill.

Madam Speaker, H.R. 1789 authorizes appropriations for the dairy indemnity program through fiscal year 2002. Madam Speaker, on June 26, 1997, the subcommittee held a hearing on this bill and received testimony from the Department of Agriculture in support of the program and its objectives. The subcommittee also heard testimony from Mr. Calvin Buchanan, a constituent of mine who spoke on behalf of Associated Milk Producers. Mr. Buchanan is a lifelong dairy farmer, and he and his wife, Virginia, milk 500 cows in Decatur, TX.

During the hearing, Mr. Buchanan testified about the importance of the dairy indemnity program to a producer whose milk is ruined by contaminated feed. I quote:

> The Dairy Indemnity Program has been a small element of total agricultural policy over the years. It has, however, been the difference between many dairy farm families being able to continue in business and being forced to liquidate. . . .
>
> Not only do producers lose income from the market, they lose the value of the contaminated feed and often incur additional costs to clean up the problem. Given the current economic situation, there just is not room in the operation to absorb these costs.

Madam Speaker, at the time Mr. Buchanan testified, milk prices were very low, and the economic challenges facing every dairy producer in this Nation were enormous. Since that time conditions have improved only slightly, and dairy producers in Texas and many other parts of the Nation are constantly being forced to shut down their operations. Madam Speaker, passage of H.R. 1789 will be a small but important step which will help to preserve certainty of payment for dairy producers, and a safe and stable milk supply for consumers.

Madam Speaker, during fiscal year 1997 there were insufficient funds available to meet claims filed under the program. Appropriations and carryover funds provided $257,000 for the program, but that amount was depleted in February. There still are pending and unpaid applications for fiscal year 1997 funds in Georgia, Illinois, Louisiana, Mississippi, Montana, North Carolina, Tennessee, and Texas in the amount of $230,635.

I am grateful that the House and Senate have agreed to provide sufficient appropriations to meet these unpaid claims. Even in good times, a dairy farmer faces difficulties resulting from revenue lost because contaminated milk is withdrawn from the market. Many of my colleagues are well aware that now is a particularly bad time for a producer to remain unpaid for his or her milk. Passage of H.R. 1789 will help provide financial security for our Nation's hard working dairy farmers. I urge all of my colleagues to support the passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. POMBO] that the House suspend the rules and pass the bill, H.R. 1789.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMBO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 1789, the bill just passed.

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

There was no objection.

CENSUS OF AGRICULTURE ACT OF 1997

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2366) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

The Clerk read as follows:

H.R. 2366

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 "Census of Agriculture Act of 1997".

SEC. 2. AUTHORITY OF SECRETARY OF AGRICULTURE TO CONDUCT CENSUS OF AGRICULTURE.

(a) CENSUS OF AGRICULTURE REQUIRED.—In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

(b) METHODS.—In connection with the census, the Secretary may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

(c) YEAR OF INFORMATION.—The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

(d) ENFORCEMENT.—

(1) FRAUD.—A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than $500.

(2) REFUSAL OR NEGLECT TO ANSWER QUESTIONS.—A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than $100.

(3) SOCIAL SECURITY NUMBER.—The failure or refusal of a person to disclose the person's social security number in response to a request made in connection with any census or other activity under this section shall not be a violation under this subsection.

(4) RELIGIOUS INFORMATION.—Notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

(e) GEOGRAPHIC COVERAGE.—A census under this section shall include—

(1) each of the several States of the United States;

(2) as determined appropriate by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and

(3) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

(f) COOPERATION WITH SECRETARY OF COMMERCE.—

(1) INFORMATION PROVIDED TO SECRETARY OF AGRICULTURE.—On a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13, United States Code, that the Secretary of Agriculture considers necessary for the taking of a census or survey under this section.

(2) INFORMATION PROVIDED TO SECRETARY OF COMMERCE.—On a written request by the Secretary of Commerce, the secretary of Agriculture may provide to the Secretary of Commerce any information collected in a census taken under this section that the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code.

(3) CONFIDENTIALITY.—Information obtained under this subsection may not be used for any purpose other than the statistical purposes for which the information is supplied. For purposes of sections 9 and 214 of title 13, United States Code, any information provided under paragraph (2) shall be considered information furnished under the provisions of title 13, United States Code.

(g) REGULATIONS.—A regulation necessary to carry out this section may be promulgated by—

(1) the Secretary of Agriculture, to the extent that a matter under the jurisdiction of the Secretary is involved; and

(2) the Secretary of Commerce, to the extent that a matter under the jurisdiction of the Secretary of Commerce is involved.".

SEC. 3. REPEAL OF SUPERSEDED PROVISION.

(a) REPEAL.—Section 142 of title 13, United States Code, is repealed.

(b) CLERICAL AMENDMENTS.—

(1) Subchapter II of chapter 5 of title 13, United States Code, is amended by striking the subchapter heading and inserting the following:

"SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT".

(2) The analysis of chapter 5 of title 13, United States code, is amended—

(A) by striking the item relating to section 142; and

(B) by striking the item relating to the heading for subchapter II and inserting the following:

"SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT".

(C) CROSS REFERENCE.—Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking "taken under section 142 of title 13, United States Code".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 1998.

SEC. 4. CONFIDENTIALITY OF INFORMATION.

(a) INFORMATION PROVIDED TO SECRETARY OF AGRICULTURE.—

(1) AUTHORITY TO PROVIDE INFORMATION.—Section 9(a) of title 13, United States Code, is amended by inserting after "chapter 10 of this title" the following: "or section 2(f) of the Census of Agriculture Act of 1997".

(2) CONFIDENTIALITY OF INFORMATION.—Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d))is amended—

(A) by striking "or" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; or"; and

(C) by adding at the end the following:

"(10) section 2 of the Census of Agriculture Act of 1997.".

(b) INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.—Section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) is amended by adding at the end the following:

"(e) INFORMATION PROVIDED TO SECRETARY OF COMMERCE.—This section shall not prohibit the release of information under section 2(f)(2) of the Census of Agriculture Act of 1997.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. GOODLATTE] and the gentleman from Texas [Mr. STENHOLM] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. GOODLATTE].

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

Madam Speaker, H.R. 2366 is a short bill. It simply transfers the authority to conduct the census of agriculture from the Secretary of Commerce to the Secretary of Agriculture, and eliminates this authority from the Secretary of Commerce as of October 1, 1998. In order to cope with the continuing move to streamline and downsize Federal agencies, it has become apparent that moving the authority to conduct the census of agriculture from the Census Bureau in the Commerce Department to the USDA makes sense from both an administrative and cost-effective point of view.

In fact, the fiscal years 1997 and 1998 agriculture appropriations bills have already shifted funding for the census of agriculture to the USDA rather than the Department of Commerce. By moving the authority to conduct the census over to the USDA, it allows the Department of Commerce to free up funds otherwise obligated for this census, eliminates the need for a specific line item in the Commerce Department's appropriation, and locates the census at the agency with the biggest interest in information collected from the census, without precluding the U.S. Department of Agriculture from working with the Commerce Department on actually getting the work done.

Madam Speaker, I would like to acknowledge the assistance of the Department of Agriculture in producing this transfer, and I would also like to thank the Committee on Government Reform and Oversight for their cooperation in developing this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 2366, the Census of Agriculture Act of 1997, is, as has been explained, legislation that would shift the authority to carry out a census of agriculture from the Commerce Department to the Department of Agriculture. Similar legislation, H.R. 3665, passed the House last year.

The interest in shifting the agriculture census from the Commerce Department to USDA has occurred because of budget pressures being felt by the Census Bureau, and USDA's interest in including the agriculture census responsibilities with the data collection and dissemination which they already carry out. The Secretary of Agriculture has indicated that the National Agriculture Statistics Service, which is already responsible for gathering statistics in the agriculture arena, will be the agency charged with carrying out the agriculture census. I also expect the Secretary to utilize the other agencies within the Department who also have a field structure.

Last year's agriculture appropriation bill moved funding for the agriculture census from the Commerce Department to the USDA in order to ensure that no additional cost burden would be imposed on USDA by undertaking this task. Funding has also been included in the fiscal year 1998 agriculture appropriation bill.

As a final step, the Committee on Agriculture and the Committee on Government Reform and Oversight have agreed to legislative language that provides for the transfer of authority to carry out the agriculture census. Staff from both committees worked out language with the Census Bureau and USDA, and the result is H.R. 2366, which I introduced on July 31.

I am pleased that 16 of my colleagues have cosponsored the bill, which was reported out favorably by the full Committee on Agriculture on September 24. I would hope that my colleagues would support this effort to streamline reporting requirements on agricultural producers while saving the taxpayer several dollars.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. GOODLATTE] that the House suspend the rules and pass the bill, H.R. 2366.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2366, the bill just passed.

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

There was no objection.

□ 1500

AMENDING THE IMMIGRATION AND NATIONALITY ACT TO EXEMPT INTERNATIONALLY ADOPTED CHILDREN UNDER AGE 10 FROM IMMUNIZATION REQUIREMENT

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2464) to amend the Immigration and Nationality Act to exempt internationally adopted children under age 10 from the immunization requirement, as amended.

The Clerk read as follows:

H.R. 2464

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

SECTION 1. EXEMPTION FOR INTERNATIONALLY ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER FROM IMMUNIZATION REQUIREMENT.

Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (C)," after "(ii)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

"(i) is 10 years of age or younger,

"(ii) is described in section 101(b)(1)(F), and

"(iii) is seeking an immigrant visa as an immediate relative under section 201(b),

if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

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

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I was pleased to support the efforts of the gentleman from Florida [Mr. MCCOLLUM] last year to include a vaccination requirement for all new immigrants in the Illegal Immigration Reform Act of 1996. This revision, section 341 of the 1996 act, is an important measure to protect the public health.

In recent months, adoptive parents have become concerned about whether implementation of the new vaccination requirements will compromise the health of their foreign-born adopted children. These parents have raised legitimate arguments that the administration of vaccines to their adopted or prospective adopted children should take place here in the United States.

We have every confidence that these parents will see to the immunization needs of their new children. The amendment made in committee will require parents to attest to their intention to fulfill the vaccination requirements in an appropriate time after their children have been admitted into the United States.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, when the 104th Congress amended the Immigration and Nationality Act in 1996, they unintentionally denied American parents who were adopting orphans from other countries the right to decide where their child would be vaccinated.

That amendment required applicants for immigrant status, including children who will be adopted by American parents, to present evidence of numerous vaccinations for diseases ranging from mumps to hepatitis B before they can be admitted to the United States. This, despite the fact that there has never been a single documented case of an adopted child from another country posing any public health risk.

This unintended consequence of the 1996 act has provoked major concerns among adoptive parents and for good reason. It is important to note that every year, American families adopt some 12,000 orphaned and abandoned children living in countries that cannot care for them. These adoptive parents and families endure innumerable bureaucratic obstacles and delays that frequently take many months or even years to overcome.

International adoption is an expensive process. It is time consuming and it is often frustrating and can certainly be an emotional roller coaster for many, many parents. I know from personal experience, as my younger daughter Kara came from Vietnam. The daughter of the gentleman from Louisiana [Mr. LIVINGSTON], came from Taiwan, and the gentleman from North Dakota [Mr. POMEROY] has a son and a daughter from Korea. I certainly want to acknowledge the help and support of these Members for this proposal before the Congress.

Madam Speaker, the new requirement that I referred to only serves to impede the process of intercountry

adoptions and may very well create potential health risks to the children themselves.

I would simply ask a rhetorical question: Would any parent want to be required to rely on the medical care available in such nations as Bosnia, Afghanistan, Romania, Haiti, or a long list of other war-torn or Third World countries? I am confident that their preference, like mine, would be to have their child vaccinated by their family doctor here at home in the United States.

Let me tell my colleagues about one of the families affected by the bill, the Collins family of Hingham, MA. In September 1995, before the current requirements went into effect, they adopted a child from China who experienced a severe reaction to a DPT vaccination she received after arriving in the United States.

While such reactions can be serious wherever they occur, Judy and Richard Collins were relieved and grateful to be able to ensure that their daughter, Brittany, had the very best of care here at home.

They are now about to complete the adoption process for another child from China, and I sincerely hope that they will be able to provide him or her with that same level of care.

Additionally, there is evidence that vaccinations in some countries can be unsafe or ineffective promoting adverse reactions and that unsterile needles and syringes have been used. These are real health threats, especially for the many children raised in orphanages who may be malnourished or sickly and whose medical records are often incomplete or are inaccurate.

Madam Speaker, as I said, there is not a single case documented of a child placed for adoption who came to this country and created a public health risk. It is only common sense that parents who have been through the rigorous international adoption process will do anything they can to assure that their adopted child will receive the best possible medical care as soon as they arrive here, home in America.

Remember, they are not unwanted children. To the contrary. They are often the children who bring great joy to childless couples.

This bill, sponsored by myself and the gentleman from Florida [Mr. MCCOLLUM], restores common sense in the case of adoptive children immigrating to the United States. It would exempt foreign-born orphans aged 10 and younger who are adopted by American families from this vaccination requirement.

It has, as has been indicated, the full support of the gentleman from Texas [Mr. SMITH], chair of the Subcommittee on Immigration and Claims, and was passed unanimously by the Committee on the Judiciary.

Madam Speaker, I want to acknowledge the time and thoughtful review given to this proposal by both the gentleman from Florida and the gentleman from Texas, as well as the support of Chairman HYDE and our ranking members, the gentleman from Michigan [Mr. CONYERS] and the gentleman from North Carolina [Mr. WATT].

I also want to acknowledge the priority given to the swift passage of this measure by both the gentleman from Florida and the gentleman from Texas, as it is important to remember that this requirement is now in effect and may very well be impeding the entry of orphaned children into the United States where their American families are anxiously awaiting them.

This bill is strongly supported by the adoption community, parents groups, and physicians with expertise in the medical aspects of international adoption. These groups include the Joint Council on International Children's Services, Adoptive Families of America, the National Council for Adoption, the American Academy of Pediatrics, and the Child Welfare League.

I strongly agree with them and enthusiastically support this proposal and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I thank the gentleman from Massachusetts [Mr. DELAHUNT] for his comments and also for his help in shepherding the bill to the point where we are at today.

Madam Speaker, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP], and also in the process I want to thank the gentlewoman for being a longtime proponent of the changes that we propose in this bill as well.

Mrs. NORTHUP. Madam Speaker, I would just like to add my voice to the very reasonable voices of the sponsors of this bill and comment from a personal perspective as the mother of two adopted children and children that were at risk.

Many of the orphans from overseas that come into this country come in here to this country in a weakened state. They come from communities and countries that do not have the opportunity for immunization and for medical records that we have in this country.

□ 1515

From a very loving perspective, these opportunities represent real families, real lives, real children. These families may be the only chance that these children have to grow up in a stable, healthy, loving family. For many of the parents, it is the only chance that they have to actually become parents, to create families and to have the wonderful joy that children bring into our lives.

I think considering that each year American families provide 12,000 foreign-born orphan children with a home, that we should do everything we can in Congress to make that continue, to make that opportunity ever possible and to create the welcoming, generous opportunity that so many families want to create. I think what we do today is remove an obstacle so that we can continue to have this opportunity for children and parents in this country.

Mr. SMITH of Texas. Madam Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY], who has done so much in the area of the adopted children of this Nation.

Mr. POMEROY. Madam Speaker, I want to begin my remarks by congratulating the gentleman for the leadership he has brought to this task. As a first-year Member of this body, I think that Representative DELAHUNT has shown remarkable tenacity as well as ability in bringing this bipartisan accord to the floor of the House today.

I also want to thank the Members of the majority, particularly the committee chairmen of jurisdiction, for their assistance in bringing this bill up.

I have got a personal perspective; I would like to tell my colleagues a little bit about it.

I was a Member of the 103d Congress when, as a Member on the Hill on a busy day, I got a note that said, "Time to go to National Airport." Our daughter, Kathryn, had arrived that day from Korea, my wife and I anxiously awaited her departure from the airplane to begin our life together as a family. It was a moment that I will never ever forget.

Within 24 hours, we had Kathryn to her first visit to the physician. While it was painful watching her being poked and prodded that day, there was no way in the world that we as new parents were going to accept as adequate the uncertain medical records of a foreign country. We began the whole business right here in this country. We did that as parents but, in addition, the agency through which we adopted Kathryn had immediate U.S. medical evaluation as the basic requirement. I think that is pretty much the universal experience of adoptive parents of children from another country. We try to get them here as fast as possible; get them to the doctor immediately and start the childhood vaccination and inoculations.

Existing law needs correcting because we have now a requirement that the inoculations take place in the foreign country prior to their arrival here. There are many uncertainties in terms of basic things like sanitary needles, strength of the vaccine, in addition, the untenable delay that can be caused by this requirement.

Delay is really the enemy of getting families together. As we learn about

the biological developments of adoption of any infants, we know that delay is something to be avoided. We need to get children as soon as possible into families and start the development in their new homes.

I routinely speak on behalf of all of the citizens of North Dakota when I take to the well, but today I want to cite two in particular, Dan and Laurel, as I speak to my colleagues this afternoon. They are in Fargo, ND, eagerly awaiting a little girl who happens to be across the world in China. They cannot wait to get their little girl into their home. They, and all similarly situated soon-to-be adoptive parents, need this legislation so that this delay can be avoided.

Again, this is a great moment for bipartisan cooperation to fix something that needs fixing. I thank everyone for participating and getting this done today and conclude my remarks.

Mr. DELAHUNT. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Madam Speaker, I congratulate the gentleman from Massachusetts [Mr. DELAHUNT], for his leadership on this bill. I am proud to be a part of this effort to exempt internationally adopted children from the vaccination requirements of the INA. I want to thank my colleagues who have worked together in a bipartisan manner to correct this problem.

Internationally adopted children face serious and unnecessary health risks as a result of this new law that went into effect last July. The provision requires immunization of all immigrants, even newborn infants adopted by U.S. parents. Forced immunization of children abroad in conditions that may be substandard exposes children to health risks from nonsterile needles, from out-of-date or improperly stored vaccines and from foreign doctors who may not follow recommended pediatric guidelines on vaccination. It should also be noted that vaccinations given to children who are malnourished or unhealthy, as are many children living in orphanages abroad, can actually create health problems.

As a representative from the New York City area, where there are at least 1,000 adopted girls from China alone, I have heard directly from my constituents about the difficulties in getting a medical exemption from this requirement for their adopted children. I have letters from the State Department that specifically state that "the law as it now stands does not allow an adopted child to receive a waiver due to concerns about the safety of vaccines in a given country or because they have made plans to be immunized upon their arrival in the United States."

This bill would allow the children to be vaccinated here in the United States once they have arrived under the supervision of their adoptive parents in safe and clean environments instead of forcing them to undergo potential health risks abroad.

I hope the action we take here today will address these concerns and correct this problem.

It should also be noted that this bill simply represents a return to the policy that existed before July 1 of this year. The administration has indicated its support for exempting internationally adopted children from this provision and, in fact, would like to see the exemption expanded to all children. However, we have an opportunity today to correct a glaring problem and ease the fears of adoptive parents by passing this bill today, and I am hopeful the administration will sign this bill into law without delay.

Finally, I want to thank families with children from China and the National Council for Adoption for all the hard work they have done on behalf of adopted children and their families to further this legislation. Their efforts were critical to building support for this measure. Again, I want to thank those of my colleagues who worked on this in a bipartisan manner.

Mr. BLILEY. Madam Speaker, as cochairman of the bipartisan Congressional Coalition on Adoption, I rise today in support of H.R. 2464, a commonsense solution to a problem facing adoptive parents and their new kids. My office has received letters from all over the country in this matter and I want to thank these parents for their efforts. As an adoptive parent, I know there is no greater love than the bond between the child and their new parents. Adoptive parents will take all the steps necessary to protect their children from undue health dangers inside and outside of the country.

This bill is necessary to protect children's health because incomplete medical histories and background information are routine occurrences for overseas adoptions. Adoptive parents rightful uncertainty about their child's medical care received overseas makes it very hard to determine their child's immunization status. Disposable needles and syringes and substandard sterilization processes compound the problem.

At the minimum, Congress should do no harm. Last year, we properly addressed public safety concerns by requiring immigrants to be immunized against specified communicable diseases in order to gain lawful entry into the country. This bill today still requires young orphans to be vaccinated, however, it gives adoptive parents the right to have their children immunized in this country. Adoptive parents have already undergone significant expense and it is unthinkable to surmise they won't promptly tend to their new child's medical needs.

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

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2464, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1997

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1962) to provide for the appointment of a chief financial officer and deputy chief financial officer in the Executive Office of the President, as amended.

The Clerk read as follows:

H.R. 1962

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 "Presidential and Executive Office Financial Accountability Act of 1997".

SEC. 2. CHIEF FINANCIAL OFFICER IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) IN GENERAL.—Section 901 of title 31, United States code, is amended by adding at the end the following:

"(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

"(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

"(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

"(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed 'the head of the agency' for purposes of carrying out section 902, with respect to the Executive Office of the President.".

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the President shall communicate

in writing to the Chairman of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman of the Committee on Governmental Affairs of the Senate a plan for implementation of the provisions of, including the amendments made by, this Act.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the date of the enactment of this Act.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (3) the following new paragraph:

"(31) a separate statement of the amount of appropriations requested to carry out the provisions of the Presidential and Executive Office Financial Accountability Act of 1997.".

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking "respectively." and inserting "respectively (excluding any officer designated or appointed under section 901(c)).''; and

(2) in paragraph (8) by striking "Officers." and inserting "Officers (excluding any officer designated or appointed under section 901(c)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN], and the gentlewoman from New York [Mrs. MALONEY], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

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

H.R. 1962, the Presidential and Executive Office Financial Accountability Act of 1997 will apply the Chief Financial Officers Act of 1990 to the Executive Office of the President. The substance of H.R. 1962 passed the House of Representatives with overwhelming support last fall. It was part of H.R. 3452, the Presidential and Executive Office Accountability Act, which passed the House by a vote of 410 to 5 on September 24, 1996.

That important measure was authored by the gentleman from Florida [Mr. MICA], a distinguished Member of this House and chairman of the Subcommittee on Civil Service. Unfortunately, as the 104th Congress raced to a close, the chief financial officer provision did not make it into law. We now have an opportunity to advance this important reform.

The Chief Financial Officers Act of 1990 was landmark legislation. It was inspired by the realization that billions of dollars are lost through waste, fraud, abuse and mismanagement throughout the Federal Government. The waste stems in part from the obsolete and inefficient financial management systems that fail to produce consistent and reliable information. The Chief Financial Officers Act was designed to improve management and to coordinate internal controls and financial accounting.

The act installed a chief financial officer in every major department and agency. Chief financial officers oversee all financial management activities in their agencies and they report directly to the head of the agency on financial matters. This high-level reporting is crucial if financial management issues are going to have a voice at the leadership table in Federal agencies.

Chief financial officers also develop and maintain an integrated agency accounting and financial management system, including financial reporting and internal controls. Furthermore, the chief financial officers provide guidance and oversight of financial management personnel activities and operations in these agencies. This ensures in-house expertise on financial management.

It also establishes a point of responsibility for all financial operations.

Given the importance of the Chief Financial Officers Act, it must surprise some Members to learn that the law was never applied to the Executive Office of the President. The Presidential and Executive Office Financial Accountability Act of 1997 will do so in a way that recognizes the unique circumstances of the Presidency. The chief financial officer will review and audit financial systems and records of the Executive Office of the President. This type of control has worked well in other Federal agencies, including the Department of Justice and the Central Intelligence Agency.

The Subcommittee on Government Management, Information and Technology marked up H.R. 1962 on September 4, 1997. The subcommittee considered an amendment in the nature of a substitute that was based on negotiations with the Democratic minority on the subcommittee and with the White House. The purpose of these changes is to provide the White House with maximum flexibility in meeting the requirements of the Chief Financial Officers Act due to its special circumstances. The subcommittee voted unanimously to forward H.R. 1962 with the amendment in the nature of a substitute to the full Committee on Government Reform and Oversight for consideration.

The full Committee on Government Reform and Oversight marked up H.R. 1962 on September 30, 1997. The committee adopted the amendment in the nature of a substitute reported by the subcommittee and voted unanimously to report the bill, as amended, to the full House of Representatives.

Madam Speaker, "The Administration has no objection to House passage of H.R. 1962." We have received today, a Statement of Administration Policy which I include in the RECORD at this point.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 21, 1997.

STATEMENT OF ADMINISTRATION POLICY

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

H.R. 1962—Presidential and Executive Office Financial Accountability Act of 1997

(Reps. Horn (R) CA and 7 others)

The Administration has no objection to House passage of H.R. 1962.

I urge all of my colleagues to join in supporting this very important reform. I thank the ranking Democrat on the Subcommittee on Government Management, Information, and Technology, the gentlewoman from New York [Mrs. MALONEY], for the support that she has given us and the advice she has given us on this legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 1962, the Presidential and Executive Office Financial Accountability Act, was originally included as a provision of H.R. 3452, the Presidential and Executive Office Accountability Act, which is now Public Law 104–331. The provision was deleted from H.R. 3452 prior to final passage by the other body.

□ 1530

H.R. 3452 extended certain labor and civil rights laws to the White House, much as the Congressional Accountability Act did for Congress. H.R. 1962, the Presidential and Executive Office Financial Accountability Act, as amended, would require the appointment of a chief financial officer in the Executive Office of the President.

The Chief Financial Officers Act of 1990 was landmark legislation which brought needed improvements to the executive branch by requiring sound financial management practices, automated financial systems, and annual reports to Congress. This law has resulted in substantial savings, probably billions of dollars, by eliminating waste, fraud, and abuse in the 24 major agencies in the executive branch.

Putting a chief financial officer in the Executive Office of the President is

an improvement, and one which the White House supports. As was the case last year with H.R. 3452, the chairman has worked with the minority and with the White House to improve this legislation.

I thank the gentleman from California [Mr. HORN] for the bipartisan spirit with which he has approached this issue. The amendment in the nature of a substitute adopted by our committee addressed our concerns with the original bill. It eliminated the requirement for a deputy chief financial officer for the Executive Office of the President as an unnecessary provision given the small size of that office.

That amendment also provides the President significant discretion in implementing the act required due to the special nature of that office.

In addition, that amendment provided for a separate budget request to pay for implementation. Under this legislation, the President may designate someone already employed in the Executive Office of the President as the chief financial officer. The chief financial officer may also be established in any office of the Executive Office of the President, including the Office of Administration.

The most logical place for the Executive Office of the President's chief financial officer is in the Office of Administration, since the financial management division of that office already performs 90 percent of the duties required by the Chief Financial Officers Act.

The chairman has worked constructively with the minority and with the administration to perfect this bill and has committed to continue working in a bipartisan manner to address any remaining concerns in report language. I support H.R. 1962 and urge my colleagues to vote for this legislation.

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

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from New York for her helpful comments in rounding out this legislation.

I might say, Mr. Speaker, this legislation, when we talk about the Executive Office of the President, currently includes the White House Office, the executive residence of the White House, the Office of the Vice President, the Council of Economic Advisers, the Council on Environmental Quality, the National Security Council, the Office of Administration, the Office of Management and Budget, the Office of National Drug Control Policy, the Office of Policy Development, the Office of Science and Technology Policy, and the Office of United States Trade Representative.

The current structure of the White House first began with Franklin Roosevelt in 1939, after the Brownlow committee report, which gave the President really the first staff and support system in this particular century. Now, different Presidents, either by Executive order or Congress, by statute on the recommendation of the President, has set up various offices over time to help the Presidency in terms of legislation, budget, policy development of one sort or the other, and this chief financial officer would be available to the President for various special assignments having to do with fiscal affairs, as it is for the normal use that comes under the Chief Financial Officers Act. And I believe that we have had very strong support from all people that have looked at this from the standpoint of government organization.

Mr. Speaker, I provide for the RECORD a document from the Congressional Budget Office on H.R. 1962.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1962—Presidential and Executive Office Financial Accountability Act of 1997

CBO estimates that, subject to the availability of appropriated funds, enacting H.R. 1962 would increase cost of the Office of Administration (OA) within the Executive Office of the President (EOP) by no more than $250,000 a year. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1962 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

H.R. 1962 would require the President to appoint a chief financial officer (CFO) for the 12 agencies and offices that comprise the EOP. The bill would require the CFO to comply with those provisions of the CFO Act that the President determines to be appropriate and in the interest of the United States. Based on information provided by the Office of Management and Budget and the Office of Administration, CBO expects that the President would appoint as CFO someone within the OA, which already provides centralized financial management and accounting services to the EOP. As a result of enacting H.R. 1962, the OA might require an additional employee or two to coordinate activities within the EOP. In addition, the OA would need to contact with a private firm to audit the consolidated annual financial statements of the EOP. We estimate that the annual audit would cost around $100,000.

In total, assuming no major problems exist in the financial management and systems of the EOP, CBO estimates that enacting H.R. 1962, would increase annual cost of the OA by no more than $250,000. In addition, it is possible that by improving financial systems and communication within the EOP, the legislation could lead to a reduction in losses from waste and abuse, buy CBO cannot estimate and amount of such potential savings.

The CBO staff contact for this estimate is John R. Righter, who can be reached at 226-2860. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

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

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

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 1962, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS OF 1997

Mr. HASTERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2610) to amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2610

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

SECTION 1. SHORT TITLE; AMENDMENT REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Narcotics Leadership Act Amendments of 1997".

(b) AMENDMENT REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.).

SEC. 2. DEPUTY DIRECTORS.

(a) ESTABLISHMENT.—Section 1002 (21 U.S.C. 1501) is amended—

(1) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

"(2) There shall be in the Office of National Drug Control Policy a Deputy Director of the Office of National Drug Control Policy, a Deputy Director for Demand Reduction, a Deputy Director for Supply Reduction, a Deputy Director for State and Local Affairs, and a Deputy Director of Intelligence."; and

(B) by amending paragraph (3) to read as follows:

"(3) The Deputy Director of the Office of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, the Deputy Director for State and Local Affairs, and the Deputy Director of Intelligence shall assist the Director in carrying out the responsibilities of the Director under this Act."; and

(2) by amending subsection (c)(2) to read as follows:

"(2) The Deputy Director for State and Local Affairs shall be the head of the Bureau of State and Local Affairs.".

(b) APPOINTMENT.—

(1) IN GENERAL.—Section 1003(a) (21 U.S.C. 1502(a)) is amended—

(A) in each of paragraphs (1) and (2), by inserting "the Deputy Director of the Office of National Drug Control Policy,' after "The Director,";

(B) in each of paragraphs (1) and (2), by striking "and the Associate Director for National Drug Control Policy" and inserting "the Deputy Director for State and Local Affairs, and the Deputy Director of Intelligence"; and

(C) in paragraph (2), by striking ", a Deputy Director, or Associate Director" and inserting "or as a Deputy Director".

(2) DEADLINE FOR NOMINATION.—The President shall submit to the Senate nominations of individuals for appointment as the Deputy Director of the Office of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, the Deputy Director for State and Local Affairs, and the Deputy Director of Intelligence of the Office of National Drug Control Policy by not later than 90 days after the date of the enactment of this Act.

(3) CONTINUED SERVICE OF ASSOCIATE DIRECTOR.—The individual serving on the date of the enactment of this Act as Associate Director for National Drug Control Policy may act as the Deputy Director for State and Local Affairs until such time as an individual is appointed to that position in accordance with the amendments made by this Act.

(4) CLERICAL AMENDMENT.—The heading of section 1003 (21 U.S.C. 1502) is amended to read as follows:

"SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.".

(c) COMPENSATION.—

(1) IN GENERAL.—Chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by inserting after the item relating to the Deputy Director for Supply Reduction, Office of National Drug Control Policy, the following:

"Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

"Deputy Director of Intelligence, Office of National Drug Control Policy.";

(B) in section 5313, by adding at the end the following:

"Deputy Director of the Office of National Drug Control Policy."; and

(C) in section 5315, by striking the item relating to the Associate Director for National Drug Control Policy, Office of National Drug Control Policy.

(2) CLERICAL AMENDMENT.—Section 1003(a) (21 U.S.C. 1502(a)) is amended by striking paragraph (4)(C).

SEC. 3. EXPANSION OF RESPONSIBILITIES OF DIRECTOR.

(a) EXPANSION OF RESPONSIBILITIES.—Section 1003(b) (21 U.S.C. 1502(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) establish Federal policies, objectives, goals, priorities, and performance measures (including specific annual agency targets expressed in terms of precise percentages) for the National Drug Control Program and for each National Drug Control Program agency, which include targets for the following:

"(A) reduction of unlawful drug use to 3 percent of the population of the United States or less by December 31, 2001 (as measured in terms of overall illicit drug use during the past 30 days by the National Household Survey), and achievement of at least 25 percent of such reduction during each of 1998, 1999, 2000, and 2001;

"(B) reduction of adolescent unlawful drug use (as measured in terms of illicit drug use during the past 30 days by the Monitoring the Future Survey of the University of Michigan or the National PRIDE Survey conducted by the National Parents' Resource Institute for Drug Education) to 3 percent of the adolescent population of the United States or less by December 31, 2001, and achievement of at least 25 percent of such reduction during each of 1998, 1999, 2000, and 2001;

"(C) reduction of the availability of cocaine, heroin, marijuana, and methamphetamine in the United States by 80 percent by December 31, 2001;

"(D) reduction of the respective nationwide average street purity levels for cocaine, heroin, marijuana, and methamphetamine (as estimated by the interagency drug flows assessment led by the Office of National Drug Control Policy, and based on statistics collected by the Drug Enforcement Administration and other National Drug Control Program agencies identified as relevant by the Director) by 60 percent by December 31, 2001, and achievement of at least 25 percent of each such reduction during each of 1998, 1999, 2000, and 2001;

"(E) reduction of drug-related crime in the United States by 50 percent by December 31, 2001, and achievement of at least 25 percent of such reduction during each of 1998, 1999, 2000, and 2001, including—

"(i) reduction of State and Federal unlawful drug trafficking and distribution;

"(ii) reduction of State and Federal crimes committed by persons under the influence of unlawful drugs; and

"(iii) reduction of State and Federal crimes committed for the purpose of obtaining unlawful drugs or obtaining property that is intended to be used for the purchase of unlawful drugs; and

"(F) reduction of drug-related emergency room incidents in the United States (as measured by data of the Drug Abuse Warning Network on illicit drug abuse), including incidents involving gunshot wounds and automobile accidents in which illicit drugs are identified in the bloodstream of the victim, by 50 percent by December 31, 2001;";

(2) by amending paragraph (3) to read as follows:

"(3) coordinate, oversee, and evaluate the effectiveness of the implementation of the policies, objectives, goals, performance measures, and priorities established under paragraph (1) and the fulfillment of the responsibilities of the National Drug Control Program agencies under the National Drug Control Strategy;";

(3) in paragraph (5), by inserting "and nongovernmental entities involved in demand reduction" after "governments";

(4) by striking "and" at the end of paragraph (7);

(5) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

"(9) require each National Drug Control Program agency to submit to the Director on a semi-annual basis (beginning with the first 6 months of 1998) an evaluation of progress by the agency with respect to drug control program goals using the performance measures referred to in paragraph (1), including progress with respect to—

"(A) success in reducing domestic and foreign sources of illegal drugs;

"(B) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

"(C) success in reducing violent crime associated with drug use in the United States;

"(D) success in reducing the negative health and social consequences of drug use in the United States; and

"(E) implementation of drug treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs;

"(10) submit to Congress on a semi-annual basis, not later than 60 days after the date of the last day of the applicable 6-month period, a summary of—

"(A) each of the evaluations received by the Director under paragraph (9); and

"(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures described in paragraph (1);

"(11) require the National Drug Control Program agencies to submit to the Director not later than February 1 of each year a detailed accounting of all funds expended by the agencies for National Drug Control Program activities during the previous fiscal year, and require such accounting to be authenticated by the Inspector General for each agency prior to submission to the Director;

"(12) submit to Congress not later than April 1 of each year the information submitted to the Director under paragraph (11);

"(13) submit to Congress not later than August 1 of each year a report including—

"(A) the budget guidance provided by the Director to each National Drug Control Program agency for the fiscal year in which the report is submitted and for the other fiscal years within the applicable five-year budget plan relating to such fiscal year; and

"(B) a summary of the request of each National Drug Control Program agency to the Director under this Act (prior to review of the request by the Office of Management and Budget) for the resources required to achieve the targets of the agency under this Act;

"(14) act as a representative of the President before Congress on all aspects of the National Drug Control Program;

"(15) act as the primary spokesperson of the President on drug issues;

"(16) make recommendations to National Drug Control Program agency heads with respect to implementation of Federal counterdrug programs;

"(17) take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

"(A) is listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812); and

"(B) has not been approved for use for medical purposes by the Food and Drug Administration; and

"(18) ensure that drug prevention and drug treatment research and information is effectively disseminated by National Drug Control Program agencies to State and local governments and nongovernmental entities involved in demand reduction by—

"(A) encouraging formal consultation between any such agency that conducts or sponsors research, and any such agency that disseminates information in developing research and information product development agendas;

"(B) encouraging such agencies (as appropriate) to develop and implement dissemination plans that specifically target State and local governments and nongovernmental entities involved in demand reduction; and

"(C) developing a single interagency clearinghouse for the dissemination of research

and information by such agencies to State and local governments and nongovernmental agencies involved in demand reduction.".

(b) SURVEY OF DRUG USE.—(1) The University of Michigan shall not be prohibited under any law from conducting the survey of drug use among young people in the United States known as the Monitoring the Future Survey.

(2) The National Parents' Resource Institute for Drug Education in Atlanta, Georgia, shall not be prohibited under any law from conducting the survey of drug use among young people in the United States known as the National PRIDE Survey.

SEC. 4. EXPANSION OF POWERS OF DIRECTOR.

Section 1003(d) (21 U.S.C. 1502(d)) is amended—

(1) in paragraph (9), by striking the period and inserting a semicolon; and

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

"(10) require the heads of National Drug Control Program agencies to provide the Director with statistics, studies, reports, and any other information regarding Federal control of drug abuse;

"(11) require the heads of National Drug Control Program agencies to provide the Director with information regarding any position (before an individual is nominated for such position) that—

"(A) relates to the National Drug Control Program;

"(B) is at or above the level of Deputy Assistant Secretary; and

"(C) involves responsibility for Federal counternarcotics or anti-drug programs; and

"(12) make recommendations to the National Drug Intelligence Center on the specific projects that the Director determines will enhance the effectiveness of implementation of the National Drug Control Strategy.".

SEC. 5. SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 1005(a) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) include comprehensive, research-based, specific, long-range goals and performance measures (including specific annual targets expressed in terms of precise percentages) for reducing drug abuse and the consequences of drug abuse in the United States;";

(2) by striking "and" at the end of paragraph (2)(C);

(3) by striking paragraph (2)(D);

(4) by adding at the end of paragraph (2) the following new paragraphs:

"(D) include 4-year projections for National Drug Control Program priorities (including budget priorities); and

"(E) review international, Federal, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.";

(5) in paragraph (3)(A), by striking clauses (iv) and (v) and inserting the following:

"(iv) private citizens and organizations with experience and expertise in demand reduction;

"(v) private citizens and organizations with experience and expertise in supply reduction; and

"(vi) appropriate representatives of foreign governments.";

(6) in paragraph (4)—

(A) in subparagraph (B), by amending clauses (i) through (vi) to read as follows:

"(i) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and rohypnol available for consumption in the United States;

"(ii) the amount of cocaine, heroin, marijuana, ecstasy, rohypnol, methamphetamine, and precursor chemicals entering the United States;

"(iii) the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

"(iv) the number of metric tons of marijuana, cocaine, heroin, and methamphetamine seized;

"(v) the number of cocaine and methamphetamine processing labs destroyed domestically and in other countries;

"(vi) changes in the price and purity of heroin and cocaine, changes in price of methamphetamine, and changes in tetrahydrocannabinol level of marijuana;";

(B) by striking "and" at the end of subparagraph (C);

(C) by striking the period at the end subparagraph (D) and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) assessment of the cultivation of illegal drugs in the United States."; and

(7) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by striking "February 1, 1995" and inserting "February 1, 1998";

(B) in the matter preceding subparagraph (A), by striking "second";

(C) by striking "and" at the end of subparagraph (C);

(D) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(E) by adding at the end the following new subparagraph:

"(E) a description of the National Drug Control Program performance measures described in subsection (a)(2)(A).".

(b) GOALS AND PERFORMANCE MEASURES FOR NATIONAL DRUG CONTROL STRATEGY.—Section 1005(b) is amended—

(1) in the heading, by striking ", OBJECTIVES, AND PRIORITIES" and inserting "AND PERFORMANCE MEASURES";

(2) in the matter after the heading, by inserting "(1)" before "Each National Drug Control Strategy";

(3) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F);

(4) in subparagraph (A) (as redesignated by paragraph (3)), by striking "and priorities" and inserting "and performance measures";

(5) in subparagraph (C) (as redesignated by paragraph (3)), by striking "3-year projections" and inserting "4-year projections"; and

(6) by adding at the end the following new paragraph:

"(2) In establishing the performance measures required by this subsection, the Director shall—

"(A) establish performance measures and targets expressed in terms of precise percentages for each National Drug Control Strategy goal and objective;

"(B) revise such performance measures and targets as necessary, and reflect such performance measures and targets in the National Drug Control Program budget submitted to Congress;

"(C) consult with affected National Drug Control Program agencies;

"(D) identify programs and activities of National Drug Control Program agencies that support the goals of the National Drug Control Strategy;

"(E) evaluate in detail the implementation by each National Drug Control Program agency of program activities supporting the National Drug Control Strategy;

"(F) monitor consistency between the drug-related goals of the National Drug Control Program agencies and ensure that drug control agency goals and budgets fully support, and are fully consistent with, the National Drug Control Strategy;

"(G) coordinate the development and implementation of national drug control data collection and reporting systems to support Federal policy formulation and performance measurement;

"(H) ensure that no Federal drug control funds are expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812); and

"(I) ensure that no Federal funds appropriated for the High Intensity Drug Trafficking Program are expended for the expansion of drug treatment programs.".

SEC. 6. REPORT ON DESIGNATION OF HIGH INTENSITY DRUG TRAFFICKING AREAS.

Section 1005(c)(3) is amended to read as follows:

"(3) Not later than March 1 of each year, the Director shall submit to Congress a report—

"(A) on the effectiveness of, and need for, the designation of areas under this subsection as high intensity drug trafficking areas; and

"(B) that includes any recommendations of the Director for legislative action with respect to such designation.".

SEC. 7. REPROGRAMMING AND TRANSFER OF FUNDS.

(a) EXPANSION OF TRANSFER AUTHORITY.—Section 1003(d)(8) (21 U.S.C. 1502(d)(8)) is amended to read as follows:

"(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, and with the concurrence of the head of the affected agency and upon advance approval of the Committees on Appropriations and the authorizing committees of the House of Representatives and the Senate, transfer funds appropriated to a National Drug Control Program agency program, activity, or function designated by the Director pursuant to subsection (c) to a different National Drug Control Program agency program, activity, or function designated by the Director pursuant to such subsection in an amount that does not exceed 5 percent of the amount appropriated to either program, activity, or function;".

(b) REPORT.—Section 1003(c)(7) (21 U.S.C. 1502(c)(7)) is amended to read as follows:

"(7)(A) The Director shall report to Congress on a quarterly basis (beginning with the first quarter of 1998) on—

"(i) the need for any reprogramming or transfer of funds appropriated for National Drug Control Program activities; and

"(ii) any funds appropriated for National Drug Control Program activities that were reprogrammed or transferred during the quarter covered by the report.

"(B) The Director shall report to Congress as required by paragraph (A) not later than 30 days after the last day of each applicable quarter.".

SEC. 8. LONG-TERM PLAN FOR REDUCTION OF DRUG USE.

Section 1003 (21 U.S.C. 1502) is amended by adding at the end the following new subsection:

"(g) LONG-TERM PLAN FOR REDUCTION OF DRUG USE.—Not later than March 1, 1998, the Director shall submit to Congress a long-

term plan for reducing the population of illegal drug users in the United States by December 31, 2001, to 3 percent of the population of the United States or less. Such plan shall include—

"(1) a request for funds and other resources necessary to achieve such reduction within the guidelines of the balanced budget agreement of 1997; and

"(2) the justifications for each such request.".

SEC. 9. DRUG POLICY COUNCIL.

The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is further amended by adding at the end of chapter 1 the following new section:

"SEC. 1013. DRUG POLICY COUNCIL.

"(a) ESTABLISHMENT.—There is established in the Executive Office of the President a Drug Policy Council, which shall be composed of the members of the President's cabinet, and the purpose of which shall be to make cabinet-level decisions regarding national drug policy.

"(b) CHAIRMAN.—The President shall be the Chairman of the Drug Policy Council established by subsection (a).

"(c) EXECUTIVE DIRECTOR.—The Director of the Office of National Drug Control Policy shall be the Executive Director of the Drug Policy Council established by subsection (a).".

SEC. 10. DEFINITION OF NATIONAL DRUG CONTROL PROGRAM AGENCY.

Section 1010(6) (21 U.S.C. 1507(6)) is amended to read as follows:

"(6) the term 'National Drug Control Program agency' means any agency that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy;".

SEC. 11. EXTENSION OF DATE FOR TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

Section 1009 is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 12. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 1011 is amended by striking "8 succeeding fiscal years" and inserting "10 succeeding fiscal years".

SEC. 13. REPORT REQUIRED.

Not later than November 1, 1997, the Director of the Office of National Drug Control Policy shall submit to Congress a report including—

(1) proposed goals, targets, performance measures (as described in section 1003(b)(1) of the National Narcotics Leadership Act of 1998 (21 U.S.C. 1502(b)(1)), and specific initiatives with respect to the National Drug Control Program, including the High Intensity Drug Trafficking Area Program; and

(2) proposals to coordinate the efforts of all National Drug Control Program agencies.

SEC. 14. APPOINTMENT OF TEMPORARY ADMINISTRATOR FOR DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

(a) IN GENERAL.—Section 1031(c) (21 U.S.C. 1531(c)) is amended—

(1) by inserting "(1)" after "(c) ADMINISTRATION.—"; and

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

"(2) The Director shall appoint an individual to act as Administrator until such time as an individual is appointed to such position under paragraph (1).".

(b) DEADLINE FOR APPOINTMENT.—The Director of the Office of National Drug Control Policy shall appoint an individual to act as Administrator of the Drug-Free Communities Support Program under section 1031(c)(2) of the National Narcotics Leadership Act of 1988 (as added by subsection (a)) not later than 30 days after the date of the enactment of this Act.

SEC. 15. CONSISTENCY WITH NATIONAL SECURITY ACT OF 1947.

Section 1004 (21 U.S.C. 1503) is amended—

(1) in subsection (a)—

(A) by striking "(1)";

(B) by striking "(2)(A)" and inserting "(b) CONSISTENCY WITH NATIONAL SECURITY ACT OF 1947.—(1)";

(C) by striking "(B)" and inserting "(2)"; and

(D) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d) respectively.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Illinois [Mr. HASTERT] and the gentleman from Wisconsin [Mr. BARRETT] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HASTERT].

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

Madam Speaker, H.R. 2610 amends the National Narcotics Leadership Act to reauthorize the Office of National Drug Control Policy and fundamentally restructure the way the drug war is fought.

In many ways, this is the most significant antidrug bill since the original authorization of the drug czar in 1988, with the possible exception of the Drug-Free Communities Act, which Congress passed earlier this year.

This bill is built around one basic goal, a virtual drug-free America by the year 2001. To achieve this goal, the bill has two basic points: First, it empowers the Nation's drug czar to improve interagency coordination; second, it adds significant accountability mechanisms to ensure that the American taxpayer is getting maximum results from the drug czar's office and all of the national drug control policy program agencies.

H.R. 2610 includes additions from both Democrats and Republicans. Although we do not agree on everything, I believe the basic concern for America's future, especially our shared interest in achieving a virtually drug-free America, is certainly a bipartisan goal.

I thank my colleague across the aisle, the gentleman from Wisconsin, [Mr. BARRETT], and the gentleman from California [Mr. CONDIT], for being an original cosponsor of the bill, as well as my Republican colleagues, the gentlemen from Indiana [Mr. SOUDER], the gentleman from Georgia [Mr. BARR], the gentleman from Indiana [Mr. BURTON], the gentleman from Texas [Mr. SESSIONS], the gentleman from Florida [Mr. GOSS], the gentleman from Ohio [Mr. PORTMAN], and the gentleman from Florida [Mr. MCCOLLUM] for their cosponsorship.

I will briefly summarize the major provisions. First, H.R. 2610 gives new coordination authority to the White House drug czar's office, including allowing the drug czar to shift up to 5 percent of the counternarcotics funding among the national drug control program agencies upon concurrence of the agency head. It also requires that performance measures be established to give Congress a way to test the effectiveness of each and every drug control program.

Additionally, agencies are asked to identify precisely where each dollar of the $16 billion drug budget is going.

Other new powers include: Requiring the director to review agency budgets prior to OMB approval in order to find out the real needs of our agencies; acting as the President's chief spokesman on drug policy; and monitoring consistency between agency budgets, performance measures, and results.

This bill also creates deputy directors for intelligence coordination and for State and local affairs, both of which are badly needed.

At the request of the ONDCP, we also included a deputy for the office to facilitate transitions in the absence of a director.

To assure the utmost accountability in our war on drugs, this bill sets forth, for the first time ever, hard targets and goals and precise percentages to be achieved by the year 2001. They are premised on a collection of Federal, State, and private studies and hearing testimony dating back to 1995.

These goals are expected to form the basis of a growing national expectation that the drug war must be well coordinated and the national drug control agencies be held accountable for meeting the ONDCP's performance measures. The aim of this bill also is to establish the ONDCP, through semiannual reporting, as a central coordinating entity in the drug war and not as a mere bully pulpit or paper tiger.

Finally, this bill contains a manager's amendment, the purpose of which is to reaffirm that the authorities conferred on the Office on National Drug Control Policy, and its director, by this act shall be exercised in a manner consistent with the provisions of the National Security Act of 1947.

In the end, there are certain to be differences of opinion about how high or how low the bar should be set in this fundamentally reengineered approach to our national drug control policy, but the important point about this bill is that for the first time ever Congress is actually setting a standard, a bar, and empowering the drug czar's office to promulgate aggressive performance measures for the agencies which will provide results.

In closing, let me say that we reauthorized the Office of National Drug Control Policy for 2 years, the midpoint between now and the year 2001,

which will allow a review of the foregoing innovations 2 years into the 4-year goals.

Madam Speaker, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to this bill. Although it is named the National Narcotics Leadership Act Amendments of 1997, it would be more appropriately called the Drug Control Failure Act for the year 2000.

I say failure because this bill has never been designed to give the Office of National Drug Control Policy the tools and direction to succeed, rather the bill establishes unattainable drug control targets, requires the administration to report twice yearly on its failure to meet those targets, and provides for only a 2-year authorization requiring reauthorization during a Presidential campaign.

Judging by its major provisions, the bill appears designed to achieve political advantage in the 1998 and 2000 elections, all at a cost to ONDCP and its efforts to fight drugs at the Federal level.

In case there is any doubt about this, the bill is opposed by the administration, and General McCaffrey, the drug czar, has stated he has serious reservations about the bill.

I have had the pleasure of working and serving with the gentleman from Illinois [Mr. HASTERT] as the ranking member of the Subcommittee on National Security, International Affairs, and Criminal Justice. I know of his commitment to the fight against drugs in this country, a commitment shared by all members of the subcommittee, and I am sure by all Members of this House. It is because of this commitment and because of the hard work we have done on a broad range of drug-related issues that I am dismayed by this bill and the process leading up to its consideration today.

Although the subcommittee has held many hearings on a variety of drug-related topics, we have not conducted a single hearing on this piece of legislation, either in subcommittee or full committee. General McCaffrey gave testimony on the administration's proposed bill, but neither he nor any other administration official has had the opportunity to testify about this bill or any of its major provisions.

Although the majority in committee made vague references to statistics from various sources, there is not a single study or report from any source, government or private sector, that recommends or even directly supports the targets set forth in this bill. In view of ONDCP, which has spent thousands of hours developing performance measures and drug control objectives, these targets are arbitrary and flatly unattainable by the year 2001.

The target for overall drug use is illustrative. The bill establishes an arbitrary target to reduce drug use from the current level of 6.1 percent to 3 percent by year 2001, a goal we all share. However, this would require ONDCP to reduce drug use to a rate 60-percent lower than at any time in the last three decades. The greatest reduction in drug use ever recorded in this country was from 14.1 percent in 1979 to 5.8 percent in 1992.

□ 1545

That was a 59 percent reduction and it took 13 years. The other targets in this bill are similarly unrealistic and unsupported by any scientific evidence. The point here is to make the administration fail and to embarrass Democratic candidates in the 1998 and 2000 elections.

Madam Speaker, if this were a serious bill and not an exercise in partisan politics, we would take our example from the other body. There Democrats and Republicans are working together on a 4-year authorization that supports ONDCP's extensive work on performance measures and targets. This bill, which authorizes ONDCP for only 2 years, takes the agency only halfway in time to the very goals that it seeks to establish. It also falls woefully short of the 10-year plan outlined in the 1997 National Drug Control Strategy.

Finally, I would only note that despite its willingness to establish arbitrary and unrealistic drug control targets, this House appears unwilling to put its money where its mouth is. A review of appropriations bills in the House shows drug control budgets significantly below the President's request in several key areas:

In education, appropriations fall short by $68 million. Sixty-four million dollars of this is for safe and drug-free school grants. Appropriations for drug courts fall $45 million below the President's request. Appropriations for the U.S. Customs Service will likely fall by $18 million, resulting in a significant reduction in interdiction efforts along the southwest border. And appropriations for the Bureau of Alcohol, Tobacco and Firearms are likely to fall by $17 million. About 40 percent of ATF's programs are related to drug enforcement.

Madam Speaker, instead of setting up ONDCP for failure, we should act responsibly and in a bipartisan way to give General McCaffrey the tools and the flexibility he needs to get this job done. I urge my colleagues to defeat this bill on suspension so that we may have a full debate and an opportunity to offer amendments.

Madam Speaker, I reserve the balance of my time.

Mr. HASTERT. Madam Speaker, I yield myself 1 minute. Madam Speaker, I have worked with the gentleman from Wisconsin for a number of years and certainly appreciate his hard work. The fact is that we have had over 40 hearings on the ONDCP and the drug czar. We have had a dozen hearings this year. We have had General McCaffrey up on the Hill himself. We have talked about these issues.

The fact is we are setting goals for this country and for the drug czar to wipe out one of the most dreaded things that can approach this country and our children, and that is drug addiction. We want to make sure that we significantly reduce it and we want to be sure by the year 2001 that we have significantly reduced it to a point that it is not a threat in this country anymore. I do not think that is partisan. It was never set up to be partisan. We want to win this fight against drugs. We have to take an extraordinary effort to get it done. The fact is the drug czar has gotten 7 of the 8 things that he wanted in this bill. He got the flexibility that he needs.

Madam Speaker, I yield 2¼ minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Speaker, I thank the distinguished gentleman for yielding me the time. Despite a decade of steady progress in combating drug use and drug abuse during the 1980's, the situation appears to have taken somewhat of a dramatic turn for the worse since the early 1990's, and that is why we are here.

In my view, that is because the administration has accepted stalemate in the war on drugs rather than pressing on for the victory that everybody in America wants. So now Congress is going to take charge. We are going to set some tough goals for the Office of National Drug Control Policy. I am very concerned and I know many parents and all Americans are concerned about the permissive attitude toward drug use that once again seems to be spreading out across our country. We need to have leadership that says drugs are not cool, drug use is not acceptable, it will not be tolerated.

That is what this bill is about. We set some performance measures to judge the success of the administration's efforts. Let me ask, if we are willing to set performance measures for our kids in schools, why are we reluctant to set performance measures for how well the bureaucrats are doing on the war on drugs? It seems to me to be a curious question.

By 2001 under our program, we expect drug use to be at 3 percent of the population or lower. We expect an 80 percent reduction in the supply of illegal drugs. We expect a reduction of 50 percent in drug-related crime and drug-related emergency room visits. And we expect drug use by young people to be down to 3 percent, because one of the most effective strategies for decreasing the overall use of drugs is to convince young people to disapprove of them.

The war on drugs has many facets, as we all know, treatment, prevention, law enforcement, interdiction. ONDCP was created to develop an overall strategy, coordinate Federal efforts and channel resources. That was a good idea.

While this bill will improve the drug czar's ability to effectively manage and win the drug war, we are not giving him a blank check. There are certain very strict reporting requirements that go along with this, so we know what is working and what is not.

I am also very pleased to be able, through the efforts of the gentleman from Illinois [Mr. HASTERT] to be able to provide ONDCP with new tools without upsetting the balance that now exists between ONDCP and the intelligence community. It took a lot of workout and compromise to get that done. I urge Members to support this bill. It is time we had a plan to win the war. This is a good one.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Madam Speaker, I rise today in strong opposition to this bill in its current form. This bill is anything but noncontroversial. This bill deals with one of the great issues of our day, what type of drug policy will we have.

Any effective drug policy in America or any nation must include at least 3 components: Treatment, education, and prevention. This bill does not include in a real way these 3 components.

An effective drug control policy must embody the principle of treatment because through treatment people are healed of their addictions. Through treatment we can reduce the number of addicts. However, this bill prohibits the use of HIDTA funds for treatment of people who are chemically dependent. In fact, this bill provides no real ideas for treatment strategies. This is the first reason it should be rejected.

The second principle that must be a part of any effective drug control policy is education. Education gives people an opportunity to understand how to move away from that which they are using. However, this bill does not provide any real component of education. It sets up grandiose targets for reductions in drug use that are unrealistic and unachievable. This bill lacks the serious components of education and therefore must be opposed for that reason.

Finally, the third principle that must be a part of any effective drug control strategy is prevention. An ounce of prevention goes a long way toward reducing the number of people addicted to drugs. Prevention comes in many forms. It could be a job, it could be hope for someone who was hopeless, it could be interdiction, reducing the supply. This bill provides no real prevention strategies other than the old "lock them up, throw away the key," which we already know does not, will not, and cannot work.

This bill is too important to not debate. I urge that we oppose it on the suspension calendar and have a full debate so that we can really get at the issues.

Mr. HASTERT. Madam Speaker, I yield myself 30 seconds. To my good friend from Chicago, I just want to say that we devote $2 billion on treatment to HHS and initially $90, $100 million to Justice. We also add and allow $3 million for treatment out of the $140 million for HIDTA's, something that is happening now, especially in areas like Baltimore. And we are strong on prevention. We even have $195 million for media prevention and passed the prevention act this year. So I beg to differ with the gentleman from Chicago but that is the fact.

Madam Speaker, I yield 4 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Speaker, I thank the gentleman for yielding me this time. Back in 1988 I was one of the prime sponsors, along with the gentleman from New York [Mr. GILMAN] and others, that worked so hard in this area of drug prevention of the original so-called drug czar bill, which was then watered down considerably in conference. This would reestablish much of the power that many of us back then, in a very bipartisan way, were supporting in order to try to get a handle on this Nation's growing drug problem.

What has happened in the last 10 years? In the last 10 years we have spent $103 billion on the war on drugs. I will tell my colleagues that in the last 10 years, we have seen a bipartisan failure in the war on drugs. Neither party can say that they have been successful.

Now, what are we doing with this bill? We are setting up expectations. We are setting up goals. We are setting up flexibility. We are setting up more power within the drug czar's office. We are doing all of the right things in order to try to get to what we all want to accomplish, both Democrats and Republicans, and that is to finally start winning some battles in the war against drugs.

This country has had absolutely no resolve. Our war on drugs has been a blueprint for failure. We have not actually gone to war with the objective of winning. We have gone to the war on drugs with a Vietnam mentality, and that is the status quo. We talk about putting more resources, even more than this bill does, in education and in treatment. Sure, that is necessary. But if that is all you are going to talk about, it is like bailing the boat out and not plugging the hole, and that is ridiculous.

This bill finally sets accountability and responsibility. I personally have a great deal of faith in the present drug czar, General McCaffrey. But if he cannot do it, then step aside and let somebody in that can do it. It is about time that we set our resolve to winning the war on drugs. The greatest possible gift that we can give to the next century, and the President is always talking about the bridge into the next century, the biggest gift that we can give is to cut back addiction in this country, to cut the supply of illegal drugs coming into this country, and to at last, get a grip on this thing that is absolutely killing neighborhoods. It is creating poverty, it is a disaster, it is a national disgrace. This bill fires a shot and it is not just a shot across the bow, this is real progress. I would hope that we do get a bipartisan vote on this, and I hope we get some speakers up on the Democrat side to speak in favor of this bill. It is a good bill and it is the way to go.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield 3 minutes to the fine gentleman from Baltimore, MD [Mr. CUMMINGS].

Mr. CUMMINGS. Madam Speaker, I first of all want to thank the gentleman from Wisconsin for his leadership as the ranking member of our subcommittee. I urge my colleagues to vote against this legislation. This bill is indeed controversial. A number of amendments, including one that was offered by myself, was offered by Democratic Members but rejected by the Committee on Government Reform and Oversight. This bill should not be on the suspension calendar. At the very least it should be placed on the House calendar and be considered under regular order where issues surrounding the reauthorization can be debated.

I object to a provision within the bill that does not allow high intensity drug treatment areas, HIDTA's, to expand their drug treatment programs. The Washington-Baltimore HIDTA is the only 1 of 17 federally funded HIDTA projects nationwide that uses drug treatment as one of its strategies. The success of the Baltimore-Washington HIDTA treatment program has been remarkable. Analysts have found that arrest rates plunge for drug-addicted nonviolent criminal offenders when they are forced to participate in sanctions-based drug treatment programs. After 9 months of experience in the treatment programs, only 12 percent of HIDTA's clients were rearrested. Only 13 percent of HIDTA's clients tested positive for illegal substances in a typical month. This should be contrasted with the fact that 100 percent tested positive prior to entering the HIDTA program.

□ 1600

The Washington-Baltimore HIDTA is the only HIDTA that operates a program of this kind, and it should serve as a model for the remaining 16.

Under this bill, the expansion of this successful program approach is not possible. The bill sets a series of unrealistic and unworkable goals to reduce drug use. According to Barry McCaffrey, the requirements in this bill are arbitrary targets, goals and timetables, and contain unachievable goals.

I agree with the gentleman from Illinois, Chairman HASTERT, that the HIDTA's primary focus should be law enforcement. However, I firmly believe there should be a partnership with a proven drug treatment program, which the Baltimore-Washington HIDTA drug treatment program provides. I regret this bill hamstrings the HIDTA drug treatment program.

Mr. HASTERT. Madam Speaker, I yield 2½ minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Madam Speaker, I have been pleased to work with my friend and colleague, the gentleman from Illinois [Mr. HASTERT], in this vital battle against illicit drugs. He has given new meaning to the term "war on drugs." I share his desire and that of many others in the Congress to get greater accountability from this administration in its less-than-effective efforts in the battle, our battle, against illicit drugs.

We surely need accountability from the drug czar now, more than ever, as our youth use soars. We also have 141,000 new heroin addicts in 1995, and those statistics keep growing. Heroin use among the young has reached historic levels.

I was distressed last week that not one piece of equipment or supplies to the Colombian National Police or military had been delivered under date under the President's 614 waiver of last August. We are losing that nation to narcoguerrillas. Witness the attacks on both their Joint Chiefs of Staff and the killings and executions of 17 National Police. More soldiers and judges are being killed or maimed as a result of their war.

The income for these narcoguerrillas is nearly $1 billion a year, and we are asking our friends in the CMP to fight this war on the cheap. ONDCP's reauthorization is a good legislative vehicle for reform and accountability for these shortcomings.

I fully support the efforts of the gentleman from Illinois [Mr. HASTERT]. I was pleased the gentleman was able to accommodate my concerns about section VII of the bill entitled, "Reprogramming and Transfer of Funds." ONDCP now has reprogramming or transfer authority of over 2 percent of all the Governments and antidrug budgets, for example, the FBI's and DEA's.

The transfer authority has long created fear that substantial funds from law enforcement or interdiction could not be moved and later be used by this administration for treatment or media campaigns to the detriment of these equally important enforcement efforts.

To raise the ONDCP Director's transfer authority even higher to up to 5 percent of the budget of these agencies needs more counterbalance, checks and controls.

By providing the authorizing committees' as well as the appropriations committees' approval for any such reprogramming, we built in strong protections, and I am pleased that the bill now provides for notice of approval under this provision to the Committee on International Relations, for example. We and other authorizing committees could then have some real meaningful input.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield three minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Madam Speaker, I thank the distinguished ranking member from Wisconsin for this opportunity to address the House.

Madam Speaker, I rise in opposition to this legislation, primarily because I am not a member of the committee that reported this, and, as a result, because it is on the suspension calendar, I do not have an opportunity to offer amendments.

How can we put on the suspension calendar a bill so important to this Nation as the one before us this afternoon? Did you know that 850 tons of drugs leave Mexico, Peru, Colombia, and a couple other places in this world, destined to America, and that 600 tons of those drugs get into our country?

Drugs are the cancer of America. It is creating a cancer in our families and our communities and across this Nation. How then can we put this legislation on the suspension calendar and not allow 435 elected Representatives to debate the issue?

I oppose this legislation, mainly on that ground. I have a HIDTA in my district, high intensity drug trafficking area. I work with the community and the people who are part of that in my district.

But what we found in HIDTA is, yes, it is good on law enforcement, but it is poor on community input. It is poor on having proven programs participate in the HIDTA. The board of the HIDTA is law enforcement.

Yes, we need law enforcement, but we also need community input into the cancerous drug trade hampering America, and which, in my opinion, will really restrict America from being the fine country we have been as we move to the 21st century.

There have been no hearings on this legislation. How can a cancer such as drugs, 600 tons of it into our country, come before this Congress, with no hearings, and then be put on the suspension calendar?

I urge my colleagues to vote against this. Let it go to the Committee on Rules. Let it be debated before the full House of Representatives. We can cure this program, I am convinced of that, but not when we try to hoodwink Americans, not when we do not give our communities the support that they need.

This bill must go to the Committee on Rules. It must come on the Floor for open debate, so we can all debate it and amend it, and then send it on to the President.

I urge the defeat of this legislation. Let us come back and debate it. Until we deal with the drug problem in America, our seniors are not safe, our children have no opportunity, and this Congress will not be as effective as it ought to be.

Please defeat this legislation.

Mr. HASTERT. Madam Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Madam Speaker, I thank the distinguished gentleman, the chairman of the Subcommittee on National Security, for yielding me time.

Madam Speaker, I would enlighten the previous speaker and just indicate that there have been extensive hearings on this legislation, as there should have been, with regard to reauthorizing such a major component of our war against drugs, the Office of National Drug Control Policy.

The vote on this bill, H.R. 2610, is very simple: Any Member who is serious about getting tough in the war against drugs should vote for it. Anybody satisfied with the status quo or desiring to move backwards should vote against it. It is that simple.

The legislation did not all of a sudden develop. It was the result of extensive negotiations with the executive branch, both parties in this Congress, and the Senate. It reflects very extensive hearings that were held, including hearings with the GAO.

The GAO, which is a nonpartisan watchdog agency of our Government, has told us that long study has indicated to it that the current drug policy under the leadership of the ONDCP is not clear, it is not coordinated, it is not comprehensive, and it is not consistent. Therefore, it comes as no surprise that it has been largely ineffective.

This legislation, on the other hand, is clear, it is coordinated, it is comprehensive, and it is consistent; in short, a recipe for success where we have had failure in the past.

This is perhaps the most important vote to come before this body with regard to coordinating our war against mind-altering drugs since the original enabling legislation setting up the Office of National Drug Control Policy was passed in 1988.

Every Member here who is serious and wants to put their vote where their

words are should vote for this piece of legislation. It is the by-product of extensive hearings, extensive material, and it will work.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I would say I reject the simplistic choices set forth by the gentleman from Georgia. They are not, in fact, the choices that are being made. I regret the gentleman is not listening to me, but to set up such a simplistic choice between A and B, and with the hypothesis if you are not for this bill, you are not for the drug fight, is absolutely incorrect. The gentleman is still not listening to me. C'est la guerre.

Madam Speaker, as ranking member of the Subcommittee on Treasury, Postal Service and General Government, I rise to urge my colleagues to oppose H.R. 2610. This bill does not simply reauthorize the Office of National Drug Control Policy, an office I strongly support, headed by Gen. Barry McCaffrey, who I think is doing an outstanding job. And we need to do more. There is no doubt about it, and he would be the first to say so.

It does, however, contain several controversial provisions affecting national drug policy. My colleague from Michigan is correct, we should have had an opportunity to offer amendments to this critically important legislation. Therefore, it should not be on the suspension calendar.

I want to address one provision, Madam Speaker, which would undermine the effectiveness of the high intensity drug trafficking areas. H.R. 2610 would prohibit the use of HIDTA funds to expand drug treatment programs.

There is not a law enforcement official I have talked to in the United States of America, and I would imagine the U.S. attorney from Georgia at one point in time did not have a law enforcement official that did not say if we could not get people off drugs, we are not going to win this war, period. That is the bottom line, and every law enforcement official I have talked to agrees with that.

The Washington-Baltimore HIDTA, created in 1994, is one of the most successful in the Nation. Check the statistics, one of the most successful in the Nation. One important reason is the program's tough sanctions-based drug treatment component.

Last year, that component caused the rearrest rate for drug-addicted notviolent offenders to plummet 38 percent below the national HIDTA average. Hear me, it is the only one that has the drug prevention, and it is 38 percent better in preventing recidivism than any other HIDTA program in America.

The program forces addicts into treatment, holds them responsible for staying clean, and continually checks their state of sobriety.

Madam Speaker, I would hope we would not defeat this bill. I would hope that temporarily we send it back to commit, give us the opportunity to address the shortcomings in this bill. Obviously, there is a lot of good in this bill. But in its current state, I will be unable to support it and would urge my colleagues not to support it in its current state.

Mr. HASTERT. Madam Speaker, I yield myself 10 seconds to address the gentleman from Maryland.

Madam Speaker, there is $2.9 billion dedicated to treatment and an extra $1 billion more than there were 3 years ago. The Baltimore-Washington HIDTA will continue. It is there. It can still coordinate that treatment. We have made sure that that treatment will flow into that area.

Madam Speaker, I yield two minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Madam Speaker, I thank the gentleman for yielding me time.

I rise in strong support of this bill. I think it is a tremendous improvement over current law and a reauthorization for the next 2 years of the National Drug Policy Office. I think, Madam Speaker, that we are not only not winning the war on drugs, we do not even have a war on drugs, not in the sense that most Americans would believe. We have not set up the kind of goals and missions and objectives that the military would fight if they were fighting a war.

This bill tries to go to some measure to do that. I think General McCaffrey has discussed doing it, is working on doing it. I would like to believe much of what is in here he would embrace and will ultimately do so. But we are charged as legislators with the responsibility of setting goals and objectives, and we are charged with putting this war on drugs on a real wartime footing, and that is what this bill does.

First of all, yes, there is 600 metric tons of cocaine coming into this country every year, and because of that, thousands of more young people's lives are being damaged by that result. The drugs that are coming in are purer and cheaper than ever.

In order to stop that, we have to have a balanced approach. We have to have interdiction, we have to have drug treatment, we have to have a supply and demand, education, all those things. But on the interdiction side alone, I would like to point out this bill sets a goal of interdicting at least 80 percent of the cocaine coming into this country every year.

We do not have a goal right now. They tell us that at least 60 percent has to be interdicted before the price will be driven up. If you drive the price of the cocaine up on the streets, far fewer kids are going to get the narcotics. That is the way it was 5 or 6 years ago. We were driving the price up, interdicting enough.

Now we are interdicting at best estimates 20 to 30 percent of the cocaine coming our way, not anywhere near the 60 percent. So the bill sets, among other things, a goal of 80 percent interdiction; 80 percent is a real goal. We then should know from the Drug Policy Office in a short duration what are the requirements to achieve that. What does it take? How many planes, how many ships, how much military involvement? Where do we draw the line? How do we proceed, and then this Congress should come back and provide whatever assistance it takes to do that, to win the war on drugs. I urge a yes vote for this bill. It is a good bill.

□ 1615

Mr. BARRETT of Wisconsin. Madam Speaker, I yield 4 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding me the time.

It is with a great deal of regret that I come to the floor to oppose this bill. It has never been a partisan issue to fight against drugs in this country. But the Republican majority is politicizing this whole effort, and by this legislation today, the essence of it, it is a political one and it is a partisan one. Let me explain it on two grounds.

First of all, there were no hearings in the committee on this legislation. There were not discussions with the administration to try to work out the bill that is now being presented to us. There were no processes where we could offer amendments on the floor today. This is being put on the suspension calendar to preclude any amendments to the bill.

Second, this takes an agency that struggled to stay out of partisan politics and imposes upon it a standard which dooms it to failure, sets it up for ridicule during the election cycle in the year 2000. The bill has targets for drug reduction. I am not against targets. But the targets have to be realistic, and the targets in this legislation are doomed to failure because the targets are set so unrealistically.

The bill requires the drug office to reduce adolescent drug use by 90 percent in 4 years. This chart that is before me shows that the largest reduction in teen use achieved in any 4-year period in the past was just 33 percent, not the 90 percent required in this bill.

What happens if we do not get a 90 percent reduction? Nothing, except the Republicans in the election year for President can say, look at the failure to achieve a 90 percent reduction in drug use by kids.

I would suppose that when we get to the tobacco issue my Republican colleague will support a 90 percent reduction in tobacco use in 4 years. There we have an easier time to deal with the problem, because we have a domestic manufacturer we can hold accountable. They control the distribution of their product. But I do not think anybody would say a 90 percent reduction is going to be achieved in illicit drugs in 4 years when it is so diffuse, it is so illegal, and with all the ramifications of distribution and use.

I feel that what we have here is a bill that is so unrealistic that we are being set up on a partisan basis for a failure, and then to politicize the effort by trying to have the Republicans attack the Democrats for that failure, this has never happened in the Congress before. We have always had opposition to drugs, the illicit traffic in drugs, opposition to drug use on a bipartisan basis, after hearings, after discussions, after votes, where amendments were offered and agreed to.

So I regret this, and urge my colleagues to oppose this legislation, and to insist that we go back to the regular order and have a realistic appraisal of what ought to be in a bipartisan effort to stamp out drug use.

Mr. HASTERT. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, my good friend, the gentleman from California, I am dismayed at what he has said. This is not a partisan issue. It should never be a partisan issue, and we should not try to put up a partisan smoke screen to say this is why we should vote against this bill.

We had more than a dozen meetings with the White House. We had the drug czar's office included, and two personal meetings with the drug czar. We asked and complied with the drug czar on seven out of eight requests. The only request that he wanted is a 12-year reauthorization. We said, that is too long, nobody is responsible for 12 years, because the drug czars especially are not here for 12 years.

We are saying, let us look at 2 years and then go another 2 years, and let us get the job done. Let us hold ourselves and this administration and the law enforcement and treatment to tough standards in this country. Let us say that we are going to do this, we are going to cut teenage drug use in half. Is that too much? The 20,000 kids who die in this country in hospitals because of ODing and on street corners because of drug violence, to cut drug use in half in 4 years, is that too much? I do not think so.

An example, in 1985 to 1992 we cut by 79 percent the amount of cocaine used in this country. Why can we not cut by 50 percent by the year 2000, so we can start in the 21st century with less than we have now, half the amount of kids on drugs? This deserves a yes vote, and I ask for Members' support.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, this reminds me of a press conference where there is a new football coach hired, and there is a lot of hoopla where they say, this coach is going to bring us to the Superbowl in 4 years. We are going to give him the tools to do it. Then the question is, how long is his contract? And the answer is 2 years. No one thinks they are serious. No one can say this is a serious attempt to end drug usage in this country, if you are not going to give General McCaffrey the time he needs to do it.

Madam Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. LEVIN].

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Michigan [Mr. LEVIN] is recognized for 1 minute.

Mr. LEVIN. Madam Speaker, I deeply believe we have to do much better in the antidrug area, much better. I have spent, I think, more time in my district on this issue than any other, working with coalitions. If any issue needs a bipartisan approach, it is this one. This bill violates that, violates it. It extends the office tenure for only a couple of years. General McCaffrey does not support this bill. We should be working with him. Goals are set without relationship to what the office thinks is realistic. Let us not make this into a political football. Let us work together on this issue. Give us a chance to debate this on the floor with amendments, where we can improve it.

I urge a no vote, not so that we stop this bill but so that we can amend it, debate it, and pass it with the seriousness this problem deeply deserves.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HASTERT] that the House suspend the rules and pass the bill, H.R. 2610, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2610, the bill just passed.

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

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 or rule XVI or section 401 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House of any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 265 is an open rule providing for the consideration of the Coast Guard Authorization Act of 1997. The purpose of this legislation is to authorize the activities and the programs of the Coast Guard for fiscal years 1998 and 1999.

The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation. The rule also contains a minor waiver of the Budget Act, waiving section 401 of the Budget Act of 1974 against consideration of the bill.

Section 401 prohibits consideration of legislation providing new entitlement authority which becomes effective during the current fiscal year. This waiver is needed because the bill removes the cap on severance pay for Coast Guard and warrant officers. The provision is meant to conform the Coast Guard with the other services; no other Coast Guard officer or other service's warrant officer has a cap on severance pay.

The rule also makes in order the Committee on Transportation's amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read.

There are two minor waivers needed for the committee substitute. The rule waives clause 7 of rule XVI relating to germaneness, and section 401 of the Congressional Budget Act of 1974 against the committee amendment in the nature of a substitute.

The germaneness waiver is needed for an amendment adopted during full committee consideration of the bill which recognizes the community of Grand Haven, MI as Coast Guard City, U.S.A., and the budget waiver is needed because the committee substitute retains the severance pay cap removal that is in the original bill.

Further, the Chair, Madam Speaker, is authorized to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote. In addition, the rule provides for one motion to recommit, with or without instructions.

The Coast Guard is the primary Federal agency with maritime authority for the United States. It is a complex organization of ships, aircraft, boats, and shore stations. Title 14 of the United States Code provides that the Coast Guard is at all times an armed force of the United States.

I believe the Coast Guard has a very difficult task in carrying out its main missions of law enforcement, maritime safety, marine environmental protection, and national security. An average day for the Coast Guard includes, among other things, saving 32 lives, assisting 308 people, saving $8 million in property value, conducting 142 search and rescue missions, responding to 34 oil or hazardous chemical spills, conducting 128 maritime law enforcement boardings, identifying 97 violations of law, seizing 84 pounds of marijuana, and 148 pounds of cocaine. That is an average day for the Coast Guard.

The Committee on Rules hearing on this bill I think was extremely cordial. It was bipartisan. I am told that that is an accurate reflection, Madam Speaker, of the manner in which the Committee on Transportation and Infrastructure handled the legislation, as well.

The bill was reported to the House by voice vote, as was the rule. I would like to commend both the chairman of the committee, the gentleman from Maryland [Mr. GILCHREST], as well as the ranking member, the gentleman from Tennessee [Mr. CLEMENT], for their hard work on the bill.

Madam Speaker, House Resolution 265, I believe, is a fair rule. It is completely open. I would urge its adoption.

Madam Speaker, I reserve the balance of my time.

□ 1630

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me the customary half-hour.

Madam Speaker, I am pleased to rise in support of this very noncontroversial bill and this open rule. As Members know, the Coast Guard was established in 1915. Today 82 years later, the Coast Guard is still protecting people at sea and enforcing U.S. law. It is a great organization and it is well worth funding.

Today's bill authorizes $3.9 billion for the Coast Guard's operation this year, which is the President's request plan plus an additional $70 million for drug interdiction activities.

The 37,000 members of the U.S. Coast Guard provide this Nation with invaluable maritime service for everything from search and rescue to drug interdiction, and this $3.9 billion, Madam Speaker, will support their good work.

I would like to commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Minnesota [Mr. OBERSTAR], ranking member, for putting together a truly bipartisan bill which should pass this House with very little opposition.

Madam Speaker, I have heard very few complaints on either side of the aisle about the bill, which will provide for marine safety, waterway safety, and maritime safety. This bill will also clarify the rules about oilspill liability and provides $5.5 million for the new ports and waterways safety system which is replacing the vessel traffic service 2,000 program.

Madam Speaker, this bill also provides funds for drug interdiction, ice breaking on the Great Lakes, repairs of buoys, and operation or removal of bridges that impede boat traffic.

Madam Speaker, this bill will enable the Coast Guard to continue its great work, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of may time.

Mr. DIAZ-BALART. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. GOSS] a member of the Committee on Rules and chairman of the Select Committee on Intelligence.

Mr. GOSS. Madam Speaker, I want to speak briefly on the subject of the Coast Guard because it is an agency of great importance and great concern to the quality of life of our Nation and particularly to the people in Florida.

The Coast Guard is very well known for the good work it does. It is a wonderful agency. In times of war, the Coast Guard plays an integral role in the defense of our country. In times of peace, it has got so many missions it is hard to account for them all, but basically the safety of our boaters up and down our coastlines, well-being of our fisheries, providing for navigational aids, and emergency assistance. Those types of things are well understood and necessary, and they do a good job on it.

Madam Speaker, less well known, and the reason I wanted to speak today, is the vital role that the Coast Guard plays in the war on drugs. In a recent congressional hearing we heard about the reemergence of Florida as a drug transshipment route. We are sorry to hear it. This is not good news, and it is something that demands an immediate response.

I was encouraged to hear of the greater coordination we have now among the Coast Guard, the DEA, and our Customs folks in dealing with this problem. If we are going to be effective, we need to have everybody working from the same page in the war on drugs. It is certainly not going to be enough to settle for a stalemate in the war on drugs. We just had that debate, and we are not going to settle for a stalemate. We are going to need to get serious about winning that war, and the Coast Guard is going to be a major player in that.

The Coast Guard does fight in the frontlines in the war on drugs, and for that reason this particular bill is very important. I commend the gentleman from Maryland [Mr. GILCHREST] for his leadership.

Madam Speaker, I urge my colleagues to support this very fair and open rule and get on with the business of making this in order.

Mr. MOAKLEY. Madam Speaker, I yield 8 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Madam Speaker, I rise in opposition to the rule

because it does not allow for the consideration of campaign finance reform on the House floor. I ask my colleagues to vote to defeat the previous question so that the Committee on Rules can make in order the consideration of a debate on campaign finance reform.

Madam Speaker, I do not oppose this bill and would not otherwise oppose this rule. But I do not believe that we should move forward with other legislation without a commitment on campaign finance reform by this House.

My colleagues and members of the public who have been watching the House floor in the past month or two by now are familiar with the problem. The Republican leadership in this House, Speaker GINGRICH and Majority Leader ARMEY, refuse to allow us to debate and to vote on campaign finance reform legislation. Apparently, they like the system the way they have it and they refuse to allow us to consider bills to reduce the amount of money spent on campaigns.

Because of their refusal to allow debate on campaign finance reform, we are forced to take extraordinary measures. We are forced to do what we are doing today, to debate campaign finance reform on a rule dealing with the Coast Guard. But the nature of campaign finance reform is such that we must act. If we do nothing, simply let the current system continue. And we know that that system is repugnant to the American people, and, in fact, threatens the public interest and our Democratic institutions.

And with each passing day that the Republican leadership blocks reform, the influence of money over legislation, over elections, over what committee Members sit on or are allowed to serve on, every decision made in Washington grows worse and worse. Money, politics, and influence becomes tighter and tightly controlled.

This week, for example, it is reported that the Senate Republican leaders gathered to discuss their legislative agenda for 1998. A normal meeting. One would expect them to plan ahead. It was reported that one of the key issues for the Senate Republican leaders would be whether or not to design a legislative agenda that would stand a chance of winning approval by the President or whether to use next year to raise issues that would galvanize the core Republican constituencies, even if they stood no chance of approval.

Madam Speaker, foremost in the minds of that group was to use this legislative agenda for the purpose of generating money for the Republican Party. Now, that is a little bit different. Now we are not just talking about issues; we are talking about whether or not the agenda can be used to raise money, as if to erase any question over the influence that fundraising is to have on setting the agenda.

The meeting reportedly was held at the Republican fundraising offices here in Washington. Here is what was reported by Congressional Quarterly Monday morning. Quote, "A prime topic of discussion is whether to devote the early months of 1998 to legislative priorities that have no chance of winning President Clinton's signature, but would energize the GOP's conservative base as the primary season begins and Senate incumbents try to beef up their bankrolls for the fall."

They try to beef up their bankrolls? We are going to use the Senate floor and the Senate agenda and the time of the Senate and the House and the people's Congress, to beef up the bankrolls of Republican Members of the Senate? That is why the Senate majority leader, that is why Mr. MCCONNELL, the Senator from Kentucky, went there. They went there to decide how to put together an agenda that would allow the Republican Senators to raise money? That is what the House of Representatives and the Senate has come to? We are not talking about doing the people's business; we are talking about doing the business of people who give money in large chunks to the Republican Party?

Madam Speaker, that is why we need campaign finance reform. That is why we are having to debate this issue on a bill dealing with the Coast Guard, because the Republican leadership in either House will not allow this debate to take place.

I find it rather interesting that the same people who were in the meeting talking about setting the agenda to raise campaign money for Republican Senators were the same Senators who engineered the defeat of the McCain-Feingold bill, a bipartisan bill to reform this system. These same leaders in the Senate engineered the defeat of that legislation over the last 2 weeks.

Madam Speaker, we are here to tell our colleagues that campaign finance reform is not dead either in the House or in the Senate. We are going to continue to pursue the Republican majority in the House and in the Senate to give us a vote, to give us the debate on this issue.

If necessary, we will resort to a discharge petition. We will have to force them. We will have to get a bipartisan coalition in this House, 218 signatures to force this leadership to give us a debate. What we are asking for is a debate and a vote on campaign finance reform.

That is what the House of Representatives is supposed to be about. That is what the Congress is supposed to be about. It is about the people's House. The people have spoken now in opinion poll after opinion poll. They are disgusted. They are disgusted with the way that elections are financed in this country. They are disgusted with the fact that now soft money means access. It not only means access to the White House; it means access to committee chairmen who are making multibillion dollar decisions about telecommunications, about energy deregulation, about clear air, about global warming. It is all about access. And if a contributor can write a $100,000 check, they can get it and the rest of the American public cannot.

Madam Speaker, that is why we are forced to debate this, but we are not going to let the people who engineer on one day the death of campaign finance reform and then run downtown to the Republican headquarters and talk about using the people's legislative body as a fundraising tool. We thought it was bad enough the other day when the Republicans sent out a letter and said for $10,000 a contributor could have lunch, breakfast, or dinner with the 10 most important Senators who are interested in meeting for $10,000. It is more than about ham and eggs. It is about the legislative agenda. Now they have gone from sending out letters to designing the legislative agenda for the purposes of fundraising.

Madam Speaker, I thought that if making a phone call is a problem, what about designing an entire agenda and using the Senate of the United States for the purposes of raising money and doing it with forethought? That is why we need campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair must caution the Member against improper references to the Senate or its members.

Mr. MILLER of California. Madam Speaker, if my time has not expired, the problem is when I look at the polling numbers, if I said "the Senate majority leader" no one in the country knows who I am talking about.

The SPEAKER pro tempore. The gentleman must refrain from such references.

Mr. DIAZ-BALART. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have brought to the floor a rule that is completely open, that permits all amendments. While we were in the minority it was very rare to get the majority, then the Democrats, to permit an open rule so that all amendments could be introduced, on a subject, by the way, as important as the Coast Guard, where the distinguished gentleman from Massachusetts [Mr. MOAKLEY], ranking member of the Committee on Rules, admitted that that function is a primary function of national security and law enforcement.

So, Madam Speaker, we come to the floor today with a totally open rule to permit any and all amendments from any Member of this House on a subject as critical to the national security of the United States as the authorization of the Coast Guard and what are we

confronted with? We are confronted with what we just heard. No one could ever accuse the distinguished gentleman from California [Mr. MILLER] of lack of imagination, because even on a bill as necessary to the national security as this one, even on a rule totally open, which permits amendment by any Member of this House, we have heard what we have heard today on an issue that has nothing to do with the Coast Guard.

Madam Speaker, I remind all our distinguished Members that we are debating an open rule to authorize that critically important organism of this country, institution of this country, which is the Coast Guard. That is what we are on today, Madam Speaker. I do not want to get confused. We are not going to let ourselves get confused by these arguments which seek to confuse, apparently, people who are not Members of this House and they will not get confused either. We are bringing an open rule permitting all debate on this critically important piece of legislation to this country.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Speaker, I am going to make reference to the previous speaker, the gentleman from California, saying that the leadership of both Houses of Congress are discussing at this time anything else, discussing the issue of campaign finance reform when they should be discussing the issues of the Nation.

I want to say emphatically that the issue that the leadership has been discussing in recent times are the issues of what the Coast Guard needs in the Arctic Ocean in February. They are discussing how the Coast Guard has more influence and can more effectively deal with the pollution problems of the coastal waters of the United States and the inland seas of the United States. The leadership of both Houses is discussing the major problem of cargo ships bringing in enslaved immigrants by criminal thugs and how they can get to the shores of the United States and perform more effectively their criminal activity.

□ 1645

And how does the Coast Guard, made up of very young men and women, stop that? We are talking about a whole range of issues that deal with the Coast Guard. The leadership of both Houses of Congress are talking about welfare reform. They are talking about IRS reform. They are talking about how to improve agricultural practices. They are talking about a lot of things.

Last, Madam Speaker, I would like to remind the gentleman from California, when we are talking about campaign finance reform, each and every Member of this House, as individuals, as representatives of their district, have always the option of how they are going to run their campaign and how they are going to raise their money. So if the gentleman from California does not like the present legal system of the way campaigns are funded, he can simply do what he wants. He could stop taking PAC money. He could stop taking money from anybody from his district. He could do what he wants.

Each of us, as Members of this House, should tell our constituents, this is what I am going to do as a person, regardless of what Congress can or cannot do, I am going to stop taking all money except for those people who can vote for me. I will stop taking PAC money. I will stop taking money from outside of my district. I will stop taking special interest money. I will stop accepting soft dollars into my district. I will only take money from someone who is registered in my district to vote in my district, regardless of what the Congress does.

The leadership of this Congress has been talking about issues relating to the American people and, I might add, in the last 2 or 3 years, doing a fine job. I would remind the American people that sometimes the rhetoric on the floor would make a Shakespearean play look pretty dull, but look through the rhetoric at some of the details. We are talking about how to protect the coastal waters of the United States. This rule, as the gentleman from Florida has suggested, is open. All amendments are possible on this particular rule.

I urge my colleagues to support the rule.

Mr. MOAKLEY. Madam Speaker, I yield 8 minutes to the gentleman from Michigan [Mr. BONIOR], majority whip of the Democratic Party.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding me the time.

Madam Speaker, I want to commend the Committee on Rules, both parties, for providing us with a rule that is open and allows us to do the things that my friend from Maryland talked about and that is help with the exploring and science and fighting pollution, dealing with the immigration problems and that our national defense needs, those are all very good things. But I think my friend from Florida may have just a wee bit stretched the procedural argument that he made that this has nothing to do with political campaign reform.

We have no objections to dealing with the Coast Guard issue. It is an important issue for the country and for all of us. But what we will attempt to do is allow that to happen, but at the same time, when that is finished in our rule here, we will ask that the House consider campaign finance reform and the variety of proposals that have emanated from both political parties.

There have been some very good suggestions on this side of the aisle, as well as on our side of the aisle. What the gentleman from California [Mr. MILLER] is objecting to, what I am objecting to, and if I may dare say so, the American people have been objecting to, is the fact that this system is broke and this Congress, in both House and Senate, is not willing to face up to the broken system and fix it. In fact, we have not even faced up to the fact that we want it to be debated, debated.

This is not the first time that we have come to the floor to do this. This is the sixth time in this session that we are demanding a vote on campaign finance reform. We asked that the same procedure be initiated on the 7th of January, 13th of March, 19th of April, 16th of April and, I think, the 21st of May.

We will attempt to defeat the previous question in order to bring finance reform to the bill, campaign finance reform. It is not about a specific proposal. It is about having a debate so we can come to some conclusion to try to fix what I think is a rotten system, a rotten system. Every one of us knows in our hearts that we spend too much time, too much energy seeking campaign contributions in order to stay here and do not devote enough time to the work at hand.

It is a system that has gotten both political parties in enormous trouble. It is a system which has caused the people of this country to lose faith in this institution. It is a system in which Members of both bodies would prefer not to have. And yet I must say, I watched that handshake between the President and Speaker GINGRICH, when was it, a couple, 3 years ago. They were going to do something about it.

Well, nothing is being done. The Speaker says that the problem is not too much money, but too little money. We ought to be spending more. Well, that is nonsense. That is absolute nonsense and it is not a prerequisite in a democracy today. Nine out of ten of the American people think we spend too much and we spend too much time raising it and it is corrupting this institution and our democracy. We need to fix this system, Madam Speaker. And we need to limit the amount of money, stop this negative advertising and get the American people voting once again.

If other democratic nations can do it, we can do it. Just across the border from my district in Canada, the political season is much shorter, the airwaves are free. Campaigns are publicly financed, Great Britain, Ireland. We ought to be able to craft something that is fair to both sides.

I would say to my Republican colleagues, you should not be afraid to have this debate. Voter cynicism does not just hurt us, it hurts you as well. It undermines our democratic institutions and who we are as a people and why we came here to serve. I suspect

that we will lose once again today. It is the nature of the situation here. But as my friend from California said, campaign finance reform will not die. And we will attempt to bring it to the floor of the House of Representatives with a discharge petition. That means every Member of this body will have the opportunity to walk over to the Clerk here and sign a petition that says, we want all the issues related to this most important issue on how we run our democracy and how we finance it, we want it on the floor of the House of Representatives. And we will have a list of those who want to reform the system and those who want the status quo.

Finally, in just one word to my friend from Maryland, who I have a deep respect for for his work on the environment and education and some other issues, I admire him as well as the gentleman from Florida. But he makes the argument, well, you know, if you really want reform, do it yourself. That ignores the situation where someone will unilaterally disarm, limit their campaign contributions while their opponent is able to play by the present, I think, rotten and corrupt system and raise so much money that the scales are not balanced nor are the elections. We have to have a level playing field where we are playing by the same rules.

To suggest to us on the floor today that you ought to just take it right out of your district, the fact of the matter is, if some of my colleagues decided to just take contributions out of their own districts and their opponent decides to take it out of the country, there are districts in this country that are so poor that it would not be a contest financially.

I could make a lot of arguments

Mr. GILCHREST. Madam Speaker, will the gentleman yield?

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

Mr. GILCHREST. Madam Speaker, the comment about taking money just from one's district, I do that now. I do not take any PAC money, no money unless a person can vote for me. I did that in 1992, when I ran against an opponent, an incumbent of this House, who spent a lot more money than I did. It is still possible to win.

Mr. BONIOR. Madam Speaker, it is possible to win and the gentleman is an example of that happening. But there are districts, and the gentleman, I think, will concede this, where it is extremely difficult to raise the money to be competitive in a congressional race within that district itself. I think the gentleman understands that. That is the dilemma that we face if we are not all playing by the same rules.

So let me just conclude, Madam Speaker, by suggesting that our colleagues vote against the previous question so we can bring this issue to the floor and we can have a full and honest and fair debate so our Republican colleagues, as well as our Democratic colleagues, can offer the suggestions to reform the system so we know where we are. Maybe we will not resolve it. Maybe we will not come to a conclusion. Maybe we will not have the votes to pass anything. But at least we will have some sense of where we are in this debate and where the center of gravity is in terms of where this Congress wants to go and where the public wants us to go. We owe that to the American people. We owe that to the institution that we serve in and we certainly owe it to the people who sent us here.

Mr. DIAZ-BALART. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Madam Speaker, I thank my colleague from Florida for yielding me the time.

It is with great interest that I listen to the minority whip as we talk about what our priorities should be as those who are duly elected representatives of the citizens of the United States. In fact, Madam Speaker, I am sure that my colleagues on the other side of the aisle would join me in this realization, that those who aspire to public office should obey existing law. And unfortunately, the scenario that is played out here, listening to the whip, my friend from Michigan, listening to my colleague from California, is one akin to a speeder pulled over by a traffic cop.

Now, I know many policemen who patrol the highways and byways hear all sorts of excuses. But never have I heard them relate to me that when they pull over a speeder, the speeder says to the officer, well, you may have a posted speed limit of 55 or 65, but that is just not adequate. That law should be changed. That law should now be 95 miles an hour. And sadly what is going on in this Chamber, Madam Speaker, and going on, I regret to say, at the other end of Pennsylvania Avenue is a massive effort to misdirect the attention of the American people.

Campaign finance reform, indeed, that is a subject that should be discussed. But not to sacrifice, indeed, some, Madam Speaker, might use the word "obstruct," not to sacrifice the legitimate priorities of funding our Coast Guard, of maintaining the integrity of our borders and indeed to maintain the integrity of our electoral process, Madam Speaker. This should be the framework under which we operate, obedience to existing statute.

Sadly, Madam Speaker, what this is about, I regret to say, is the presence of some in the White House. And here we see the President and First Lady in this picture with one Johnny Chung who seems to be unavailable to come before committees in this House and in the other body and freely explain to the American people his role in the 1996 campaign. So let me say candidly, Madam Speaker, to my friends on the other side, to all of my colleagues in this Chamber and indeed to the citizens of the United States, let us first exercise our legitimate oversight to find out exactly what went on in 1996, to find out exactly what went on within the executive branch, to find out when this gentleman is so pleased to be standing with the first couple, to get to the bottom of these very disturbing questions.

If we are to prioritize, it would seem to me that we would start with the numerous concerns, suspicions and allegations sadly confronting this administration. Madam Speaker, there are many lessons to be learned from history. I lament the fact that some of my colleagues have drawn the wrong conclusions from what transpired nearly a quarter century ago.

□ 1700

Because in that era there were those who talked of stonewalling, there were those who talked of the absurdity of the limited modified hangout. And in stark contrast, quite frankly, to the behavior we see displayed today from Members of the minority, two people from my State had the guts and the gumption to go to the White House in 1974 and request that President Richard Nixon resign. Oh, for a true spirit of bipartisanship, not borne out of temporary convenience but of constitutional conviction.

This is not a game. Serious questions remain. Yes, we should take a look at campaign finance reform from stem to stern, but first we must find out who violated, who is under suspicion of violating the rules that now apply in everyday law.

And, moreover, Madam Speaker, we should not try to turn this question of a legitimate security question to our national boundaries, to a branch of our service, to funding of the Coast Guard for the preening and posing of partisanship in the hopes that those allied with those who would obfuscate and try to run away from the problem might find temporary advantage.

Let us adopt the rule.

Mr. MOAKLEY. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. BONIOR].

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

Madam Speaker, we can all parade up to the well of the House and present our favorite photo of a political leader who we may disagree with because of some alleged impropriety. I suspect Members on this side of the aisle could, and have I suspect, done the same thing with the Speaker of the House [Mr. GINGRICH], with his improprieties that found him sanctioned by his Republican colleagues as well as our Democratic colleagues.

I suspect we on this side of the aisle could do the same thing where the former chairman of the Republican Party, Haley Barbour, who was engaged in raising foreign funds in the last campaign. I suspect we could even do that with members of the Republican Party who are presently engaged in similar problems as Members of the House of Representatives. But that really does not get us to where we need to go. Where we need to go is to have a full and honest debate about the ways to reform the system.

I would invite the gentleman from Arizona, who just spoke, to join his Senator, Senator MCCAIN, in sponsoring the McCain-Feingold bill, and join those of us in the House who want to bring this debate to the American people. We know how that argument goes, how it plays out in the end, the one that the gentleman propounded on the floor just a minute ago: Let's find out before we do anything.

We have had really 20 years of this system and we have found out. It has gotten many, many people in trouble. It has reduced the number of people in this country who have faith in the system and who have voted. It has in many ways had a very, very negative influence on how people operate in public life.

And so I encourage my friend from Arizona to get on board. We are going to have a line out here on Friday of people signing a discharge petition. I assume we maybe even will have a few Republicans, and we encourage the gentleman to be right in front of the line and he can be that running back that I never was.

I played at the University of Iowa, and I was a kind of a small guy, but I was always looking for somebody to plough that hole open. He can plough that hole open for his party by getting in line and joining us in signing the petition.

Mr. DIAZ-BALART. Madam Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Madam Speaker, I thank the gentleman for yielding me this time, and I appreciate the reminiscences of the distinguished minority whip as to his athletic career, a great athletic career that continues even today, as we have seen him on the baseball diamond and on the basketball court.

Let me also invite the minority whip, Madam Speaker, and others on that side of the aisle, to join with me, with my own campaign finance reform bill, the nickname is ERIC, election reform in campaigns, and let them also, Madam Speaker, join with me to reaffirm the basic first amendment rights of members of voluntary associations, trade associations, and union associations not to have their dues taken from them against their will to be used for political causes in campaigns with which those members may not agree.

I would hope that we would move forward in that debate. But for now, and the question before this House now, we dare not turn a deaf ear or a blind eye to the funding requirements of the U.S. Coast Guard and the legitimate national security concerns therein.

And, Madam Speaker, on the subject of national security concerns, it entirely proves my point that we should assess just exactly what has transpired when foreign nationals, indeed with suspected representatives of foreign governments coming to peddle their influence in Washington and sadly in the last cycle allegedly at 1600 Pennsylvania Avenue.

Oh yes, let the committees, Madam Speaker, conduct their oversight. Let the chips fall where they may. Let us end the obfuscation and what sadly has become the misdirection. Let us put our priorities in order.

Campaign finance? Sure. But legitimate constitutional congressional oversight first for very disturbing questions of national security and alleged improprieties that cannot be erased no matter how fond the athletic reminiscences.

Mr. MOAKLEY. Madam Speaker, may I inquire what is the remaining time on each side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Massachusetts [Mr. MOAKLEY] has 11½ minutes remaining and the gentleman from Florida [Mr. DIAZ-BALART] has 12 minutes remaining.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentleman for yielding me this time.

Like all my colleagues who have spoken, I too would like to see campaign finance reform brought to the floor of this House and done so immediately. I rise, however, to raise another issue.

I think that the Coast Guard bill is a good one, but I raise a concern that has adversely affected the Chicago area, which I represent. For many years the Coast Guard Air Station helicopter facility located in Glenview, IL, patrolled southern Lake Michigan, an area with a high volume of recreational traffic. Recently that facility was relocated to Muskegon, MI, more than 100 miles away.

Under the current setup, it takes a helicopter twice as long to get from Muskegon to the Chicago area as it did from Glenview. Some authorities have contended that moving the unit out of the Chicago area has dramatically compromised the safety margin for those persons who frequent the lakefront.

A recent Chicago Sun Times article reported that during the past year, 26 people have died on southern Lake Michigan as compared to 4 deaths during the previous year. It has been observed that the number of deaths on southern Lake Michigan have continued to spiral upward since the Coast Guard's decision to relocate to Muskegon.

Mr. Speaker, it is my hope that the U.S. Coast Guard will reevaluate this move, which is possibly responsible for a number of senseless deaths. I would also request that the Subcommittee on Coast Guard and Maritime Transportation review this location site. A site closer to the Chicago metropolitan area could save many lives.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to respond to the gentleman who spoke about the transfer of the helicopter in the Chicago region. I do not see him on the floor now, but I do want to say that this is an area that we have considered. We certainly will try to obtain more funding so the Coast Guard can have more helicopters.

It is my judgment that the Coast Guard, for the past several years, has been, in fact, underfunded. So we are going to correct this in the next cycle, so that we hope with that increase in funding the helicopters can be in more areas than they are now.

Now, one of the reasons that the Coast Guard helicopter was moved from this gentleman's particular area to another area is because of the assessment of where most of the accidents occur. Most of the accidents, clearly over 90 percent of the accidents that the Coast Guard responds to, they respond with small boats, not helicopters. There is only a small percentage of the accidents where they actually use helicopters, but the helicopters are moved to those areas that need that type of assistance more, and that is a judgment by the Coast Guard. But I assure the gentleman it is an area that we are taking under serious consideration.

Mr. Speaker, if I can just go back to our favorite subject, I suppose at least for some Members, campaign finance reform, I would like to remind my colleagues on the House floor that each of us, regardless of what the regulations are regarding the Federal Election Commission, and regardless of whatever regulations there are out there for campaign finance fundraising, each of us, as individuals, can eliminate the entire system at the snap of a finger.

What is good about this country is that it thrives on individual initiative and individual responsibility. So if a Member thinks the system is bad or corrupt, or whatever they think about the system, I would like to remind my colleagues that they can simply stop taking money from everybody; from PAC's, from interest groups, from

unions, from trade unions. Just name it. Just stop taking all those dollars that might be tainted or might be corrupted and run the campaign without taking any money or just from people that vote in the district.

In 1990 I won an election. I was very honored to come to the House of Representatives. And I defeated an incumbent. I was a candidate and I defeated a 10-year incumbent who had a lot of money. I figured if I wanted to get to Congress, I had to create a strategy where I could meet as many people as possible and convince them that I would be a better Member of the House of Representatives.

It takes a lot of work, a lot of courage, a lot of planning as an individual, using one's own initiative. So if we do not like the system, then we can change it ourselves.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, talk, talk, talk. That is what we have been doing about campaign finance reform. It is time to vote, vote, vote. That is what we need to do in this House. We would not need to talk so much about campaign finance reform if the Republican leadership of this House would bring this matter to a vote.

And if I could just respond briefly to what the gentleman from Maryland was just saying, about we can always do it our own way. When we play tennis, we play by the rules. When we play football, we play by the rules. We do not make up individual rules for individual players.

What we need in this body is, we need a vote on a bipartisan campaign finance reform bill. We know enough about what went on in the 1996 elections to know that we need to do something different.

I am a member of the Committee on Government Reform and Oversight, chaired by the gentleman from Indiana [Mr. BURTON]. We have spent $3 million for 1 day of hearings; $3 million for 1 day of hearings.

And when I was back in my home State of Maine this past week, I heard over and over again the same refrain: We are tired of these investigations. We want to get to the bottom, but we are tired of investigations with no legislation. We want to see Members of Congress do something for us people back home.

Now, there are not many Republicans who are on a bipartisan campaign finance reform bill, but my friend, the gentleman from Arkansas, Mr. [ASA HUTCHINSON], is cochair with me of our freshman bipartisan group. We produced a bill. We went through a 5-month process. It was a bipartisan effort. We ban soft money. We take the biggest of the big money out of this system.

We have put together a bill with no poison pills. We took the poison pills out. And I think that is the kind of legislation that ought to come to the floor of this House; that we ought to give every Member of this House a chance to stand up and vote, not just talk about campaign finance reform.

□ 1715

I believe that if we do that, if we ban soft money, if we take the biggest of the big money out and we make sure that the parties have enough money to keep going so they can fulfill a role, if we make sure that every group, every group that wants to participate in this system by way of a third-party advertisement has to disclose who they are, has to disclose how much money they are spending. Then the American people will know more about what is going on in this political system and they will be able to deal with it.

I sense in my home State a crisis of confidence in this political system. I also sense a real impatience with this Congress for all of the talk and no action. The fact is that if we bring this matter to a vote, then we can move this question ahead. For that reason, Mr. Speaker, I urge Members to vote against the previous question and bring campaign finance reform to the floor for a vote.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. May I remind the House that this is the rule to bring the Coast Guard authorization bill to the floor?

We do not have other speakers on this side, but my understanding is that the other side wants to talk about issues that have nothing to do with the Coast Guard. Of course it is a democracy that we live in, Mr. Speaker. People when they rise can speak about anything they wish. That is one of the beauties of the system, Mr. Speaker. But I think it is important for the Members who may be trying to find out what the debate is about, what we are on here, dealing with, what we are on the floor dealing with.

This is the rule, which is an open rule, and during the many years before we acquired the majority, Mr. Speaker, there were very few open rules. Open rules are rules that bring bills to the floor with the opportunity for all Members to offer amendments on that legislation. That is something that we cherish, that is something that we fought for. Since we are in the majority, we are able to do it. We are able to bring legislation to the floor with what are known as open rules, which are guidelines that permit any and all amendments, any and all amendments by any Member to the legislation that is brought to the floor. What we are bringing to the floor with this open rule is the authorization of the Coast Guard, which is critically important to the national security of the United States, which is critically important to law enforcement, which is critically important to drug interdiction, issues that are obviously essential for the American people.

So we are bringing to the floor the Coast Guard authorization law, bill, legislation with an open rule. I wanted to remind Members of the fact that that is what we are doing, Mr. Speaker. Of course since it is the United States of America, since it is this wonderful free Nation of laws, people can come to the floor and talk about whatever they wish when they are given time by the Speaker. But I wanted to remind any colleagues who may be watching on their screens in their offices or the American people what it is that we are seriously doing here today, and it is serious, reauthorizing the Coast Guard, protecting the American people from narcotics, helping the national security. That is what we are doing by bringing forth the Coast Guard authorization and we are bringing it forth, we are bringing it to the floor with a rule that permits any and all amendments obviously that have something to do with the Coast Guard; in other words, that are germane.

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

The SPEAKER pro tempore. The Chair would inform both Members that the gentleman from Massachusetts [Mr. MOAKLEY] has 6½ minutes remaining and the gentleman from Florida [Mr. DIAZ-BALART] has 6½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I have listened to what everyone said. I heard what the gentleman from Michigan [Mr. BONIOR] said and the gentleman from California [Mr. MILLER] and all. I must admit I do not see anything wrong with it. I have voted no on most of the parliamentary motions that the gentleman from California [Mr. MILLER] has made concerning campaign finance reform, but I think it comes to a time that we have to make up our mind, are we going to have a debate? Are we going to have a vote on campaign finance reform? I think I have waited long enough. I think most of the other Members have.

You turn on TV, you listen to the radio, you read the newspaper, and the entire country is talking about campaign finance reform. They are not just talking about what has happened at the White House. They are talking about what has happened in all congressional districts, in all States in the United States. They know what other countries have done when it comes to campaign finance reform, and they know what we have not done in the United States of America. And the

American people know the influence of big money on political campaigns. It has gotten to the point in time where people buy elections. They do not earn elections anymore. They buy elections.

We also know the disparity of income between the haves and the have-nots. We know that that is growing daily. We know that the middle class is being squeezed now. And we know also that a lot of people are not even participating in the electoral process anymore. Why are they not participating? I think they are not participating because of the influence of big money.

I say to the Republicans and I say to the Republican Party, let us have a vote, let us have a debate, let us have it now, not later, because it is in the best interests of the American people.

Mr. DIAZ-BALART. Mr. Speaker, I do not have any other speakers at this time. I would just remind the Members who may be tuning in that this is the Coast Guard authorization, the open rule.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. Maloney].

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this rule because it does not allow for the consideration of campaign finance reform on the House floor. I do not oppose this bill and I would otherwise not oppose this rule, but I do not believe that we should move forward with other legislation without a commitment to campaign finance reform by this House.

More than 300 Members of this House have signed on to various campaign finance reform bills. Nearly everyone has an idea and they have worked hard to turn those ideas into legislation. The evidence is before this House. There are 87 different campaign finance reform bills before this House. But not a single one of these bills has made it to the floor for debate, not a single one of these bills, not one of the 87 has even been considered in a committee hearing this year. Mr. Speaker, there are 435 Members of Congress and 311 of them have signed on to various campaign finance bills. That is 72 percent, a majority of the Members. And a majority of Americans are pleading for reform. Yet these pleas are not being heard by the majority party.

Our counterparts in the Senate, they did not have much success but at least they tried. At least they brought it to the floor. Let us do the same here, Mr. Speaker. Let us bring some of these 87 bills to the floor for debate. Nearly three-quarters of this House is asking for it. Nearly three-quarters of this House is a sponsor of a campaign finance bill.

I urge all of my colleagues to join the gentleman from Michigan [Mr. BONIOR] in calling for and signing a discharge petition so that we can get the issue before this body for debate and before this body for a vote. We certainly owe it to our constituents to have a vote on campaign finance before we adjourn and go back to our districts.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. I include for the RECORD an explanation of the previous question, as follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I think the gentleman from Arizona [Mr. HAYWORTH] was really on point in this debate which was brought up by our distinguished friends on the other side of the aisle in this open rule on Coast Guard; in other words, on nothing that had to do with the Coast Guard. But the gentleman from Arizona [Mr. HAYWORTH], in setting the record straight, I think had a very interesting point and that is the analogy of the policeman who stops someone who is speeding because the speed limit is 50 miles an hour and then when the person is stopped, the person wants to change the law. This law is very bad, yes, it is true I was going 70 miles an hour, but I think it should be a 30-mile-an-hour speed limit. That is an excellent point because that is exactly what we are dealing with here.

The allegations that are being made and that are being substantiated on a day-in and day-out basis are very serious. These allegations have to do with selling of influence to enemy dictatorships. I think few allegations can be more serious. And so when we have an analogy about stopping someone for going 50 miles an hour, remember the 50 miles an hour that we are talking about. We are talking about selling influence to enemies of the United States being the 50 miles an hour. And yet saying, oh, no, no, the law is bad, make it 30 miles an hour.

So yes, we can debate and we will very happily debate this issue, but the bottom line is that today what we are doing is something else that is very important to the United States; by the way, very important, Mr. Speaker, to the national security of the United States as well. And that is authorizing the Coast Guard.

And so we bring forth to the floor the legislation to authorize the Coast Guard with the opportunity for all Members of this House under what we call in this House an open rule, an opportunity for any and all Members to bring forth any amendment that is germane, that is relevant to that legislation. That is what we are doing, Mr. Speaker. That is what we ask at this moment, that the resolution, the rule be accepted.

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

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

Mr. Speaker, the majority argues that our attempt to defeat the previous question is futile because our proposed amendment is not germane. The fact of the matter is that the Chair has not made a ruling nor heard our arguments as to the germaneness of our amendment. The only way to make that determination is to allow us to offer the amendment by defeating the previous question.

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

I include the following material for the RECORD.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's "Precedents of the House of Representatives," (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said:

"The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership "Manual on the Legislative Process in the United States House of Representatives," (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's "Procedure in the U.S. House of Representatives," the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

H. RES. 265—PREVIOUS QUESTION AMENDMENT TEXT

At the end of the resolution add the following new section:

"Section 2. Before the House adjourns sine die for the first session of the 105th Congress, it shall consider campaign finance reform legislation under an open amendment process."

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

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. QUINN). The question is on ordering the previous question.

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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 14, as follows:

[Roll No. 515]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Bono
Cubin
Dellums
Foglietta
Ford
Gillmor
Gonzalez
Jefferson
Lantos
McIntosh
Neal
Schiff
Shadegg
Watts (OK)

□ 1748

Mr. HALL of Texas changed his vote from "yea" to "nay."

Mrs. MORELLA and Mr. SCARBOROUGH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will

now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2464, de novo; and

H.R. 1962, de novo.

The Chair will reduce to 5 minutes the time for each electronic vote in this series.

AMENDING THE IMMIGRATION AND NATIONALITY ACT TO EXEMPT INTERNATIONALLY ADOPTED CHILDREN UNDER AGE 10 FROM THE IMMUNIZATION REQUIREMENT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2464, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2464, as amended.

The question was taken.

RECORDED VOTE

Mr. DIAZ-BALART. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

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

[Roll No. 516]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
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
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
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
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
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
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
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
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
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
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bono
Cubin
Dellums
Ford
Gillmor
Gonzalez
Hyde
Jefferson
Lantos
McIntosh
Neal
Schiff
Watts (OK)

□ 1801

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, on rollcall Nos. 515 and 516, I was unavoidably detained.

On rollcall 515 I would have voted: "no";

On rollcall 516 I would have voted: "yes".

ANNOUNCEMENT OF THE CONFIRMATION OF REPRESENTATIVE THOMAS FOGLIETTA AS AMBASSADOR TO ITALY

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

Mr. MURTHA. Mr. Speaker, it is my pleasure to announce to the House of Representatives that the gentleman from Pennsylvania [Mr. FOGLIETTA] has now been confirmed by the other body, the Senate, as the Ambassador to Italy. The gentleman from Texas [Mr. DELAY] says, "Make your reservations early."

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1962, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 1962, as amended.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 17, as follows:

[Roll No. 517]

AYES—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
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
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
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
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
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
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
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
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—3

Coble
Manton
Paul

NOT VOTING—17

Barrett (NE)
Bono
Cubin
Dellums
Doggett
Fowler
Gillmor
Gonzalez
Hyde
Jefferson
Lantos
McIntosh
Neal
Schiff
Talent
Watkins
Watts (OK)

□ 1813

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for a Chief Financial Officer in the Executive Office of the President.".

A motion to reconsider was laid on the table.

PARTIAL-BIRTH ABORTION BAN ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–158)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1122, which would prohibit doctors from performing a certain kind of abortion. I am returning H.R. 1122 for exactly the same reasons I returned an earlier substantially identical version of this bill, H.R. 1833, last year. My veto message of April 10, 1996, fully explains my reasons for returning that bill and applies to H.R. 1122 as well. H.R. 1122 is a bill that is consistent neither with the Constitution nor sound public policy.

As I stated on many occasions, I support the decision in *Roe* v. *Wade* protecting a woman's right to choose. Consistent with that decision, I have long opposed late-term abortions, and I continue to do so except in those instances necessary to save the life of a woman or prevent serious harm to her health. Unfortunately, H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury.

I have asked the Congress repeatedly, for almost 2 years, to send me legislation that includes a limited exception for the small number of compelling cases where use of this procedure is necessary to avoid serious health consequences. When Governor of Arkansas, I signed a bill into law that barred third-trimester abortions, with an appropriate exception for life or health. I would do so again, but only if the bill contains an exception for the rare cases where a woman faces death or serious injury. I believe that Congress should work in a bipartisan manner to fashion such legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 10, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

□ 1815

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the message of the President and the bill be referred to the Committee on the Judiciary.

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

Mr. SCOTT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. CANADY] to explain his request.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding to me. This unanimous-consent request would send the veto message of the President and the bill to the Committee on the Judiciary.

Mr. SCOTT. Further reserving the right to object, Mr. Speaker, considering that this bill was vetoed because it lacked a health exception, does the subcommittee chairman intend to process similar legislation which exempts from the bill's coverage cases where it is necessary to protect the health of the mother, which provision,

of course, is necessary in order for the bill to meet constitutional muster so that we can actually have a bill?

Mr. CANADY of Florida. Mr. Speaker, if the gentleman will continue to yield, the legislation which the President has again vetoed seeks to ban the procedure known as partial-birth abortion. The procedure is performed several thousand times each year, primarily in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. To the victims of partial-birth abortion, this is no rhetorical campaign statement, as some have said. Instead, it is a means, partial-birth abortion is a means to a brutal death.

According to the American Medical Association, which supports H.R. 1122, partial-birth abortion is not an accepted medical practice. Hundreds of obstetricians and gynecologists and fetal maternal specialists, along with former Surgeon General C. Everett Koop have come forward to unequivocally state that partial-birth abortion is never medically necessary to protect the mother's health or her future fertility.

In fact, the procedure can significantly threaten a mother's health or ability to carry future children to term. In conclusion, the health exception sought by the President would be both unnecessary and dangerous. We want to enact a meaningful ban on partial-birth abortions that will protect innocent babies from a brutal death. That is exactly what the bill does. No changes in the bill are necessary.

Mr. SCOTT. Mr. Speaker, further reserving the right to object, since it is clear that the constitutionally required health exception will probably not be included and so that we can determine the effect of the motion to refer and because it would seem useless to have this bill just gathering dust in the Committee on the Judiciary until we engage in another futile political exercise during next year's campaign, I would ask the gentleman when we could expect a bill to be considered by the House?

Mr. CANADY of Florida. Mr. Speaker, again, if the gentleman will continue to yield, I reject certain premises contained in the gentleman's question. I believe that this bill is constitutional. It does not fall within the scope of Roe v. Wade. Roe v. Wade dealt with the status of the unborn child. I disagree with the court's decision in Roe v. Wade, but I do not believe that that decision covers the case of a partially born child. This is different in that regard.

I think it is clearly distinguishable from what the court dealt with in Roe v. Wade. On the question of timing, it would be the intention of the committee to bring this back to the floor for a vote on overriding the veto sometime next year before the conclusion of this Congress. We do not have a date established for action.

Mr. SCOTT. Further reserving the right to object, Mr. Speaker, I would just say that we disagree on the constitutionality of a bill without the health exception and several State bills very similar to this have been already thrown out just this year.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committee on the Judiciary.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2595

Mr. BERRY. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2595.

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

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 265 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2204.

□ 1822

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 consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT], each will control 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2204. Before I discuss this bill, I would like to thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], our ranking minority member, the gentleman from Wisconsin [Mr. OBERSTAR], and the ranking minority member of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from Tennessee [Mr. CLEMENT], and their staff for their help and cooperation on this legislation. H.R. 2204 was developed in a bipartisan manner and deserves the support of all the Members.

The primary purpose of H.R. 2204 is to authorize funds for the United States Coast Guard for fiscal years 1998, 1999. Title I of this bill authorizes $3.9 billion for Coast Guard activities in fiscal year 1998 and $4 billion in fiscal year 1999. The fiscal year 1998 authorization contains an increase over the level requested by the President for the Coast Guard of approximately $97 million. These funds primarily support additional Coast Guard efforts to interdict illegal drugs before they reach the United States.

The fiscal year 1999 authorization contains additional funds for drug interdiction and for other Coast Guard operating and acquisition costs. Specifically, this legislation includes approximately $2.79 billion in fiscal year 1998, and $2.85 billion in fiscal year 1999 for Coast Guard operating expenses, $401 million in fiscal year 1998, and $444 million in fiscal year 1999 for acquisition of vessels, aircraft and shore facilities, and $652 million in fiscal year 1998, and $692 million in fiscal year 1999 for Coast Guard retired pay.

I strongly support the increase in funds for drug interdiction because cuts in resources devoted to drug interdiction in the early 1990s have greatly hindered Coast Guard efforts to fight the war on drugs. The evidence is clear that effective drug interdiction raises the price of drugs driving use down especially among casual users.

A study released last January by the Institute on Defense Analysis confirmed this point. Interdiction is especially significant as we focus on ways to eliminate teenage drug use. We must mount an aggressive attack on drug smugglers if we intend to win the war on drugs. The funds authorized in this bill will restore cuts to the Coast Guard drug interdiction program and provide the level of drug interdiction we need to keep drugs from reaching the shores of the United States.

There are many things we as a Nation together can do to fight the drugs and to participate in the war on drugs. There is treatment programs, there is educational programs, there is a whole range of things that we can do. Interdiction is an important part, an important piece of that puzzle.

Title II of H.R. 2204 deals with several internal Coast Guard personnel management matters. Title III of the bill addresses issues related to navigation safety. This title amends the Ports and Waterways Safety Act and subtitle II of title XLVI, United States Code, by extending the territorial sea for these laws from 3 to 12 nautical miles from shore. These amendments will enhance the Coast Guard's ability to fully implement its port State control program and protect U.S. waters and substandard foreign vessels.

Title IV of the legislation contains several miscellaneous provisions, including enhancements to the Coast Guard vessel identification system, several Coast Guard property transfers, classification of financial responsibility requirements for oil spill response vessels and several specific wavers of the U.S. coastwise trade laws.

Finally, Mr. Chairman, as we go through the authorization of the Coast Guard, we would like, the gentleman from Tennessee [Mr. CLEMENT], and I, and the staff would like Members, when they think about the Coast Guard, to think about the Arctic Ocean at midnight in February in a driving storm, the Coast Guard is there.

Think of the environmental enforcement of our shores, our coastal waters and our inland seas, the Coast Guard is there. Think of the illegal immigrants enslaved in cargo ships by criminals from all around this globe intercepted by young Coast Guard men and women on the high rough seas in all kinds of weather.

Think about the protection of the coastal waters and the fisheries which provide an abundance of food for this United States. Think about the search and rescue missions that are taken throughout the entire year, day and night, winter and summer, calm seas and rough seas, that is what the Coast Guard does.

At the appropriate time, I will offer an en bloc amendment which makes several technical corrections and includes several noncontroversial amendments to the bill. I urge Members to support this legislation.

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

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2204, the Coast Guard Authorization Act of 1997. Members on both sides of aisle support the Coast Guard in this very bipartisan bill. The Coast Guard is on the front lines every day saving lives and stopping drugs from entering our country. They are the lead agency in the clean up of oil spills and protect our fisheries within our 200-mile exclusive economic zone.

Mr. Chairman, these are not partisan issues. The gentleman from Maryland [Mr. GILCHREST], and I have worked closely with the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member, the gentleman from Wisconsin [Mr. OBERSTAR], to craft a bill that will meet the needs of the Coast Guard for fiscal year 1998.

H.R. 2204 authorizes approximately $3.9 billion for the Coast Guard for fiscal year 1998, including $2.8 billion for their operations, $401 million for acquisition and construction of new ships and facilities, $19.5 million for research and development and $21 million for environmental compliance and restoration at Coast Guard facilities.

□ 1830

The only difference between the amounts authorized in this bill and the budget proposed by the President is that we have added approximately $97 million for increased drug interdiction operations.

We have also worked closely with the administration to include much of its legislative program for this year, including extending the territorial sea from 3 miles to 12 miles.

We have also included a number of recommendations made by the maritime industry, such as prohibiting people from interfering with the safe operation of commercial vessels.

I urge all my colleagues to support H.R. 2204, the Coast Guard Authorization Act of 1997.

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

Mr. GILCHREST. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to voice my strong support for H.R. 2204, the Coast Guard Authorization Act.

In addition to funding for critical drug interdiction activities, this bill contains a significant increase in the Coast Guard operating expense account. This boost will allow the Coast Guard to do their job more effectively.

In my district, Mr. Chairman, this will benefit the Coast Guard's training center in Cape May, which is the only recruit training center in our Nation. In addition, the completion of the new air station in Atlantic City will ensure better and faster search and rescue missions along the east coast.

I want to thank the Coast Guard for the important service that they are performing in southern New Jersey and throughout our Nation. Their small boat stations have been a great help to fishermen and recreational boaters. Their rapid response saved the lives of two Air National Guard pilots forced to eject into the Atlantic in a recent accident.

In general, Mr. Chairman, the Coast Guard personnel have proven to be very welcome members of the community in southern New Jersey and, in fact, throughout our Nation where the Coast Guard has a presence.

And I would like to, Mr. Chairman, in conclusion, congratulate and to thank the Coast Guard for the great job that they are doing in so many different ways. As the gentleman from Maryland has stated, they are putting their lives on the line day in and day out, very often without recognition, and I want to say how very proud we are of the great job that they are doing.

Mr. CLEMENT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. JOHNSON.]

Mr. JOHNSON of Wisconsin. Mr. Chairman, I too join in support of this Coast Guard Authorization Act. As a Representative who lives and works on the Great Lakes, and as a member of the Subcommittee on Coast Guard and Maritime Transportation, I am pleased to see that this great investment in the Coast Guard is being made today not only with the full support of people here but the full support of a lot of people in our districts.

Every day, as has been noted before, the Coast Guard is patrolling our lakes and shores aiding navigation, performing search and rescue missions, protecting the coastal resources, and fighting drug trafficking.

The Coast Guard performs vital services for Great Lake States and across the Nation. And as a member of the Great Lakes States, and of particular importance to all of us who live along the coastline of the Great Lakes, the bill includes nearly $5 million in the fiscal year ahead for continued operation and maintenance of what is vital to our area and to the Great Lakes, the ice-breaking cutter, the *Mackinaw*.

For as long as I have been on this Earth, for some 54 years, the *Mackinaw* has sailed the Great Lakes breaking ice so other ships may travel safely and bring goods in and out of the ports, including the port of Green Bay.

The bill also provides funding to explore future options to the now aging icebreaker *Mackinaw*, and I am pleased to see this endeavor take shape as we plan for the Coast Guard and with the Coast Guard for the years ahead.

Mr. Chairman, I look forward to the passage of this bill as we show our support not just for the Coast Guard in general but for the hard work of the men and women of the Coast Guard, and in particular the people in my district who build the great ships that they sail. As someone who has grown up on the Great Lakes, I can appreciate the work and the effort put in by the Coast Guard.

We have Coast Guard operations in Green Bay, Sturgeon Bay, Marinette, and Washington Island in my district, a district that contains one county that has more lighthouses than any other county in America. We know full well the work of the Coast Guard on the Great Lakes, but also wherever ships and wherever people are in trouble at sea, the Coast Guard is there. I ask for my colleagues support for the Coast Guard Authorization Act.

Mr. CLEMENT. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise to call my colleagues' attention to a potentially dangerous situation in southern Lake Michigan. Currently, there is only one air rescue helicopter serving the entire southern Lake Michigan region. Until 1995, that helicopter was located at the Coast Guard air station in Chicago at Glenview, IL. In 1995, the village of Glenview asked the Coast Guard to vacate Glenview's

site and, subsequently, the Coast Guard moved the facility to Muskegon, MI.

While the justification for a move is clear, I take issue with the Coast Guard's choice for the location of a new facility. The new site is simply too far away from where the majority of boating activities and accidents occur in Lake Michigan. I believe safety should be the primary factor guiding where the helicopter air rescue station serving southern Lake Michigan should be situated.

The decision about where to base the Coast Guard's air rescue helicopter must consider public safety. The Coast Guard's SAR standard response time is 2 hours. It takes a helicopter centrally based in Michigan at least 80 minutes to reach the Chicago area. It is clear that 1 hour could mean the difference between life and death when boaters are in an emergency situation in Lake Michigan. Simple common sense dictates a response time of 15 to 20 minutes from a base on the southern end of the lake would be safer.

Other factors for which the Coast Guard did not account for are population and accident rates. According to July 1996 Census Bureau statistics, the population of counties bordering Lake Michigan in Indiana and Illinois is 6.4 million people. Michigan's shoreline population in the region is only 715,000. It stands to reason that the more populated areas of the Lake Michigan shoreline are at greater risk for boating accidents.

In addition, northwest Indiana's casino boats, which now carry thousands of people each year, and Chicago's dinner and sightseeing boats, which carry over 1 million passengers per year, accentuate the southern Lake Michigan region's need for a Coast Guard helicopter that can respond very quickly in emergencies.

Recent events have highlighted the need for a helicopter rescue team which can respond. Twenty-six people died in Lake Michigan between October 1, 1995, and October 1, 1996, compared with just 4 deaths in the previous year. Thirteen of those deaths were the result of boating and jet skiing accidents and occurred in lake waters between Gary, IN, and Waukegan, IL.

This is a serious problem and, for the sake of the tens of thousands of people along the southern shore of Lake Michigan who use the lake for recreational and commercial purposes, I would hope that this body and the administration would act to improve their safety, safety that has been seriously jeopardized since 1995.

I would simply add my thanks to the gentleman from Maryland [Mr. GILCHREST] for his earlier colloquy with the gentleman from Illinois [Mr. DAVIS] recognizing the situation we find ourselves in and his commitment, and I am sure the commitment of the gentleman from Tennessee [Mr. CLEMENT], to seek resources to make sure that the safety of everyone along that southern shore of Lake Michigan is protected.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume, to advise that while we have no more speakers on our side, I do want to take just a few seconds to respond to this issue of the helicopter.

There are limited resources no matter where we go in this country. Each State has limited resources. Each county has limited resources. The Federal Government has limited resources. The Coast Guard has limited resources. So we try to spread those few limited resources to the areas that we think need to be served the most because of the dangers that have been associated with those areas.

The Coast Guard has chosen to move that helicopter. Now, we also recognize that the Coast Guard does a fine job working with State and county officials in all of these rescue missions, and that is what they are going to do. And I want to assure the people in the gentleman's area, I want to assure the people in the Great Lakes region, Lake Michigan, that the Coast Guard is there and they are continuing to work there and they are going to do the best job they can and they will continue to work with local hospitals, with local States, with local rescue missions with their helicopters that cover the area.

What we are going to do next year is to find out what areas the Coast Guard is lacking, where they are underfunded because of increased responsibilities and make those corrections. So I assure the gentleman from Indiana that we are going to pursue this issue with all our effort.

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

Mr. GILCHREST. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I just wish to thank the gentleman very, very much.

Mr. CLEMENT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, last year, to reiterate what the gentleman from Indiana [Mr. VISCLOSKY] said moments ago, last year almost seven times more people died on the southern side of Lake Michigan, or the connecting rivers around the Chicago, IL, Gary, IN, area than in the previous year.

And while the remarks of the previous speaker are certainly correct, there are limited resources in today's environment, and there are certainly a tremendous amount of needs, oftentimes competing needs. I would simply argue that when we consider the urgency on the southern side of Lake Michigan, there are compelling arguments and compelling reasons for the Coast Guard to consider sending another search and rescue helicopter to the area that serves southern Lake Michigan.

Because presently there is only one Coast Guard search and rescue helicopter which serves the needs of southern Lake Michigan, and the needs for that particular area are compelling. The population of counties bordering Lake Michigan in Indiana and Illinois is 6.4 million people.

Northwest Indiana, every year, has four casino boats that carry thousands of people on any given day. Chicago's dinner and sightseeing boats carry over 1 million passengers every year. There are more than 5,000 boats which harbor in Chicago. Every day over 1,000 flights, every day over 1,000 flights come in and out of Chicago's three airports in their final descent over Lake Michigan. Chicago O'Hare happens to be among the busiest airports in the world.

Chicago fire and police department marine units are gravely concerned, they have expressed this publicly, about their emergency response capability if a plane were to crash into Lake Michigan. On an average day in the summer there are roughly 2,000 boats in the water along the 70 miles of shoreline between Gary, IN, and Waukegan, IL.

There are, on average, 10 to 20 Coast Guard search and rescue boats which cover Gary, IN, north to Waukegan, IL. These are missions routinely done, yet again we only have one search and rescue helicopter serving that area.

Mr. Chairman, the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Illinois [Mr. LIPINSKI], and myself have requested the GAO to prepare an independent assessment to determine which location best protects the safety of those who live and recreate in this area of southern Lake Michigan. I would hope that this study will strongly consider factors such as population and the number of accidents which occur along the Chicago and Gary shoreline.

This is about saving lives and not about saving money, and I am hopeful and confident that the GAO and the appropriators will consider these factors.

Mr. CRANE. Mr. Chairman, I rise to speak today, not on a matter that was addressed by H.R. 2204, the Coast Guard Authorization Act, but on one that was not addressed but should have been. Specifically, I refer to the ill-advised relocation, by the U.S. Coast Guard [USCG], of its helicopter rescue unit from Glenview, IL, to Muskegon, MI.

The effect of that move, which was prompted by the decision to close the Glenview Naval Air Station, has been to increase, by about 30 minutes, the time it takes for a Coast Guard air rescue helicopter to reach the Chicago lakefront in the case of an emergency. Moreover, that rescue helicopter is now 15–20

minutes further removed from the area north of Chicago, an area featuring over 60 lakes and one of America's most popular recreational waterways, not to mention miles of Lake Michigan shoreline often frequented by boating enthusiasts. As a matter of fact, over 25,000 boating permits have been issued in the Fox River-Chain o' Lakes area of northeastern Illinois alone.

Mr. Chairman, the significance of these figures is this. Thousands of people boating near, or flying over, one of the most heavily populated areas of America are at greater risk than they were a year ago. Not only is the USCG's rescue helicopter further away, but it can operate anywhere over lake Michigan whereas the local policy boats and fire department helicopters usually stay within 4 miles of shore. Also, there are two other considerations. First, whenever the USCG helicopter does come down to the Chicago area for a search and rescue mission, it cannot remain aloft as long as it did previously before it has to refuel. Second, the USCG personnel manning that helicopter have more specialized training and equipment than do the dedicated people who operate local police boats and rescue helicopters.

Since any one of these considerations could delay or otherwise compromise efforts to rescue people from the waters of lower Lake Michigan, the Fox River, the Chain o' Lakes, and/or the other lakes that dot northeastern Illinois and southeastern Wisconsin, I think you can understand why so many people in or near that area are concerned about the basing of this USCG helicopter rescue unit. To them, that unit represents the margin between life and death in the event of a serious boating or airplane accident, the potential for which has become increasingly apparent lately.

During the past year, no less than 26 people have died in those waters compared to four the year before. Nine of those fatalities resulted from airplane crashes over Lake Michigan, a sobering indication of what could happen if a commercial jet headed to or from either O'Hare Airport or Midway were to suffer a similar fate. In such a circumstance, we would want all available rescue resources on the scene as soon as possible, just as we would in the event a sightseeing boat were to sink or an aircraft were to disappear. But, so long as the USCG's helicopter rescue unit continues to be based in a more thinly populated area across the lake 85 miles from Waukegan, one of those resources—that unit—may not be able to arrive in a timely fashion.

For that reason, I would like to see that concern dealt with before too much more time elapses and we suddenly find ourselves confronted with a tragedy. To my way of thinking, there are two sure ways in which it could be addressed. One would be to relocate the USCG helicopter unit presently based in Muskegon back to the southwestern shore of Lake Michigan, preferably at a site in Lake County, IL. The other would be to create a new unit and base it at a site on or near that same stretch of shore. By mentioning these options, I do not mean to suggest the absence of other alternatives, such as Meigs Field in downtown Chicago. Instead, my intent is to underscore the availability of viable options, to emphasize the need to bring the best of them to the fore as soon as possible, and to express the hope that, before H.R. 2204 is sent to the President for his consideration, progress will have been made to that end.

Mr. BILIRAKIS. Mr. Chairman, as we debate H.R. 2204, the Coast Guard Reauthorization Act, I want to highlight a very important program administered by the Coast Guard. I am referring to the Coast Guard's ports and waterways safety system [PAWSS], a new follow-on program for the vessel traffic service [VTS] 2000 project which was terminated in October 1996.

The primary purpose of a vessel traffic service is to ensure the safety of vessel traffic in U.S. ports and waterways. This program saves lives, protects property and protects the marine environment by giving mariners timely, accurate, and relevant information to avoid groundings and collisions. The Coast Guard currently operates several vessel traffic services in major port areas with much success and support.

The PAWSS Program is an important next step to assure the safety and efficiency of the Nation's ports and inland waterways.

My interest in the VTS began when on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion that shot a fireball hundreds of feet into the air.

In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the clean-up of this spill was enormous, not to mention the damage to the environment.

This is not the first accident to occur at the mouth of Tampa Bay. In May 1980, a freighter, traveling through dense fog, ran into the Sunshine Skyward Bridge causing one of its spans to collapse. Some 40 people were killed. Had the VTS been in place prior to these incidences, these disasters could have been avoided. Today, the port of Tampa Bay is still without a VTS system.

The VTS represents a cost-effective answer to the prevention of these types of environmental disasters. The 1993 accident resulted in over $100 million in economic penalties and pollution cleanup costs. Nationally, the cost of cleaning up accidents such as the 1993 oil spill could easily outpace the cost of operating a VTS program.

Over 2 billion tons of cargo move in and out of all U.S. ports each year. Almost half of this total consists of petroleum products, which pose environmental hazards. Increased use of waterways by passenger and recreational vessels only increases the risk of serious accidents on our Nation's waterways.

Mr. Chairman, I urge my colleagues to support the Coast Guard's port and waterways safety systems.

Mr. LIPINSKI. Mr. Chairman, during consideration today of H.R. 2204, the Coast Guard Authorization Act, Members spoke on the floor about a need for a study to determine the best location for the seasonal Coast Guard air search and rescue facility for Southern Lake Michigan. There is some controversy surrounding the recent relocation of the facility from just north of Chicago to Muskegon, MI. I would like to take this opportunity to enter into the record a letter from my good friend, Chicago Alderman Ed Burke, on this subject. In his letter, he refers to a recent article from the Chicago Sun-Times, which I would also like to include in the record.

I encourage my colleagues to consider Alderman Burke's comments in the context of today's debate.

CITY OF CHICAGO,
COMMITTEE ON FINANCE,
Chicago, IL, September 22, 1997.

Hon. WILLIAM O. LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: The Chicago Sun-Times recently published an article which reported a steep increase in the number of deaths in southern Lake Michigan or connecting rivers over the past year.

I have enclosed for your perusal a letter that I have forwarded to Rear Admiral J.F. McGowan of the United States Coast Guard, detailing my continuing and growing concerns regarding the controversial relocation of an emergency helicopter unit to Muskegon, Michigan.

Any assistance that you could provide in helping to convince the U.S. Coast Guard to restore the "rescue" helicopter unit to a site closer to the Chicago Metropolitan Area would be greatly appreciated.

Yours truly,

EDWARD M. BURKE,
Chairman.

CITY OF CHICAGO,
COMMITTEE ON FINANCE,
Chicago, IL, September 16, 1997.

J.F. MCGOWAN,
Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District, Cleveland, OH.

DEAR REAR ADMIRAL MCGOWAN: Enclosed please find a copy of a recent article from the Chicago Sun-Times, which reports that almost "seven times more people have died in Lake Michigan or connecting rivers" since October 1, 1996.

According to the U.S. Coast Guard, twenty-six people have died in southern Lake Michigan, compared with just four people during the previous fiscal year, the article states. I hope you would agree that this sharp increase in fatalities is completely unacceptable. I also cannot help but observe that these statistics skyrocketed after the U.S. Coast Guard's decision to relocate its "rescue" helicopter unit more than 100 nautical miles away from Chicago in Muskegon, Michigan.

Therefore, I must request that you provide an explanation as to why this "rescue" helicopter continues to remain in Michigan while the number of deaths continue to spiral upward in the Greater Chicago Metropolitan Area and Southern Indiana.

In light of these troubling statistics, I also wish to inquire whether the U.S. Coast Guard plans to reconsider its controversial decision made last year to relocate this "rescue" helicopter unit.

Your prompt attention to this matter would be appreciated.

Yours truly,

EDWARD M. BURKE,
Chairman.

[From the Chicago Sun Times, Sept. 9, 1997]

LAKE MICHIGAN DEATHS UP SHARPLY THIS YEAR

(By Phillip J. O'Connor)

Almost seven times more people have died in Lake Michigan or connecting rivers since Oct. 1 than in the previous year, the Coast Guard said Monday.

Twenty-six people have died since Oct. 1, compared with just four during the previous fiscal year, said Chief Scott Kirwen, acting commander of the Coast Guard's South Chicago station, which directs all agency rescues here. "This was an extremely high year for some reason."

Nine people died in plane crashes, including seven killed in the collision of two planes over the lake near 55th Street on July 26. Two others were killed Feb. 20 and when a plane crashed near Waukegan.

Four people died when they jumped off bridges into rivers. Eleven deaths involved boating, and two people died in jet skiing accidents.

The 26 deaths occurred in the area covered by the Coast Guard here, stretching from Indiana Harbor in Whiting, Ind., to the middle of the lake, to north of Waukegan.

Kirwen said he doubted that moving the Coast Guard's helicopter rescue unit from the former Glenview Naval Air Training Station to Muskegon, Mich., last year would have made any difference.

"A Chicago Fire Department helicopter responded in most of these cases," he said. "By the time the Coast Guard is notified, the people have already disappeared under the surface of the water."

Some authorities and legislators have contended that moving the unit out of the Chicago area cut the safety margin for lake boaters, sailors and swimmers. It takes twice as long for a helicopter based in Muskegon to reach boaters off Chicago's lakefront and the North Shore.

Kirwen said that only two of the people who died—fishermen found drowned in April after a fishing trip off Hammond—were wearing life jackets. Nationally, nearly nine out of 10 drowning victims were not wearing life jackets, Kirwen said.

Life jackets can protect against hypothermia because they allow a person to float without expending energy, Kirwen said.

The Coast Guard uses a 50-50-50 rule in promoting use of life jackets. "If a person is in 50-degree water for 50 minutes, they have a 50 percent better chance to survive if they are wearing a life jacket," Kirwen said.

Mr. CLEMENT. Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purposes of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2204

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 "Coast Guard Authorization Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Removal of cap on warrant officer severance pay.
Sec. 202. Authority to implement awards programs.

TITLE III—MARINE SAFETY

Sec. 301. Extension of territorial sea for certain laws.
Sec. 302. Penalties for interfering with the safe operation of a vessel.

TITLE IV—MISCELLANEOUS

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 403. Documentation of certain vessels.
Sec. 404. Conveyance of Coast Guard facility in Nahant, Massachusetts.
Sec. 405. Unreasonable obstruction to navigation.
Sec. 406. Financial responsibility for oil spill response vessels.
Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
Sec. 408. Penalty for violation of international safety convention.
Sec. 409. Coast Guard City, USA.
Sec. 410. Conveyance of Communication Station, Boston Marshfield Receiver Site, Massachusetts.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1998, $2,790,700,000; and

(B) for fiscal year 1999, $2,854,700,000; of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1998, $401,000,000, of which $2,000,000 shall be made available for concept evaluation for a replacement vessel for the Coast Guard icebreaker MACKINAW, which concept evaluation shall be transmitted to the Congress not later than April 1, 1998; and

(B) for fiscal year 1999, $440,000,000;

to remain available until expended, of which $20,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1998, $19,500,000; and

(B) for fiscal year 1999, $19,000,000;

to remain available until expended, of which $1,000,000 may be made available in fiscal year 1998 for fuel cell research, and of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1998, $652,000,000; and

(B) for fiscal year 1999, $692,000,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1998, $17,300,000; and

(B) for fiscal year 1999, $20,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $21,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 37,944 as of September 30, 1998; and

(2) 38,038 as of September 30, 1999.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1998, 1,424 student years; and

(B) for fiscal year 1999, 1,424 student years.

(2) For flight training—

(A) for fiscal year 1998, 98 student years; and

(B) for fiscal year 1999, 98 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1998, 283 student years; and

(B) for fiscal year 1999, 283 student years.

(4) For officer acquisition—

(A) for fiscal year 1998, 814 student years; and

(B) for fiscal year 1999, 810 student years.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. REMOVAL OF CAP ON WARRANT OFFICER SEVERANCE PAY.

Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

SEC. 202. AUTHORITY TO IMPLEMENT AWARDS PROGRAMS.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (s), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (t), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by redesignating paragraphs (a) through (v) in order as paragraphs (1) through (21);

(4) by redesignating the existing text (as so amended) as subsection (a); and

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

"(b) The Commandant may provide for the honorary recognition of individuals and organizations, including State and local governments and commercial and nonprofit organizations, that significantly contribute to Coast Guard programs, missions, or operations, by awarding plaques, medals, trophies, badges, and similar items to acknowledge that contribution.".

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 3 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

"(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) TITLE 46, UNITED STATES CODE.—Subtitle II of title 46, United States Code, is amended as follows:

(1) In section 2101—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

"(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(2) In section 2301, by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(3) In section 4102(e), by striking "on the high seas" and inserting "beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured".

(4) In section 4301(a), by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(5) In section 4502(a)(7), by striking "on vessels that operate on the high seas" and inserting "beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured".

(6) In section 4506(b), by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States, or

"(B) within 3 nautical miles from the baseline from which the territorial sea of the United States is measured.".

(7) In section 8502(a)(3), by striking "not on the high seas" and inserting: "not beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured".

(8) In section 8503(a), by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States, or

"(B) within 3 nautical miles from the baseline from which the territorial sea of the United States is measured.".

SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE OPERATION OF A VESSEL.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§2302. Penalties for negligent operations and interfering with safe operation";

and

(2) in subsection (a) by striking "that endangers" and inserting "or interfering with the safe operation of a vessel, so as to endanger".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2302 and inserting the following:

"2302. Penalties for negligent operations and interfering with safe operation.".

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

Title 46, United States Code, is amended—

(1) in section 12102(a), by striking "or is not titled in a State";

(2) in section 12301, by adding at the end the following:

"(c) A documented vessel shall not be titled or required to display numbers under this chapter by a State, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary.

"(d) The Secretary may approve the surrender under subsection (c) of a certificate of title covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.";

(3) in section 31322—

(A) by amending subsection (b) to read as follows:

"(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage or instrument that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree."; and

(B) in subsection (d), by amending paragraph (3) to read as follows:

"(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage or instrument granting a security interest became a preferred mortgage under this subsection."; and

(4) in section 31325—

(A) in subsection (b)(1), by inserting "a vessel titled in a State," after "a vessel to be documented under chapter 121 of this title,";

(B) in subsection (b)(3), by inserting "a vessel titled in a State," after "a vessel for which an application for documentation is filed under chapter 121 of this title,"; and

(C) in subsection (c), by inserting "a vessel titled in a State," after "a vessel to be documented under chapter 121 of this title,".

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for each of the following vessels:

(1) SEAGULL (United States official number 1038605).

(2) BAREFOOT CONTESA (United States official number 285410).

(3) PRECIOUS METAL (United States official number 596316).

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

(5) SOUTHERN STAR (United States official number 650774).

(6) KEEWAYDIN (United States official number 662066).

(7) W.G. JACKSON (United States official number 1047199).

(8) The vessel known as hopper barge E-15 (North Carolina State official number 264959).

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

(10) MAR Y PAZ (United States official number 668179).

(11) SAMAKEE (State of New York registration number NY 4108 FK).

(12) NAWNSENSE (United States official number 977593).

(b) OWNERSHIP OF VESSEL PHILADELPHIA.—Notwithstanding section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802, 803) and section 12102(a)(4) of title 46, United States Code, the parent corporation of the corporation holding title to the vessel PHILADELPHIA (United States official number 654192) on May 3, 1995, is deemed on that date and thereafter to be a citizen of the United States for purposes of owning corporations whose vessels are eligible for documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement, if—

(1) the chief executive officer of the parent corporation is a citizen of the United States;

(2) the chairman of the board of directors of the parent corporation is a citizen of the United States, and the number of its directors who are noncitizens does not exceed a minority of the number necessary to constitute a quorum;

(3) the parent corporation meets the stock ownership requirements of section 2 of the Shipping Act, 1916, for operating a vessel in the coastwise trade;

(4) the corporation holding title is otherwise eligible to own a vessel operated in the coastwise trade; and

(5) the vessel is otherwise eligible to be operated in the coastwise trade.

(c) SUNMAR SKY.—Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3978) is amended by inserting "SUNMAR SKY (United States official number 683227)," after "vessels".

SEC. 404. CONVEYANCE OF COAST GUARD FACILITY IN NAHANT, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising United States Coast Guard Recreation Facility Nahant, Massachusetts, to the town of Nahant, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the terms and conditions the Secretary considers appropriate.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation for purposes of the Act entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", approved June 21, 1940 (chapter 409; 33 U.S.C. 511-523), popularly known as the "Hobbs Bridge Act" and the "Truman-Hobbs Bridge Act".

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by inserting "including a vessel responding to a discharge of substantial threat of a discharge of oil," after "vessel,".

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A vessel may not transport cargoes sponsored by the United States Government if—

"(A) the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention in an electronic form, including the name of the owner of the vessel; or

"(B) the owner of the vessel has had more than one vessel detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention in an electronic form, including the name of the owner of the vessel.

"(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the publication in electronic form on which the prohibition is based.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1998.

SEC. 409. COAST GUARD CITY, USA.

The community of Grand Haven, Michigan, shall be recognized as "Coast Guard City, USA".

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts.

(2) LIMITATION.—The Secretary shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—(A) The Secretary may identify, describe, and determine the property to be conveyed to the Town under this section.

(B) The Secretary shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Secretary may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Secretary considers appropriate to protect the interests of the United States.

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

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

Are there any amendments to the bill?

AMENDMENTS OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GILCHREST:

Page 4, beginning at line 9, strike "of which" and all that follows through "research, and" at line 11.

Page 10, before line 20, insert the following new section (and conform the table of contents in section 2 accordingly):

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

"§ 9307. Great Lakes Pilotage Advisory Committee

"(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

"(1) may review proposed Great Lakes Pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

"(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

"(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(4) shall meet at the call of—

"(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(B) a majority of the Committee.

"(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

"(2) The membership of the Committee shall include—

"(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

"(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

"(C) 1 member representing the interests of Great Lakes ports;

"(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

"(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

"(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

"(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 App. U.S.C.).

"(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

"(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

"(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

"(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.".

Page 11, line 3, insert "by a State" after "titled".

Page 11, line 4, strike "by a State".

Page 11, strike lines 17 through 19, and insert the following:

to a mortgage, security agreement, or instrument granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.";

Page 11, after line 19, insert the following:

(B) in subsection (d)(1), by striking "mortgage or instrument" each place it appears and inserting "mortgage, security agreement, or instrument";

(C) in subsection (d)(2), by striking "mortgages or instruments" and inserting "mortgages, security agreements, or instruments"; and

Page 11, line 20, strike "(B)" and insert "(D)".

Page 11, line 24, insert ", security agreement," after "mortgage".

Page 14, after line 15, insert the following new paragraphs:

(13) ELMO (State of Florida registration number FL5337BG).

(14) MANA-WANUI (United States official number 286657).

(15) OLD JOE (formerly TEMPTRESS; United States official number 991150).

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

(18) SOUTHLAND (United States official number 639705).

(19) FJORDING (United States official number 594363).

(20) M/V SAND ISLAND (United States official number 542918).

(21) PACIFIC MONARCH (United States official number 557467).

(22) FLAME (United States official number 279363).

(23) DULARGE (United States official number 653762).

Page 15, after line 19, insert the following new subsections:

(d) DOCUMENTATION OF THE VESSEL PRINCE NOVA.—

(1) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(2) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under paragraph (1) shall expire unless—

(A) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(B) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(i) three times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(ii) $4,200,000; and

(C) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under subparagraph (B) is spent.

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sections 12102 and 12106 of title 46, United States Code, and the endorsement limitation in section 5501(a)(2)(B) of Public Law 102-587, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658).

(2) LIMITATION.—Coastwise trade referred to in paragraph (1) may not include the transportation of dredged material from a project in which the stated intent of the Corps of Engineers, in its Construction Solicitation, or of another contracting entity, is that the dredged material is to be deposited—

(A) above mean high tide for the purpose of beach nourishment; or

(B) into a fill area for the purpose of creation of land for an immediate use other than disposal of the dredged material.

Page 17, line 5, strike "discharge of" and insert "discharge or".

Page 18, beginning on line 8, strike "cargoes sponsored by the United States Government" and insert "Government-impelled cargoes".

Page 18, beginning at line 16, strike "the owner of the vessel has had more than one vessel detained" and insert "the operator of the vessel has on more than one occasion had a vessel detained".

Page 18, strike lines 22 through 24 and insert the following:

"(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

"(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

"(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation on which the detention is based.".

Page 20, after line 22, add the following new sections (and conform the table of contents in section 2 accordingly):

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

(a) CLARIFICATION OF LIABILITY FOR PREVENTING SUBSTANTIAL THREAT OF DISCHARGE.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(8) by striking "to minimize or mitigate damage" and inserting "to prevent, minimize, or mitigate damage";

(2) by striking "and" after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24) and inserting "; and", and by adding at the end of subsection (a) the following:

"(25) 'removal costs' means—

"(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

"(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat."; and

(3) in subsection (c)(4)(A), by striking the period at the end and inserting the following: "relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.".

(b) OIL SPILL MECHANICAL REMOVAL.—Section 311(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(2)) is amended—

(1) by striking "and (C)" and inserting ", (C)"; and

(2) by inserting before the semicolon at the end the following: ", and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section".

(c) SENSE OF THE CONGRESS REGARDING OIL SPILL RESPONSE ACTIONS.—It is the sense of the Congress that, under the Oil Pollution Act of 1990, the President should ensure that liability concerns regarding response actions to remove a discharge, or to mitigate or prevent the threat of a discharge, do not deter an expeditious or effective response, by promulgating guidelines in accordance with applicable Federal law, as soon as possible, clarifying that a person who takes any response action consistent with the National Contingency Plan, including the applicable fish and wildlife response plan, or as otherwise directed by the President, to prevent or mitigate the environmental effects of a discharge or a threat of a discharge should not be held liable for the violation of fish and wildlife laws, unless the person is grossly negligent or engages in willful misconduct.

SEC. 412. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

(a) IN GENERAL.—The vessel described in subsection (b) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(1) it does not carry cargo or passengers for hire; and

(2) it does not engage in commercial fisheries or oceanographic research.

(b) VESSEL DESCRIBED.—The vessel referred to in subsection (a) is the vessel TURMOIL (British Official number 726767).

SEC. 413. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN SAULT SAINTE MARIE, MICHIGAN.

(a) REQUIREMENT TO CONVEY.—The Secretary of Transportation (in this section referred to as the "Secretary") shall promptly convey, without consideration, to American

Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101-640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102-580), comprising approximately 0.565 acres, together with any improvements thereon.

(b) CONDITION.—The conveyance under subsection (a) shall be subject to the condition that the property be used as a clubhouse for the American Legion Post No. 3.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. DRY BULK CARGO RESIDUE.

(a) DRY BULK CARGO RESIDUE.—Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by adding the following subsection at the end thereof:

"(h) DISCHARGE OF RESIDUE OF DRY BULK CARGO IN CERTAIN NAVIGABLE WATERS AND WATERS OF THE GREAT LAKES.—(1) Notwithstanding any provision of this Act, the Secretary may allow, under conditions and standards prescribed by regulation—

"(A) vessels to discharge residue of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States; and

"(B) vessels of the United States to discharge residue of dry bulk cargo into the waters of the Great Lakes System governed by the Great Lakes Water Quality Agreement of 1978 and the 1987 Protocol thereto, under the jurisdiction of the Government of Canada or other waters governed by the Boundary Waters Treaty of 1909 under the jurisdiction of the Government of Canada.

"(2) Any regulation issued under this subsection shall be consistent with the Great Lakes Water Quality Agreement of 1978 and the 1987 Protocol thereto, and the Boundary Waters Treaty of 1909, and shall be developed in consultation with the Government of Canada, under the general guidance of the Secretary of State, and with the concurrence of the Administrator of the Environmental Protection Agency, and in consultation with appropriate Federal agencies, including the Assistant Secretary of the Army for Civil Works.

"(3) Any regulations issued under this subsection shall be reviewed by the Secretary no less often than every 5 years to determine whether such regulations are consistent with the water quality goals for the Great Lakes.".

(b) DEFINITION.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended

(2) by redesignating paragraphs (9), (10), (11), and (12) as (10), (11), (12), and (13), respectively and by inserting the following new paragraph after paragraph (8):

"(9) 'residue to dry bulk cargo' includes any residue or residues of dry bulk cargo generated in the customary operation of commercial vessels, including iron ore, coal, coke, salt, grain, stones, gravel, sand, clay, and slag, but does not include, even if associated with the aforementioned materials, any—

"(A) plastic, as defined in the convention,

"(B) oil or hazardous substance, as defined under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), or

"(C) hazardous substance, as defined in section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (42 U.S.C. 9601(14)).".

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

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1845

Mr. GILCHREST. Mr. Chairman, this amendment was developed and agreed to on a bipartisan basis. The amendment contains miscellaneous amendments, many of which are technical or clarifying in nature. The amendment includes a requirement for the Secretary of Transportation to appoint members to the Great Lakes Pilotage Advisory Committee, amendments to implement the Coast Guard Vessel Identification System, and various Jones Act waivers and Coast Guard property transfers. I urge the Members to support this amendment.

Mr. Chairman, this amendment was developed and agreed to on a bipartisan basis. The amendment contains miscellaneous amendments, many of which are technical or clarifying in nature. The amendment includes a requirement for the Secretary of Transportation to appoint members to the Great Lakes Pilotage Advisory Committee, amendments to implement the Coast Guard Vessel Identification System, and various "Jones Act" waivers and Coast Guard property transfers.

I urge the members to support this amendment.

New section 411(a) of the bill, as contained in this amendment, amends provisions in section 311 of the FWPCA, regarding liability immunity for measures to respond to oil spills, to clarify that such immunity also applies to measures to prevent, minimize or mitigate the substantial threat of a discharge. The intent of this amendment is to address oil spill prevention and response. Nothing in the amendment changes the current relationship between the FWPCA and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, regarding hazardous substances. For example, there is no intent to supersede or modify the effect of section 304 of such Act.

Section 411(b) amends the definition of discharge in section 311 of the FWPCA to exclude discharges that are incidental to mechanical removal authorized by the President under section 311. Mechanical removal activities, such as the "decanting" or separation of water from recovered oil, usually involve the return of excess water into the response area. However, such excess water almost necessarily includes a "de minimis" amount of oil. Unfortunately, current provisions and policies regarding "harmful quantities" in section 311 could potentially apply to such de minimis discharges, creating a disincentive to effective oil spill response. The amendment is intended to remove this potential disincentive.

Mr. CLEMENT. Mr. Chairman, I rise in strong support of the en bloc amendments offered by the gentleman from Maryland [Mr. GILCHREST]. This amendment was developed on a bipartisan basis to make technical corrections to the bill and to add provisions requested by Members since the bill was reported from committee in August. The additions to the bill include establishing a Great Lakes Pilotage Advisory Committee, allowing more vessels into our coastwise trade, provisions to promote oil spill response vessels, and a few excess property transfers. I believe this amendment will improve Coast Guard programs and I urge its adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland [Mr. GILCHREST].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. UPTON

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

The Clerk read as follows:

Amendment offered by Mr. UPTON:

Page 20, after line 22, insert the following (and conform the table of contents in section 2 accordingly):

SEC. 411. MAINTENANCE OF FOGHORNS.

The Secretary of Transportation shall take such actions as may be necessary to ensure that foghorns at the following ports are in working order:

(1) St. Joseph, Michigan.
(2) South Haven, Michigan.
(3) Grand Haven, Michigan.
(4) Muskegon, Michigan.
(5) Pentwater, Michigan.
(6) Lundington, Michigan.
(7) Frankfort, Michigan.
(8) Michigan City, Indiana.
(9) Saugatuck, Michigan.
(10) Marquette, Michigan.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Chairman, I would like to say that I very much appreciate the help of the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] in discussions for much of today. This amendment is about foghorns. As I was back in my district, as most of us were

these last 10 days, my district is along the shore of Lake Michigan, the Coast Guard currently has a proposal to end the maintenance and in essence stop foghorns in a number of ports along Lake Michigan. What this amendment does is a very simple amendment, it just requires the Secretary of Transportation take action as necessary to ensure that the foghorns at 10 ports along Lake Michigan are in working order.

We have been talking to the Members of Congress on both sides of the aisle whose ports are impacted. They all, Republicans and Democrats alike, support this bill. I would urge its passage. I am not going to ask for a recorded vote. I want to thank the staff on the committee as well as again the two gentlemen that I mentioned before in supporting this amendment.

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

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Michigan for yielding. I support him in his efforts to restore and to maintain the foghorns along the shores of Lake Michigan. In another effort of the Coast Guard that was discussed briefly in the debate, in general debate on this bill, I want to reinforce the decisions that the Coast Guard has made and also reiterate I think all of our concern both from Michigan, from Indiana and Illinois about ensuring that the Coast Guard and having confidence in the Coast Guard that the Coast Guard is putting in place a structure of services and capabilities and resources that is going to provide safety for the boating population and also for the commerce along Lake Michigan.

In regards specifically to the location of a helicopter station in Muskegon, Michigan, they have gone through an elaborate process of identifying where the most effective operational location should be for that capability and also a community that could provide those services at the lowest possible cost. But I think we all as Congressmen that border on Lake Michigan are committed to ensuring that every section of that coastline and all the waters of Lake Michigan are adequately protected by the Coast Guard and that we will work together to make sure that there are ample resources to ensure that that moves forward in the future.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would just note as a boater myself that a foghorn one evening brought my little boat in when we could not see the beam of the lighthouse. This is an amendment that is needed. As I met with my boaters and some Coast Guard personnel even this last week in Michigan, I think that this is a very good effort to try and maintain safety along the shores of Lake Michigan. I again just want to thank my two friends for allowing this amendment to come in at such late notice.

Mr. Chairman, a few years ago, I was out sailing on Lake Michigan with a group of friends. But as the sum went down, a full and beautiful day gave wave to a sailors worst nightmare. Fog rolled in, the visibility fell, and we were lost.

After searching and searching, we finally gained our direction not because of the charts on board or the buoys in the water but thanks to the foghorn and its steady signal.

It has come to my attention that the Coast Guard is considering whether to eliminate the use of foghorns at many locations on the Great Lakes. I oppose this idea and as one who has seen first hand, know that these foghorns play a crucial role in the safety of many boaters in my district and across the region.

Many boaters have contacted my office to express concern that they will no longer be able to rely on the foghorn signal the next time they are caught on the lake in a dense cloud of fog. In order to allow people to enjoy and appreciate the water safely, we must ensure the continued operation of our navigation aids.

Foghorns are a small, but integral part of the safety net that the Coast Guard administers.

I sincerely feel that dismantling the foghorns will unnecessarily endanger the lives of my constituents who may find themselves in a similar predicament.

While many boaters have advanced navigational devices such as GPS or LORAN, the foghorn signal is still an essential device used by many. If the foghorns are dismantled, I guarantee that it will only be a matter of time before an accident occurs and lives are threatened.

Please support my amendment that will ensure that the foghorns in my district and across the Great Lakes are in working order.

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

Mr. UPTON. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I support the amendment offered by the gentleman from Michigan [Mr. UPTON] to require these foghorns to be operated and maintained by the Coast Guard. However, I would like to inquire as to how long. I ask these questions because today we do have the GPS satellite navigation systems that virtually all commercial vessels are depending upon. The cost of these systems are dropping continually as more and more recreational vessel owners are buying them.

Mr. UPTON. Mr. Chairman, my amendment does not address how long these should be in effect. I would guess that if this amendment is accepted, as I think that it will be, it will be for the length of the bill, which—is this a 1-year authorization?

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

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

Mr. GILCHREST. Mr. Chairman, this is a 2-year authorization. I will say that I as well accept the gentleman's amendment. I think what we will do, though, between now and the conference committee and beyond is to look into the issue of navigation concerns. I know that GPS is an up-and-coming technology that more and more people are purchasing and using and is probably the best type of system that anybody could have. However, I do think for the next few years, maybe even the next decade or so, we need to consider ourselves those people who do not have that technology who may have to rely upon the foghorn system. I am not sure what the foghorn sounds like. I wonder if the gentleman from Michigan——

Mr. UPTON. The gentleman is not going to hear it this evening but if he asks me tomorrow, I might whistle a note or two.

Mr. CLEMENT. Mr. Chairman, if the gentleman will yield further, I do support his amendment. I thank the chairman of the committee for his comments.

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

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding and I thank him for his amendment as I do have two foghorns in that amendment myself. I just mention for the Record that I have 3 of the 5 Great Lakes, Lake Superior being one of them. Not all of the areas yet are in position to use the GPS technology due to some charting that still has to take place. So I would hope that this amendment would stay at least for this authorization and further, if needed, until the GPS and the wonderful things it brings to the boating community is available to all parts of the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. UPTON] has expired.

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

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

Mr. STUPAK. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I would just note in terms of the cost, the cost of this amendment is very small. For the most part these foghorns, many were installed in the early 1970s, have required virtually no maintenance at all. As far as I know, all of these ports, the lighthouses themselves are not manned, they are automatically timed as they should be, require very little maintenance, but in some cases, as is the case with the port at St. Joseph, a storm literally knocked the foghorn from the lighthouse itself. It went into the lake and efforts up to this point have not occurred where they would replace it. Whether it be in St. Joe or other ports that we list along Lake Michigan, I think this is a good exercise, a safe one that the Coast Guard is

entrusted to do and at least in the near term, until the GPS technology is really readily on all boats, and maybe even required by various States and we have more boaters in Michigan than any other State in the Union, that this seems to be a prudent way of spending a few Federal dollars to make sure that safety is there for not only the boaters but their families, too.

Mr. Chairman, I urge that the House adopt my amendment.

Mr. STUPAK. Mr. Chairman, I urge the House to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUPAK

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

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

At the end of title IV, add the following new section (and conform the table of contents in section 2 accordingly):

SEC. . CONVEYANCE OF EAGLE HARBOR LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Eagle Harbor Light Station, Michigan, to the Keweenaw County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary of Transportation may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary of Transportation may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property.—

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary of Transportation considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigations in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) REVERSION BASED ON USE.—The conveyance of the property described in subsection (a) is subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(6) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, let me at the beginning here thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] for not only allowing me the opportunity to offer my amendment but for the excellent bipartisan bill they have put forward. We have heard a lot here tonight about some of the strengths in this bill, such as keeping the operation of the Coast Guard cutter *Mackinaw* that the gentleman from Wisconsin [Mr. JOHNSON] mentioned, the authorization of continuation of shipbuilding of Coast Guard cutters and buoy tenders at Marinette Marine Corporation in Marinette, Wisconsin.

Mr. Chairman, if I may just briefly, yesterday I was actually at a Coast Guard ceremony to honor the Coast Guard in somewhat of a unique way in Charlevoix, Michigan. Yesterday we recognized the heroic action of Coast Guard members, especially Officer Henning, the crew of the buoy tender *Acacia*, the members of the Coast Guard Station Charlevoix, the Coast Guard Auxiliary. Back on July 26 as we were enjoying the Venetian Festival in Charlevoix, unfortunately fireworks exploded prematurely and a number of 12-inch fireworks exploded, sending shrapnel some 1200 feet into a crowd of 30,000 people. We had one person unfortunately died. Many were seriously, very seriously injured, limbs ripped right off their bodies. If it was not for the crew of the Coast Guard Station Acacia and Coast Guard Station Charlevoix and the Coast Guard Auxiliary which was on their waterfront and they had rendered heroic assistance and first aid in saving lives and maintaining control in a very emergency situation that many people did not realize because the rest of the fireworks continued to go and they tried to continue the evening with this tragic set of circumstances. So just yesterday we were honoring the Coast Guard in sort of a unique action and all the accolades given to the Coast Guard here tonight are well deserved.

Mr. Chairman, more specifically to the amendment I have, it is a simple amendment which would merely transfer Eagle Harbor Light Station in Eagle Harbor, Michigan to the Keweenaw County Historical Society. The society has held a lease on this property since 1982, operating it as a museum that depicts the history of the lighthouse and maritime transportation on the Great Lakes. In addition, the society has made repairs to the light station and the surrounding buildings and property. The society wishes to obtain this light station in order to continue their current preservation efforts and to further develop educational programs to teach all ages about the Keweenaw County heritage with an emphasis on the importance of maritime transportation, especially in the copper ore industry. This transfer is supported by the Coast Guard, the county of Keweenaw and Eagle Harbor Township.

Once again I would like to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] for their work on this and other transfers I have worked on in the past. I urge my colleagues to pass this transfer.

I would also especially like to thank the chairman for including in his mark the transfer of land in Sault Ste. Marie, Michigan which will be used for the American Legion. The land will transfer from the Coast Guard to the American Legion. But I would especially like to take the opportunity to acknowledge the hard work and dedication of Mr. Leno Pianosi of Sault Ste. Marie, Michigan. He is a friend of mine and the chairman of the county board of commissioners. Without his efforts and his continued dedication to this project and persistence, this transfer could not have taken place. I thank both gentlemen for giving Mr. Pianosi and this transfer in the chairman's mark the opportunity to be in the bill.

□ 1900

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

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

Mr. GILCHREST. Mr. Chairman, I do want to say it is a well-done amendment. The gentleman from Michigan [Mr. STUPAK] has done his homework, and we accept his amendment.

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

Mr. STUPAK. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I also support the amendment offered by the gentleman from Michigan [Mr. STUPAK]. This amendment is very clear, concise, and will decrease the Coast Guard's operations and maintenance costs of this facility. Therefore, I support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, reclaiming my time, let me thank everyone for their help and cooperation in these efforts and for a fine Coast Guard bill we have here, and ask for support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. DICKEY, 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. 2204), to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, pursuant to House Resolution 265, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2204, the bill just passed.

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

There was no objection.

AN INTERESTING OCCURRENCE IN IDAHO FALLS

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

Mrs. CHENOWETH. Madam Speaker, a very interesting occurrence happened recently in Idaho Falls, ID. A 14-year-old young man by the name of Nathan Zohner engaged in a contest. The contest was entitled, "Find Out How Gullible We Are." And Mr. Zohner engaged in this contest and he did a paper on dihydrogen monoxide asking students in his class if dihydrogen monoxide should not be made illegal because, after all, this chemical is so caustic that it accelerates the corrosion and rusting of many metals. It is a major component of acid rain and has been found in excised tumors of terminal cancer patients, and for those who have developed a dependency on DEHMO, complete withdrawal means certain death.

We have to understand that these young people are from families generally who work at the NEEL, the National Environmental and Engineering Lab. They are very bright. But they voted 86 percent to do away with DEHMO.

Do you know what DEHMO is, Madam Speaker? It is water, pure and simple, water.

Maybe it takes a 14-year-old to lead us back to the land of common sense and reason.

My hat goes off to Nathan Zohner to which the Washington Post defines this young man's research project as "Zohnerism"—the use of a true fact to lead a scientifically and mathematically ignorant public to a false conclusion.

Mr. Speaker, this perceptive young man has shown how science can be literally manipulated to fit the whims of social engineering extremists.

In a time where sound scientific evidence is often overlooked, I believe it's the duty of politicians, journalists, and scientists to present facts accurately and responsibly.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DICKEY). 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.

MIDDLE-CLASS TAXPAYERS NEED EXPANDED IRA'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I take this 5-minute special order to discuss with my colleagues why I believe it is important that we expand the IRA, Individual Retirement Account Program, for the American taxpayers.

I rise today to address what I believe is an urgent need to increase incentives to save and invest for middle-class taxpayers. Earlier this year, I introduced a bill which we called the Investment Revitalization Act of 1997 that would greatly increase the deduction ceilings for IRA contributions, increase the income caps which currently prevent many middle-class taxpayers from using IRA's, and expand the reasons for penalty-free withdrawals from IRA accounts.

By increasing incentives to save, this legislation would boost long-term economic growth and help middle-class taxpayers help themselves in addressing a wide variety of economic contingencies that might otherwise lead to expanded Government activity, which is exactly what this House has been trying to avoid.

Why? Well, in part because there have been concerns expressed about the economic viability of families when they are exposed to unemployment and other setbacks, the exposure of families to medical or other emergencies, the great difficulty in coping with increased educational costs, the heavier tax burden over the last three decades, and the looming problems associated with the retirement of the baby-boomers.

These are all issues that we have traditionally set up as reasons for our families to save, and this IRA program will help and encourage Americans to do so.

Most of these problems are related to the fact that our income tax is systematically biased, however, biased against personal savings, and this makes it much harder for families to accumulate the resources successfully to address these needs as they arise and encourages families to depend more and more on government programs.

More extensive use of the IRA would go a long way toward removing the bias against saving and investment in the Tax Code. This legislation is intended to suggest a new direction and to guide tax policy into the next century.

The basic idea is to expand our IRA's enough to strip away much of the multiple taxation of personal savings and investment which is vital. My IRA bill increases, therefore, the $2,000 IRA deduction that exists today by $500 every year for the next 10 years, and, at the end of this period, the deduction cap would, therefore, be $7,000.

In addition, to make IRA's even more attractive, penalty-free IRA withdrawals would be permitted for medical care, for college education, unemployment, and for first-time home ownership.

Over some number of years, a few years, a thrifty middle-class family could accumulate sums in excess of $100,000 or more. Then, when a career

setback or an unexpected medical problem occurred, they would have significant assets to fall back on, and not have to look to the Government for help.

Some would save aggressively for children's education expenses, or for some other reason, attracted by the deduction, but also knowing that earnings compound even faster without the annual tax bite. Others might focus solely on retirement.

In my view, the adoption of this legislation would largely reverse the current discrimination against personal savings and investment, thus boosting long-term economic growth as well as savings.

Government policy has undermined middle-class savings incentives for far too long. If we are concerned about inadequate personal savings and related problems, it is time for the U.S. tax policy to become less counterproductive. We cannot maintain a Tax Code that systematically discriminates against personal savings and investment, and then be surprised when people fail to save, and then be surprised when they demand more and more government services to help deal with these very difficult problems.

Let us reduce the multiple taxation on middle-class savings and get serious about expanding the individual retirement account, IRA system.

IMPORTANT EVENTS IN MONTGOMERY COUNTY, PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. I appreciate the time to speak to my colleagues about two important matters that took place in my district, Montgomery County, Pennsylvania, most recently. The first was the return of the 1215th Garrison Support Unit last night around 10 o'clock at night, eight soldiers from the 1215th U.S. Army Reserve Unit returned after a nine-month deployment to Europe in support of Operation Joint Guard.

These outstanding soldiers were part of the third rotation of the Army Reservists deployed to support the UN peacekeeping mission in Bosnia, formerly known as Operation Joint Endeavor. These soldiers, men and women, have, as Reservists, done a great service, not only to Pennsylvania, but their country. They come from such occupational specialists within the U.S. Army as personnel administration, logistics and transportation, public affairs, chaplains, military police, medical and legal affairs, and the mobilized soldiers are from the Montgomery County, Pennsylvania, area as well as other parts of Pennsylvania and Maryland, and have done an outstanding job and are to be congratulated for their readiness to assume these duties and the service they have given to our country.

I wanted to join with Congressman GREENWOOD, who also represents this area, in saluting these soldiers.

I also want to take the opportunity to congratulate the Montgomery County Employment Group, who I met with this morning, in Plymouth township. There they had the opportunity to have employers and employees who are with disabilities being able to work for local employers, doing an outstanding job. They are among the most dedicated, hard-working individuals within our community. And many businesses, including the reporter newspaper, ARAMARK-Beaver College, Valley Forge Hilton and very important businesses throughout my district, over 25, have employed over 200 people with disabilities and done an outstanding job working with them, providing them long-term employment, self-esteem, leadership opportunities, and they are an inspiration, I think, to all those who come to meet them and have been served by them.

Our special award winners today were the Lower Merion School Superintendent David Magill as one of the winners of leadership for his service with the hiring of disabled individuals, as well as Ike Carpenter, President and CEO of Micro E.D.S., a marketing communications company.

□ 1915

Those individuals were especially cited for their outstanding work. I look forward to working with my colleagues in Congress to make sure that the tax credit legislation that is provided to these employers will be continued.

WHAT SHOULD BE DONE WITH THE IRS?

The SPEAKER pro tempore (Mr. SAXTON). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to talk tonight about what we need to do with the IRS. I think what we need to do with the IRS is change the initials from "IRS" to "CRS." Right now, as we know, IRS stands for Internal Revenue Service. I say that what we should try to do is cut taxes, with a "C," and give tax relief, change the attitude of the tax system, and also simplify taxes. I guess the best way would be to make it "RAS," and have that stand for relief, attitude adjustment, and simplification.

I have my friend, the distinguished gentleman from Pennsylvania [Mr. FOX], who has been a leader on this with me tonight. I know that the good folks in Pennsylvania want lower taxes and simpler taxes, or the gentleman would not spend so much time working with that.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I think the gentleman from Georgia [Mr. KINGSTON] is right on target. There are three parts to this national debate and national issue that I think affect Pennsylvanians as well as they do Georgians and everyone else in the other 48 States.

The fact is, people are already overtaxed, and we have already started on the road to reducing taxes in this session. Number two, we need to change the IRS culture as we know it, and to change that agency and dismantle it. Three, we need to have a new Tax Code. Let me just speak, if I can, about the second point, which I think is very important.

The IRS has gone on too long with being unchecked, and where it all started was the original law which said that the IRS commissioner is presumed to be correct and taxpayers are presumed to be guilty. That whole presumption has to change and be reversed.

We need to have legislation such as I will be introducing as Taxpayer Bill of Rights III which says, no more quotas, no more fishing expeditions by the IRS, no more improper procedures with regard to bank accounts and businesses.

The IRS from now on will be responsible for legal bills that they cause unfairly to taxpayers and businesses, and they also will be responsible for any closures of businesses wrongfully conducted, just like you and I as private business people could be involved with a lawsuit if we interfere with someone else's right to conduct business. We need to make the agency accountable for the first time.

Mr. KINGSTON. Mr. Speaker, just to underscore what the gentleman is saying, when we talk about we need an IRS attitude adjustment, I have a rural district with a lot of farmers who work with the Soil Conservation Service or the Farm Service Agency, and generally these Federal Government agencies have a cooperative, friendly, help and technical assistance kind of attitude with farmers. Farmers come to them with erosion problems, wetlands problems, questions about applications of fertilizers and so forth, and the Federal Government agents, representing the USDA, are friendly to the farmers.

Would it not be nice if we had an IRS who was that way to small businesses? Most of the people I know fear an audit, not because of anything they have done wrong, but because maybe inadvertently they did forget to dot an "I" or cross a "T," and that being the case, they are afraid the IRS is going to catch them and fine them, and be excessively ruthless in their treatment of them.

Mr. FOX of Pennsylvania. If the gentleman will continue to yield, the fact is, while most IRS employees are doing the job they have been given to do, and do it properly, the fact is the whole culture has given them the incentives to go through peoples' rights without going through due process.

Take the example of Carol Ward in Colorado, in Colorado Springs, Colorado, where she was complaining to an IRS agent about the way they were treating her son's particular audit. The IRS agents get back at her, close her three businesses, put a sign on the door saying the business is closed, ruin her reputation, cost her hundreds of thousands of dollars. They had an improper audit, and in the end she is going to win back her business and hopefully get the fine she deserves back from the government.

But this has, frankly, gone on not just as mere anecdotal evidence, this is happening regularly.

Mr. KINGSTON. Mr. Speaker, if the gentleman will continue to yield, here are some stories that the Heritage Foundation has given us, from one of their fellows named Dan Mitchell.

One taxpayer was fined $10,000 for using a 12-pitch typewriter to fill out his tax forms instead of a 10-pitch typewriter. He was fined $10,000 for it.

In 1983, one taxpayer was fined $46,806 for an alleged underpayment of 10 cents. In another case, a day care center which allegedly owed the IRS $14,000 was raided by armed agents, who then refused to release the children until the parents pledged to give the money to the government.

These are cases that have been documented. It is just atrocious. There is no reason to have to have this kind of a relationship with a government agency when it is a government by we the people.

The Tax Code, there are 17,000 pages of IRS laws and regulations. There are 480 different tax forms. The IRS sends out, Mr. Speaker, 10 million corrections each year on notices.

In 1990, there were 190,000 disputes between the IRS and taxpayers that went to court. But of those, something like, and I have the exact statistic, 83 percent of all taxes that are collected are paid voluntarily. Only 3½ percent is because of the dispute and the IRS going after people, which tells me that the American people are pretty darned honest and forthright about paying their taxes, particularly when they can understand them.

Mr. FOX of Pennsylvania. If the gentleman will continue to yield, the fact is it is very clear from the Senate Finance Committee hearings, we learn that individuals who the IRS especially go after are the mom and pop stores, or single person-owned businesses where they would be less likely to be able to afford a lawyer or an accountant or taxpayer services, so that they would capitulate and pay the fine, even when they were not guilty.

The fact is, we should have a Federal Government agency like the National Park Service which is so respected. Why can we not have an IRS or a successor agency be one that the people will trust, they will have some belief that what is happening is credible and accountable?

But beyond changing the agency, I think it is also important that we move the debate on to having a replacement code from the 5 million words we have now, where the perception and the reality, by most Americans, is only those with special interests get the tax breaks, the deductions that they want. And meanwhile, I think most Americans would rather have a flat tax, something along the order of maybe a situation where those who have a dual-income under $25,000 or $30,000 would not pay a tax, a single person with $15,000 would pay no tax, but there would be a flat tax for those above. But there would be three exemptions: One for charitable deductions, a mortgage deduction, and State and local tax deduction.

That is not the only program that is out there. People talk about a national sales tax. But I think the important thing is to start the debate moving forward of a fairer tax program that will not give special breaks to those who have lawyers who can put them in the Tax Code, only to make it more difficult for those who are hardworking middle-income earners to make ends meet without having three jobs and sacrificing the unity of the family.

Mr. KINGSTON. The tax simplification argument really sets the stage for a thorough flat tax versus consumption tax debate. We have, in fact, two of our colleagues, the gentleman from Oklahoma [Mr. LARGENT] and the gentleman from New York [Mr. PAXON], who have introduced bills that shelf the IRS code in the year I think 1999 or 2000. So if their legislation passes, Congress will be in a position of having to change the code. But it is not going to be easy.

Mr. FOX of Pennsylvania. If I may speak to that point, I am glad the gentleman raised that. I believe that both the bills of the gentleman from Oklahoma [Mr. LARGENT] and the gentleman from New York [Mr. PAXON] are on target. What they are going to do for the first time, I say to the gentleman from Georgia [Mr. KINGSTON] is to say we will put a deadline. By the last day of the year 2000, we are going to have a new code.

Just like it took discipline to make us have this 104th Congress, 105th Congress reach a balanced budget by a date certain, we need to do the same thing. I think the gentleman from New York [Mr. PAXON] and the gentleman from Oklahoma [Mr. LARGENT] are right on target, for us to have the discipline to say here is the date by which we are going to make this change, and let us be about the business in a bipartisan fashion of changing the outdated code.

Mr. KINGSTON. As I talk to different civic clubs and have town meetings and talk about the difference between a flat tax and a consumption tax, one of the things that I realize, speaking for myself and speaking for the folks in the audience, is we all need to have a more thorough debate on it. We need to have education.

For example, if we exempt charitable contributions and the home mortgage deductions and something else, what is going to prevent us from coming back and saying, well, what about the cost of a wheelchair, the cost of a college education, prescription drugs, long-term health care, all of which are worthy causes, and underscore an important investment in public policy?

If we start having those deductions again, will we not return back to as complex a Tax Code as we have now? It is possible.

Mr. FOX of Pennsylvania. Mr. Speaker, let me respond. I think the gentleman's point is well taken in this respect, that if we start kind of slippery slope with three exemptions, where do we end up? But the fact is, those are probably the three most reasonable. We may well end up with those three, or we could end up with none.

I think what is important is that we be able to, in our town meetings and in our discussions in the nationwide TV, as well as debates here on the House floor, to discuss them.

My concern with the national sales tax is twofold. One, for those living on fixed income, many of them seniors, you are going to tax them the same as they tax you or I, and they are less able to pay if we have a national sales tax of a certain percentage. Plus, if we have States, and most of them already have a sales tax, if we have a super sales tax now from the Federal Government, what new tax will States have to have in order to replace the old sales tax?

So I think the movement is more to a flat tax, rather than a sales tax. But we have not heard the last of it. I think we need to have all the different alternatives out there, put them on a board, figure out who the winners and losers are, and have the American public weigh in before any bill is adopted to find out what the best solution is. But we certainly know from the American taxpayers and those who have worked with this code that we need a change.

Mr. KINGSTON. Yes. I want to point out something about the national sales tax. I know England, Britain, has a high sales tax, but they exempt groceries from it and children's clothes, among other things. So we can, for the seniors or those who could adversely be affected by a national sales tax, we could have certain deductions for

them. There again, we get into a deduction kind of problem, but it still would not complicate it for the taxpayer as much as it would for those collecting it. That could be a problem in itself.

I want to give the gentleman some more statistics, though, about how complicated the tax system is now. These figures came out from the office of the gentleman from Ohio [Mr. PORTMAN], who has been working, as the gentleman knows, on the National Commission for Restructuring the IRS.

Just to read some things they found, last year only one in five calls to the IRS customer service hotline got through. How many constituents does the gentleman have who call him for a fairly simple tax question, they call the gentleman from Pennsylvania, [Mr. JON FOX], because they know he can get an answer from the IRS and they cannot? That is very common.

Mr. FOX of Pennsylvania. Another interesting story, if the gentleman will continue to yield, I had a CPA from Montgomery County, Pennsylvania, call up the IRS helpful hotline, and he asked the question on behalf of his client. And they said, this is only for taxpayers, this is not for accountants.

This accountant is also a taxpayer. He pays part of the bills of this Federal employee. As far as I am concerned, if you are going to have a taxpayer service, it is for everyone, not just those who are not accountants, and also those who are accountants.

So we have a whole culture that goes to why I say the agency needs to be overhauled, it needs to be dismantled, and we need to start over again. The gentleman's statistics bear out what I am saying.

Mr. KINGSTON. If I can reclaim my time, Mr. Speaker, here is something interesting. The gentleman keeps using the word "culture." One of the finds of this committee is that the culture is so insular that only 5 of the top 73 IRS employees have been with the agency less than 15 years. Other than the commissioner, only two non-IRS employees have been brought in from the outside world to fill senior positions at the IRS.

It is interesting, because quite frequently we read in the newspaper that the CEO of General Motors or one of the senior VPs goes to FORD, or the head guy of CBS goes to NBC, or whatever. We see that all the time in the private sector, where top level management leaders are moving from one corporation to the other. I think it is a good blood mixture; it is good for everybody. But apparently the IRS does not believe in that. That could be one of their problems.

Here are some more statistics. The IRS still hand-processes the vast majority of returns and still relies on papers, 14 billion pieces of paper annually. It costs the IRS about $7 to process a paper return, and less than $1 if it is done electronically.

But electronically does not necessarily answer the question, because an IRS agent may have to access six different computer systems to resolve a taxpayer problem, and to answer questions, simple questions, often because of this, takes weeks and weeks. It is just too complicated.

Since 1956, the number of sections in the Tax Code has risen from 102 to 698.

□ 1930

Just since 1986, that Simplification Act, there have been 4,000 amendments to the tax codes. I think this is important for us to realize, that we as Members of Congress have taken on this task, and the Republican Party has led the way. Unfortunately, for whatever reason, the White House has decided that this is a partisan issue and the President wants to go down saying that the Democrat Party is the party of the status quo and the IRS and not change it. This is an actual headline from the Washington Times, September 30. It says, "The White House champions the IRS. The President opposes a citizen oversight committee." And the citizen oversight committee would just have some ideas and some suggestions for the IRS. But the President does not want that.

Now, we are not here to bash IRS employees, we are here to bash a tax system, a code, which these employees, another statistic, many of these employees want tax simplification and this was one of the findings of this committee, that the IRS employees themselves want simplification. But every time we in Congress, Democrats and Republicans, pass new exemptions on tax, it is not just if we have children, we want a $500 tax credit, we just fill out this form. It is not like that. It is pages and pages of forms, because that is the nature of it. As a result of it, Congress is the one who has made this system so complicated.

Now, we are not the one who has given the attitude which seems to be so prevalent among some IRS offices, but we certainly should be the ones to try to straighten out the complications.

Mr. FOX of Pennsylvania. If the gentleman would yield, the fact is that the agency has not been able to make the proper changes on itself. Take for example the fact that I exposed in my recent "Washington Waste Watch," the fact that $2.5 billion was spent on a new computer system that does not work. We would think that the agency that most depends on computers would buy a system that works.

Then we have 110,000, approximately that number, of IRS employees and when we think how many taxpayer advocates we would appoint to make sure they represent the taxpayers, one would think there would be several thousand or several hundred. There are only 43. So we have our sights and our issue of taking care of taxpayers, helping them fill out forms, helping them try to get through their debts and reshape their lives when they have been overburdened would be something that the agency would be about, and I am sure there are cases where there are some directors who worked at it. But as an overall, there has not been the changes that the public wants and Congress must demand.

Mr. KINGSTON. I think we should move for simplification and we should move to insist that IRS employees have a taxpayer friendly attitude. But along with this, whether we go to a flat tax or whether we go to a national sales tax or whatever we do, we still have to keep tax relief in mind.

Here are some examples of hidden taxes that we do not know about when we think about it. This is from Americans for Tax Reform, 1997: That a bottle of beer has 43 percent taxes. An airplane ticket, 40 percent tax. A bottle of liquor, 72 percent taxes. Electric bill, 25 percent taxes. A loaf of bread, 31 percent taxes. A car, 45 percent taxes. A hotel bill, 43 percent taxes. A restaurant bill, 27 percent taxes. A packet of cigarettes, 75 percent taxes. The phone bill, which keeps going down and down and down incidentally, 50 percent taxes. Pizza, 38 percent taxes. A set of tires, 36 percent taxes. And a can of soda, that is what my colleagues say up north. We say a can of Coca-Cola where I am from.

Mr. FOX of Pennsylvania. Mr. Speaker, the gentleman is from Georgia, so I understand that.

Mr. KINGSTON. A can of soda, 35 percent taxes. A gallon of gas, 54 percent tax. When taxpayers say, "I am paying too much tax," they are saying "I pay too much sales tax. I pay too much income taxes and tangible taxes and ad valorem taxes." They are not thinking about what they pay when they buy a pizza or tires or pay their phone bill. This is a tremendous problem.

Mr. FOX of Pennsylvania. If the gentleman would yield, and it is not only that the American people have been paying too much in taxes and our tax relief bill, the $500 per child is going to help and the new tax credit for education is going to help and the capital gains tax reduction is going to help. But one of the most important areas that we need to work on is making sure that the Federal Government wastes less. Our legislation, which will sunset review regulations and that also will sunset review agencies will make a difference. Under my legislation what will happen is every seven years each Federal Agency will have to justify its existence.

Mr. Speaker, what would happen if during that rotation an agency does not meet its original purpose or is wasting money because it is duplicating what States already do, or the private sector can be doing better?

That agency could be either eliminated, it could be privatized, or it could be downsized.

The fact is we need to look to for more than just tax relief, we need to look for regulation relief and we need to look for spending relief. When we look to this Congress, there are going to be three things that we look at, and I am pleased that the gentleman from Arizona [Mr. HAYWORTH] has joined us. There are three things: Trying to reduce taxes, change the IRS as we continue and, third, make sure that we change the code.

Mr. Speaker, I would like to turn to our friend who has been an outspoken fighter for the taxpayer.

Mr. KINGSTON. And as a distinguished member on the Committee on Ways and Means leading the tax fight.

Mr. HAYWORTH. Mr. Speaker, I thank my colleagues from Georgia and Pennsylvania, and listened with great interest to some of their discussion here tonight because, Mr. Speaker, it mirrors, it echoes what I have heard in the sixth district of Arizona.

Now, Mr. Speaker, just to offer some background as to the nature of the sixth district in Arizona, in square mileage it is almost the size of the entire Commonwealth of Pennsylvania which the gentleman from Pennsylvania [Mr. FOX] my good friend, calls home.

I heard a lot of what my colleagues heard back home during town hall meetings; an almost universal urge on the part of those gathered to move to sunset the current Tax Code by a date certain. As my colleague from Pennsylvania pointed out, the gentleman from New York [Mr. PAXON] has legislation in that regard, as does the gentleman from Oklahoma [Mr. LARGENT].

But coming up tomorrow, Mr. Speaker, in the Committee on Ways and Means, and later this week, we will move to actually mark up, and let us move out of legislative parlance to discuss this for those who join us outside this Chamber via television, to sit down and examine a piece of legislation to make sure the wording is correct, perhaps to offer an amendment here or there, to deal with accountability of the Internal Revenue Service.

Mr. Speaker, as my colleagues pointed out earlier, it certainly it was a curious spectacle to see government employees, their identities shielded, their faces kept from the cameras, their voices electronically altered, as they offered example after example of an agency that sadly has run roughshod over the rights of many Americans.

Indeed, one of the most important provisions we will discuss this week in the IRS accountability legislation that I am pleased to cosponsor with my colleague and fellow Ways and Means member, the gentleman from Ohio [Mr. PORTMAN], one of the most important provisions that will emanate from that legislation is something that Americans take for granted. For, Mr. Speaker, when we are hauled into a court of law on criminal charges, I know my colleague from Pennsylvania not only has the initials J.D., but he is in fact a juris doctor, he is an attorney. The presumption when we are hauled into court and charged with some criminal activity, if any American is placed in that situation, the burden of proof rests with the State. The presumption of innocence belongs to the accused citizen.

And yet, sadly in terms of tax adjudication, that presumption of innocence is not there for the individual. Essentially in tax adjudication, an American citizen, a taxpayer, has to go in and prove his innocence. The government assumes the taxpayer's guilt.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, it just occurs to me, is this a throwback from the days of a monarchy? When we had our revolution with the folks overseas, did we not change this part? Was this not a Constitutional right? Did the Committee on Ways and Means discover at what point in American history the taxpayer became guilty until proven innocent? Or was it something that actually goes back to the monarchy?

Mr. HAYWORTH. No, indeed, to the best of my recollection, and I must confess, Mr. Speaker and to my colleagues here, I do not have a detailed history at my fingertips. It is my understanding, however, that as things changed in our society, as the 16th Amendment to the Constitution was ratified, as there was an allowance of direct taxation of income, sadly, a lot of perversions have grown out of that. And I use that word purposefully, because these things run counter to our well-established constitutional rights that our Founders brought us.

Mr. KINGSTON. I do not want to digress too much, but income tax, 1913; correct?

Mr. HAYWORTH. That is correct.

Mr. KINGSTON. Now, the use of the audit, I understand that regardless of who the commissioner of the IRS is, the commissioner, the head person is appointed by the President of the United States and regardless of who that appointee is, Democrat or Republican, audits still seem to happen with a curious degree of coincidence.

For example, my wife's great uncle, who is deceased now, during the 1930s made a wisecrack about the WPA, the Works Project Administration, of the Roosevelts, and he made a comment to a group that was working on a street or road. He said that unfortunately the employees got there before the truck with the equipment did, and so the shovels are going to be a little bit late today, but to tell employees to go ahead and start leaning anyhow.

He made that comment and was asked by the Roosevelt administration to take it back. This is America. Free speech. He made a comment. We may like it or not like it, but he has a right to say it. He would not retract it. This is years and years ago. And as a result, coincidentally, he was audited the next year.

Now, we have another case of a young lady named Paula Jones. I do not know Ms. Jones, but she has suddenly become audited. Now, I am sure it is just coincidence, but did the Committee on Ways and Means come up with any correlation between Paula Jones' legal situation right now and the fact that she is being audited?

Mr. HAYWORTH. Mr. Speaker, as my colleague asked the question, I can simply point out that is one of many questions that members of the committee have had for those involved in the Internal Revenue Service and for those who ostensibly oversee the Internal Revenue in the Department of Treasury.

But as my colleague points out, whether it is as relevant as today's headlines or historical incidents in the past, for example, I would commend to the attention of my colleagues and those who join us tonight a very fine book by the political author and columnist Chris Matthews, entitled "Kennedy and Nixon." Very interesting. And these are the words and the observations and the scholarship of Chris Matthews. I am not here to hurl partisan brickbats, but as a historical fact or incident, Mr. Matthews points out that the audits were used quite willingly to the defeated candidate, Mr. Nixon, in the early years of the New Frontier. Again, I am quoting Mr. Matthews and his book, "Kennedy and Nixon." I am not making that assertion.

We understand, certainly, President Kennedy is not here to answer for that. But there have been numerous examples. And then again for the not so rich and famous an example in my district. One of my colleagues, one of my coworkers, had a situation where his father was a small businessman, a pharmacist. An Internal Revenue agent came in. In frustration, the gentleman made a comment that probably we could all agree was ill-advised and intemperate. He did not threaten any violence against the government employee, but it was a comment that was fraught with frustration. However, after that, the gentleman was audited, I believe, for the next 5 to 7 years, every year.

□ 1945

Mr. FOX of Pennsylvania. Perhaps what we need, you, as a member of the Committee on Ways and Means, may be in the best position to be our fiscal watchdog. We need a taxpayers' whistle blower law, because it seems to me that in a Federal agency or the private sector, if you report a wrongdoing, the

law is supposed to say you are to be protected from bringing forward a wrongdoing so that redress can occur without having recrimination.

Why should it be that someone who uses their free speech rights as an American, whether they agree with an agency or a Congressman or anyone for that matter should have to have their rights trampled upon just because the party in power or the person with authority disagrees with them?

I hope that the oversight factor on whatever successor agency happens to the IRS is something that you are contemplating when you get involved with the legislation.

Mr. HAYWORTH. I think that is absolutely necessary. We manifested in perhaps another fashion what is key on this legislation that will be offered by the gentleman from Ohio [Mr. PORTMAN] in a bipartisan manner is to say that there needs to be effective oversight of the Internal Revenue Service not only from the constitutional purview of those of us in the Congress, but also immediate oversight. And right now the Internal Revenue Service is the 800-pound gorilla, if you will, of the Treasury Department, because so many of the resources allocated for Treasury end up in the Treasury of the IRS. So much of the Treasury budget is focused there that sometimes it is the tail wagging the dog, so to speak.

What the legislation calls for is an independent advisory oversight council, not based on political appointees, but again to remove some of the suspicion, some of the coincidence of audits, some of the questions that I think Americans of all political persuasions have to depoliticize that agency. Of course, this is but a first step.

You spoke earlier of what should transpire in the years to come as we have a grand debate about tax reform in general, whether it is a flat tax, a national retail sales tax or some other notion, it is such an important debate to have that we take the steps now to rein in the IRS, but certainly as we confront a new century, it is certainly time to reexamine the 16th amendment, certainly time to reexamine the tax tables and the Tax Code and some of the arcane procedures that surround them.

We have a very big job. The challenge for us, and I think this is a marked difference, quite candidly, in political discourse and in working within our constitutional Republic, that instead of walling off this debate and calling a few people in, a few so-called experts in to give testimony behind closed doors, this is something that is so far-reaching to every American family, to every American citizen that quite literally every American needs to weigh in, needs to offer their thoughts and opinions. That is why I am so gratified, Mr. Speaker, that two of our colleagues, our party leader here in the Congress, the gentleman from Texas [Mr. ARMEY], and our good friend, the gentleman from Louisiana [Mr. TAUZIN], have taken to American cities to debate the different alternatives that are there because the stakes are high and the implications are many for our Nation as we approach the next century.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the gentleman hit some good points. The fact is that those two individuals, the gentleman from Texas [Mr. ARMEY], and the gentleman from Louisiana [Mr. TAUZIN] are leading the fight for a flat tax and the sales tax, respectively. But that is not the last word. Your town meetings and the town meetings of the gentleman from Georgia [Mr. KINGSTON], or mine, we will hear other ideas that may be equally good.

Mr. HAYWORTH. In fact, just to point out one of the ideas, this engenders a lot of interest and a lot of initiative. Indeed, one of our constituents in Carefree, Arizona, put together a proposal. He attended a town hall meeting in Carefree and two nights later was back at another town hall in Fountain Hills, Arizona, where he had put together his own plan that, indeed, I will take and certainly take into the Committee on Ways and Means and offer to the Joint Committee on Taxation and take a look at with my staff, because that is the essence of our constitutional Republic, different opinions, different notions.

In fact, the gentleman, as he brought the plan down, I could not help but say, imagine if it is this skill, and someone on the front lines who has been in business, has not been wrapped up in electioneering, has not been part of bureaucratic intrigue, but simply seeks a solution, how refreshing it would be? And one other constituent at the meeting said, there may be a town hall marker, there may be a historical marker placed outside this room saying, here is where the solution was found. That type of participation we need.

One cannot help but note the stark contrast to before we arrived in Washington when those in the administration dealing with health care wanted to have almost super secret meetings and then unveil a plan from soup to nuts that ostensibly was going to help the American people. What a great contrast to have the sunshine come in, to have the ingenuity, the ambition, the ideas of the American people come to us as their duly elected representatives and then move forward to have the debate. This can be a great moment for our country.

Mr. FOX of Pennsylvania. I like that idea of Carefree, Arizona. They probably do not pay taxes in Carefree.

Mr. HAYWORTH. They pay quite a few.

Mr. FOX of Pennsylvania. When the gentleman from Georgia opened the hour, he said the three things we need to look at is reforming the IRS, dismantling it, number two, change the code and, three, look to some more tax relief for Americans.

The one I wanted to start off there was to talk about eliminating the marriage penalty. Right now, two people are discouraged from getting married because they actually will pay more in taxes if they do get married. I thought you, as an expert, might have some other taxes that you want to reduce.

Mr. HAYWORTH. My good friend from Georgia has a tangible example.

Mr. KINGSTON. This is the situation with the gross income taxes, the couple, once they are married, actually end up paying more taxes. I will not go through this, but just suffice it to say that basically each individual is in a lower percentage tax bracket than they are collectively when they married. The percentage bumps up. They pay more taxes. And it is a crazy example of a policy that is wrong because if we as a country support the institution of marriage, then certainly we should not give people a financial penalty for getting married, particularly right now with all the children that we have running around who are illegitimate today.

The gentleman is from Arizona. I am from Georgia. Georgia had a substantial tax cut, $500 million, exempted food from the sales tax, and as a result we have had one of the fastest growth rates in the history of our country. In 1992, since 1992, your Governor has cut taxes by 1.5 billion and including dropping the top rate from 8.7 to 5.6 percent and reducing the corporate tax rate as well.

As a result, the new business creation has grown in Arizona three times the national average because folks are spending their money their way instead of sending it to Washington and having bureaucrats spend it for them.

Mr. HAYWORTH. I thank my colleague for pointing out the Arizona experience because certainly in this short time frame, this decade of the 1990's, we have seen a philosophy in Arizona that, indeed, I believe would work well throughout the country and it is born of this notion, we have talked about it before, Mr. Speaker. It is the notion of many of us who came here to change the way Washington works, to first of all, identify the problem in this fashion.

When we are talking about tax funds, money taxed from the American people, this money does not belong to the Government. It is money that belongs to the people. Quite simply, whether at the State, county, or more fittingly here for this Chamber at the Federal level, the notion should be that the American people work hard to create their wealth. They worked hard for the money they earned. Therefore, they ought to hang on to more of it and send

less of it to the Government and we have been able to do that and make great strides in the State of Arizona and, indeed, Mr. Speaker, as I was riding out to catch the airplane very early this morning Arizona time to get back here prior to votes after 5 eastern time, we heard some of the new unemployment figures. And unemployment is down in metropolitan Maricopa County to points almost minuscule.

To be sure there are other problems, other places across the width and breath of the Sixth District, but it shows what can happen when people are allowed to hang on to more of their own money. When they have it to save, spend and invest as they see fit and that can really be an answer because it actually, with economic growth, would create more revenue for the government.

Mr. KINGSTON. Mr. Speaker, New Jersey cut taxes. Gov. Christine Todd Whitman made good on a campaign promise and cut taxes and as a result they have had growth. Massachusetts, under Dukakis, had high tax increases. Under Governor Weld they enacted an income tax rollback and as a result they have regained 150,000 jobs that were lost under the Dukakis tax increase. California, the same way, 1960, the legislature enacted a $7 billion tax increase. It was the largest in the history of any State in the country. And income taxes went up. Everything went up and then there was a recession. Now they have turned it around.

In 1995, these tax hikes were repealed and since then California has gained over 150,000 jobs. Revenues have gone up to States because of tax cuts that they have enacted. Revenues have also gone up nationally. As a result of that, this Congress is very, very close to having a balanced budget. Our deficit has fallen from about over $200 billion 3 or 4 years ago to now around $23 billion. And it is because if we confiscate less of the people's money, they are going to spend more of their own money and when they spend money, business expands, jobs are created, more people go to work, less people are on welfare and tax revenues do go up.

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is, when it comes to the balanced budget, people like the gentleman from Wisconsin [Mr. NEUMANN], who came here to Congress has done a great job in championing reducing the deficit and balancing the budget. By balancing the budget, we have been able to reduce those interest costs for car loans, for mortgage payments, for education, those are key things to making people live the American dream. I have to thank the gentleman from Wisconsin [Mr. NEUMANN], for his leadership in moving us forward in that bipartisan debate and the bipartisan success.

Mr. HAYWORTH. Let me join the chorus of praise for our colleague from Wisconsin because we are moving actually beyond that notion where, yes, we realize we want to balance the budget, but it should not be a one-time curiosity. Indeed, now with responsible fiscal practices that allow people to hang on to more of their own money, with the growth we have seen in terms of jobs and economic opportunity, it now appears that we may really turn the corner, and as our colleague from Wisconsin has pointed out, we may be moving into an era of surplus and yet there is another public charge, if you will.

There is another requirement of those of us who serve here for future generations and that, of course, is to pay down the debt. So we really have a one-two punch. I am pleased that our colleague from Wisconsin has offered a National Debt Repayment Act as well where we take a look at codifying or putting into law a fairly significant observation that with those surpluses, one-third for tax relief, one-third for debt retirement, and one-third for Social Security to maintain that program so vital to our retirees.

I think there are a lot of things that we are working on in this Congress, building off the solid success of the first tax cuts in some 16 years, also balancing this budget, and then moving forward to define how best to serve as custodians of our children's future by working to pay down and eventually pay off this burdensome debt.

Mr. KINGSTON. Mr. Speaker, if the gentleman is through, I am ready to yield back the time.

Mr. FOX of Pennsylvania. I want to conclude by saying I appreciate the leadership of the gentleman from Georgia [Mr. KINGSTON], and the gentleman from Arizona [Mr. HAYWORTH] for helping us lead the charge here for doing the three-part goal; that is, first, tax reductions for the American family; second, dismantling the IRS as we know it into a new successor agency that is taxpayer-friendly; and third, to change the Tax Code so it is more flat. And in my case, I would like to see it more flat, but certainly more fair to the American people.

We are moving to that goal and I support the legislation that these two individuals have introduced. Hopefully, it will be passed and under the gentleman's leadership in the Committee on Ways and Means, we are looking forward to it being a very happy day for the American people.

Mr. HAYWORTH. I just want to say, I thank those in the Sixth District of Arizona and those nationwide who join in this endeavor, in this crusade to make our tax laws fairer, to work to restore basic constitutional dignity and to restore fiscal sanity to this Nation.

Mr. KINGSTON. I know the gentlewoman in Arizona, Ms. MARY, is in the Sixth District, but you should always thank her.

Mr. HAYWORTH. Amen.

Mr. KINGSTON. I wanted to say this, the gentleman is blessed to have good family support, as I am and the gentleman from Pennsylvania [Mr. FOX], and everyone else.

The initials, IRS, if we can change them to RAS, which would stand for reduced taxes, change the attitude and simplify taxes, if we could do that, I think then we can all go home to these great families that we have and look our children in the eye and say, we have done something to make a difference.

□ 2000

NATIONAL EDUCATIONAL TESTING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Arizona [Mr. SHADEGG] is recognized for 60 minutes.

Mr. SHADEGG. Mr. Speaker, I appreciate the time to speak on a topic that is of great concern to me this evening. It is a topic that is growing more and more important as we move into this week of the proceedings of the U.S. Congress. It is a topic that touches me very personally because I have two children.

The topic I want to talk about tonight, Mr. Speaker, is the President's proposal to impose on America a national test, that is so-called national testing. And by that, what the President means is that he wants to require all students in America to take a federally written national examination. His proposal is that we give this examination to all fourth graders in the subject of reading and to all eighth graders in the subject of mathematics. And, in fact, he is going to do that and has already gotten the basic test specifications written.

Right here we can see, in this document I am holding up, which says, the report of the national test panel, item and test specifications for the voluntary national tests in fourth grade reading and eighth grade mathematics.

This is, I think, a critically important topic for every Member of the U.S. House of Representatives and for every single American, and that is why I wanted to talk about it.

Let me first explain how I feel about the subject of education and where I come from. I am a Republican, and for that reason some of my Democrat colleagues like to say I do not care about education. They like to claim that for us Republicans education is not important.

Well, I am offended by that remark. I care deeply about education, and I not only care deeply about education, I care very deeply about public education because I got all of my education in public education.

I attended public schools from eighth grade through college. Excuse me, not

eighth grade through college, from kindergarten through college, and I am proud of the education I got. I am also proud that my two children, Courtney and Stephen, who are home in Phoenix, AZ, tonight, are obtaining their education at public schools, at public schools that I am proud of. And I am married to a woman, the mother of those two children, who was herself a public schoolteacher. So do not tell me I do not care about education or that I do not care about public education.

Now, the topic here tonight is not generally public education; the topic here tonight is voluntary national tests. Many in America cannot understand this issue. Indeed, they cannot understand why there would be a controversy around this issue. Indeed, many Americans kind of listening to the topic of Bill Clinton proposing here in this Chamber in his State of the Union a national test for every fourth grader in America and every eighth grader in America in reading and math say, well, what is wrong with that?

How is it that someone could oppose that? Why would, for example, the Family Research Council put out an extensive paper opposing it? Why would Lynne Cheney, a nationally syndicated columnist and former official of the Federal Government, write and oppose it? Why would a series of other experts speak out and speak out stridently against national testing? Why would 290-plus Members of the U.S. House of Representatives, this very body, vote to prohibit the President from going forward, at least unilaterally, on his own with just the aid of his Education Department? Why would over 290 Members of this U.S. House vote to deny the President one dime to spend on national testing?

Why am I here on the floor trying to educate other Members of this Congress? Why am I asking Americans across this country, from New Hampshire to Arizona, from Oregon to Florida, to speak out and join me in opposing the effort to impose on our children a federally written national mathematics test and a federally written national English test?

Well, let me explain that. Just today the Secretary of Education, Mr. Riley, took to the stump. "White House Campaigns for Education Agenda." And this is an article from today's Washington Times. In it the Secretary of Education, Mr. Riley, says that he is here to fight for national testing. He says, for example, citing a recent report that says, "The report, Mathematics Equals Opportunity, is a report released yesterday which shows that rigorous teaching of mathematics does a tremendous job in helping children get into the best colleges in America, and those children who get rigorous mathematics education do very, very well." There is a quote. Mr. Riley. "These courses demand discipline, they demand hard work and they demand responsibility."

In that regard, I totally agree with Mr. Riley. But, unfortunately, the national test that Mr. Riley advocates, the national test that Mr. Clinton wants to apply does not test mathematics skills. You say, well, wait a minute, how can that be true, it is a math exam? How can it possibly not test mathematics skills?

Well, let me just find for my colleagues a copy of the materials already written. The report of the national test panel, October 1997, released this month, prepared for the national test panel by NPR Associates Inc., and it says here, "Item and test specifications for the voluntary national tests in fourth grade reading and eighth grade mathematics."

I have not had a chance to read every word of this report, but there is a fascinating section of it I want to call to my colleagues' attention. It says in here that on the eighth grade mathematics test, every single student will be allowed to have throughout the entire duration of the test a calculator. That is to say, at no point in the eighth grade math examination that is being proposed by President Clinton and that will, in fact, be implemented and be imposed on every single education department and every single school in America, if Bill Clinton and Mr. Riley have their way, that exam will not at any point in time require the eighth grade student to demonstrate his or her ability to do basic pen and pencil mathematic calculations without a calculator.

Now, my colleagues may be saying to themselves, well, maybe it is important to test higher skills. That might be true, and there is a national assessment test which is given in which a portion of the exam includes an examination of doing certain calculations with a calculator. But in the NAEP test, which is currently given to test or to evaluate performance from State to State across America, and to see how Arizona is doing as compared with Michigan, or how Wisconsin is doing in comparison with Louisiana, in that exam at least a portion of the test requires the students to do pen and pencil calculations.

But in the test Bill Clinton is proposing, in the test Mr. Riley wants, in the test that Mr. Riley is demanding this Congress agree to, on the front page of the Washington Times today he is demanding that we agree to a test to be given to every single student in America to test their math skill, in point of fact in that test, as the materials already prepared for the Department of Education, and this was written, by the way, if we turn the first page, it says this report was funded by the U.S. Department of Education. It was prepared for the U.S. Department of Education. And there will not be a single question on the test that requires an eighth grade math student to demonstrate that he or she can do multiplication, division, addition, or subtraction.

Now, my colleagues might say, well, why is my fellow colleague so concerned about that? Maybe the experts thought that was the right way to go. Maybe we will just assume that students by the time they get to eighth grade can do basic math. Well, I am not alone in my concern and in my objection, because at the back of this report there is a letter of dissent. It is one of several, but it is the only one I will talk about tonight because that is all I have time for.

This is the overall report. One of the gentlemen who was on this committee to write the exam, the actual test panel to which this report was given, was a gentleman by the name of Alan L. Wurtzel, W-U-R-T-Z-E-L. Mr. Wurtzel is an executive with a prominent company here in America, and he was invited to participate on the test panel, that is, to help write the exam.

He writes a letter raising the very point I am concerned about and that is, he says, "I disagree with your allowing the use of calculators on the entire test." And he writes, and I quote, in a letter written to Mr. Wilmer Cody, Commissioner of the Kentucky State Department of Education, a letter dated September 25 of this year, "The test assumes that by eighth grade children can do basic arithmetic including addition, subtraction, multiplication, and division of whole numbers, decimals and common fractions by hand." But he goes on to say, "We shouldn't do that. We shouldn't make that assumption."

He says, "We already know that the NAEP test tests, at least in part, the ability of children to do basic math skills." And he says that he believes, in his letter of dissent, that the national test should include those basic math skills.

Interestingly, Mr. Wurtzel is with a large corporation in America that used to give an examination to people who run cash registers for his company, and he used to ask those people applying for a job as a cashier to do basic calculations. He writes in this letter that they gave up on that. They gave up on that because so few people applying for the job as a cashier could do basic calculations. And he, therefore, says that to assume that America's eighth graders can do basic math, basic math skills, is a mistake, and he pleads with the President's committee, this test panel, to include at least a part of the exam to be focused on basic math skills.

Now, this illustrates, I think, a larger issue of what is desperately wrong with this national testing proposal, and that is it puts all of the power and all of the focus and all of the authority in Washington, DC.

Now, I have to say a couple of different things. Mr. Riley may think strongly that this national test is a great idea, but I suggest that Mr. Riley has not done some reading he should have done. Because as a first basic argument there is not a word in the U.S. Constitution which calls upon the Federal Government to educate our children. Indeed, not a single American who has completed a civics class fails to understand that our Constitution gives certain roles to the Federal Government, like national defense, like trade with foreign governments and foreign countries, and trades between the States. But in the 10th amendment it reserves every single other power of government not expressly given to the Federal Government, it reserves those to the States and to the people respectively.

Now, Mr. Riley has not read that part of the Constitution. I suggest he has not read the 10th amendment at all or he does not understand it. But the Founding Fathers had a good reason for writing the Constitution in that fashion, and that is the idea of Federalism.

Now, I do not want to get off on notions of Federal Government and government theory, but it comes down to this simple premise: I trust the teachers and the administrators and the parents at my daughter's high school, Thunderbird High School in Phoenix, AZ. I trust them. I know them. If I want my voice to be heard in the curriculum at the Washington school district or at Thunderbird High School, my wife or I can go to their curriculum discussions and have input. We can make our voice heard.

If they propose to radically alter the curriculum at Courtney's high school, at Thunderbird High in Phoenix, AZ, I can speak out and I can be heard. If at Lookout Mountain Grade School, where my 11-year-old son is in school, if the principal or the teachers or the other administrators or the parents want to alter the curriculum, Shirley and I can drive down there and we can talk about that curriculum change.

But in this examination we have no input. Indeed, we will see, and my colleagues can get a copy of this report, in this report even the people on the test panel lacked input. Because the gentleman who wrote and dissented and who said we are going to give an eighth grade math exam and we are going to assume as a nation that this is a valid test of the performance of all children across America in eighth grade math, which does not devote a single question to testing whether or not those eighth graders can do a basic math calculation without a calculator, even he could not be heard.

Yet that is what we are going to do. We are going to write this entire test in Washington, DC.

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I happen to trust, as I said, the local school officials in Arizona and the local school officials in Washington Elementary District and at Thunderbird High School to do a good job of teaching my daughter Courtney and my son Stephen. I do not happen to trust Mr. Riley and the national experts that will write a Federal test and dictate it all the way across the country. I think we would be making a grave mistake if we put all of our eggs into one basket of a national test.

Some people say, but what could be wrong with a test? After all, this is not a national curriculum in mathematics. This is not just Washington, D.C. deciding what will be taught in every school in America. This is just Washington, D.C. deciding what will be tested in every school in America. Let me suggest to Members that what is tested is what will be in fact taught. Think about that one for a moment. If we as a Nation adopt a national test in mathematics and we say as a part of that national test as this report says and this is the test specification written for the national test panel, if we in that national test say we are not going to test 8th graders on any basic math skills, we are going to let them take a calculator and use that calculator on every single question, you have to understand, what is tested is what will be taught. What is tested is what will be taught. Courtney, my daughter, is a sophomore in high school. She cares very much about getting into the best possible college she can. Every one of her teachers has made sure that as a teacher he or she knew what Courtney would be tested on. And every one of her teachers having learned what Courtney would be tested on has made sure that in the classroom, in the classroom curriculum, Courtney was taught what she would later be tested on and therefore Courtney has done well on the tests that she has taken in her education to this point in time. Stephen's teachers are exactly the same. Teachers are caring people. They enjoy their jobs. They do not do it for the pay, I can tell Members that much. Both of my sisters are teachers today. One in North Phoenix and one in the Chandler School District. Both of my sisters, and I have two older sisters, are teachers today. Teachers care about their students' performance. They do not do it for the money. Go look at a teacher's salary anywhere in America. If they care about their students' performance, they are going to learn what is to be tested and they will make sure that they teach what is to be tested.

Therefore, if we write a national test, if we embrace as a Nation that there is one correct theory in mathematics, if we decide that in mathematics what we should do is not test 8th graders on basic mathematical computational skills, we ought to give every one of them a calculator because it is not a good idea to force them to do basic math skills without a calculator, then that will be the emphasis in America. I suggest that that is a grave error.

I want to in this discussion talk about one of the experts that helped write this point. I am talking now about the national math test because that is where I think this debate focuses at the moment. It seems that Lynne Cheney, who is an expert in this area, did some research. She discovered that one of the people who helped write the national math test and who serves on this test panel is a consultant to the Connecticut Department of Education. His name is Mr. Steven Leinwand. Mr. Leinwand is in fact a part of the National Association of Mathematics Teachers. Mr. Leinwand believes and has written an article in which he argues strenuously that it is, and I quote, downright dangerous to teach children, to teach students things like 6 times 7 is 42. Indeed, he argues that it is improper and, as I said in his words, downright dangerous to continue to demand that our children master basic pencil and paper computational algorithms. What he writes is that the problem with teaching those things and by the way, therefore, the problem with testing them, according to Mr. Leinwand, is that it sorts the some out from the many.

Lynne Cheney wrote an article on this, discussed Mr. Steven Leinwand, an article that appeared in the Wall Street Journal on September 29, 1997. She points out that Mr. Leinwand believes that such instruction, instruction in basic computational mathematics skills sorts people out. That is, it anoints the few who can do those pen and pencil calculations and it casts out the many, and that is a direct quote from Mr. Leinwand, casts out the many who fail to do them. I happen to disagree with Mr. Leinwand. I happen to think, first, that in America, the many are those who actually master those skills and do learn basic computational math. But I also disagree with his more basic premise, which is that he says it is wrong to sort out those who master those skills from others because it makes them feel bad. I suggest that if making children feel bad who do not learn basic math is the worst we are doing, we are not doing great damage, because the alternative proposal is to say to those children, "Don't worry about math. Don't worry about pen and pencil and computations. Don't worry about mastering those skills." If we say that to them, we condemn them to a lifetime of not being competitive in the world in which they live. We condemn them to living in a world where they can be taken advantage of by businesspeople, by unscrupulous people, by whoever wants to take advantage of the fact that they simply cannot do basic math skills.

I think Mr. Leinwand is dead wrong. But I want to make one last point on this. Let us assume that I am right and he is wrong. If we have a single test just in Connecticut where Mr. Leinwand is from, we can look at whether or not the children of Connecticut following Mr. Leinwand's, I would suggest, radical theories do better than the children in Arizona or whether they do not do better. If Mr. Leinwand turns out to be right and his system turns out to be better, Arizona can follow that, California can follow it, Florida can follow, and adopt his theories on their own. But if Mr. Leinwand is in fact wrong and he succeeds and Bill Clinton succeeds and Secretary Riley succeeds in imposing their one-size-fits-all Federal test following Mr. Leinwand's radical theory on every school child in America, I suggest to you, to all my colleagues in the Congress and to every American watching that we will be condemning a generation, maybe a generation and a half of America's children to living in a world where they are not competitive with the rest of the children around the world. I suggest to you that children in Germany and Japan and France and England and in many other countries around this world are indeed being drilled on these skills, they are mastering them and they will beat our children if we adopt a one-size-fits-all program. But even if he is right, the States could follow suit later. But if he is wrong, the risk of handing over the control of all of our children's education to one single Federal test is I think an absolute disaster.

This is an issue which is going to be fought out right here in the Congress in the next few days. The President is proceeding with his national exam right now. The report I held up just moments ago is in fact the report on that national exam. There is only one way to stop it and that is by passing legislation stopping the President from spending Federal moneys which he wants to take from other parts of the Department of Education's budget and put it into his national testing program. If we do not stop him in a vote on the House floor and on the Senate floor within the next 2 or 3 weeks when this issue is resolved, it will be too late. I think there is no more time, no more urgent moment in our Nation's history if you care about education than to speak out on this topic.

I am joined by the gentleman from Florida [Mr. WELDON]. I hope he is interested in jumping into this topic. I yield to the gentleman.

Mr. WELDON of Florida. I appreciate the gentleman yielding. I want to commend him for rising this evening to speak out on this issue. I share his concerns about the President's plan to institute a national test. I want to just commend the gentleman for his actions here tonight and indeed I also want to commend him for his work in the whole area of education. I have had the opportunity to work with him on the Republican Policy Committee and he has exemplified the level of concern that I think many of the people who got elected with us in 1994 share about education in America and about the terrible decline in educational standards in America and the decline in academic performance. You cannot speak to any college professor in the United States without them lamenting the fact that over the past 30 years, the quality of math and verbal skills of incoming freshmen has deteriorated dramatically and many, most of our colleges now have to have rudimentary courses particularly in English skills, in writing skills.

I am a product of the public education system in the United States. My mother was a public school teacher. Not only did I go through the public school system K through 12, I also went to a public college and then I went to a public medical school. I am a medical doctor. My mother was a public educator. I understand the value and importance of public education. I think the debate that we should be having in this city today, and the gentleman is touching right on it, is what can we really do to help education in the United States. Certainly I think one of the most important things we can do is we can make it more affordable for parents to send their kids to school and we are doing that with our tax relief package.

We also can help parents to have more choice, and this is critically important in our inner city schools where so many of those parents in those poor neighborhoods have no choice. Unlike wealthy people who can select the best academic environment for their kids, people like Bill and Hillary Clinton, they were able to send their child to a very prestigious private school, many poor Americans living in our inner cities have no choice and they are locked into some of the worst and most failing schools.

Also, one of the issues that we are debating in this city today, and the gentleman from Arizona [Mr. SHADEGG] is bringing it up, is should we have national testing. Let me just say, I have a 10-year-old daughter, we have chosen to home-school my daughter so that my wife and daughter can spend part of their time up here with me and part of their time in Florida when we are on recess and we consider testing extremely important. We test my daughter every year to make sure that she is meeting national standards or accepted standards. Actually our goal is that she exceeds standards and that is why we test her every year. I am very thankful to have my wife who bears the primary responsibility for educating my daughter and who makes sure that she gets the testing scheduled every year.

The question is, is it an appropriate role of the Federal Government to be instituting a national test? Just to point to Sweden, a country of 7 million people or some other little foreign country that has national testing and say they do it, therefore, we should do it is ludicrous in my opinion. This is a country of 260 million people, 50 different States, people of all kinds of diverse ethnic backgrounds. There is no way that a one-size-fits-all concept could be put on the United States. This is just a different country.

But the most important issue that the gentleman has brought up today and the biggest reason why I oppose national testing is because I do not have confidence in the Federal Government to do it correctly. This report that has come out clearly spells that out for every voter to see with their own eyes. They are going to give a math test and they are going to give the kids a calculator. Mr. Speaker, as far as I am concerned, I am not a lawyer, I am a doctor, but I know there is an expression in the legal profession, it says I think it is res ipsa loquitur. The thing speaks for itself. In other words, if you have got video footage of the perpetrator coming through the window with a TV in his hands, res ipsa loquitur. "I rest my case, your honor. We don't need to debate this in front of the jury. The man is guilty. We've got him on tape." Ladies and gentlemen of the jury, Mr. Speaker, they want to give a math test and they want to give the kids a calculator. Do we think that the Federal Government can run a math test and run it properly?

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I say, no. I say it is fraught with hazard. I say it is destined to fail. I say it is inappropriate.

I agree with you that it is unconstitutional. What we need to be doing are the things that I spoke of earlier. We need to give parents choice, and the most crucial thing is we need to give poor, working-class families real choice.

Rich people in America today have choice. Doctors and lawyers have choice, wealthy businessmen have choice. The hard-working people in our poorest communities, they do not have choice.

Do you want to improve educational performance in the United States today? Give those people choice and get money to the classroom. Get money out of the hands of bureaucrats.

To say somehow by having this national test it is going to help educational performance, I think, is ludicrous. I, again, commend the gentleman for his speaking up, for coming to the floor tonight to talk about this issue. It is a critically important issue.

Mr. SHADEGG. Reclaiming my time, perhaps we could have a dialogue here. It seems to me, first of all, the most important premise is to establish the fact that for those of us who oppose national testing, our opponents on the

other side, that is the President and Secretary Riley and the educational experts and bureaucrats in the Education Department, would argue that if we oppose national testing, it is because we do not care about education.

Let me ask the gentleman, you indicated you had a long history in public education. Do you believe that those of us who oppose a one-size-fits-all national test; that is, that a Federal Government mathematics test, written inside the Beltway, in Washington, D.C., is a bad idea. Do you believe those of us that think that is a bad idea do not care about education?

Mr. WELDON of Florida. Well, you know, you touch on a real fundamental issue of this city, in my opinion. Before I came here I practiced medicine in Melbourne, Florida, for eight years. Prior to that, I practiced medicine in the Army. I was an Army doctor. I was not really used to all the crazy stuff that goes on in this city.

But one of the things I have learned very quickly is if you, if the President or some of his colleagues here in the House or Senate have an idea, and they all think it is a great idea, everybody thinks their kids are beautiful and their ideas are brilliant, so they come up with an idea and they think it is a great idea, they are going to improve education in America by establishing this national test. So, because you oppose it, then, oh, you must be anti-education.

We were trying to fix Medicare last year, trying to preserve it so it would be there for senior citizens, seniors like my dad. They did not like our plan, so, therefore, we suddenly hated seniors and we hated Medicare, and they ran around misquoting NEWT GINGRICH saying he said Medicare was going to wither on the vine. He was talking about the bureaucracy here in Washington that screwed things up.

Anyway, to get back to the issue, that is the theme always, always the attack. You do not like their agenda; therefore, you do not like education.

Mr. SHADEGG. Reclaiming my time, it seems to me their point is, well, if they are against our proposal for national testing, they must, by definition, be against education.

I will tell you, that argument makes me angry. I do oppose national testing. I think it is dead wrong for America. I think when the national testing would be a national math exam for eighth graders, that does not have a single question on it which requires the student to demonstrate he can do one math calculation without a calculator, I think I am right and I am demonstrating that I care about education.

In my view, more testing is not the answer. If the answer were more testing, we would not have a problem in education in America today, because American students are tested, and tested, and tested.

Now, what does the national test do? In this case, the national test that President Clinton is proposing is not only wrong on the merits, because it does not test basic math computational skills, thanks to Mr. Steven Leinwand and a handful of other radical theorists who do not want to test basic math skills, that say that will make students feel bad, but what does it do? It takes money away from education.

That is right, the Congress was not presented with a bill from the President saying let us fund a national test. Let us define it by legislation, and let us then fund it through appropriations, the way this government is supposed to work.

He is doing an end-run around the Congress, and his national testing program is going to be implemented without the approval of the Congress because the President just wants to do it, and he says he can do it.

But do you know what? He has got to have money to do it. What is he going to do? He is going to take money out of other pieces of the Federal Department of Education and give it to national testing.

Now, I think that is an abuse of this process, and it is dead wrong. Do you know what? As a House Republican, as a Member of this Congress who got public education and who believes to the depth of his soul in public education, I think it is dead wrong to steal money from other parts of the Federal Department of Education to push national testing, at least when that national testing will not even test the basic math skills that America's kids cannot do now.

So am I playing politics with this, because I want to see the money already in the Department of Education spent for what it was supposed to be spent for? Am I anti-education, or is Bill Clinton anti-education because he wants to take that money away?

Mr. HOEKSTRA. If the gentleman will yield, as my colleague from Arizona knows, we came to Arizona, you were there when we did a hearing. We have been to 13 other States with my subcommittee and we have talked about testing, we have talked about charter schools, we have talked about vouchers, we have talked about innovation and improvement in public schools. We have really taken a look at the full range of education reforms that are going around and taking place in the country today. It is amazing. Testing is one of those issues. Testing is a very complicated issue.

We had a hearing in the State of Delaware where we talked about Delaware's experiment with testing. Delaware has done it right. Delaware did not go to Washington and say, hey, Washington, would you develop a test for us and we will implement it?

Delaware started at the grassroots level. They got parents involved, they got teachers involved, they got administrators involved.

Remember, Delaware is the size of what? One Congressional district. They have one very good Congressman. He was there at the hearing. They started at the grassroots level and talked about where are our kids, what do we want to test them on? After a three-year process they developed a test that they felt was appropriate.

This President wants to develop a test in six months?

Mr. SHADEGG. Reclaiming my time, he has already developed the test, as near as I can see. He proposed it here on the floor of the House in his State of the Union address in January, and now they already have, as I have talked about earlier this night, item and test specifications for the voluntary national test, and we ought to talk about whether or not they are voluntary, for fourth grade reading and eighth grade mathematics, the report of the national test panel.

So while that panel in Delaware included parents and teachers and local school administrators, and probably students from all over Delaware, and it took them three years to write what they felt was a good test, to make the model, and recognizing that States are, in fact, charged with educating their children, the President has done a one-size-fits-all, it is here, finished, done, he got it finished between January and October.

By the way, it says we are not going to test whether or not you can do any math computations with a pen and pencil; we are going to give you a calculator for the whole exam.

Mr. HOEKSTRA. The gentleman is absolutely right. Delaware, three years, they still haven't figured out exactly how they are going to use it and what they are going to do with the test results. This President, in six or eight months, wow, he develops a test, no parental involvement, no local involvement, has not gone to the Governor of our State of Michigan, hasn't gone to California and said what would you like in a national test?

How will that integrate with what Michigan is doing in the area of testing? He has developed a national test, meaning he is going to drive national curriculum.

And he now believes that a test that a few people here in Washington have developed over a short period of time is going to work in Florida, is going to work in Arizona, is going to work in Detroit, is going to work in L.A., is going to work in New York City, Cleveland, Louisville, all of these places we went to, and the one thing we found in all of these places, there are tremendous things going on in education, but the problems and opportunities in the educational focus that they need to have in their schools varies, in some cases ever so slightly, in other cases

dramatically, because the circumstances are different.

He is going to try to impose a one-size-fits-all test, and then he is going to come back and say, see, those kids in Cincinnati, those schools are not doing well because they did not do well on my test.

Those teachers and those school administrators and those kids may be doing great, depending on where and what their environment is. But he wants one-size-fits-all, and it will not work.

Mr. SHADEGG. Reclaiming my time, there is a great tendency in these discussions on the floor to focus on the partisan bickering and on the President wants this and I listened to the gentleman do that and reflected on it earlier in the evening. I was talking about the President's plan and his wants and his goal and he wrote this test.

I hope that people understand, this is not a partisan fight between a Republican Congress and a Democratic President. This is not a partisan attack on Bill Clinton, the person. For all I know, the President and the First Lady genuinely care about educating America's children. But this is a vitally important debate about that, that is, about educating America's children.

The gentleman mentioned we held a field hearing of your committee in my city, in Phoenix. I cannot tell you how proud I am of the strides that have been made in Arizona in the education field. We are doing new and innovative things. We are charting new ground. We are doing, I think, not a perfect job, but a yeoman's job in a workmanlike fashion to try to craft for Arizona school children the best education possible.

In some regards we are failing. We have an education funding debate going on in the State that needs to be resolved. But this much I know: I trust the parents and the teachers and the administrators and the local school boards in Arizona to focus on my children's education and to adapt the education that is necessary in my community, and I know that a test written thousands of miles away in Washington, D.C., a test written deep in the bowels of the Federal Department of Education, a test written by a handful of Federal education experts, cannot reflect my input or the input of the parents and the principals and the school administrators and the school board officials and the other people in Arizona that care about Arizona kids.

You know, it is the point, can you say that Mr. Leinwand and Secretary Riley care more about my kids' education than I do? If so, I would like to ask them what their names are, because they do not know the names of my kids, but parents and teachers know their kids and care about their education. They do not want to have shoved down their throat a federally written Department of Education test.

I want to just ask the gentleman, either gentleman can comment on this, you mentioned that a national test will drive school curricula all across America. That is, it will take choice, it will take educational options about curriculum away from the parents in Michigan in your district, or the parents in Arizona in my district, or the parents in Florida. I would like you to explain that.

Mr. WELDON of Florida. I just want to comment on that, and maybe the chairman of the education subcommittee can add to this, but that is one of the very important issues that I think we need to get into tonight.

We all know that testing is extremely valuable. It gives parents an idea how their kids are doing. It gives parents an idea how good the school is doing. But when you have the Federal Government in charge of testing, that is a whole different situation. When a school decides they want to use Iowa basic or want to use SAT, that is one issue. But when you have the Federal Government promulgating a test that has all kinds of very complex political and economic ramifications associated with it, and I am sure the gentleman from Michigan can comment on this issue, that is one of the other reasons why I am extremely concerned about this.

The point you are alluding to, that suddenly you can have a scenario where everybody's academic program is tailored to meet the requirements in the Federal test, I am not sure that is a good thing for the United States of America. I am not sure it would be the best thing for the people of the State of Florida to adopt standards that would allow them to do well on the Bill Clinton, Federal-promoted test. I am not sure that is good for our economy in Florida.

I have some very serious concerns. I think the President is definitely moving much too hastily on this issue, and it really needs to be debated within this body, and the Committee on Education and the Workforce needs to take this issue up. I would be happy to yield to the gentleman from Michigan.

□ 2045

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding.

What we have found, as we have gone around the country, and again, in the 14 States that we have been to, and I think we have had multiple hearings in a couple of States, so we have probably been in 16 different cities, we have seen tremendous things in education, tremendous things in public education, private education. That is really the good thing of all these hearings. We have seen some wonderful things. There are some common ingredients.

We go into these environments, we ask the teachers, we ask parents, we ask administrators, we ask the business community, what is working in your school district, or who is making a difference? Why are your schools improving? What is the catalyst? I have still yet to hear someone say, it is that new Federal program, or it is this Federal program.

The schools that are doing well are typically where a group of parents, administrators, and teachers have taken back their school and said, we are going to focus on these kids, and we are not going to focus on the bureaucracy and the red tape that either comes from Sacramento or comes from Lansing; but we know the kids' names, we know what their needs are. We are going to focus on our kids. We are going to take our schools back.

We are going to, and this is what they are trying to do in Michigan as well, and what we are trying to do here in Washington, DC, as well, we are going to debate it next week, we are going to focus on getting the dollars from the bureaucracy and getting them into the classroom.

When we do national testing, what is going to happen? We are going to spend a dollar on a national test, and the first 20 or 30 cents is going to be spent on bureaucracy. Only 65 or 60 cents will actually be spent on giving a test that they really should not be taking anyway. We are going to get dollars into the classroom and focus on basic academics.

Mr. WELDON of Florida. If the gentleman will continue to yield for a question, Mr. Speaker, as I understand it, one of the additional concerns of this test is that this will take time away from teachers and their students in terms of basic education, learning, that they will have to devote a week, they are proposing, or several days out of a week, to sitting down and taking a test, when they could be educating those children in crucial issues that are important for them to learn.

Mr. HOEKSTRA. What we talked about earlier, Mr. Speaker, what happens in this process is, No. 1, our kids go through all kinds of tests already. This is one more layer on top. It is not only the time that is spent on taking the test, but if a school district is going to be evaluated on a national basis, and every child in a classroom is going to be evaluated against every other child in the country, we can bet parents are going to expect and teachers are going to want to prepare their students for that test. They are going to spend a week or 2 weeks teaching to the test.

That is not what we want. We do not want teachers teaching to tests. We want teachers teaching to basic academics, the basic skills we want our children to learn.

Then there are other ways to measure how they are learning. There is not a need for the Federal Government to

come in and put one more overlay on things that are already being done at the State and local level.

Mr. SHADEGG. Mr. Speaker, reclaiming my time, sometimes in these discussions we get a little esoteric and just talk theory. I want to bring this back home.

There is a woman who teaches at Arizona State University in Phoenix, AZ, and in Tempe, AZ, who is a scholar herself and quite an expert in education. Her name is Marianne Jennings. She has written a nationally syndicated column on this issue.

It turns out that 1 day her eldest daughter was doing some homework in her bedroom, and Marianne walked in and interrupted the child as she was doing the homework. She looked down, and what the child was doing was using a calculator to calculate what 10 percent of 470 was. Mrs. Jennings looked at that and said, what are you doing?

And she discovered that her daughter needed a calculator to calculate 10 percent of 470, and needed a calculator to calculate what 25 percent of a fairly simple number was, and did not fully understand that 25 percent equaled one-quarter.

She became enraged, and started to get involved in this issue, and in her daughter's education. She discovered that what was happening was that her daughter was being taught whole math or new, new math. She had to inject herself deeply into her own daughter's education, because the focus was in the wrong direction.

I want to make the point that it is not that we do not understand the goal of national tests. Perhaps it would be worthwhile to compare the performance of kids in Arizona with the performance of kids in Michigan. But there are already ways we can do that, and in this proposal, we would create a single national test. That single national test could embody radical theories inside the Federal Department of Education like Mr. Leinwand's new, new math or whole math, where students are not taught basic computational skills because Mr. Leinwand believes it is downright dangerous to teach them those basic skills.

I want to read or I want to emphasize this issue of "voluntary." The President says and listeners tonight might think, what is wrong with a voluntary test? I have heard our colleagues on the other side of the aisle here defend the national test by saying, look, if you out in Arizona, if you do not want to participate in these national tests, if you think the Department of Education should not write a one-size-fits-all math test on which every eighth-grader should be tested, you may simply opt out.

I want to point out to those listening that that option, that claim that that is voluntary, is a hollow claim. It will not work. In point of fact, and this is pointed out by Lynne Cheney in her article "A Failing Grade for Clinton's National Standards," she points out that even if my State, Arizona, chooses not to participate in the national tests, or your school district in your hometown chooses not to participate in the national test, there are in reality in America only a handful of textbook writers.

The minute we adopt as a Nation a single test, the minute we give away from Phoenix, AZ, to Washington, DC, the authority to write one test, every textbook writer in America will be compelled to bring out their next edition in math for 8th graders or reading for 4th graders to meet that national test.

The curriculum will indeed have been written in Washington, DC, as a result of that test, and so my school department, my school board, the principal at Stephen's school or Courtney's school, will not have hardly any choices but to adopt a text, a textbook, written to teach to that national test. I think it is a disastrous idea that scares me a great deal.

I want to point out that in today's Washington Times Mr. Riley makes a point. I want to quote. Mr. Riley says that instead of being controversial, he believes the country will embrace national tests as a chance to show their support for education.

"We think it's going to catch on, and we think the people in this country are going to almost look at it," that is, national testing, "as a patriotic thing, to get involved in getting this country to read well, getting this country to do math well, and getting our children ready for college and important jobs." It is like do not dare challenge us, we in Washington, DC, know all the answers.

The gentleman mentioned earlier that in his field hearings across the country what he found was that those schools that were succeeding were schools where the parents and teachers and the administrators in that school took possession of their children's education. They said, the heck with the State capitol, the heck with Washington, DC, we are going to make education better right here.

I would like to ask the gentleman, will a nationally dictated curriculum in the form of a national test, to top-down give this test and do it on these subjects because we think this is the way math should be tested, is that going to help those people and encourage them to take control of their schools?

I yield to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. I thank the gentleman for yielding.

No, Mr. Speaker, what our hearings have shown, as we have talked with parents, teachers, and administrators, developing a test is a very personal and very important issue.

In the State of Michigan, we have made progress in developing a test, but if this test is not embraced at the local level by the parents and by the teachers, the American people will not rise up and embrace this test that they have had no input in.

Secretary Riley may be a bright person, but there is no way, without bringing that grass-roots support and involvement in at the beginning of the process, that we can expect that a bunch of bureaucrats here in Washington are going to write a test that is going to be embraced in Hawaii, Detroit, Holland, Phoenix, or in Florida. There is absolutely no way.

This is not about patriotism, this is about what works. This is a test that has to be developed at the grass-roots level up. If we issue a national test and we then test our kids, and that test is not a well-developed test and is not supported by the parents, we will not have Americans embracing this, we will have American parents in an uproar, because we will have tested their kids and given them a grade or score on a test that they do not believe in, and a test that has not been validated. It is the greatest disservice we could do to our local school districts, to our kids, and to their parents.

Mr. SHADEGG. It is a basic character of human nature to take possession of your own ideas. If you get involved in your own school and in your own children's education and you start working on making their education better, you are going to work at it and care about it.

If you get told, no, we do not need your input, we have gotten some experts in Washington, DC, to write the test, and those experts know what the right curriculum is, so do not bother showing up for the school board meeting where the curriculum is going to be discussed, that has already been decided in Bill Clinton's Washington, DC.

Mr. HOEKSTRA. If the gentleman will continue to yield, the question we really ought to be asking is why is the administration rushing to write a test? Why are they not involving Congress, why are they not involving the appropriate committees, why are they not involving the Governors, why are they not involving teachers and parents and school administrators? Why are they rushing to get this thing done without any involvement?

It is absolutely going to fail, and the question is why? Why do we need to rush through this, and why can we not involve different people in this process?

Mr. SHADEGG. I think it is an excellent question, and probably a great question on which to kind of end this discussion.

The reality is that we are on the verge of adopting a national test on which Congress will have had no input, on which local parents and teachers will have had no input. I simply want

to make clear to everybody who might be listening tonight across America that this issue will be decided within the next few days to few weeks here in the U.S. Congress, in the House and in the Senate.

If they do not think a one-size-fits-all Washington, DC, exam written that is crammed down their throats without the chairman of the subcommittee in charge of this area having some input, without the local State superintendent of public instruction having the ability to have input, but most importantly, without them as parents or teachers of their children, or as a school principal, if they do not want that crammed down your throat, we need their support now to stop this, and stop it before it goes any further.

I think it holds the potential, as one of the articles that has been written suggests, of being a national calamity. I think it will be an absolute disaster if we turn the education of our children in America over to Washington, DC. We owe the children of America more than abdicating our responsibility to Washington, DC, and letting their education be dictated millions of miles from their homes and thousands of layers of bureaucrats from their own principal or their own teacher.

Mr. WELDON of Florida. If the gentleman will continue to yield, Mr. Speaker, I just want to add that what the gentleman says is critical. The future of our children's education, it is not just about them and their lives, it is about our whole Nation.

We have learned, we have discovered, that the future lies not only in our ability today to be innovative, but in the ability of our children tomorrow to compete, to be inventive. We need to be doing what we can to make sure we are making education better in America. This is an ill-advised scheme, in my opinion, that the President should shelve. I again commend the gentleman for his initiative.

Mr. SHADEGG. It may be well-intended, but it has the potential to be a disaster. If we write one test in Washington and it is bad, we will not be able to change it for decades to come. In a global economy, we will perhaps be handicapped.

I will yield to the gentleman from Michigan [Mr. HOEKSTRA] to close, if he would like.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding. What we have found as we have gone across the country is schools, where they are working, where they have done a good job with the children, are those where there is local parental control, not where Washington is dictating the agenda.

This is about where are education decisions for our children going to be made. Is the direction going to be at the local level, or is it going to be moved to Washington, DC? All we have to do is go around the country, take a look at the grass-roots level. We will be surprised at the wonderful things that are going on in all types of education, public, private, parochial, religious education efforts. But it is because of grass roots, not because of what we are doing here in Washington.

□ 2100

Moving to national testing is moving more decision making to Washington away from the very people that are making a difference in our kids' lives today. We need to begin a process of moving power and money back to parents and the local school districts, not continuing on this trend of moving it to Washington. Mr. Speaker, I thank the gentleman for this special order.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for joining me. I want to conclude by saying that national testing is one of those ideas where the proponents believe that Washington knows best and I suggest they are wrong. Washington does not know best how to educate your children in your school or my children in my school. You can do it better.

Mr. Speaker, I ask my colleagues to help us to reject the idea of national testing, which would give too much responsibility to Washington and take too much away from the parents and their child's teacher.

PLUTONIUM POWER SOURCE PROVEN SAFE ON NASA PROBE TO SATURN

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak on the recent Cassini mission to Saturn. This was a successful launch on a Titan launch vehicle that left Cape Canaveral a week ago tomorrow morning. Actually, it was 4 a.m. on Wednesday. It was a mission that garnered a lot of publicity, primarily because the probe, this deep space probe that was going to one of the moons of Saturn, it is a moon called Titan, it had a plutonium power source on it. The source of electricity to run all the computers and the sensors on this satellite, this probe, was plutonium, and as everybody knows, plutonium is radioactive and it is dangerous.

Mr. Speaker, as soon as I heard about this mission 6 months ago or so and I knew it was going to be going off, I immediately had some of the leaders of the Cassini program from NASA come into my office and brief me, because I live in that area and I remember very well the controversy surrounding the Galileo mission. I am sure many Americans remember the Galileo mission, which was a mission to Jupiter, and we had a probe that went into the Jupiter atmosphere. It was a very successful mission and got a lot of publicity.

So 5 years ago when that mission was taking off, at that time there was a lot of controversy as well about the plutonium power source. I was also concerned because I live in the area, my wife and daughter live in the area, my father lives in the area, all of my friends live in the area. So I wanted to find out the facts on this issue, and I was actually very disappointed to see, they never really came out in any of the press coverage on the Cassini mission.

The plutonium that they use to power these vehicles is plutonium that has been solidified in a ceramic. It is encased in metal and it has essentially been tested and tested and tested so that it can withstand a disaster. And indeed I discovered on my research on this issue that actually at one point there was a mission that failed on the launch pad and the rocket blew up with the plutonium on board. It was out in California at Vandenberg Air Force Base. And not only did the plutonium power source, they call it an RTG power source, not only did it not break up and spill plutonium into the atmosphere, they were actually able to clean the thing up and put it on another satellite, it was constructed so well to withstand the blast.

The other issue that there has been some concern about is that this thing could reenter the atmosphere and in the process of burning up, that it would release all of this plutonium into the atmosphere. And they have also designed the plutonium power source so that if it does reenter the atmosphere, it has a casing around it and the casing absorbs the heat and it never actually burns up.

Indeed, I found out that plutonium RTG's were actually on the Apollo mission, and Apollo 13, when it reentered the atmosphere, there were plutonium RTG's on the Apollo 13, and they survived the reentry and there was no release of plutonium into the atmosphere.

The bottom line is here that the engineers, the men and women who designed this power source, and it has been used 26 times safely on various missions, and as well they use the same technology in Russia and they have used it on many missions. It is designed to withstand an explosion on the launch pad without releasing any plutonium into the atmosphere, and it is designed to reenter if there were an accident and it were to fall back to Earth and not burn up and not release any plutonium into the atmosphere.

So, Mr. Speaker, the point is basically this. They have designed it so that it is safe and there is no way, if one talks to these scientists there is no way that we could send probes out to Jupiter, out to Saturn, to those outer planets, without this power source.

People will say, well we can use solar. The solar rays are so weak when probes get that far out from the sun that we would have to have a solar array as big as the State of New Jersey to drive this probe. It is impossible to do that.

Well, it turned out the mission went off successfully. It was a successful launch. Cassini is on its way to Titan and it is going to yield valuable scientific information. The news media did a disservice and the scare tactics did not work, and I congratulate NASA.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 97, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1998

Mr. MCINNIS (during the special order of the gentleman from New York, Mr. OWENS) submitted a privileged report (Rept No. 105–333) on the resolution (H. Res. 269) providing for consideration of the joint resolution (H. J. Res. 97) making further continuing appropriations for the fiscal year 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2247, AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

Mr. MCINNIS (during the special order of the gentleman from New York, Mr. OWENS) submitted a privileged report (Rept. No. 105–334) on the resolution (H. Res. 270) providing for the consideration of the bill (H. R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1534, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

Mr. MCINNIS (during the special order of the gentleman from New York, Mr. OWENS) submitted a privileged report (Rept. No. 105–335) on the resolution (H. Res. 271) providing for the consideration of the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, which was referred to the House Calendar and ordered to be printed.

CONGRESS SHOULD EXERCISE OVERSIGHT REGARDING IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the majority leader.

Mr. OWENS. Mr. Speaker, I suppose the item of the day in terms of significant news is the fact that the Democratic minority leader has decided to also throw his lot in with those who want to make the highest priority of reforming the IRS, the Internal Revenue Service. I want to get on board, too. I cannot think of any American out there who does not think that we could improve the Internal Revenue Service in some way, and hopefully in a way which relieves us of some of the unjust items that have affected us in the past in some way.

But, in all seriousness, it is long overdue. The IRS has been neglected by Congress for too long. Congress, in general, is delinquent in its oversight responsibilities for the Federal Government. In the 15 years that I have been here, I have watched how time is frittered away and it is always the item which captures the most headlines for the moment that gets the most attention, while the important functions of government, and the gigantic agencies of government, like the Internal Revenue Service, they go on and on and they get very little oversight.

I suppose that is why IRS stumbled into a $4 billion blunder in the setup of their computer operation in an attempt to computerize themselves. Not enough Congressmen were watching. Not enough outside independent monitoring was going on, and there are probably numerous other areas in the IRS which need reform.

Mr. Speaker, I certainly hope that the debate on IRS will not degenerate or remain at the level that it is. It is sort of standing at a very low level. We are interested more in paper clips and rubber bands and operations that are at a very primitive level than we are in the total philosophy that guides IRS and the total setup of policies that emanate from the Congress through the Committee on Ways and Means and the Senate Finance Committee.

I hope that the debate about IRS will be a long and fruitful one. I hope that it will be a very thorough one, and I hope that we will look at all aspects of what is happening with our Internal Revenue Service, what is happening with our revenue collection processes.

Revenue has always been, and I have said this many times before, neglected by people who are progressives, liberals, whatever we want to call us these days. We have never spent enough time looking at revenue collection, taxes, tax policies, and that has caused some serious problems, the fact that there has never been a balanced debate or the kind of attention focused on the revenue process that we should have.

For the past few years, I have been insistent that we take a hard look, an intense and thorough analysis of what is going on with respect to revenue collection. I was fascinated. I am not on the Committee on Ways and Means, I am on the Committee on Education and the Workforce. I am concerned primarily about why there are no funds for programs like the school construction program. I am concerned about the fact that while we are lumbering along with an antiquated education system in some obvious ways. It needs help from the Federal Government and we are not supplying that help. I am concerned about our priorities and why we continue to give the impression to the American people and the world that we are a bankrupt Nation or almost a bankrupt Nation when it comes to the area of education, in the area of youth employment or a number of other worthwhile programs. We always have enough money for defense and we increase the defense budget, but we do not have enough for education.

So, my concern for expenditures related to positive programs like building schools led me to take a closer look at the revenue side of the equation and several years ago, I became fascinated by the fact that our income tax collection process, our income taxes produce a large amount of taxes from individuals and families and a much smaller percentage from corporations.

Corporations are where the money is, so I was fascinated by the fact that at present about 11 percent, of the last figures I looked at, the records that I saw, 11 percent in 1996 of the income tax collected was collected from corporations, while four times that much was collected from families and individuals, 44 percent.

So, the policies and the laws which govern and guide IRS are of very great interest to me. How much of that inequity in collection, inequality in the collection between corporations and families and individuals is due to the fact that Congress made the wrong kinds of laws, or the laws are imbalanced, they are not in balance in terms of collections from corporations versus individuals and families. How much is doing to the wrong policy? The wrong philosophy? And how much might be due to IRS and its administration, its implementation of the policies that

have emanated from Congress? Is IRS delinquent in the way it pursues collection of revenue from corporations? Does it spend too much time, an inordinate amount of time pursuing families and individuals and shy away from pursuing collection of taxes from corporations because they are so big, they are so complicated, they have lawyers, they have tax accountants?

We have all seen in the past remarks made by people in the executive branch of government concerning the need to focus on collecting taxes where we can collect them more rapidly. I think in the Reagan administration there was a statement made that IRS should not waste so much time with corporations, it takes too long to get the collection. Middle-class people are the people who will respond when the IRS goes for the collections. If there are problems, then pursue middle-class taxpayers and we will get a better return, a more rapid return in terms of collection.

How much of that permeates the modus operandi of the Internal Revenue Service?

Those kinds of questions I would like to see raised and answers.

There is another aspect of the debate which I think also I have raised before and we should take a hard look at, and that is how fair is our revenue collection policy and how fair are the procedures?

When we have a situation which has persisted for a long, long time, more than 10 years, we will talk about just the last 10 years, but it is probably the last 20 years that we have had the situation with respect to New York City and New York State. We have a situation where big cities like New York City and big States like New York, industrial States, have consistently paid more into the Federal coffers, the Federal Treasury, than they have gotten back. The balance of payments has been way out of kilter consistently over the years. I have discussed it on the floor of this House on several occasions.

Senator MOYNIHAN quite a number of years ago started making a study, an analysis, of which States are in a position where they are paying more into the Federal Treasury than they get back in terms of Federal aid. So it has become a very thorough kind of analysis, and now it is supported by the John F. Kennedy School of Government at Harvard and they produce a nice booklet every year and the latest version of the booklet I have in my hand. It is entitled "The Federal Budget and the States: Fiscal Year 1996," the 21st edition.

□ 2115

I was wondering before about how long we have done this, 21 years. For 21 years this study has been done, and Senator MOYNIHAN does it now in conjunction with the John F. Kennedy School of Government. It is available, and I hope that certainly the policymakers in States like New York, New Jersey, Connecticut, the States that find themselves paying enormous amounts more into the Federal Treasury than they are getting back in terms of Federal aid, New York State is not so bad.

This year we only paid $14 billion more into the Treasury than we are getting back. In the past it has been $16 billion and at one point it was $23 billion more was being paid by the taxpayers of New York into the Federal coffers than they were getting back in various forms of aid. This ranges all across the board, all forms of Federal aid.

So it is interesting that New York State columnists and New York State legislators, Congressmen, city councilpersons, assemblymen, State Senators have never been that concerned about this imbalance. Senator MOYNIHAN first made a speech about it at a community college in New York State, New York City. He was hoping it would attract the attention of the press, but it did not.

The press, over the last 21 years, has basically ignored a basic injustice in revenue collection and distribution. We do not get back nearly as much as we put in. New York State now ranks third among those who suffer from this imbalance. At the same time New York State now ranks third in the amount of poverty that it has. That is pointed out in Mr. MOYNIHAN's statement here. It is an important piece of irony.

I am sort of stimulated and led to return to this discussion, and maybe I will be repetitious and say things I have said before here, but I am led to return because there was a columnist in the New York Post on Monday, October 13, who happened to single me out in his discussion of the New York economy and in his discussion of the fact that this piece of literature is produced every year and that New Yorkers seem to ignore it.

Mr. Fred Siegel, a columnist for the New York Post, I do not know much about Mr. Siegel, I have not read him that often, but I think it is interesting that he pointed out in his column that we have this situation where the economy of New York City is in serious trouble. It is ready to fail.

The point he was making primarily was that in the present mayoral election in New York City, we have a municipal election, borough president Ruth Messinger is running against incumbent Mayor Rudy Giuliani. He was stating that in this election there is very little talk about the economy of the city. The discussion of the economy of the city does not focus at all on the fact that New York City and New York State are in the situation where they continue to pay more into the Federal Government's coffers than they get back.

And during the course of his discussion, he says that this is a subject that officials should be addressing, the mayor and his opponent should be addressing it. And he also pointed out that the Members of Congress should be addressing this subject. Particularly, he says Representative MAJOR OWENS devotes his time to long rambling and incoherent speeches on poverty and welfare reform before an empty House Chamber. I was stimulated, of course, to respond to Mr. Siegel and I think that Mr. Siegel and all the columnists in New York City's papers, the Times, the Daily News, the Post, columnists, reporters, Mr. Siegel has thrown out a challenge to elected officials.

I would like to throw that challenge back to the columnists and reporters. Why is it that the editors, the columnists, the reporters of New York City and New York State refuse to accept the fact that we are being swindled and that we are a donor State to an ungrateful set of States out there who make speeches on the floor criticizing New York all the time.

Why do we continue to accept the drain from New York State without putting up a fight, even if we can do no more than have a rhetorical fight at this point? Certainly the people of the State ought to be aroused by the columnists as well as by elected officials and begin the debate. We do not even have a debate now. There is really no challenge.

I have quotes here from Mr. Siegel and other columnists who think that New York's Congresspeople are not interested in this problem and we have done nothing in the past. I do not know about my colleagues in the Congress from New York, but I have the proof here that I have consistently spoken about this very problem. I only went back one year, 1996, and I found three occasions where I talked at considerable length about the problem of the drain of dollars from New York State and New York City: March 12, 1996, March 22, 1996, and April 16, 1996. I talked at length about this very problem. I quoted from the statistics from the previous edition of this book, the Federal Budget and the States.

I would like to say Mr. Siegel and all the other columnists and the editorial boards of the New York Times, the New York Post, get a copy. It is a fascinating book. It was made even simpler to read this time. Join the few Members of Congress and other political leaders who are aware and who are discussing this matter.

Mr. Siegel is to be congratulated. He put his finger on a very important problem in terms of the mayoral election. There is not enough discussion about New York's economy. His article appeared in the Post, as I said before, on Monday, October 13, and is entitled "New York Economy Ready to Fail but

City Politicians do Nothing to Stop the Hemorrhage of Wealth."

I am just going to quota a few items from Mr. Siegel's column. He is really writing about the mayoral election and that is his primary concern. He criticizes both candidates for mayor, the democratic candidate, Ms. Messinger and the incumbent Mayor Guiliani. He even throws in the candidate for the Socialist Workers Party, Olga Rodriguez, and says she at least talks about the economy, even though she is still trying to fight the October revolution. Talks about the kinds of things that have been discredited in terms of the fall of the Soviet empire.

But he does talk about it, and I think it is a proper point of start, a jump-off point for a bigger discussion. And I hope that other journalists and editors will pick up and we can really begin to deal with the problem.

Quoting from his article, Mr. Siegel says, and I quote, on Thursday, the Federal Reserve Chairman, Alan Greenspan, warned that the economy is on an unsustainable track. Less cautious observers suggest that stocks are overvalued by 20 percent. Is there a crash in the offing? Probably not. But there does not have to be for the city to suffer. Should the market drop to 6000, a level that just a few years back was unthinkably high, the city will start to slide into a fiscal meltdown.

What Mr. Siegel is saying is that the present prosperity of the city, such as it is, and it is a spotty prosperity, certain neighborhoods have not enjoyed it at all, but overall the city looks good on paper. The mayor has just announced a surplus of more than $150 million. The Board of Ed has announced a surplus of more than $150 million. The Transit Authority has announced a surplus. These are all bodies which inflicted heavy taxes on the backs of the poorest people in the city, heavy suffering on the backs of the poorest people in the city.

The Transit Authority raised the fare from $1.25 to $1.50, and people going to work every day can feel that in their pocketbooks in terms of poor people having to pay $1.50 to ride the subway or the bus. But now they come up with a surplus. And that is a whole other discussion.

The mayor has cut numerous programs in neighborhoods. He has cut back drastically on the hospitals, city hospitals, a number of other places where tremendous cuts were made. And the most devastating cuts of all were, of course, made in education. We are suffering mightily as a result of those cuts. But we now have a surplus, and part of the reason given for the surplus is because the stock market is booming. And New York City and New York State have a tax on stock market transactions. Every time there is a transaction, we reap revenue.

So what Mr. Siegel is saying is that that will not go on for much longer. We cannot expect to prosper or to have our budget balanced indefinitely by the gyrations of the stock market. We have to do something better than that. And I agree with Mr. Siegel on that point.

The low rate of job growth, I will quote Mr. Siegel again. Beyond the halo of Manhattan prosperity, unemployment is 11.4 percent in Brooklyn, 12.6 percent in the Bronx, total employment, according to a report from the State Comptroller's office, has grown by 1.1 percent over the past 3 years and New York State as a whole. That may be good for New York but it is considerably less than half the national rate of 2.7 percent. We are at the peak of the national business cycle, but the gap between the city unemployment rate and the national unemployment is the highest in recorded history.

To sum up and clarify, I am reading from an article by columnist Fred Siegel that appeared in the New York Post on October 13, entitled New York Economy Ready to Fail but City Politicians do Nothing to Stop the Hemorrhage of Wealth. In this column he mentioned my name and said that while this is going on, we are neglecting the problem of the fact that we have a hemorrhage of wealth and people like Major Owens make long, rambling and incoherent speeches on poverty and welfare reform before an empty House Chamber.

My speech, I assure, is not incoherent at all. Step by step I am saying that I agree with you that we have neglected, as political leaders and as columnists and editors, we have neglected a major problem. I hope that your article and my speeches here, which are not different from the kind of speeches I have been making all along, will spark a debate among New Yorkers so that they can get themselves together and understand where the enemy is and go out and demand a just sharing of Federal revenue.

We are $14 billion in the hole this year, $16 billion last year. And it has gone as high as $23 billion, where $23 billion more has been paid into the Federal coffers than we received back.

At the other end of the spectrum, we have New Mexico, which receives the greatest amount per capita of Federal aid above the amount that it puts in.

□ 2130

We have places like the Speaker's county in Georgia, which is one of the highest per capita recipients of Federal aid. We have the great State of California, which has a booming population, but compared to New York, their balance of payments has gone way down because they are the recipients of disaster aid.

If it is not a mud slide, it is a hurricane or an earthquake that leads to Federal money being pumped into California's economy. And California now is contemplating El Nino and the results of El Nino and what El Nino might do to the weather, and the weather may lead to some catastrophic natural disasters.

I am all in favor of people being helped when they have natural disasters, but this may be one of the areas where States should go it alone and not have to come to the Federal Government for a handout. It is certainly a very unfair situation for certain States to continually have floods and earthquakes and various catastrophes that they know are going to happen and they are not prepared for them. As a result, their economy is rewarded by enormous amounts of money being pumped in to deal with those disasters.

Somebody should do a study on California's economy, the amount of damage done, the estimate of the damage versus the amount of Federal aid that flows in and the amount of Federal aid combined with the amount of local and State aid, and we might find that disasters are really a great benefit in kind of a perverse way.

I am not going to go into it in too much detail, but all of these things need to be looked at when we start criticizing the kind of economy we have in New York. And it has been the subject of a great deal of criticism, which I will quote in a few minutes.

But I want to continue and complete Mr. Siegel's article. Mr. Siegel goes further and says the low rate of job growth accounts in part for the facts that despite the city's image of wealth and power, 2 million New Yorkers live in poverty. Two million New Yorkers live in poverty. An average household income, adjusted for the cost of living, is about 16 percent below the national average. These numbers will only grow in the case of a recession.

I want to repeat that, quoting from Fred Siegel's article, the low rate of job growth accounts in part for the facts that despite the city's image of wealth and power, 2 million New Yorkers live in poverty. And the average household income, adjusted for the cost of living, is about 16 percent below the national average. These numbers will only grow in the case of a recession.

He has already quoted before that unemployment in Brooklyn is 11.4 percent; unemployment in the Bronx, 12.6 percent. While the city's overall economy is benefiting from the stock transfer tax and the city has a surplus in its budget, rampant poverty is still there. And New York State, as a whole, now ranks third in terms of being among the poorest States in the Union having the greatest amount of poverty. Two million New Yorkers living in poverty.

Mr. Siegel goes further and says that the growth of wealth and power in the high-tech West has been one of the two massive transfers of wealth and power undermining New York's position in the national economy. The shift of economic power to the West is matched by

the continuous movement of Federal dollars to the South.

Senator PATRICK MOYNIHAN just issued his 20th annual study of the balance of payments between various States in the Federal Government. Well, Mr. Siegel, it was not the 20th, it was the 21st balance of payment study between various States and the Federal Government. For the 20th consecutive year, the average New Yorker sends roughly one thousand more to Washington than he or she gets back, and it is even worse for New Jersey and Connecticut, residents of New Jersey and Connecticut and the surrounding metropolitan region.

The South, by contrast, is the big net winner. Continuing to read from Fred Siegel's article of October 13 in the New York Post, "Did this massive redistribution of resources come up in the mayoral debate? No. Is it a pressing matter for our daffy delegation of Congress?" And he goes on to criticize Congress Members from New York for not paying attention. Even drops my name, as I have just read before.

But I am not guilty, and Mr. Siegel, I would like to join with you, as I said before, in stimulating the most voluminous, thorough, intense debate possible about this whole matter.

Successful institutions, Mr. Siegel says, like successful people, learn from their pasts and adapt to new conditions. Neither of the major candidates seems capable of the adaptations necessary to stem the flood of wealth and influence away from New York.

And, like Mr. Siegel, I am baffled by the fact that New York leaders, politicians, clergymen, columnists, editorial writers for years on end continue to ignore what is contained in this book. The Federal budget of the States contains a graphic picture of the wealth flowing out of New York State into the rest of the country.

We could use $14 billion. Our economy could certainly benefit from $14 billion being sent back. Or even $7 billion. Let us take half. Maybe there should be some kind of revenue-sharing provision written into the Tax Code where States are always given back at least half of what they put in beyond what they normally get back from the Federal Government.

Maybe that would be a creative idea and maybe it would be acceptable to everybody, because the people in this Chamber who yell the loudest about States' rights are the ones who seem to benefit the most from this imbalance. The Representatives of the recipient States are the ones who talk most about States' rights and the need to have States do it on their own, go it on their own, do not interfere, no mandates. If we do not want any mandates, that might be a good idea. But why should we have Federal dollars flowing in large amounts into the States who do not want Federal interference?

Now, certainly the tradition of the Northeast and New York State supplying more in terms of its contribution to the Federal budget than it gets back is a tradition that was not blindly initiated. I think Franklin Roosevelt and people who developed the New Deal knew very well that the rest of the country needed help and they deliberately came up with policies that related to taxes and expenditures which spread the wealth across the country. The greatest beneficiary of the New Deal were the southern States, and they still are the greatest beneficiaries of the way that we distribute Federal dollars.

The New Deal was something that New Yorkers were proud of, and for years progressives and liberals have always been proud of the fact that money has flowed from the northeastern States, the industrial States, out into the rest of the country. And we have taken care of the national interest that way. However, in the past few years, New York and the big cities like Chicago, in an industrial State like Illinois, and New York and New Jersey, and these big industrial States that have big cities are being constantly criticized for serving as a drain on the Federal Treasury.

People who don't look at the figures tell us that New York is a great drain. I do not know where his assumptions came from, but the gentleman from Georgia [Speaker GINGRICH] more than once on the floor of this House over the last 10 years that I have been here has been particularly focused on New York City and New York State as being wasteful of Federal dollars.

I think that at one point in 1995 he stated that New York was quote, "Saddled with a culture of waste for which they want us to send a check." New York was saddled with a culture of waste for which they want us to send a check. Who is us? Send it from Georgia? Georgia is a recipient. They get more money from the Federal Government than they pay in. How would they send a check to New York? We continually send the check for the rest of the country.

The Federal Government is not going to bail out the habits that have made New York so extraordinarily expensive, quoting the Speaker again. The Speaker stated that the Federal Government is not going to bail out the habits that have made New York so extraordinarily expensive.

Conventional wisdom came to be believed on the floor of this House that New York was a financial sinkhole. New York was inefficient, wasteful, a drain on the public purse. I suppose that the Congressmen and Senators from New York have a lot of blame to bear. They must bear the burdens of blame for allowing this to happen, when we have the figures here for the last 20 years which show that New York has not been a burden on anybody. We have been the donor of large amounts of taxes flowing into the rest of the country.

Now, in the days of FDR, it was a conscious transfusion. They consciously decided that the northeast States, and New York among them, should help to supply the money needed to sustain the economies of the rest of the country. What started as a transfusion, a voluntary transfusion, has now become bloodsucking. It is really sucking the blood of a dying economy.

Mr. Siegel is right, the New York economy needs help. It is the last place that should have to continue to send out billions of dollars that do not come back. Speaker O'Neill used to say that all politics is local. All income taxes are local and many other taxes are local, but certainly income tax. People live in a locality. They live in a city, a village or a State. They pay their taxes, and they flow up to the Federal Government.

The Federal Government does not generate any taxes. In Washington, we print dollars, paper, but those paper bills are symbolic of the revenue that is collected from across the country. So it comes out of the localities and the States. It comes from New York, the billions come, and they do not go back in any just way to a State that now needs it to come back.

There was a time when we did not need it, but we need it now, and the Members of the congressional delegation of New York ought to lead the fight to get into this debate about the Internal Revenue Service, a discussion of how revenue is distributed in America. Nobody has a right to take from one set of localities and give to another unless there is some kind of formula, some kind of rationale.

It is now a habit. It is not a voluntary transfusion, it is bloodsucking. We have to stop the tax sucking, the bloodsucking, and look at the dying economy of New York City and reroute the blood, reroute the taxes back into the economy of New York City.

Let me just read from Mr. MOYNIHAN's introduction to this year's edition of this wonderful book that comes out every year, The Federal Budget and the States. In his introduction he says some interesting things. He talks about, a little bit about the history of taxes, income taxes, for example.

An income tax was proposed by the Secretary of the Treasury, Alexander J. Dallas, in the Madison administration as a means of financing the War of 1812. The war ended before anything was agreed, but the idea was in place and the legislation with respect to income tax was enacted in the Civil War and continued until 1872.

Legislation that put the income tax in place actually had been conceived as early as Madison's administration during the War of 1812, but it was enacted

in 1872. In that period, New York alone, quoting from Mr. MOYNIHAN's report, New York alone paid one-third of the entire tax when the tax first began. Massachusetts and Pennsylvania each contributed about 13 percent, thus approximately 60 percent of the total revenue collected came from only three States.

Historically, the northeast has taken care of the rest of the country. It started that way and it still is that way. I am sure that at different points in time it has been voluntary, it has been given freely, but now we have a situation where ungrateful recipient States are like jackals criticizing the policies and economies of the donor States.

□ 2145

Mr. MOYNIHAN continues in another section where he talks about the 16th amendment. There was legislation that established the income tax, but that only lasted until 1872. Later on, in 1913, the 16th amendment was ratified, in 1913. It provided that Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration. The 16th amendment, in 1913. That is a long period of time between amendments. The 15th amendment had been passed in the 1800's. We had the 13th amendment, which freed the slaves, the 14th amendment, which established equal rights, and proposed to punish the people who rebelled against the Government. That part is always left out. There is more in the 14th amendment about punishing the rebels than there is about equal rights. But nevertheless the 14th amendment.

Then the 15th amendment which gave the right to vote to the newly freed slaves. Then it was not until 1913 that we had another amendment to the Constitution. That amendment did what legislation had started before, it enshrined in the Constitution the power of Congress to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration. The States in the Northeast could have objected at that time. They might have had the power to stop it at that time, but they did not because they had this spirit of being responsible for the rest of the Nation. They also made some assumptions about the fact that at that time a large percentage of the funds collected by the Federal Government were going into the Armed Services, the military budget and a large part of that military budget was being spent in the big northeastern States. To continue from Mr. MOYNIHAN, his introduction:

"It may be noted that this was the First Amendment to the Constitution to be adopted since the time of the Civil War. The regional conflict never ceased. The time simply came when the poorer regions were assumed to have the better of the argument and the votes. The programs that followed may have been a good idea when New York was singularly the most prosperous state in the Nation and these programs were an act of social conscience designed to uplift the downtrodden or unenlightened elsewhere. We sent the money to Washington, received precious little in return and felt very good. Somehow as late they don't seem to show as much gratitude as they used to."

A very important statement. New Yorkers gave freely because they wanted to uplift the downtrodden or unenlightened elsewhere, the money went to Washington, the New Deal moved even faster, and yet we got little back in terms of gratitude. Mr. MOYNIHAN is to be congratulated for his thoroughness and his diligence over the years in staying with this subject and getting the most objective analysis possible so that the figures that we quote here are generally accepted as credible. We have a situation, however, when we look at all of the available numbers, the quote from the report now is very apt, quoting again from Mr. MOYNIHAN's introduction:

"We will have more to say about this subject at another time but consider for the moment the logic of the 95 percent minimum return advocates. He is talking about transportation and the fact that there has been a great complaint about States which pay the gasoline tax not receiving 95 percent of the money back in terms of highway and transportation funds. Take it a step further. If the Federal highway program exists merely to collect gasoline taxes and return them precisely to where they were paid, why bother."

Quote from Mr. MOYNIHAN again: "Let the final word be that of Gerald B. Solomon of our 22nd Congressional District in the Upper Hudson Valley of New York. Mr. Solomon happily is also the chairman of the House Committee on Rules." Quoting from Mr. SOLOMON, "Anyone who thinks that their State is being short-changed because they don't get back what they contribute in a gas tax is ignoring a whole series of factors and should take a hard look at New York. New York pays $18 billion," he is quoting the previous years, "$18 billion more in Federal taxes than we receive in Federal funds. If they want to raise a stink, then let's redo the formulas for everything. New York could use an additional $18 billion." End of quote from Mr. GERALD SOLOMON, Republican from the State of New York's 22nd Congressional District.

When we look at the mix of defense expenditures, gasoline taxes and return for transportation costs, the expenditures for Medicaid, aid to families with dependent children or welfare, when we look at the whole mix and put it together, military expenditures, also, New York still comes out as a donor. It gets back more from Medicaid and Medicare than most States, but we are forced to pay 50 percent of the total Medicaid-Medicare costs, whereas in Mississippi the Federal Government pays 70 percent and the Federal Government only pays 50 percent of our costs. Per capita we have a larger number of people so we get back more Medicaid and Medicare funds than probably any other State per capita. But when we balance that off against what we get back for transportation, military contracts, when it all is balanced out, the taxpayers of New York in 1996 were still paying into the Federal Government $14 billion more than they received back. This is worthy of a debate.

Mr. Siegel, get yourself a copy of the book, arouse your fellow journalists and editors and let us go to work. Let us take a close look at the pages of a book which spell out the situation State by State and educate the people of New York as to what is the problem with respect to their taxes not returning to improve their quality of life and how are they being swindled. Let us look at Alabama on page 1. Alabama is a recipient State. They receive far more than they pay into the Federal Government's coffers. Alabama continues to retain its positive fiscal relationship with the Federal Government with a balance of payments surplus of $1,421 per person, the eighth highest in the Nation. They get back $1,421 for each person in the State than they pay in. Relative low per capita income results in tax collections of about 13 percent below the national average. Alabama ranks fourth in the Nation for payments to individuals and 14th for defense spending, leading to overall Federal spending that is 16 percent higher than the national average. The State of Alabama receives 16 percent more, its Federal spending, receipt of Federal funds is 16 percent higher than the national average. It has consistently been that way for a long, long time, certainly the last 10 years. Our dollars flow to Alabama. Alabama is not grateful. Alabama talks a great deal about States rights and not having people outside interfere.

The State of Georgia, let us read the synopsis on the State of Georgia. Georgia is almost equal to the national averages for both taxes and spending, varying by less than 1 percent in each direction. It began and ended the period from 1981 to fiscal year 1996 with moderate balance of payments surpluses. In the early to mid-1980's, rising Federal tax payments fueled by economic growth outpaced the State's success in attracting defense dollars, with the result that its balance of payments surplus fell slightly. The dramatic decline in defense spending in the late 1980s dropped the State into a deficit

position in fiscal year 1988. Defense spending increased in fiscal year 1992 and went up again in the past year, so Georgia ends the 16-year period with a balance, a small balance of payments surplus of $66 per capita and a rank of 27th. Over the years, Georgia has received per person as high as $434 more per person than it has paid in and it presently receives $66 more when you take the whole State into consideration. In a previous year, this book zeroed in on some counties and they found that the county that Speaker GINGRICH represented was the county that received the highest per capita in amount of Federal spending than any other county in the country.

New Mexico ranks at the very top. It is number one when it comes to recipient States. New Mexico receives more than any other State in the Union. New Mexico, the synopsis reads, leads the Nation with the greatest balance of payments surplus. Per capita Federal spending is about 45 percent above the national average, assisted by strong defense spending. While the average State receives about $865 per capita in defense spending in fiscal year 1996, New Mexico received nearly 3 times that, $2,400 per person. The State also ranks high for intergovernmental assistance, particularly Department of Interior grants to minerals management and Native American programs. Per capita income is very low and tax collections are about 23 percent below the national average. They collect very little, send very little to the Federal Government but the amount that they receive is the greatest in the whole country. In past years they have cited New Mexico as also being the recipient of a tremendous amount of agricultural subsidies. The agricultural subsidies also were driving the amount of per capita Federal spending in New Mexico up. They have always had an interesting record. If we look at the record of New Mexico all the way from fiscal year 1981 to fiscal year 1996, they have always been above the $2,500 mark in terms of per capita. For each person in New Mexico, they receive more than $2,500. It generally has run much higher than that. $3,048 per person in 1981, $3,005 in 1985, $3,313 in 1986, $3,421 in 1987, $4,464 in 1988 and on and on it goes, always very high in terms of what they receive per person versus the amount that they pay in.

Likewise, on the other end of the spectrum, New York has always had a negative balance. We have received less consistently since 1981 per person. The $14 billion overall from 1996 translates into $773 we receive less per person in New York than we pay in. That is what the overall figure of $14 billion translates into on a per capita basis. In 1981 it was $312 less. It went as high as $1,016 per person less in 1989, $1,101 in 1994, $1,070 in 1995, receiving per person in New York that much less than we are paying into the Federal coffers. New York once again finds itself among the States with the largest per capita balance of payments deficits. The deficit fell by about 20 percent in fiscal 1996 but the total deficit of $14 billion still ranks third in the Nation. New York ranks near the bottom for most Federal spending, almost 12 percent below the national average of 1996. Defense spending has fallen sharply since the mid 1980s and New York ranked 46th in defense spending last year. New York's success in attracting grants to State and local government can be traced to Medicaid assistance, AFDC and surface transportation grants. New York ranks 12th in the real per capita income and tax collections are about 4 percent above the national average.

I know that statistics can be boring and maybe these are boring but they are certainly not incoherent. There is a story here that we must listen to in the statistics. Mr. Siegel and other journalists have to pay more attention to these statistics. New York is to be applauded for the fact that this year its economy, partially as a result of the booming stock market, New York State, its economy is such that they have placed in the budget more money for schools, more money for education. It has also voted to launch a bond issue for school construction, more than $2 billion bond issue to help construct schools. It is to be applauded for as a State moving ahead to try to fill the gap. In New York City in 1996 we had 91,000 children who did not have a place to sit in a classroom. This year we cannot find out the number because this is an election year in New York and they kept secret the exact number of children who did not have a place to sit. The estimate is that at least there were 80,000 who did not have a place to sit at the start of school.

□ 2200

They have to shuffle about and find places in the hallways and the closets, and, in some cases, the bathrooms were converted in order to have a place for the kids to sit. Again, we continue to have a situation where some children are forced to eat lunch at 10 o'clock in the morning because the school is so overcrowded until the lunchroom cannot take all the students. They have to have three or four lunch periods, so the first lunch period has to begin at 10 o'clock in the morning. That is child abuse, to force a child to eat lunch at 10 o'clock, but that is the case in a number of schools in New York City.

So New York State has begun, at least to do more than just wringing its hands about its need for more schools. New schools, renovated schools, et cetera, will do more when we get the bond issue passed. But in the meantime we are paying more money into the Federal coffers than we are receiving back. The Federal Government ought to float a school construction initiative.

The President proposes a mere $5 billion over a five-year period, and that was dropped out of the negotiations. We need to come back to that. We need to understand that if we are not willing to launch a school construction initiative to make sure of the schools across the country.

The General Accounting Office estimates that the problem is about $120 billion in infrastructure needs across the whole country. There are rural schools, suburban schools, a number of places where they need new schools, not just in the inner-cities. The total tab would be, according to the General Accounting Office estimate, about $120 billion. Here we had a proposal in the State of the Union message for a mere $5 billion and they dropped that.

If you are not willing as a Nation through the Federal budget to deal with the problem of school construction and some other acute problems in places like New York, then give us our money back. Give us back the $14 billion or give us back half of it. We can solve our own problems.

We have a situation where it is an involuntary transfusion. It is blood sucking, really, when you have a State which has an acute poverty problem, a city like New York, which has 2 million people who are poor out of a population of close to 8 million, but 2 million are poor. We need our money back.

I want to repeat and emphasize the fact that this is not stated enough by journalists, by columnists, by editorial boards in New York City and New York State. When Mr. Siegel says that this Congressman is one of those who has not addressed the problem, I want to read and close out with a couple of quotes from my previous statements on the floor of this House.

I think just last March 12, 1996, I made the following statement: New York State is a State in the Nation which provides the greatest amount of surplus in terms of Treasury. When you compare what New York State receives from the Federal Government, what it receives from the Federal Government in terms of aid, it is much less than it pays in. That has been true for the last 20 years.

This is my quote from last year. In 1994, the last year they had figures available, New York State paid the Treasury $18.9 billion more than it got back from the Federal Treasury in State aid. New York was the most generous of the States. We were at the very top in 1994. I quoted from the booklet in 1994.

This was, for the benefit of Mr. Siegel and the other journalists who want to check it out, this is in the CONGRESSIONAL RECORD, March 12, 1996, H–2117.

On that same date, I made several statements about Medicare and Medicaid. If New York State stood alone, it

would be in receipt of $18.9 billion that it does not have now. If you gave us back the $18.9 billion in 1994 that we paid into the Federal Government, which was greater than the amount we got back in terms of aid, we could solve our budget problems. In fact, just give us back half that amount.

I am like a broken record, the same things I am saying tonight, I have said it many times before. It is not incoherent, Mr. Siegel. It is repetitious, I confess, but it needs to be repetitious because nobody seems to pick up on these important messages. If we had $9 billion, the New York State budget could be balanced and you would have a lot left over. We could take care of our own summer youth program, our own construction problems. If you give us back the greater amount of money we pay in, we could stop waiting for the Federal Government.

I mention this because the criticism on the floor of the House repeatedly aims at New York and calls New York a welfare State.

I think during that same discussion I talked about the Speaker's home State of Georgia, meanwhile, is one of the large number of southern largely Republican States that receives far more from the Federal Government than they send out in taxes.

I quoted Mr. MOYNIHAN at that time. Mr. MOYNIHAN said, "I told Mr. GINGRICH, what are you talking about my friend? In Atlanta 59 percent of the children are AFDC, Aid for Families with Dependent Children. In a single year, where do you think that money comes from?" By the way, Atlanta is in Georgia, and in case somebody doesn't have his geography straight, Atlanta is in Georgia, and Atlanta is the Speaker's home state. Those are some comments, but there are many, many paragraphs where I expanded on the same argument.

Also, for the benefit of Mr. Siegel and any other journalist who wants to criticize this for not speaking out on this subject of providing leadership, on March 22, 1996, I announced I was going to have a town meeting, and the subject of the meeting was the fiscal future of New York City.

The discussion begins with a discussion of what is happening here in Washington, because the fiscal future of New York City is inextricably interwoven with the policies of general aid here in Washington, our capital. I am going to start by talking that New York City is often discussed on the floor of the House of Representatives. People often talk about New York City and New York State. It is a favorite target of the Speaker of the House. Speaker GINGRICH often refers to New York State and New York City as a welfare state and a welfare city. For that reason, the people of New York need to understand the perspective of our relationship with Washington better.

I again repeat, we are called a welfare state and a welfare city. We are often accused of being a drain on the Nation, and yet New York City pays taxes to the tune of $9 billion more into the Federal Government and New York State pays another $9 billion, a total of $18.9 billion in 1994.

The total of New York State and the city for that year was $18.9 billion. The year before that, in 1993, it was $23 billion more to the Federal Government than we received back from the Federal Government.

Mr. Speaker, I said at that time, it is baffling. We do not understand why Members on the floor of the House like to single out New York City. New York City and New York State are often singled out for its high expenditures for Medicare and Medicaid.

Well, after we take away our high expenditures for Medicaid and Medicare, which are the highest in the country, I will admit that, and I can think of no more noble way to expend public funds than by taking care of the sick and the infirm and the elderly in nursing homes, no more noble way to expend funds. But we do not waste money when we take care of the sick and the infirm.

In closing, I want to repeat and sum up, so that nobody will accuse me of being incoherent, this discussion is very much related to the topic of the day, the IRS and revenue collection. Revenue collection and the IRS should not be a discussion that takes place in a trivial manner. Let us talk about the philosophy of taxation and revenue collection, the implementation of that philosophy and how that impacts on the states that are now donors, while other states are traditional recipients.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILLMOR (at the request of Mr. ARMEY), for today, on account of attending a funeral.

Mr. BONO (at the request of Mr. ARMEY), for today, on account of illness.

Mr. MCINTOSH (at the request of Mr. ARMEY), for today and the balance of the week, on account of the birth of his baby.

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. CLEMENT) to revise and extend their remarks and include extraneous material:)

Mr. TRAFICANT, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. CLAY, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. PAYNE, for 5 minutes, today.
Mr. FATTAH, for 5 minutes, today.
Mr. SCOTT, for 5 minutes, today.
Mr. FORD, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. SAXTON, for 5 minutes each day, on today and October 22 and 23.
Mr. BILBRAY, for 5 minutes, on October 22.
Mr. METCALF, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, on October 24.
Mr. SMITH of Michigan, for 5 minutes each day, on today and October 22.
Mr. HUTCHINSON, for 5 minutes, on October 22.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

EXTENSION OF REMARKS

By unamimous consent, permission to revise and extend remarks was granted to: The following Members (at the request of Mr. CLEMENT) and to include extraneous matter:

Mr. PASCRELL.
Mr. CLEMENT.
Mr. SKELTON.
Mr. NEAL of Massachusetts.
Mr. SCHUMER.
Mr. STARK.
Mr. BARRETT of Wisconsin.
Mr. MATSUI.
Mr. RUSH.
Mr. BENTSEN.
Mr. KLECZKA.
Mr. BLAGOJEVICH.
Mr. NADLER.
Mr. KIND.
Ms. JACKSON-LEE of Texas.
Mr. FARR of California.
Mr. SHERMAN.
Ms. HARMAN.
Mr. LIPINSKI.
Mr. SERRANO.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. NEY.
Mr. GOODLATTE.
Mr. MCINTOSH.
Mr. GINGRICH.
Mr. THOMAS.
Mr. GILMAN, in two instances.
Mr. RILEY.
Mr. CHRISTENSEN.
Mr. WELLER.
Mr. DOOLITTLE.
Mr. NEUMANN.
Mr. BEREUTER.
Mr. SHAW.
Mr. MCCOLLUM.
Mr. TAYLOR of North Carolina.
Mr. PACKARD.
Mr. LEWIS of Kentucky.

The following Members (at the request of Mr. OWENS) and to include extraneous matter:

Ms. KILPATRICK.
Mr. DIXON.

Mr. TRAFICANT.
Mr. BROWN of California.
Mr. SESSIONS.
Ms. MCCARTHY of Missouri.
Mr. DICKS.
Mr. HASTINGS of Florida.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 595. An act to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the "John Griesemer Post Office Building"; to the Committee on Government Reform and Oversight.

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building"; to the Committee on Government Reform and Oversight.

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office"; to the Committee on Government Reform and Oversight.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2169. An act making appropriations for the Departments of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, bills for the House of the following titles:

On October 15, 1997:

H.R. 2158. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2169. An act making appropriations for the Departments of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 22, 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:

5435. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Procedures to Limit the Volume of Small Florida Red Seedless Grapefruit; Correction [Docket No. FV96-905-2] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5436. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Reduced Assessment Rate [Docket No. FV97-982-1 IFR] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5437. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Research, Promotion, and Consumer Information Order; Referendum Procedures [FV-96-708FR] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5438. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 97-032-1] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5439. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 97-073-3] received October 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5440. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; California [Docket No. 97-082-1] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5441. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance of Certain Functions by National Futures Association with Respect to Commodity Pool Operators and Commodity Trading Advisors—received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerances for Emergency Exemptions [OPP-300560; FRL-5746-6] (RIN: 2070-AB78) received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5443. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Book-entry Procedures for Farm Credit Securities (RIN: 3052-AB73) received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5444. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Noninsured Crop Disaster Assistance Program (RIN: 0560-AF23) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5445. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's Defense Manpower Requirements Report for FY 1998, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on National Security.

5446. A letter from the Secretary of Energy, transmitting the report entitled "Savannah River Site Chemical Separation Facilities Multi-Year Plan," pursuant to 42 U.S.C. 7252 nt.; to the Committee on National Security.

5447. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Assessment of Fees; National Banks; District of Columbia Banks [Docket No. 97-21] (RIN: 1557-AB60) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5448. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Deposits [No. 97-108] (RIN: 1550-AB00) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5449. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Risk-Based Capital Requirements; Transfers of Small Business Loan Obligations with Recourse [Docket No. 97-97] (RIN: 1550-AB11) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5450. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to authorize the Secretary of Housing and Urban Development to make grants to units of general local government to stimulate economic opportunity in newly designated empowerment zones; to the Committee on Banking and Financial Services.

5451. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5452. A letter from the Inspector General, Department of Defense, transmitting the Superfund Financial Transactions Report for Fiscal Year 1996, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

5453. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Worker Protection Management for DOE Federal and Contractor Employees [DOE Order 440.1] received September 30, 1997, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5454. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedures for Externally Vented Refrigerators and Refrigerator-Freezers (RIN: 1904–AA93) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5455. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions [FRL–5911–8] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5456. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Control of Emissions of Air Pollution from Highway Heavy-duty Engines [AMS-FRL–5908–8] (RIN: 2060–AF76) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5457. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District, California [CA157–0050a; FRL–5907–7] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Yeast Manufacturers, Screen Printing, Expandable Polystyrene Operations, and Bakeries [MD 040–3017a; FRL–5906–1] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5459. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Transitional and General Opt-Out Procedures for Phase II Reformulated Gasoline Requirements [FRL–5903–3] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5460. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Compliance Assurance Monitoring [IL–64–2–5807; FRL–5908–6] (RIN: 2060–AD18) received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5461. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: Revisions to Permits, Allowance System, Sulfur Dioxide Opt-Ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures [FRL–5908–5] (RIN: 2060–AF43) received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5462. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Connecticut [CT–7202a; FRL–5902–2] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5463. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Hampshire [NH–7157a–FRL–5906–8] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5464. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 193–054; FRL–5907–9] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5465. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia—General Conformity Rule [VA079–5020a; FRL–5909–9] received October 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5466. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Auction of 800 MHz SMR Upper 10 MHz Band; Minimum Opening Bids or Reserve Prices—received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5467. 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 (Newaygo, Michigan) [MM Docket No. 97–154, RM–9116] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5468. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Expedited Safety Reporting Requirements for Human Drug and Biological Products [Docket No. 93N–0181] (RIN: 0910–AA97) received October 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5469. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for Enforcement Actions; Enforcement Conference Procedures [NUREG–1600] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5470. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Integrated Materials Performance Evaluation Program (IMPEP) [Management Directive 5.6] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5471. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Codes and Standards; IEEE National Concensus Standard (RIN: 3150–AF73) received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5472. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions [Generic Letter 91–18] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5473. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Offshore Press Conferences, Meetings with Company Representatives Conducted Offshore and Press-Related Materials Released Offshore [Release Nos. 33–7470 and 34–39227; S7–26–96] (RIN: 3235–AG85) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5474. A letter from the the Assistant Secretary for Legislative Affairs, the Department of State, transmitting a copy of Presidential Determination No. 97–34: Transfer of $4 million in FY 1997 Economic Support Funds to the Peacekeeping Operations Account to Support the African Crisis Response Initiative Under Section 610(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2318(a)(1); (H. Doc. No. 105—148); to the Committee on International Relations and ordered to be printed.

5475. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 98–01), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5476. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5477. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5478. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for Fiscal Year 1998 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103–236, section 102(g) (108 Stat. 389); to the Committee on International Relations.

5479. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting President Clinton's determination that the Board of the International Fund is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland, and that disbursements from the International Fund are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and will address the needs of both communities in Northern Ireland, pursuant to Public Law 99–415, section 5(c) (100 Stat. 948); to the Committee on International Relations.

5480. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Turkey

(Transmittal No. DTC–106–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5481. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to NATO AEW&C Programme Management Organization (Transmittal No. DTC–116–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5482. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Korea (Transmittal No. DTC–28–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5483. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Belgium, Canada, Denmark, Germany, Greece, Italy, Portugal, Turkey, United Kingdom, and Norway (Transmittal No. DTC–115–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5484. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5485. A communication from the President of the United States, transmitting the Compliance Report on Armenia and Other Parties in the Caucasus Region, in accordance with Condition 5(F) of the resolution of advise and consent to ratification on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 (''The CFE Flank Document''), adopted by the Senate of the United States on May 14, 1997; to the Committee on International Relations.

5486. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Rules Regarding Availability of Information [Docket No. R–0975] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5487. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 1997 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, and the Inspector General Act of 1988, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5488. A letter from the Chairman, Postal Rate Commission, transmitting a report noting some discrepancies, since corrected, to the Commission's IMPAC Credit Card report for fiscal year 1997; to the Committee on Government Reform and Oversight.

5489. A letter from the Staff Director, United States Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5490. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1997, through June 30, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105–154); to the Committee on House Oversight and ordered to be printed.

5491. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Nine Plants from the Grasslands or Mesic Areas of the Central Coast of California (RIN: 1018–AD36) received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5492. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 100997A] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5493. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Recreational Fishery Adjustments [I.D. 100697B] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5494. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' Species Group in the Bering Sea Subarea [Docket No. 961107312–7021–02; I.D. 100797A] received October 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5495. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 100797B] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5496. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations; Foreign Terrorist Organizations Sanctions Regulations [31 CFR Parts 501 and 597] received October 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5497. A letter from the Director, Executive Office for United States Trustees, Department of Justice, transmitting the Department's final rule—Procedures for Suspension and Removal of Panel Trustees and Standing Trustees (RIN: 1105–AA54) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5498. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration [BOP–1070–I] (RIN: 1120–AA66) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5499. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's nineteeth Annual Report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

5500. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's ''Major'' final rule—Affidavits of Support on Behalf of Immigrants [INS No. 1807–96] (RIN: 1115–AE58) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5501. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 1129 of the Bankruptcy Code; to the Committee on the Judiciary.

5502. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on the authorization of navigation improvements for Boston Harbor, Massachusetts, pursuant to Public Law 104–303, section 101(a)(13); (H. Doc. No. 105–150); to the Committee on Transportation and Infrastructure and ordered to be printed.

5503. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on a flood damage reduction project for the American River Watershed, California, pursuant to Public Law 104–303, section 101(a)(1); (H. Doc. No. 105–151); to the Committee on Transportation and Infrastructure and ordered to be printed.

5504. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on a flood damage reduction and agricultural water supply project at the Terminus Dam, Kaweah River Basin, California, pursuant to Public Law 104–303, section101(b)(5); (H. Doc. No. 105–152); to the Committee on Transportation and Infrastructure and ordered to be printed.

5505. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on a storm damage reduction and shoreline protection project for Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, pursuant to Public Law 104–303, section 101(b)(13); (H. Doc. No. 105–153); to the Committee on Transportation and Infrastructure and ordered to be printed.

5506. A letter from the General Counsel, Department of Transportation, transmitting a letter to correct the ''Major'' status originally attributed to the non-major rule, Executive Communication 5066; to the Committee on Transportation and Infrastructure.

5507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–15–AD; Amdt. 39–10148; AD 97–20–11] (RIN: 2120–AA64) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–218–AD; Amdt. 39–10143; AD 97–20–05] (RIN: 2120–AA64) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–215–AD; Amdt. 39–10146; AD 97–20–08] (RIN: 2120–AA64) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace (Federal Aviation Administration) [Docket No. 28860; Amdt. No. 187-9] (RIN: 2120-AG17) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided to be Eligible for Importation (National Highway Traffic Safety Administration) [Docket No. 97-067; Notice 1] (RIN: 2127-AG98) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference (Federal Aviation Administration) [Docket No. 29030; Amendment No. 71-29] received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Areas; Camp Lejeune, NC (Federal Aviation Administration) [Airspace Docket No. 94-ASO-18] (RIN: 2120-AA66) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-149-AD; Amdt. 39-10116; AD 97-18-06] (RIN: 2120-AA64) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hiller Aircraft Corporation Model UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E Helicopters (Federal Aviation Administration) [Docket No. 96-SW-32-AD; Amdt. 39-10151; AD 97-20-15] (RIN: 2120-AA64) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-24-AD; Amdt. 39-10152; AD 97-15-16] (RIN: 2120-AA64) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model MBB-BK117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-15-AD; Amdt. 39-10153; AD 97-20-16] (RIN: 2120-AA64) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125-800A Series Airplanes and Hawker 800 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-142-AD; Amdt. 39-10156; AD 97-21-03] (RIN: 2120-AA64) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Identification System (Coast Guard) [CGD 89-050] (RIN: 2115-AD35) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Bronx River, New York (Coast Guard) [CGD01-97-018] (RIN: 2115-AE47) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5521. A letter from the Administrator, Environmental Protection Agency, transmitting the 1996 Clean Water Needs Survey report on the "Assessment of Needs for Publicly Owned Wastewater Treatment Facilities, Correction of Combined Sewer Overflows, and Management of Storm Water and Nonpoint Source Pollution in the United States," pursuant to 33 U.S.C. 1375(b)(1); to the Committee on Transportation and Infrastructure.

5522. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Snow Assistance (RIN: 3067-AC58) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Director, Office of Management and Budget, transmitting the annual report summarizing all explanations received for agency's declining to use the consensus technical standards, pursuant to Public Law 104-113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

5524. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Credit Standards (RIN: 2900-AI16) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5525. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Informed Consent for Patient Care (RIN: 2900-AH72) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5526. A letter from the Acting Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1996 annual report on Veteran's Employment in the Federal Government, pursuant to 38 U.S.C. 4214(e)(1); to the Committee on Veterans' Affairs.

5527. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rewards for Information Relating to Violations of Internal Revenue Laws [TD 8737] (RIN: 1545-AU88) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5528. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rev. Proc. 97-46, Correction [Announcement 97-107] received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5529. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Source of Income from Sales of Inventory Partly from Sources within a Possession of the United States; Also, Source of Income Derived from Certain Purchases from a Corporation Electing Section 936 [REG-251985-96] (RIN: 1545-AU79) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5530. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nonbank Trustees and Custodians for Education Individual Retirement Accounts [Notice 97-57] received October 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5531. A letter from the Chairman, United States International Trade Commission, transmitting the combined report on the Caribbean Basin Economic Recovery Act—Impact on the United States, and the Andean Trade Preference Act—Impact on the United States, pursuant to Public Law 102-182, section 206(a) and 215(a); to the Committee on Ways and Means.

5532. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the authorization of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104-107, section 540(c); jointly to the Committees on International Relations and Appropriations.

5533. A letter from the Director, Office of Budget and Management, transmitting the report on costs and benefits of Federal regulatory programs, pursuant to Public Law 104-208, section 645(a) (110 Stat. 3009-366); jointly to the Committees on Government Reform and Oversight and Appropriations.

5534. A letter from the the Executive Director, the Office of Compliance, transmitting the first annual report on the use of the Office of Compliance by covered employees, pursuant to section 301(h) of the Congressional Accountability Act; (H. Doc. No. 105-149); jointly to the Committees on House Oversight and Education and the Workforce, and ordered to be printed.

5535. A letter from the Assistant Secretary for Force Management Policy, Department of Defense, transmitting a letter of notification of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to Public Law 104-208, section 514; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

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:

[Filed on October 14, 1997]

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2616. A bill to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools; with an amendment (Rept. 105-321). Referred to the Committee of the Whole House on the State of the Union.

[Submitted October 21, 1997]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1270. A bill to amend the Nuclear Waste Policy Act of 1982; with an

amendment (Rept. 105-290 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING. Committee on Education and the Workforce. H.R. 2535. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program; with an amendment (Rept. 105-322). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution; with an amendment (Rept. 105-323). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 764. A bill to make technical corrections to title 11, United States Code, and for other purposes; with an amendment (Rept. 105-324). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1967. A bill to amend title 17, United States Code, to provide that the distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein (Rept. 105-325). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1085. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations"; with an amendment (Rept. 105-326). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 134. A bill to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain Water Storage Project, and for other purposes; with an amendment (Rept. 105-327). Referred to the Committee of the Whole House on the State of Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 136. A bill to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center; with an amendment (Rept. 105-328). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1856. A bill to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each U.S. Fish and Wildlife Service region, and for other purposes; with an amendment (Rept. 105-329). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 151. Resolution expressing the sense of the Congress that the United States should manage its public domain National Forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives and that the United States should serve as an example and as a world leader in actively managing its public domain national forests in a manner that substantially reduces the amount of carbon dioxide added to the atmosphere: with an amendment (Rept. 105-330). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1962. A bill to provide for the appointment of a Chief Financial Officer and Deputy Chief Financial Officer in the Executive Office of the President; with amendments (Rept. 105-331). Referred to the committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2646. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; with an amendment (Rept. 105-332). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 269. Resolution providing for consideration of the joint resolution (H.J. Res. 97) making further continuing appropriations for the fiscal year 1998, and for other purposes (Rept. 105-333). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 270. Resolution providing for consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes (Rept. 105-334). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 271. Resolution providing for consideration of the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution (Rept. 105-335). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on October 20, 1997]

H.R. 2513. Referral to the Committee on the Budget extended for a period ending not later than October 20, 1997.

H.R. 2513. Referral to the Committee on the Budget extended for a period ending not later than October 21, 1997.

[Submitted October 21, 1997]

H.R. 2513. Referral to the Committee on the Budget extended for a period ending not later than October 22, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICA (for himself, Mr. CUMMINGS, Mr. PAPPAS, Mrs. MORELLA, Mr. SESSIONS, Mr. FORD, and Ms. NORTON):

H.R. 2675. A bill to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ARCHER (for himself, Mr. PORTMAN, and Mr. CARDIN):

H.R. 2676. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN of Virginia, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. MILLER of California, and Mr. FALEOMAVAEGA):

H.R. 2677. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN of Virginia, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. MILLER of California, and Mr. FALEOMAVAEGA):

H.R. 2678. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 2679. A bill to restore the traditional day of observance of Memorial Day; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. DOOLITTLE):

H.R. 2680. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CAMPBELL, and Mr. SANDERS):

H.R. 2681. A bill to establish a program of pharmacy assistance fee for elderly persons who have no health insurance coverage; to the Committee on Commerce.

By Mr. MEEHAN (for himself and Mr. SANFORD):

H.R. 2682. A bill to amend the Social Security Act to improve the information made available in social security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 2683. A bill to amend the auto theft provisions of title 49, United States Code, to add air bag modules to the list of major auto parts protected under such provisions; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 2684. A bill to amend the Internal Revenue Code of 1986 to provide for the elimination of certain foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Mr. SNOWBARGER:

H.R. 2685. A bill to amend the Internal Revenue Code of 1986 to allow an individual taxpayer to elect a flat alternative individual return tax as an alternative to the current Internal Revenue Code; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 2686. A bill to suspend temporarily the duty on beta hydroxyalkylamide; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2687. A bill to amend title XVIII of the Social Security Act to provide for payment for drugs furnished incident to hospital outpatient department services under the prospective payment system for hospital outpatient department services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2688. A bill to establish an Office of Economic Development Information in the Economic Development Administration; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2689. A bill to correct an oversight in earlier legislation by directing the National Park Service to grant to three individuals a right of use and occupancy of certain property on Santa Cruz Island; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 97. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. GOODLATTE (for himself and Mr. GOODE):

H. Con. Res. 171. Concurrent resolution declaring the memorial service sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service"; to the Committee on Commerce.

By Mr. BAESLER (for himself, Mr. TURNER, Mr. PETERSON of Minnesota, Mr. CONDIT, and Mr. STENHOLM):

H. Res. 272. A resolution providing for consideration of the bill (H.R. 1366) amending the Federal Elections Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on Rules.

By Mr. MENENDEZ (for himself, Mr. ROYCE, and Mr. HASTINGS of Florida):

H. Res. 273. A resolution condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

213. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to House Resolution Number 1928 requesting the President and the Congress of the United States of America give the utmost attention and active support to the Republic of China in Taiwan as an important participant in international commerce and trade and as a former ally, and in support of its efforts to attain its fullest participation in the international community bodies; to the Committee on International Relations.

214. Also,a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to House Concurrent Resolution No. 2 expressing gratitude to the leaders and all the members of the House of Representatives of the United States of America; to exhort all the members of the House of Representatives of the Unted States of America to approve legislation that will allow Puerto Ricans to select their own political destiny and to further request that they promulgate said selection promptly; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced A bill (H.R. 2690) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DULARGE; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. WATTS of Oklahoma.

H.R. 20: Mrs. MORELLA and Mr. HOLDEN.

H.R. 51: Mr. LUCAS of Oklahoma.

H.R. 59: Mr. NUSSLE, Mr. PICKERING, Mr. INGLIS of South Carolina, and Mr. LATOURETTE.

H.R. 66: Ms. DELAURO.

H.R. 80: Mr. STRICKLAND.

H.R. 146: Mr. LOBIONDO.

H.R. 165: Mr. CALVERT.

H.R. 168: Mr. KENNEDY of Rhode Island.

H.R. 230: Mr. BUNNING of Kentucky.

H.R. 306: Mr. SCOTT and Mr. BAESLER.

H.R. 367: Mr. SALMON, Mr. ROEMER, Mr. NUSSLE, and Mr. MURTHA.

H.R. 450: Mr. EWING and Mr. BARCIA of Michigan.

H.R. 493: Mr. SHERMAN.

H.R. 586: Mr. GOSS and Mr. LUCAS of Oklahoma.

H.R. 590: Mr. VENTO and Mr. SABO.

H.R. 612: Ms. SLAUGHTER and Ms. CARSON.

H.R. 619: Ms. WATERS, Mr. WOLF, Mr. MILLER of California, Mr. DEUTSCH, Mr. NEAL of Massachusetts, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. KENNEDY of Massachusetts, Mr. MENENDEZ, and Mr. MCGOVERN.

H.R. 676: Mr. NEAL of Massachusetts.

H.R. 738: Mr. NADLER, Mr. TOWNS, and Mr. SERRANO.

H.R. 777: Mr. RODRIGUEZ.

H.R. 789: Mr. HINOJOSA.

H.R. 805: Mr. DICKEY.

H.R. 815: Mr. SAM JOHNSON, Mr. SCOTT, Mr. GILCHREST, Mr. MCHUGH.

H.R. 859: Mr. HASTINGS of Washington.

H.R. 877: Mr. LUCAS of Oklahoma, Mrs. EMERSON, Ms. DUNN of Washington, Mr. RUSH, Ms. WOOLSEY, Mr. HUTCHINSON, Mr. PICKERING, Mr. QUINN, and Mr. INGLIS of South Carolina.

H.R. 880: Ms. GRANGER.

H.R. 919: Mr. PAYNE.

H.R. 971: Mr. PASCRELL and Mr. PAYNE.

H.R. 972: Mr. SUNUNU and Mr. CAMPBELL.

H.R. 981: Ms. FURSE.

H.R. 1023: Mr. CRAMER.

H.R. 1054: Mr. MICA, Mr. LINDER, Ms. PELOSI, Mr. MARTINEZ, Mr. MEEHAN, Mr. DOOLEY of California, and Mr. FAZIO of California.

H.R. 1060: Mr. WEYGAND, Mr. KOLBE, Mr. SANFORD, Mr. JENKINS, and Mr. COOK.

H.R. 1070: Ms. HOOLEY of Oregon, Mr. GEJDENSON, Mr. BROWN of Ohio, Ms. CARSON, Mrs. THURMAN, Mr. FALEOMAVAEGA, Mr. PAXON, and Mr. LANTOS.

H.R. 1072: Ms. FURSE.

H.R. 1114: Mr. SPENCE, Mr. UPTON, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, Mr. BOUCHER, and Mr. BLUMENAUER.

H.R. 1126: Mr. LATOURETTE.

H.R. 1129: Mr. SANFORD, Mr. BEREUTER, Mr. WOLF, Mr. CASTLE, Mr. HYDE, Mr. SMITH of New Jersey, and Mr. CHABOT.

H.R. 1147: Mr. STUMP.

H.R. 1165: Mr. MORAN of Virginia.

H.R. 1173: Mr. MENENDEZ and Mr. LAHOOD.

H.R. 1231: Mr. STUPAK and Mr. BOUCHER.

H.R. 1234: Mr. RODRIGUEZ and Mr. STARK.

H.R. 1285: Mr. CRAMER and Mr. SHAW.

H.R. 1375: Mr. BARTLETT of Maryland and Ms. SANCHEZ.

H.R. 1415: Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. MARKEY, Ms. VELÁZQUEZ, Mr. SPRATT, Mr. STENHOLM, Mr. RILEY, Mr. LUCAS of Oklahoma, Mr. BOB SCHAFFER, and Mr. PAXON.

H.R. 1425: Mr. FATTAH and Mr. WEXLER.

H.R. 1428: Mr. BLUNT.

H.R. 1432: Mr. WATT of North Carolina.

H.R. 1438: Mr. CAMPBELL.

H.R. 1450: Mr. FARR of California and Ms. FURSE.

H.R. 1481: Mr. GUTIERREZ.

H.R. 1500: Mr. BORSKI, Mr. KILDEE, Mr. POSHARD, and Mr. PRICE of North Carolina.

H.R. 1507: Ms. FURSE.
H.R. 1520: Mr. RAHALL.
H.R. 1524: Mr. HILL and Mr. SCARBOROUGH.
H.R. 1534: Mr. KING of New York, Mr. ROTHMAN, and Mr. HULSHOF.
H.R. 1555: Mr. JACKSON.
H.R. 1689: Ms. GRANGER, Mr. PAPPAS, Mr. MANZULLO, Mr. ADERHOLT, Mr. POMBO, Mr. LAHOOD, Mr. CAMP, and Mr. CRAMER.
H.R. 1735: Ms. FURSE, Mr. JACKSON, and Mr. LANTOS.
H.R. 1737: Mr. BENTSEN, Mr. GUTIERREZ, Mr. REGULA, and Ms. MILLENDER-MCDONALD.
H.R. 1739: Mr. SESSIONS, Mrs. CHENOWETH, and Mr. YOUNG of Alaska.
H.R. 1822: Mr. KUCINICH and Mr. WEYGAND.
H.R. 1826: Mr. CAMPBELL.
H.R. 1856: Mr. NETHERCUTT.
H.R. 1861: Mrs. LOWEY.
H.R. 1864: Mr. CAMPBELL and Mr. SUNUNU.
H.R. 1891: Mrs. JOHNSON of Connecticut, Mr. MANZULLO, Mr. ENSIGN, and Mr. CUNNINGHAM.
H.R. 1951: Mr. SKAGGS, Mr. CLEMENT, Mr. CONYERS, Mrs. MALONEY, of New York, Mr. MARKEY, Mr. FORD, and Mr. OWENS.
H.R. 1972: Mr. MCGOVERN.
H.R. 1984: Mr. BRADY, Mr. ROYCE, and Mr. VISCLOSKY.
H.R. 2001: Mr. CAMPBELL.
H.R. 2009: Mr. WAXMAN, Mr. FOLEY, Mr. WALSH, Mrs. TAUSCHER, Mr. MCHUGH, Mr. LANTOS, Mr. DELAHUNT, Mr. PALLONE, and Mr. WEXLER.
H.R. 2021: Mr. SHAYS.
H.R. 2029: Mr. HEFLEY.
H.R. 2090: Mr. BONO.
H.R. 2109: Mr. MCKEON and Mr. LUTHER.
H.R. 2121: Mr. MCNULTY.
H.R. 2124: Mr. PARKER, Mr. EHLERS, Mr. BOB SCHAFFER, Mr. CANADY of Florida, Mr. COLLINS, Mr. TALENT, Mr. BALLENGER, Mr. COOKSEY and Mr. SENSENBRENNER.
H.R. 2195: Ms. FURSE, Mr. GUTIERREZ and Mr. PORTER.
H.R. 2198: Mr. NETHERCUTT.
H.R. 2221: Mr. ISTOOK and Mr. DELAY.
H.R. 2229: Mr. SOLOMON and Mr. SMITH of New Jersey.
H.R. 2265: Mr. CLEMENT.
H.R. 2292: Mr. CALLAHAN, Mr. ROEMER, Mr. HANSEN, Mr. CANADY of Florida, Mr. SAWYER, Mr. LIVINGSTON, Mr. FORD, Mr. MCINTOSH, Mr. POMBO, Mr. LATHAM, Ms. HARMAN, Mr. MINGE, Mr. CRAMER, Mr. CHAMBLISS, Mr. CALVERT, Mr. GOODLING, Mr. THUNE, and Mr. BURTON of Indiana.
H.R. 2332: Mr. SMITH of Michigan.
H.R. 2351: Mr. STOKES, Mr. PAYNE, Mr. KILDEE, Mr. ALLEN, Mr. ABERCROMBIE, Mr. BORSKI, and Mr. ROTHMAN.
H.R. 2374: Mr. BILBRAY and Ms. HARMAN.
H.R. 2408: Mr. FROST, Mr. FILNER, Mr. STARK, Mr. HINCHEY, and Mr. BALDACCI.
H.R. 2432: Mr. GOODE, Mr. BROWN of Ohio, and Mr. PAXON.
H.R. 2456: Ms. DANNER.
H.R. 2457: Mr. UNDERWOOD and Mr. EVANS.
H.R. 2460: Mr. MEEHAN.
H.R. 2463: Ms. SLAUGHTER, Ms. WOOLSEY, Mr. BONIOR, Mrs. JOHNSON of Connecticut, and Ms. FURSE.
H.R. 2476: Mr. SHAYS.
H.R. 2481: Mrs. LINDA SMITH of Washington, Mr. QUINN, Mr. SCHUMER, and Mr. DINGELL.
H.R. 2490: Mr. BACHUS, Mr. BRADY, Mr. CONDIT, Mr. CUNNINGHAM, Ms. DUNN of Washington, Mr. GIBBONS, Mr. GUTKNECHT, Mr. ISTOOK, Mr. PETERSON of Pennsylvania, Mr. SCARBOROUGH, and Mr. THUNE.
H.R. 2493: Mr. MCKEON.
H.R. 2497: Mr. EWING, Mr. WOLF, Mr. KOLBE, Mr. NETHERCUTT, Mr. BILBRAY, Mr. GILLMOR, Mr. INGLIS of South Carolina, Mr. PICKETT, Mr. KING of New York, Mr. JENKINS, Mr. HUTCHINSON, Mr. NEUMANN, Mr. GIBBONS, Mr. ROYCE, MR. SPENCE, Mr. SCARBOROUGH, Mr. CUNNINGHAM, Mr. BURR of North Carolina, Mr. WICKER, Mr. SAXTON, Mr. BARCIA of Michigan, Mr. OXLEY, Mrs. MYRICK, Mr. GUTKNECHT, and Mr. CHRISTENSEN.
H.R. 2503: Ms. RIVERS, Ms. PELOSI, Mr. LANTOS, and Ms. FURSE.
H.R. 2519: Mr. ACKERMAN and Ms. NORTON.
H.R. 2526: Mr. MILLER of California, Mr. BISHOP, Mr. BEREUTER, Ms. FURSE, Mr. SABO, Mr. HINCHEY, and Mrs. THURMAN.
H.R. 2535: Mr. SPENCE and Mr. BASS.
H.R. 2541: Mr. MORAN of Virginia.
H.R. 2553: Mr. EVANS.
H.R. 2560: Mr. POSHARD, Mr. GUTIERREZ, Mr. CANADY of Florida, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mr. OLVER, Mr. MARTINEZ, Mr. ALLEN, Mr. ETHERIDGE, Mrs. MEEK of Florida, Ms. BROWN of Florida, and Ms. RIVERS.
H.R. 2583: Mr. PACKARD.
H.R. 2585: Mr. LEWIS of California.
H.R. 2586: Mr. POMEROY.
H.R. 2596: Mr. POMEROY.
H.R. 2597: Ms. KILPATRICK and Mr. MANTON.
H.R. 2602: Mr. BROWN of California, Mr. COYNE, and Mr. KENNEDY of Rhode Island.
H.R. 2604: Mrs. EMERSON, Mrs. MYRICK, Mr. RYUN, Mr. PICKERING, Mr. MANZULLO, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. SPENCE, and Ms. DANNER.
H.R. 2609: Mr. STUMP, Mr. BOYD, Mr. MCCOLLUM, Mr. STENHOLM, Mr. BUNNING of Kentucky, Mr. MCHUGH, Mr. INGLIS of South Carolina, Mr. OXLEY, Mr. BALLENGER, Mr. DOOLEY of California, Mrs. FOWLER, Mr. ETHERIDGE, Mr. BURR of North Carolina, Mr. WICKER, and Mr. BARRETT of Nebraska.
H.R. 2611: Mr. RYUN and Mr. DELAY.
H.R. 2626: Mr. SKEEN, Mrs. KELLY, Mr. KILDEE, and Mr. LARGENT.
H.R. 2627: Mr. MCINTOSH, Mr. SCARBOROUGH, and Mr. BOEHNER.
H.R. 2639: Mr. HOLDEN, Mr. BROWN of Ohio, Mr. LAFALCE, Mrs. MORELLA, Mr. MASCARA, Mr. COBURN, Mr. BENTSEN, Mr. TOWNS, Mr. STEARNS, Mr. FROST, and Mr. MCDERMOTT.
H.R. 2646: Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. BUNNING of Kentucky, Mr. CHRISTENSEN, Mr. COLLINS, Ms. DUNN of Washington, Mr. ENSIGN, Mr. HAYWORTH, Mr. HERGER, Mr. MCCRERY, Mr. WELLER, Mr. LINDER, Mr. BLILEY, Mr. INGLIS of South Carolina, Mr. HOEKSTRA, Mr. GREENWOOD, Mr. SOUDER, Mr. PARKER, Mr. MILLER of Florida, Mr. RILEY, Mr. SNOWBARGER, Mr. STEARNS, Mr. CHABOT, Mrs. EMERSON, Mr. POMBO, Mr. BACHUS, Mr. EHLERS, Mr. TALENT, Mr. NUSSLE, Ms. GRANGER, Mr. GOODLING, Ms. PRYCE of Ohio, Mr. NEUMANN, Mr. HULSHOF, Mr. FLAKE, Mr. KASICH, and Mr. LIPINSKI.
H.R. 2667: Mr. SALMON and Mr. DOOLITTLE.
H.J. Res. 89: Mr. SERRANO, Ms. FURSE, and Mr. WAXMAN.
H.J. Res. 96: Mr. HOYER, Mr. MORAN of Virginia, and Ms. NORTON.
H.Con. Res. 55: Mr. LOBIONDO and Mr. CALVERT.
H.Con. Res. 65: Mr. LEWIS of Kentucky, Mr. SANDLIN, and Mr. LUTHER.
H. Con. Res. 80: Ms. FURSE, Mr. INGLIS of South Carolina, Mr. LEACH, Mrs. MORELLA, Mr. LAFALCE, Ms. HARMAN, Ms. WOOLSEY, Ms. PELOSI, Mr. BERMAN, Mr. BARTON of Texas, and Mr. WAMP.
H. Con. Res. 107: Mr. MCNULTY, Ms. DUNN of Washington, Mr. LOBIONDO, Mr. SKELTON, Mr. HUTCHINSON, Mr. DOOLEY of California, and Mr. PETERSON of Pennsylvania.
H. Con. Res. 112: Mr. EVANS.
H. Con. Res. 116: Ms. FURSE.
H. Con. Res. 148: Mr. DOYLE, Ms. DELAURO, Mr. LAZIO of New York, and Mr. ACKERMAN.
H. Con. Res. 151: Mr. FALEOMAVAEGA.
H. Con. Res. 156: Mr. ENGEL and Ms. ROYBAL-ALLARD.
H. Con. Res. 160: Mr. ALLEN and Ms. RIVERS.
H. Res. 190: Mr. HYDE and Mr. WOLF.
H. Res. 235: Mr. BOYD, Mr. COMBEST, Mr. PASCRELL, Mr. CASTLE, Mr. RODRIGUEZ, Ms. MILLENDER-MCDONALD, and Mr. SANDERS.
H. Res. 247: Mr. SCHIFF and Ms. DEGETTE.
H. Res. 267: Mr. UNDERWOOD and Mr. SCHIFF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS, AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2595: Mr. BERRY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1534

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 1: Page 5, line 4, strike the quotation marks and second period.

Page 5, insert the following after line 4:

"(f) Nothing in subsections (c), (d), or (e) alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

Page 6, line 9, strike the quotation marks and second period.

Page 6, insert the following after line 9:

"(3) Nothing in this subsection alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

Page 7, line 11, insert the following after the first period: "Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

H.R. 1534

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 2: Page 5, line 4, strike the quotation marks and second period.

Page 5, insert the following after line 4:

"(f) In each action to which subsection (c), (d), or (e) applies, the court shall designate the substantially prevailing party, and the reasonable attorney's fees of that party shall be paid by the nonprevailing parties in whole or in such part as the court deems equitable.".

Page 6, line 9, strike the quotation marks and second period.

Page 6, insert the following after line 9:

"(3) In each action to which this subsection applies, the court shall designate the substantially prevailing party, and the reasonable attorney's fees of that party shall be paid by the nonprevailing parties in whole or in such part as the court deems equitable.".

Page 7, line 11, insert the following after the first period: "In each action to which this paragraph applies, the court shall designate the substantially prevailing party, and the reasonable attorney's fees of that party shall be paid by the nonprevailing parties in whole or in such part as the court deems equitable.".

EXTENSIONS OF REMARKS

IN RECOGNITION OF NATIONAL MAMMOGRAPHY DAY AND BREAST CANCER AWARENESS MONTH

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. RILEY. Mr. Speaker, today, somewhere in this country, a woman has been diagnosed with breast cancer. There's no cure to offer her. There's no known cause to explain her condition. She's just joined a club of over 180,000 women, who have received the same terrible news from their doctor. What's even worse is that she may join another group of over 43,000 women who die from breast cancer every year. And she will likely wonder if there is anything she could have done to stop it.

And the answer is yes—women are not powerless in this fight for their lives. Over 92 percent of breast cancers can be treated with early detection and prompt treatment.

October 17 is National Mammography Day and I am proud to be a cosponsor of House Resolution 235, which recognizes the importance of mammographies in the fight against breast cancer. I want to encourage every woman across this country to become more proactive in the fight against this disease by scheduling mammograms for herself or someone she loves. The most effective way to battle breast cancer is to detect the disease in its earliest stages, when treatment is possible. Through mammogram screening, physicians can discover breast cancer up to 2 years before a woman could through self-examination. Clearly, the sooner the disease is diagnosed, the better the chance a woman has to survive.

This is an issue that's obviously important to every woman in this Nation. However, it's an issue that should be crucial to America as a whole. I've been blessed through the women in my life. I have a wonderful wife, three lovely daughters, a great daughter-in-law, and the prettiest little granddaughter any one has ever seen. It scares me to know that 1 out of 9 women in America will be diagnosed with breast cancer in their lifetime. Out of these five ladies in my life, there is a chance one of them will one day become a member of the 180,000 women diagnosed with breast cancer.

So, today I call on all Americans, both men and women, to focus more attention on this deadly disease and to become more active in the fight against it. After all, virtually everyone has a mother or a sister, a wife or a daughter that he or she loves and depends on. Women are too important, too precious to this Nation for any of us to ignore one of their most recurrent killers. I know all the women in my life are to me.

TRIBUTE TO TERRY M. RYAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Terry M. Ryan of Little Falls, NJ, as he is very deservingly honored this evening by Wayne General Hospital.

Terry is president of Hanson & Ryan, Inc. in Totowa, NJ. He joined the agency in 1970 and is responsible for oversight of all agency operations. Terry also serves as president of Financial Services subsidiary, T.M. Ryan Financial Services, Inc. Hanson & Ryan, Inc. has been listed in Business News of New Jersey as one of the "Top 50 Insurance Brokers."

Terry attended Syracuse University and graduated from the College of Insurance with a degree in insurance and risk management.

Active in the industry throughout his career, Terry was a founder of the IIANJ [Independent Insurance Agents of New Jersey] Young Agents Committee and served as its first chairman in 1974. He served IIAA [Independent Insurance Agents of America] as regional director of the National YAC [Young Agents Committee] for 3 years. Terry has been a member of the Agents Advisory Council for Aetna Casualty & Surety and served as chairman. He has also been the New Jersey representative to the GPC council for Aetna and has served on GRE Insurance Group Advisory Council.

Terry has served on the executive committee of the IIAPC [Independent Insurance Agents of Passaic County]. He has received the New Jersey Department of Insurance Meritorious Service Award and IIANJ's Young Agent of the Year Award.

Terry is chairman of the Insurance Committee for the Township of Little Falls and very notably is currently chairman of the Board of Wayne General Hospital. He has been active in many additional community organizations and received citations for his work in those areas. Among those organizations, he has served as a youth sports coaching program honorary trustee of the Passaic County 200 Club of which he was cofounder.

An active member of his community, Terry is currently a member of the board of directors of the Passaic Valley Rotary Club, the National Notary Association, the Little Falls Athletic Club, and an associate member of the Passaic Police Chief's Association. He is a past member of the board of directors, Passaic Valley Kiwanis, the Hamilton Club of Paterson, vice-president-elect and board member of the Passaic Valley Chamber of Commerce, board member of the American Cancer Society—Passaic County chapter, and a member of the board of directors for the Passaic County Historical Society.

Terry resides in Little Falls with his wife, Debbie and three children, Sean, Carrie, and Kristin.

Mr. Speaker, I ask that you join me, our colleagues, Terry's family, friends, and colleagues, and the Township of Little Falls in recognizing Terry M. Ryan's many outstanding and invaluable contributions to the community.

A CALL FOR PRODUCT LIABILITY REFORM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. THOMAS. Mr. Speaker, I rise to address an issue that may soon have severe implications for our health industry. Within the next year there may be a shortage of critical medical devices on the market due to the unavailability of biomaterials. Biomaterials, such as teflon, polyurethane, and polyester yarn, are necessary components in medical devices, for hip and knee implants, pacemakers, and catheters. What makes these biomaterials special is that their biological nature will not be rejected by the immune system. Their chemical properties are specialized to fit the durability and the malleability that is needed in constructing implants, like the tiny cochlear ear implant which enhances hearing.

What has caused this short supply of biomaterials? Biomaterials suppliers are leaving the market of medical devices because of an onslaught of litigation. The suppliers of biomaterials have rarely been found liable for defects in the manufacture of a medical device. The reason is that the biomaterial seldom has anything to do with defect of the product. With so many victories, why would the biomaterials makers continue to face litigation threats? Why do plaintiffs and trial lawyers pursue innocent, though hapless, suppliers of biomaterials? Because they can. In the United States, anyone willing to pay a court filing fee can bring a lawsuit for any reason and pursue it through actual trial even with no hope of success. And while manufacturers of medical devices are relatively small and go bankrupt when forced to pay large litigation settlements, suppliers of biomaterials have deep pockets and thereby attract the voracious appetites of the major trial lawyers.

Thus, biomaterial suppliers, most of which are companies that sell a small percentage of its overall production to medical device manufacturers, are subject to litigation for products that it had no say or responsibility. Biomaterial suppliers are being litigated against for simply supplying the raw materials.

One example of the problem with litigation reaching too far in the biomaterials industry involves DuPont, a maker of synthetic materials. DuPont sold teflon to a manufacturer that

made temporo mandibular joint implants. The manufacturer was sued on the grounds of tort law, where the plaintiff believed that the implant was defective. The manufacturer went bankrupt so the plaintiff held DuPont liable for the defective implant. With only about 5 cents' worth of teflon in each mandibular joint implant, DuPont was named in over 250 different cases. DuPont won every case. However, the litigation cost was almost $50 million over 8 years. Result: DuPont left the medical device market after it decided, without too much difficulty, that its sales for 5 cents of teflon resulted in millions of dollars in legal expenses.

Do we hold steel mills responsible for the criminal use of a gun? Do we hold makers of car paint liable for every auto accident? The law does not, Juries do not. This Congress should not. As the chairman of the Health Subcommittee on Ways and Means, I fear this trend. In a time of rising health care costs, we can ill afford to lose the technologies that have helped patients live their lives with better quality and care. A shortage of raw materials for medical devices and implants will only raise health costs and limit access to the few. In the ongoing process of trying to provide more accessible health care at costs sustainable to our Nation's future, present product liability laws has the potential of running a lot of biomaterial suppliers out of the medical device market, even though many of them are completely without fault with regards to the design and manufacture of defective implants.

It would be wise to look at recent health care history for a perspective. Just 40 years ago, children who were afflicted with hydrocephalus—water in the brain—died of brain damage in early childhood. With a device called an implantable shunt, doctors are now able to save these children by relieving the fluid pressure. Before pacemakers were created, heart attack victims would not have survived without something pacing the beat of their heart. Technology has now allowed us to achieve this. We can manufacture knee implants that allow crippled people to walk again. We now have hip and jaw implants. Our technology has been pushed forward with ambitious thinkers, courageous entrepreneurs, and a public with increasing demand for quality in their lives. In the end, every American benefits from these advances in medical technology. More than 75 percent of biomaterial suppliers have already left the medical device implant market. In responding to the influence that made them leave the market, 100 percent of the suppliers cited the fear of litigation costs.

The medical device industry has almost $50 billion in annual domestic sales, with almost an additional 120 billion dollars' worth of sales in the foreign market. Because nearly a third of all medical device companies reside in California, a loss of this revenue to the California and U.S. economy would be significant. With the current rate of biomaterial suppliers leaving the market, the medical device companies may be left without the precious biomaterials to make implants and be forced to close their businesses.

The many effects that current product liability law provides for with regards to biomaterials simply illustrates one segment of the detrimental effects of overlitigation on our economy. The biomaterials shortage is only one piece of a much larger puzzle. The problem remains excessive litigation while the solution is comprehensive product liability reform. It is not in the best interests of the American people to cease all litigation on defective or harmful products. However, we must provide an environment where consumers can be protected from bad products, while also limiting senseless litigation so that businesses can continue to operate, innovate, and provide for the American consumer. Piecemeal reform of certain industries, while ignoring the problems that excessive litigation is having on other industries, is not the solution. We tried, in 1995, to enact product liability reform but it was vetoed by the President. I ask Congress to enact comprehensive product liability reform.

HONORING KAY KEYSER OF QUAKER CITY, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

Kay Keyser, of Quaker City, OH, has been nominated for Ohio Teacher of the Year by the East Guernsey Local School District. Kay is a seventh and eighth grade teacher at Buckeye Trail Middle School.

Kay has been in education for 24 years. She is very committed to the school and the community. Kay spends her spare time volunteering on activities which will directly benefit her students. Not only is she a volunteer but also a single mother of two which leaves a minimal amount of time for herself.

The finalists for the Ohio Teacher of the Year will be named within the next few weeks. Mr. Speaker, I ask that my colleagues join me in congratulating Kay Keyser on her nomination for Ohio Teacher of the Year. I wish Kay continued success, health and prosperity.

A COMPELLING ARTICLE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. GINGRICH. Mr. Speaker, today I call attention to a recent editorial in the Washington Post by George F. Will, entitled "Melding in America."

Mr. Will eloquently encourages the Office of Management and Budget [OMB] to add a sixth racial category to the next census form: multiracial. Not only would such a designation be more accurate, it would also represent society's acknowledgment that a child should never be forced to choose between maternal and paternal heritages.

Additionally, creating such a category would serve to diffuse the politics of grievance groups that use membership in a particular race to claim victim status and thus recompensation for wrongs real or imagined. America is a country founded upon the idea of individual rights—not rights determined by one's skin pigmentation.

I encourage all of my colleagues to read Mr. Will's compelling article.

[From the Washington Post, Oct. 5, 1997]

MELDING IN AMERICA

(By George F. Will)

An enormous number of people—perhaps you—are descended, albeit very indirectly, from Charlemagne. And an enormous number are descended from Charlemagne's groom. Trace our pedigree back far enough, you may find that you are an omelet of surprising ingredients.

Booker T. Washington, Frederick Douglass, Jesse Owens and Roy Campanella each had a white parent. Martin Luther King, Jr. (who had an Irish grandmother and some Indian ancestry), W.E.B. DuBois and Malcolm X had some Caucasian ancestry. The NAACP estimates that 70 percent of those who identify themselves as African American are of mixed racial heritage. And then there is Tiger Woods, who calls himself "Cablinasian"—Caucasian, black, Indian, Asian. Bear such things in mind as the Office of Management and Budget decides whether to make a small but consequential change in the census form.

The 1790 census classified Americans in three categories—free white male, free white female, slave. In 1850 "free colored"was added. Then came mulatto, octoroon and quadroon (one-eighth and one-quarter black). In 1890 Chinese and Japanese were included as distinct races. Today there are five categories—white, black, Asian/Pacific Islander, American Indian/Native Alaskan and other.

Now there is a rapidly spreading belief that the "other" category is unsatisfactory, because it does not contribute to an accurate snapshot of the population, and it offends sensibilities: Why should a child of a white-black marriage be required to identify with one parent, or as an "other"? So OMB is considering adding a sixth category—"multiracial."

This would serve the accuracy of the census in a nation experiencing a rapid surge in interracial marriages, which increased about 550 percent between 1960 and 1990. The number of children in interracial families rose from 500,000 in 1970 to 2 million in 1990. Between 1960 and 1990 the percentage of African American marriages involving a white spouse more than tripled, from 1.7 percent to 6 percent. Sixty-five percent of Japanese-Americans marry someone of another race.

The multiracial category would serve civic health by undermining the obsession with race and ethnicity that fuels identity politics. Such politics proceed on the assumption that individuals are defined by their membership in this or that racial or ethnic group, often a group that cultivates its sense of solidarity by nurturing its grievances. The multiracial category is opposed by many who have a stake in today's racial spoils system, and thus favor maintaining the categories that help Balkanize America.

It is estimated—probably too conservatively—that 10 percent of blacks would check a "multiracial" box on the census form. As more and more people accurately identify themselves as "multiracial," the artificial clarity of identity politics will blur. The more blurring the better, because it will impede application of the principle of categorical representation—the principle that people of a particular group can only be understood, empathized with and represented by members of that group.

Today some native Hawaiians want out of the Asian/Pacific Islander category, and

some Indian and native Alaskans do not want the native Hawaiians included in their category. Some Creoles, Americans of Middle Eastern descent (there are 2 million of them), and others want their own categories. Such elbow-throwing prickliness is one consequence of government making membership in distinct grievance-groups advantageous.

Race and ethnicity are not fixed, easily definable scientific categories. The law once regarded the Irish "race" as nonwhite. Today, ethnicity and race can be, to some degree, matters of choice. Many Hispanics regard "Hispanicity" as an attribute of race, others are more inclined to identify themselves as Hispanic when it is not presented as a racial category.

OMB's decision will follow last week's report from the Commission on Immigration Reform, which recommends a "new Americanization movement" emphasizing the melding of individuals rather than the accommodation of groups. It argues that national unity should be built upon a shared belief in constitutional values, and that the nation "admits immigrants as individuals" and must "emphasize the rights of individuals over those of groups."

Today the government concocts "race-conscious remedies" such as racial preferences for conditions it disapproves. This encourages Americans to aggregate into groups jockeying for social space. Perhaps it would be best to promote the desegregation of Americans by abolishing the existing five census categories, rather than adding a sixth.

However, the "multiracial" category could speed the dilution of racial consciousness. One criticism of this category is that "multiracial" does not denote a protected class under the law and therefore gathering data about those who think of themselves as "multiracial" serves no statutory purpose. To which the sensible response is: good.

A TRIBUTE TO MICHAEL J. MURRY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to my long time friend, Mr. Michael J. Murry, of Hales Corners, WI, who is being honored by the South Side Business Club of Milwaukee, as 1997 Man of the Year.

Mike Murry, the chairman of the board and chief executive officer of the Merchants and Manufacturers Bancorp, is a fine choice as the recipient of this year's Man of the Year Award. He has been a well-respected force for many years in the financial community on the southside of Milwaukee and its suburbs.

Adding to the respect he has established as a business leader, Mike is to be commended for his 1990 organization of the St. Josaphat Basilica Foundation, to restore this Southside Milwaukee landmark to its original grandeur. The foundation has raised over $3 million to date, and the impact on the basilica building on the neighborhood is amazing. A sense of pride and history have been restored, along with the bricks, mortar and paint, to this grand house of worship, which is now, yet again, a shining beacon for all to see in Milwaukee.

Mike Murry has given his time and talents to other worthwhile causes and organization in his community, including Alverno College, Covenant Health Care, St. Francis Hospital, Sacred Heart School of Theology, the Wisconsin Conservancy of Music, St. Joseph Day Care Center, the Girl Scouts of America, the Kiwanis, and many banking and financial organizations and various Polish heritage groups.

Congratulations, Mike. I join your lovely wife Jan, and your children, in saluting you as you receive this prestigious award from the South Side Business Club. Best wishes, God bless and keep up the excellent work. A grateful community salutes you.

TRIBUTE TO CHARLES H. MARCIANTE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Charles H. Marciante, president of the New Jersey State AFL–CIO.

For the past 36 years, Charlie has been a leader in the New Jersey State AFL–CIO. Prior to the merger of the State's AFL and CIO unions, he served briefly as secretary-treasurer of the old State Federation of Labor. Charlie served as secretary-treasurer of the New Jersey State AFL–CIO from its inception on September 25, 1961 until his election as president in 1969. First elected as president in June 1970, he was reelected to a 3-year term in 1973 and a 4-year term in 1976, 1980, 1984, 1992, and again in 1996. Now serving his eighth and last term as president, it is apparent that Charlie has given his all to the New Jersey AFL–CIO. Identified from youth within the trade movement, Charlie has achieved a notable position as spokesman for organized labor in New Jersey, as well as deserved recognition in the councils of the national labor movement.

Charlie was born in Trenton, NJ. He was educated in the Trenton public school system and graduated with a bachelor of arts degree in political science from Rutgers University in 1952.

Prior to his election as secretary-treasurer of the State federation Charlie served a 5-year apprenticeship and worked in the construction industry as a journeyman electrician. In the field of electronics, Charlie supervised the installation and military readiness of one of the major east coast missile defense sites in New Jersey for the U.S. Air Force. He remains a member of Local Union No. 269 of the International Brotherhood of Electrical Workers (IBEW), AFL–CIO, as a journeyman electrician.

Charlie has served his State in numerous social, civic, and charitable leadership capacities while an officer with the New Jersey AFL–CIO. A former charter member of the State's Economic Development Authority, he has also served as a member of the Economic Development Council and was appointed to the Governor's Economic Recovery Commission in 1974. Charlie is a founding member of the Alliance for Action and the Society for Economic and Environmental Development (SEED), which is a dual coalition of labor and business groups seeking to expand economic potentials for New Jersey. He served for several years on the State Department of Education's vocational education board, raising New Jersey's standing from 49th to 6th in the Nation on vocational programs and school facilities.

Charlie led the campaigns to reform New Jersey's workers compensation and unemployment insurance systems and devoted himself to the State Workers Compensation Reform Act of 1980 and the unemployment insurance system task force in 1983 to 1984. He has also served on the New Jersey Business Retention and Job Retraining Commission assisting dislocated workers to secure extended out of work benefits, retraining and education upgrading to assist them to compete job wise and a rapidly changing economic world.

In 1990, Charlie served as cochairman of the Governor's Health Care Reform Commission, the first proposed total revamp of the State's health care system, which was a prototype of the Federal universal care proposal of President Clinton. Many of the ideas generated from that commission were incorporated into the Federal proposal. Charlie is a member of the board of directors of the Robert Wood Johnson University School of Medicine and Dentistry in New Brunswick, NJ, serving on the finance and quality of care committees. He and several unions successfully led the Federal court challenge to reform of the delivery of health care in New Jersey.

Charlie has acted as a State labor coordinator for Radio Free Europe, a U.S. savings bond campaign labor coordinator and vice chairman of the President's and Governor's committee to employ the handicapped. He has been a major fundraiser for Deborah Hospital, where free heart and lung procedures are undertaken, and has served as labor coordinator for annual March of Dimes drives in New Jersey.

Politically, Charlie has served as an elected delegate from New Jersey to several Democratic National Conventions and has served in the 1980's on the labor advisory committee of the Republican National Committee along with several other AFL–CIO designated representatives.

Charlie is married to the former Barbara Quinn of Trenton. They reside in West Trenton and have four children, Michael, Catherine, Stephen, and Mary Barbara.

Mr. Speaker, I ask that you join me, our colleagues, Charlie's family and friends, NJ SEED, and the State of New Jersey in recognizing Charles H. Marciante's many outstanding and invaluable contributions to the community.

IN MEMORY OF GERALD ROGERS PETERS OF EMPIRE, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. NEY. Mr. Speaker, I rise today in memory of Gerald Rogers Peters, who passed away on September 25, 1997. Gerald served in the Army for more than 25 years and was

a master sergeant when he retired. During his military career, Gerald served in World War II, the Korean war and Vietnam. After retiring from the service, Gerald worked at Titanium Metals Inc. until retiring from there also.

Gerald has known as a kind and caring man. He was the father of nine children and enjoyed taking care of them along with his nieces and nephews. He had a gentle soul and was loved by all who knew him.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his country, his community, and his family. Gerald will be missed by all whose lives he touched. I am honored to have represented him and proud to call him a constituent.

AGRICULTURAL EXPORT BENEFIT CALIFORNIA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. THOMAS. Mr. Speaker, California is famous as the home of the motion picture industry, Disneyland, beaches, and an overwhelming tourist industry. It may surprise you to learn, however, that agriculture is actually California's No. 1 industry. Since California is also the home of numerous international ports, the combination of agriculture and international trade creates the backbone of California's economy. As such, it is a priority to foster growth in agricultural exports by supporting U.S. efforts to decrease barriers to trade with foreign countries.

For the last 50 years California has held the title as the Nation's No. 1 agricultural State. California's agricultural industry is important to the Nation as well as to the economic well being of our local communities. Agricultural exports account for over half of California's total agricultural products which brings $22 billion into the California economy every year. Thus, over half of the revenues earned by the sale of California's agricultural products were generated by California growers' ability to enter and compete competitively in foreign markets. For some products, such as the sale of cotton in my district, exports account for 75 percent of the $1 billion in total sales revenues.

Agriculture provides 1 in every 10 jobs in the State. These jobs serve as the underlying force behind California's economic strength. According to the California Department of Food and Agriculture's 1995 Crop Report, "for every $1 billion in export sales, 27,000 jobs are created in the state". By this approximation, agricultural exports helped the total California economy by creating 124,000 jobs, and these jobs, on average, pay more than non-export related jobs. In my district, Kern County's $350 million in exports sales creates almost 10,000 jobs, which does not include indirect economic benefits.

Given the direct relationship between agricultural exports and employment levels, it is important that we work to increase exports by encouraging free trade and maintaining strong working relationships with our trading partners. Although exports already represent a large portion of California's agricultural sales, they remain the area of greatest potential growth for the industry. While overseas markets are growing, our domestic market has reached a stagnant growth rate. The global marketplace is where the action is, due to the fact that there are about 6 billion consumers beyond our Nation's borders. In just the last 6 years, U.S. agricultural exports have increased by 50 percent.

New trade agreements that open and liberalize trade allow California farmers access to those 6 billion consumers in the global market. I mentioned how successful cotton has been for California and my district. Consider if other agricultural products also succeeded in expanding through free trade. For example, as the leading dairy producing county in the Nation, Tulare County in my district is well positioned to seize a lion's share of the growing world dairy demand if only fair and free trade can be achieved. Other major agricultural products found in California, such as pistachios, almonds, grapes, and stone fruits, stand to gain from the ability to enter foreign markets if given an equal footing with producers from other countries.

We must plan for future growth by working with our trading partners to open market access, allowing California farmers the opportunity to sell even more goods in the global market. Expansion of agricultural exports has always been my priority. As the Representative of an agricultural district I am proud that the success of California's farmers and ranchers helps build America's economy while feeding millions. Since the implementation of NAFTA 3 years ago, agricultural exports to our NAFTA trading partners have increased by 13 percent. Trade liberalization under NAFTA will continue to bolster the economic forces that are promoting trade growth. As we work to further reduce barriers to trade, we can look forward to great increases in our agricultural exports. Creating a free market is in our best interest, and I urge this Congress to do its best to continue to support free trade.

A GROWING TREND

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. GINGRICH. Mr. Speaker, I would like to call attention to a growing trend in America: Democrats who have switched to the Republican Party. These officials were tired of the same old liberal social philosophies which characterize the Democrat Party as the party of higher taxes, bigger government, and moral permissiveness. A classic example of this liberal thinking was the Clinton administration's proposed takeover of the health care industry, a scheme which had Democrats running for cover in the 1994 mid-term elections, when 9 million more people voted Republican than in 1990 and the Republicans took control of Congress for the first time in 40 years.

The Republican National Party has added 18 new elected officials to its ranks within the past week. Since Bill Clinton and ALBERT GORE were elected in 1992, 349 elected Democrat officials have now joined the GOP.

Last Thursday, North Dakota State Representative Michael Brandenburg switched to the Republican Party, saying, "I knew I had to make the change to stay true to myself and my own beliefs."

On Friday of last week, Topeka, Kansas City Councilman Vince Cook renounced his affiliation with the Democrat Party and joined the Republicans. "Nationally, regionally, and locally, it [the Democrat Party] has been associated with fund raising irregularities, political patronage, and professional and personal scandals," said Cook. Clearly, the growing campaign fund raising scandals surrounding the 1996 Clinton/Gore Campaign is fueling the flight from the Democrat Party.

Last Saturday in New Jersey, Evesham Mayor Gus Tamburro joined the Republican Party and endorsed Governor Christie Whitman, saying, "Under Christie Whitman's leadership we have reaped the benefits of jobs, tax cuts, and economic growth. That's why I switched parties."

On Monday of this week, 13 elected Democrats in Texas switched to the Republican Party at a ceremony hosted by Governor George Bush. Among those Texans who abandoned the Democratic Party was Presiding Judge of the Court of Criminal Appeals, Michael J. McCormick. To date, 90 elected Democrats have jointed the GOP in Texas alone since 1992.

In New York this week, Liberty Town Supervisor Richard Martinkovic changed his party affiliation and stated, "I join the Republican Party today and look forward to working with all elected officials . . . to serve the people, not be served."

And finally, in my home State of Georgia, State Representative Scott Tolbert announced his decision to join the GOP. Tolbert gives Republicans 79 seats in the 180-seat State House of Representatives, the highest number since Reconstruction. At a ceremony in Jefferson, GA, Tolbert commented, "After watching the Democrat Party in action, I knew I had to make a change."

I welcome each of these 18 new members to the Republican Party. The door to our party remains open to all who are committed to the ideals of smaller, smarter government with lower taxes and more freedom for the American people.

RECOGNITION OF THE WEBB SCHOOL'S 75TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the 75th anniversary of the Webb School.

Founded in 1922 by Thompson and Vivian Webb in Claremont, CA, the school has maintained a tradition of academic excellence throughout its history.

Though initially an all male school, the Vivian Webb School for girls was opened in the fall of 1984. The school now also includes the

Raymond Alf Museum. Founded after a student's discovery of a fossil of a previously unknown prehistoric pig, it is the only museum of paleontology located on a high school campus. The museum houses over 80,000 specimens, 90 percent of which were collected by Webb students, and draws over 10,000 visitors annually.

Currently, there are 158 girls and 167 boys enrolled in the school from 12 States and 11 countries. One hundred percent of Webb graduates go on to attend 4-year colleges and universities including Harvard, Stanford, Yale, Princeton, Dartmouth, Columbia, Duke, the Claremont Colleges, UCLA, USC, and UC Berkeley.

Students of the Webb School also have an outstanding awards record. For designing a multimedia exhibit explaining the physics of dinosaur motion, Webb students received the 1994 Tapestry Award from Toyota Motor Corp. Webb also placed second in the 1996 Toshiba/NSTA ExploraVision Awards, with a design for a self-powered artificial heart. The chair of the science department, John Ball, was recognized as one of the top 100 math and science teachers in the country in the 1996 Tandy Technology Scholar competition. In the 1996 National Physics Bowl, Webb placed first in California and third in the Nation.

I would like to offer my congratulations to this outstanding institution on its 75th anniversary. May it continue to provide an excellent education for its students.

IN RECOGNITION OF JAMESETTA J. HARRIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. RUSH. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding woman from the city of Chicago and my district, and First Congressional District of Illinois. Her name is Jamesetta J. Harris, and she has been chosen to receive the Ameritech Award of Excellence in Crime Prevention on behalf of the National Crime Prevention Council. Ms. Harris is 1 of 8 winners selected from a group of 140, who has worked diligently to turn her community around.

Jamesetta J. Harris held high expectations, as any new homeowner would, for her soon-to-be home. She looked forward to a neat, clean neighborhood, a yard; a few trees. But Ms. Harris was not expecting the reality of life in Englewood. She was not looking forward to the rampant crime that plagued the neighborhood, nor the violent gangs that ruled the streets. She was not aware that neighbors were afraid to go outdoors and cowered in their kitchens at night in fear of stray gunfire.

Rather than abandon her new home, or succumb to the pressure of fear that engulfed her community, Ms. Harris decided to fight. Her first step was to organize the Concerned Citizens of 5500 South Marshfield Block Club, to organize fellow residents and send a message that the community would no longer be victimized. She next created the 5500 South Marshfield Newsletter to improve neighborhood communication and reach those neighbors who were afraid to attend meetings.

Not long after the formation of the block club, the police department organized Chicago's Alternative Policing Strategy [CAPS]. The Englewood district was chosen as one of the prototypes for the CAPS program and Ms. Harris gladly partnered with the police to collaborate efforts to reduce crime in Englewood. Ms. Harris continued her fight to save the community by organizing neighborhood improvement projects, such as repairing sidewalks, replacing stop signs, and collecting abandoned cars and garbage.

Ms. Harris was able to accomplish so much and inspire so many because she was wise enough to realize one thing: when people have something that they are proud of, they will do anything to protect it. Her work has been so successful that she and the Englewood community have been featured in a number of programs dealing with community policing, including a television special by the Arts and Entertainment network that highlighted some of the best policing projects in the United States.

Ms. Harris is an inspiration for all communities, black and white, across this Nation. She has truly shown the value of one caring person, and how their willingness to work hard can positively affect an entire community of people and their quality of life. I commend Ms. Harris for her work, and I commend Ameritech and the National Crime Prevention Council for recognizing such an extraordinary individual with this award.

TRIBUTE TO THE CALI FAMILY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Cali Family who were honored on Friday, October 17, 1977, by the Center for Italian and Italian-American Culture.

Vincenzo Cali, the family patriarch, arrived in the United States from Aidone, Sicily in 1901 at Ellis Island. An immigrant farmer arriving in America, Vincenzo continued westward until he reached a part of the United States with hills and vistas like those of the Aidone he loved—the Rocky Mountains of Colorado. He then brought his wife, Maria Grazia, to America,

Though a farmer, Vincenzo soon became a contractor in the lucrative coal mines of Bear Canyon, located in the Sangre De Cristo mountains of Colorado. It was in the hills of Bear Canyon where his sons, Angelo and John, experienced an idyllic early childhood. They were 13 and 10 years old respectively when, in 1928, due to an economic downturn, the Cali family moved east for the prospect of earning a better living.

Angelo attended high school in Passaic, NJ. He received a B.A. degree from Montclair State University and did graduate work in anthropology at Columbia University. He was director of adult education in Clifton from 1938 to 1942. During World War II, Angelo was an officer in Military Intelligence in the European Theater of Operations [ETO] attached to the 3d Armored Division. After the war, Angelo was a training facilities and contract officer, charged with rehabilitating veterans.

John attended Clifton High School and received a B.A. degree in psychology from Indiana University. During the war, John worked as an industrial psychologist for the Industrial Relations Methods in New York City, a company specializing in the supervision of wartime workers. Soon after the war, John and Angelo developed proprietary schools for training veterans and in particular, opened the first School for Modern Music in New Jersey.

In 1949, Angelo and John saw an opportunity presented by the post World War II housing shortage and embarked with their much-loved childhood friend, Edward Leshowitz, on careers in real estate construction and investment. They formed Cali Associates and began developing one-family communities throughout northern New Jersey. In the early 1960's, they began to include apartments and condominiums in their construction activities and over the years have built more than 5,500 residential units.

In the last 1960's Cali Associates expanded its operations to include developing and managing office properties. Cali Associates earned praise for their original and pleasing designs and many have received architectural awards. Seven buildings have been awarded the "New Good Neighbor Award" for their unique architecture and contributions to the local economy. In addition, Cali has twice received the "Developers of the Year" awards from the National Association of Industrial and Office Properties [NAIOP].

In 1977, Angelo's son, John R. Cali, decided to join Cali Associates along with Brant Cali, John's son. Both sons learned the construction and management business from the bottom up and were well prepared to assume the responsibilities of managing Cali Realty Corp. when it made its initial public offering on the New York Stock Exchange in August 1994.

When Cali Realty went public, its assets consisted primarily of a portfolio of 12 office buildings adding up to 2.5 million square feet. Going public gave the founding fathers, Angelo and John, the opportunity to pass the torch over to the second generation of Calis. This continuity is clearly a source of pride for the Cali family.

As chief administrative officer, John R. Cali took on the responsibilities for directing acquisition functions for Cali Realty. Brant Cali, the chief operating officer, is responsible for directing the property management, leasing and marketing activities for Calif Realty. In just 3 years since going public, the second generation has expanded the company across the tri-state area, completing more than 9.7 million square feet of acquisitions, accumulating more than 117 properties and increasing the total market cap of the company from $300 million to nearly $2 billion.

In 1996, John J. Cali retained the title of chairman and passed on the title of CEO to Tom Rizk, a close friend brought into the business to serve as general counsel. All partners and their heirs are still with Cali Realty.

Mr. Speaker, I ask that you join me, our colleagues, the Center for Italian and Italian-

American Culture, friends of the Cali family and the State of New Jersey in applauding this family's realization of the American dream and recognizing their many outstanding and invaluable contributions to the community.

TRIBUTE TO ATTORNEY MARJAN R. KMIEC

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. KLECZKA. Mr. Speaker, I am pleased to rise today in tribute to Milwaukee attorney Marjan R. Kmiec, who is being honored by the Polish Legion of American Veterans, Woodrow Wilson Post 11, with their Heritage Appreciation Award.

For over three decades, Marty Kmiec has been actively involved in a variety of Polish heritage groups in my hometown, Milwaukee, including the Polish Legion of American Veterans, the Milwaukee Society and Polish Festivals, Inc. These organizations work to strengthen, preserve, and celebrate Polish heritage, an ethnicity Marty and I share. Marty was a founding member of Polish Fest, Milwaukee's summertime lakefront festival which successfully celebrates Polish-American customs and traditions, and served as its president for 10 years. He was actively involved the land acquisition for the future construction of the Polish Community Center.

Marty Kmiec is also a respected attorney, specializing in personal injury litigation. He served as president of the Milwaukee Bar Association Litigation Section for 3 years, and has shared his vast experience and knowledge in the field during lectures at Milwaukee Bar Association and State of Wisconsin Bar Association seminars.

I am honored to join the Polish Legion of American Veterans, Marty's colleagues, family, and friends, in thanking him for his years of dedicated service to the Milwaukee community, and our city's Polish community, in particular.

Congratulations, Marty. God Bless and keep up the great work.

HONORING EDDIE AND BETTY FELLABAUM ON THEIR 45TH WEDDING ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. NEY. Mr. Speaker, it is an honor to rise today to celebrate the 45th wedding anniversary of Eddie and Betty Fellabaum. It gives me great pleasure to congratulate Eddie and Betty on their special day.

In an era where marriages are too often short lived, it is wonderful to see a couple who has endured the trials and tribulations that can cause a marriage to fail. The love and commitment they have demonstrated should serve as an inspiration to couples everywhere.

Mr. Speaker, what an achievement to be married for 45 years. It is an honor to represent a couple like the Fellabaum's. I am proud to call them my constituents.

DEDICATED FEDERAL EMPLOYEES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. DOOLITTLE. Mr. Speaker, on Wednesday, October 8, 1997, eight employees of the Bureau of Reclamation and a pilot were tragically killed when their charter plane crashed en route from Montrose, CO to Page, AZ. The downed plane was not located until that Friday, at which time it was determined there were no survivors. I would like to offer my deepest sympathies to the families, friends, and coworkers of these dedicated Federal employees and the pilot.

The accident victims were: James L. Bloomfield, electrical engineer, Glen Canyon Field Division, Page, AZ, who was a Reclamation employee since 1983; William H. Duncan, Jr., manager, Glen Canyon Field Division, Page, AZ, a Reclamation employee since 1976; Delphina D. Holliman, computer clerk, Glen Canyon Field Division, Page, AZ, who was a Reclamation employee since 1996; Allen E. Inman, Jr. manager, Curecanti Field Division, Montrose, CO, who had been a Reclamation employee since 1980; Walter A. Kaltmaier, computer specialist, Glen Canyon Field Division, Page, AZ, a Reclamation employee since 1988; Jon E. Nees, safety and occupational health manager, human resources group of upper Colorado region, duty station at Montrose, CO, who was a Reclamation employee since 1979; Jeffrey E. Waite, powerplant operations manager, Glen Canyon Field Division, Page, AZ, a Reclamation employee since 1988; Catrina M. Wall, computer specialist, Glen Canyon Field Division, Page, AZ, a Reclamation employee since 1981; Robert Armstrong of Phoenix, AZ, a pilot with 10 years of experience with the airline.

Nothing can replace these individuals in the lives of those who loved them. I would like their loved ones to know, however, that their service and dedication has been remembered by the Congress. May the friends and family of all these victims be comforted in their time of sorrow.

TRIBUTE TO PASTOR EPHRAIM WILLIAMS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to one of California's great spiritual leaders, Pastor Ephraim Williams of St. Paul Missionary Baptist Church in Sacramento.

Today, Pastor Williams will conclude his 5-year tenure as president of the California State Baptist Convention. On this special occasion, I ask my colleagues to join me in saluting the remarkable evangelical contributions Dr. Williams has made while serving in this high position.

During his pastoral career at St. Paul, Dr. Williams has established a stellar reputation as a tireless spiritual and community leader in the Sacramento area. Yet his contributions extend far beyond St. Paul Missionary Baptist Church.

Through his roles as president of the California State Baptist Convention, and vice president of the National Baptist Convention, USA, Dr. Williams has proven to be a religious leader of State and national prominence.

Dr. Williams' accomplishments while president of the California State Baptist Convention include strengthening the spiritual growth of the individual members, pastors, and 230 churches which comprise that association. He has also provided non-pastors and laypeople with important opportunities to participate in the convention's activities and leadership roles.

Pastor Williams' success as president of the California State Baptist Convention is evident in the increasing attendance at the convention sessions, as well as in the mutual financial and evangelical support the member congregations are offering one another.

Under Dr. Williams' guidance, the California State Baptist Convention assisted churches affected by the spate of arson fires which occurred over the past several years. Additionally, he made sure that the congregations impacted by these heinous events received the financial support necessary to continue functioning.

Pastor Williams has furthered his religious and civic activities to include a broad array of important community-based and evangelical organizations. Among these are the California Southern Baptist African-American Network, for which he serves as first vice president, as well as the Christian Education Board, St. Hope Academy, the Sacramento City Unified School District Cluster of Schools, and the St. Paul and Oak Park Community Outreach Program.

In 1996, President Clinton hosted Pastor Williams for a meeting at the White House. He has also been honored by the California State Legislature, Sacramento Mayor Joe Serna, and the Urban League. The breadth of the awards and honors Pastor Williams has received is a testament to his significant community and evangelical endeavors.

Mr. Speaker, Dr. Ephraim Williams has contributed greatly to the spiritual and civic health of countless Baptist parishioners throughout the State of California and the entire Nation. As he steps down today as president of the California State Baptist Convention, I ask my colleagues to join me in saluting this truly exceptional religious leader.

HONORING THE OCCIDENTAL CHEMICAL CORP. HOUSTON CHEMICAL COMPLEX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Occidental Chemical Corp. Houston chemical complex for their selection by the

Deer Park Chamber of Commerce as the 1997 Industry of the Year. The Occidental Chemical Corp. Houston chemical complex's commitment to building a better future for our community has made it an example all industry can follow.

The Occidental Chemical Corp. Houston chemical complex [OXY] Deer Park facility has been a integral component of the area economy since its creation in 1948. Located along the Houston Ship Channel in my district, OXY produces many of the building blocks our economy needs to thrive and grow, including chemicals for paper, housing, and automotive manufacturing; petroleum products; packaging; textiles; detergents; and food processing. The success of the Occidental Chemical Corp. Houston chemical complex, and companies like it, have helped the United States become the world leader in petrochemical exports.

The Occidental Chemical Corp. Houston chemical complex employees 900 full-time and contract workers from Deer Park and the Greater Houston area. Its employees are an integral part of our community, contributing to our schools through Junior Achievement, local mentoring programs, and science fairs, and to area charities such as the United Way, Boys & Girls Harbor, Little League, and holiday food and toy drives. They also serve on local community advisory councils, local emergency planning committees, and school boards. Through their commitment, the people of OXY have shown that they understand that our schools and our neighborhoods are made better when we take the time to get involved.

Dedication to worker safety and environmental performance has been a hallmark of the Occidental Chemical Corp. Houston chemical complex. Earlier this year, OXY was approved as a Star Work Site, the highest rating conferred by the Occupational Safety and Health Administration, for its outstanding worker safety record. In addition, OXY has been a long-time participant in the Chemical Manufacturers Association's Responsible Care program. The program mission is to continually improve safety, health, and environmental protection by the chemical industry, a goal OXY has fulfilled. OXY's efforts have helped set an example of how worker safety, environmental protection, and business growth can go hand-in-hand.

Mr. Speaker, I congratulate the Occidental Chemical Corp. Houston chemical complex for their work in expanding business and job opportunities, establishing safer conditions for our workers and environment, and building a better future for our community.

TO SAVE HEALTH CARE REQUIRES MALPRACTICE REFORM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. THOMAS. Mr. Speaker, why do we need malpractice reform? Without it, the health care industry as a whole faces greater inflation and increases in costs, costs which Americans can not afford. With reform, however, both the consumer and medical practitioner alike benefit, both fiscally and physically.

Medical malpractice costs have risen 49 percent since 1990. At present, the estimated cost of such malpractice insurance is more than $9 billion annually, and the costs continue to mount. Add to this number the billions of dollars for defensive medicine, and tort litigation becomes a major contributor to the financial woes of the health care industry. In reforming the tort system, we will free up funds and lower the costs of overall health care.

A recent study performed by Stanford University professors David Kessler and Mark McClellan provides compelling evidence of the numerous cost-effective benefits of tort reform. By examining nearly almost 2 million cases of coronary illness among the elderly, over a time period spanning approximately 6 years, these analysts concluded that the Federal Government would have saved $600 million a year in Medicare expenditures on heart disease alone. In fact, the annual overall savings projected by the study totaled $10 billion to Medicare, an important reason why tort reform should be part of any effective strategy to save Medicare from bankruptcy. Even more phenomenal, however, are the figures projecting overall savings for the health care industry. By implementing tort reform, Kessler and McClellan estimate an astounding $50 billion in savings to the health care industry as a whole.

Defensive medicine significantly forces up medical costs. Defensive medicine is the practice of ordering extra tests on patients in order to protect the health care provider from the risk of being sued. Tort reform that directly limits the liability of health care providers, according to Kessler and McClellan, could reduce hospital expenditures by 5 to 9 percent within 3 years of adoption. This would be done primarily by eliminating unnecessary testing associated with defensive medicine alone. An excellent example of an illness subject to such practices is coronary artery disease. Over the 7-year period examined in the Stanford study, States with serious tort reform saw real costs rise about 9 percent, as compared to those States which lacked reform which experienced an inflationary rate more than 10 percent higher, at 19. Given the often uncertain diagnosis of this ailment, many doctors order up batteries of tests and procedures. As with heart attacks, researchers found these tests to be mostly defensive measures, which proved unnecessary. In fact, readmission and mortality rates remained constant throughout the United States. These extra tests are just one example of defensive medicine driving up the costs of effective and safe health care.

Yet these savings in no way harm either private citizens or the health care industry. The health care liability system actually tends to stymie efforts to make health care safer and more accessible. Rising insurance premiums have long charted the rising cost of jury awards and out-of-court malpractice settlements. By issuing a cap on pain and suffering damages, by eliminating collateral source payments, and by placing limits on plaintiff attorney contingency fees, we will be able to not only lower health care costs, but also allow more than the mere 43 cents received for every dollar, at present, to reach injured patients.

In 1975, California, my home State, introduced a number of tort reforms applying to medical malpractice. The Medical Injury Compensation Act [MICRA] embodies a package of reforms, including a $250,000 cap on noneconomic damages, which set a precedent which national reform should be modeled after.

I propose that Congress take the following necessary measures in implementing tort reform. First and foremost, we must follow California's lead and adopt a $250,000 cap on pain and suffering awards. This cap will in no way limit the amount of money that an injured plaintiff could receive to cover his or her hospital costs, doctor bills, lost wages, or other medical expenses. Second, I would advise an elimination of collateral source payments. Plaintiffs, and their attorneys, often receive payments totaling two or more times the actual amount of damage ensued, simply by being paid by multiple insurers or defendants. As a third measure, I believe that we must place a limit on attorney contingency fees. In so doing, we will provide more money to the deserving injured patient. Finally, effective tort reform must allow for both periodic payments, and a fair statute of limitations.

In 1995 the House of Representatives passed the product liability bill and the Balanced Budget Act, in 1996 the Health Insurance Portability and Accountability Act, and in 1997 the Balanced Budget Act. Each of these important pieces of legislation included measures to instate medical malpractice reform, and each has received my support. Four times the House has passed tort reform legislation, and four times the Senate has removed such measures from the legislation. We cannot allow this pattern to continue.

By taking the bold steps necessary to reform the tort system, both the House and Senate would be bettering the lives of every individual. The health care system of this country plays an important role in all of our lives. It is the responsibility of the leaders of this Nation to maintain it in such a way as to provide the safest, most cost-effective, and highest quality medicine possible. Without medical malpractice reform we fall dangerously short of this goal.

FORTIETH ANNIVERSARY CELEBRATION FOR THE ENGLEWOOD BLOCK CLUB

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. RUSH. Mr. Speaker, I rise today to honor an extraordinary group of people from the 1st Congressional District of Illinois. They are part of the Englewood Community Block Club located at 61st and Sangamon Drive in Chicago, and they have dedicated their lives to community service. Block clubs have a rich history within the city of Chicago, and the Englewood Community Block Club has made a significant contribution to that history. Many of the founding members remain as an integral part of the organization, and many others have served for the past 30 years or more.

I was honored to have the opportunity this past weekend, to take part in their 40th anniversary celebration. I would like to recognize several individuals who received awards during the celebration banquet for their outstanding work over the years.

Mr. Horace C. Broy, Sr., received the Superior Presidential Award for his work as president in the block club. Mr. Broy is one of the original founding members of the Englewood Block Club and implemented a number of community service programs during his tenure.

Dr. Horace and Betty Broy received the award for Superior Achievement by a Husband and Wife in Education. The couple has been married for the past 27 years.

Mr. Henry Sanders received the Outstanding Treasury Service Award, for his role as treasurer for the past 25 years.

Deacom Albert Bailey, Sr., was presented with the Outstanding Christian Community Leadership Award. Deacon Bailey has actively served his community through a number of activities for the past 40 years through the Little League Program, the Chicago Public Schools system, and as a Sunday school teacher.

Mr. Roderic Pierce, Sr., received the Outstanding Community Businessman Award. He is a lifelong resident of Englewood, and has provided job opportunities within the community through his business establishments.

Ms. Sybil Hunley is the recipient of the Julia Broy Educator Award. Ms. Hunley is a teacher in the Chicago Public School System and has taught three generations of students over the past 37 years.

Ms. Patricia Ann Hill was awarded the Adult Education Achievement Award. As a single parent who returned to school and earned a bachelor of arts degree from Chicago State University in 1987, Ms. Hill is an inspiration to other students who may be struggling with their decision to return to school.

The Appreciation Award for Outstanding Service to Block Club was presented to Mrs. Eva Graves. Mrs. Graves served as vice president of the Block Club for 35 years, and is a founding member.

Mr. Speaker, we are all fortunate that dedicated individuals such as these, are part of our communities today. I wish each of them and the entire Englewood Block Club organization continued success in the future.

TRIBUTE TO RAYMOND R. KIMBLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Raymond R. Kimble, the township manager and director of public safety for the Township of Belleville, NJ as he was honored on Thursday, October 16, 1997, for 33 years of outstanding public service.

Ray was born and raised in the township of Belleville, attended the public schools and was a star athlete on the Belleville High School football team. He graduated from William Paterson College with a B.S. in public administration and a master's degree in urban and community affairs.

Ray served his Nation proudly in the U.S. Army from November 1958 to October 1960 and began his service to the Belleville police department on February 16, 1964 when he received his initial appointment. Ray was promoted to the rank of sergeant in 1967, lieutenant in 1973, captain in 1981, deputy chief in 1986, and eventually to the rank of chief of police on April 1, 1992. Throughout his career as a police officer, Ray either served or supervised the police department's patrol division, detective bureau, records and identification bureau, internal affairs division and crime prevention unit. He has been recognized numerous times for actions above and beyond the call of duty, including the April 1970 apprehension of a suspect wanted for murder in Belleville, the June 1970 rescue of a woman submerged under water in her car after a motor vehicle accident, and the June 1977 apprehension of a suspect exiting a liquor store after committing armed robbery.

As chief of police, Ray was responsible for many improvements made in the Belleville police department including new guns and radios for the officers, the expansion of the narcotics squad, the creation of the Silver Lake sub station and the addition of 15 police officers through State and Federal grants. Ray helped bring about the addition of over $1 million in State and Federal funds to the department, the establishment of the community policing unit and training bureau, and the expansion of the internal affairs unit. He was additionally instrumental in the building of the new public safety complex.

Ray is the former vice president of the Essex County Police Chief's Association and a member of the New Jersey State Police Chief's Association, Belleville P.B.A Local 28 where he served on the executive board. He also devoted his time as a member and officer of the Belleville Little League.

He is married to the former Marie Marinaro and is the father of four children, Raymond Kimble, Jr., Esq., Steve Kimble, Esq., C.P.A., Linda Conley, and Lisa Gabriele, and the grandfather of Raymond.

Mr. Speaker, I ask that you join me, our colleagues, Ray's family, friends, and colleagues, the Township of Belleville and the members of the law enforcement community in recognizing Raymond R. Kimble's many years of dedication and invaluable contributions to the public safety of Belleville and its citizens.

THE ECONOMIC DEVELOPMENT INFORMATION ACT OF 1997 INTRODUCED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. TRAFICANT. Mr. Speaker, today, I introduce the Economic Development Information Act of 1997. This bill establishes and expands an online resource of Government-wide Economic Development Information in the Economic Development Administration of the U.S. Department of Commerce.

BACKGROUND: THE SUCCESS OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION

Over the last decade, hundreds of defense bases have been realigned and closed and more than 100,000 defense civilians have lost their jobs. Pursuant to the 1995 round of base realignment and closure, additional bases are slated for closure in the next 4 years. To help communities and displaced workers adjust to this defense downsizing, Congress established the Office of Economic Conversion Information [OECI] in the Economic Development Administration [EDA] in November 1993.

The Office of Economic Conversion Information is an important part of the Federal Government's efforts to share information on defense adjustment and economic development. The OECI serves as a "one-stop shop" central clearinghouse for a wide range of users, ranging from individual displaced workers and economic developers to communities facing major base closures and businesses affected by defense downsizing. It helps these groups pick their way through the maze of Federal defense conversion and economic development programs in an easily usable format—a toll free 1–800 phone call, fax, or use of OECI's Internet site—and provides information on how others have responded to defense downsizing. With a database of more than 1,000 files, the OECI is not limited to sources of Federal funding and support. It also includes State and local program descriptions, case studies, guidance manuals, raw economic data, and various publications related to base reuse, worker placement programs, and the commercialization of defense technology. In addition, the OECI has created a new system, the PARCELS Military Base Property Marketing System, to further assist communities impacted by military base closures. This system helps communities create their own Internet home pages to describe and market base closure properties for private investment.

In its almost 4 years of operation, the OECI has responded to more than 143,000 queries. It currently serves approximately 5,000 customers each month. Moreover, the average OECI Internet user is not merely visiting the site, they are using it—the average user downloads 3 to 5 documents. Because of this success, EDA's OECI was awarded the American Economic Development Council's Arthur D. Little Technological Excellence Award in April 1996.

THE ECONOMIC DEVELOPMENT INFORMATION ACT OF 1997

The success of the OECI in assisting workers, communities, and businesses in adjusting to downsizing should not be limited to base reuse and defense conversion. The Economic Development Information Act of 1997 creates the Office of Economic Development Information in EDA—expanding the OECI to help all economically distressed communities.

Pursuant to this bill, the OEDI will serve as a central information clearinghouse on economic development, economic adjustment, disaster recovery, industrial retention, and defense conversion. In addition, the OEDI could link users to an expanded PARCELS system that would list all Government-owned properties that need economic redevelopment. The bill authorizes such sums as may be necessary to establish the OEDI.

I am hopeful that when the Committee on Transportation and Infrastructure considers its

bill to reauthorize the programs of the Economic Development Administration and Appalachian Regional Commission later this Congress, this bill will be a part of the chairman's mark.

When a community's top employer shuts down, it doesn't matter to the community or its workers whether that employer is a defense installation or a steel plant. It shouldn't matter to EDA and its information network either. The Office of Economic Development Information provides the resources to ensure that all of our Nation's economically distressed communities have the information necessary to help them create jobs and compete in the global economy.

CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JOSEPH P. KENNEDY, II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in support of H.R. 2169, the Transportation appropriations conference report. I want to thank my colleagues on both sides of the aisle for providing $1,000,000 to develop the Boston Urban Ring.

The Urban Ring will make public transportation more efficient around Boston. It will stimulate economic growth, and it will enhance the chances of persons on welfare to find jobs, by providing an efficient, inexpensive form of transportation for them to travel between home and work.

The Urban Ring will stimulate economic growth because it will create an affordable transportation system for all commuters to travel the Boston area without using their cars. The business community will be well served because the Urban Ring will expand the accessibility of its labor force. This will help businesses to increase redevelopment potential of underutilized or vacant land and buildings that were used in the region's older industrial economy.

The Urban Ring will help the chances of welfare recipients to find jobs. These days, many factories and businesses build their new facilities in the suburbs. But many welfare recipients live in the city. The Urban Ring will provide inner city residents affordable transportation to find jobs in the suburbs, and to keep those jobs.

Finally, I want to thank the conferees for providing $250 million for Amtrak's Northeast Corridor Improvement Program. Amtrak's passenger service contributes to cleaning up air pollution in my district. It reduces the number of cars on the road every day between Boston and New York by 27,000.

The Transportation appropriations conference report is fair and adequate, and it is a great help to the Boston area. I urge my colleagues to vote in favor of the conference report.

TRIBUTE TO HENRY B. GONZALEZ

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. LAZIO of New York. Mr. Speaker, I rise today to pay tribute to the distinguished Member from Texas and the ranking member of the Banking Committee, Mr. GONZALEZ.

Representative GONZALEZ has served in elected public office for more than 40 years, and has served with distinction in this House since the 87th Congress in 1961. Mr. GONZALEZ served as chairman of the Subcommittee on Housing and Community Development beginning in 1981 until the 104th Congress when he became ranking member of the committee.

During his time here in the House, Representative GONZALEZ dedicated much of his time to helping low-income families and distressed communities across America obtain affordable housing and development opportunities.

I have had the privilege of working closely with the distinguished gentleman since becoming chairman of the subcommittee in 1994. Although we have often held different perspectives on public policy, we both believe that our most vulnerable populations must be protected. I thank him for his leadership and lifelong commitment to helping our Nation's poor.

IN RECOGNITION OF 22 YOUNG MUSICIANS FROM CENTRAL MIDDLE SCHOOL IN COLUMBUS, IN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. McINTOSH. Mr. Speaker, I rise today to recognize 22 young musicians from Central Middle School in Columbus, IN, who will be performing this week at the Holocaust Museum in Washington as part of the school's annual tour of the Washington area.

These young musicians, under the direction of Ms. Sue Hartin, will perform "Inscription of Hope" by D. Z. Randall Stroope. This song is based upon words inscribed on a cellar wall in Cologne, Germany, where Jews were hiding during the Second World War. According to Ms. Hartin, "The purpose of this performance is to give the students a deeper, more personal understanding of the reality of the Holocaust. This music gives a unique insight to simple historical facts."

The actual text of the piece reads:

I believe in the sun even when it is not shining, and I believe in love even when there's no one there. And I believe in God even when he is silent. I believe through any trial, there is always a way. But sometimes in this suff'ring and hopeless despair, my heart cries for shelter, to know someone's there. But a voice rises within me saying "hold on my child, I'll give you strength, I'll give you hope, just stay a little while." I believe in the sun even when it is not shining, And I believe in love even when there's no one there. But I believe in God even when he is silent. I believe through any trial, there is always a way. May there someday be sunshine, may there someday be happiness, may there someday be love, may there someday be peace.

I am happy to congratulate these young students on their hard work and wish them the best of luck for their performance this week.

CONGRATULATING JIM GURETSKY, CHAIRMAN OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. CHRISTENSEN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Jim Guretzky on his recent appointment to the chairmanship of the National Association of Federal Credit Unions [NAFCU]. During my term in Congress, I have worked closely with Jim on a number of issues and have found him to be a man of outstanding ability and knowledge. I feel credit unions across the Nation will benefit from Jim's leadership and business acumen. He has been president of the SAC Federal Credit Union in Omaha, NE, since 1984. Also, he has pledged that as chair of the NAFCU, he will work with the other directors on the NAFCU board and with members of the credit union community to help ensure all Federal credit unions receive the education, information, and representation they need to remain competitive and to maintain safe and sound operations. I look forward to working wit Jim Guretsky to attain these goals, and wish him a successful tenure as chairman of NAFCU.

TRIBUTE TO REUBEN HARPOLE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, on October 25, the University of Wisconsin—Milwaukee [UWM], his family, friends, and admirers will celebrate Reuben Harpole's 31 yeas of service to UWM and his lifetime of service to Milwaukee.

I have known Reuben for years, and it is hard to recall a more dynamic, engaging personality. These qualities and his love of people have guided Reuben through the tough times. In the 1960's, he was not daunted by the challenges of selling white businesses advertising space in a newspaper serving African-American readers. When racial tension in Milwaukee threatened to explode in violence, Reuben did not retreat. He enlisted the partnership of a UWM professor, surveyed African-American families, learned that their most urgent desire was that their children should be able to read, and the two men founded a program at UWM to teach them.

Reuben Harpole's commitment to education is incomparable. He established a central city

teacher project, was instrumental in the foundation of Milwaukee's Harambee Community School and has been a driving force at UWM's Center for Urban Community Development for the past 31 years. UWM has established in his honor the Reuben Harpole Education Scholarship. Every year, the scholarship will help one UWM school of education student to reach toward Reuben's goal. I can think of no more fitting recognition of Reuben's unique dedication to the education of our children.

Reuben Harpole brings energy and vitality to every undertaking. He put the king in networking, and his unabashed enthusiasm is irresistibly infectious. I do not doubt for a second that, as he has for over 30 years, Reuben Harpole will continue to get things done.

TRIBUTE TO ARCHIE D. BARRETT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SKELTON. Mr. Speaker, today, I wish to congratulate and pay tribute to Archie D. Barrett, who recently retired from his position as Principal Deputy Assistant Secretary of the Army, Manpower and Reserve Affairs, Mr. Barrett served our Nation for 44 years, as an Air Force fighter pilot, a member of the professional staff of the Armed Services Committee of the U.S. House of Representatives, and finally in his most recent position where he was the principal advisor to the Assistant Secretary of the Army on all Department of the Army policy and activities pertaining to manpower and force structure.

Archie D. Barrett was born in Paris, TX, on August 13, 1935. Following graduation from high school, he accepted an appointment to the U.S. Military Academy at West Point. He graduated from West Point in 1957, and was commissioned as a second lieutenant in the U.S. Air Force. During his distinguished 24 year career in the Air Force, Mr. Barrett served in a variety of assignments, including an assignment as an F–4 fighter pilot in Southeast Asia during the Vietnam conflict. Along the way, he earned both a masters and a doctorate from Harvard University. He retired as a colonel in 1981.

After retiring from the Air Force, Arch began 13 years of service as a professional staff member of the then House Armed Services Committee. He served on both the Subcommittee on Investigations and the Subcommittee on Military Forces and Personnel, where his responsibilities included participation in the investigation of the terrorist bombing of the Marine headquarters in Lebanon. I worked very closely with him when I chaired the panel on military education of the House Armed Services Committee. His thorough knowledge of the defense education system helped the panel formulate needed reforms in this area.

Arch Barrett will be best remembered in Congress for his work on the hearings and legislative proposals on defense reorganization, culminating in the Goldwater-Nichols Department of Defense Reorganization Act of 1986. It was my privilege to work with Arch on this issue, and his expertise on Department of Defense organization proved invaluable to Congress and the Nation. Indeed, his book on this subject, "Reappraising Defense Organizational," was published in 1983. It is not overstating it to say that this legislation, which helped win the gulf war, would not have become law without the tireless and devoted efforts of Arch Barrett.

Mr. Speaker, Archie D. Barrett is a national treasure. Although he is retiring from the Government, I am sure that he has many more productive years of service ahead of him, and that we will be able to call upon his wise counsel when needed. I know the Members of the House will join me in extending our heartfelt gratitude and best wishes in the years ahead to Arch and his family—his wife Miriam, who joins him in retirement from her position in the office of our colleague MARTIN OLAV SABO, and his three children, Julie Ann Heady, Cynthia Dawn Barrett, and Archie Don, Jr.

TRIBUTE TO THE HONORABLE WAYNE R. BRYANT, THE HONORABLE RICHARD H. BAGGER, THOMAS P. GIBLIN, AND T. JOSEPH SEMROD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Honorable Wayne R. Bryant, senator of the 5th district, the Honorable Richard H. Bagger, assemblyman of the 22d district, Thomas P. Giblin, president of the International Union of Operating Engineers, Local 58, and T. Joseph Semrod, chairman and CEO of Summit Bancorp. These individuals were all honored on Tuesday, October 14, 1997, by the New Jersey Society for Environmental and Economic Development [NJ SEED] and each is tremendously deserving of this recognition.

Senator Wayne Bryant and Assemblyman Richard Bagger are receiving the organization's legislative award.

While in the legislature, Wayne sponsored a series of welfare reform initiatives, signed into law in 1992, designed to foster family formation and require personal responsibility through education and employment. He was also sponsor of legislation which created the Thomas H. Kean New Jersey State Aquarium in Camden and the transportation trust fund. He is a graduate of Haddon Heights High School and Howard University and received his bachelor of arts degree in political science in 1969. Wayne studied law at Rutgers University in Camden, receiving his juris doctorate in 1972, the year of his admission to the New Jersey bar.

Assemblyman Richard H. Bagger was born March 27, 1960, in Plainfield. Richard is a 1982 graduate of Princeton University's Woodrow Wilson School of Public and International Affairs. He received his juris doctorate degree from Rutgers Law School in 1986. He was admitted to the bar in 1986 and is a corporate manager with Pfizer, Inc.

Richard served as mayor of Westfield in 1991 and 1992. He also served on the Westfield Town Council from 1984 to 1990 and on the Westfield Planning Board from 1987 to 1992, serving as chairman in 1990. He is serving his third term in the assembly and is the sponsor of more than 50 laws, including measures concerning economic development, energy policy, civil justice reform, education, state budgeting, and local government.

Thomas P. Giblin, of Montclair, NJ, was elected New Jersey State Democratic Chairman in June 1997. His party service also includes serving as chairman of the Essex County Democratic Committee since June 1993, performing as a delegate at the 1996 Democratic National Convention in Chicago, IL, and being an alternate delegate to the 1984 and 1988 conventions. He was also a member of the New Jersey electoral college.

Tom served for 10 years as a member of the Essex County Board of Chosen Freeholders and served as president during 1987 to 1988. He as elected Essex County surrogate in November 1989 and served until his election as Essex County Democratic chairman. Tom is president of the 5,000 member Local 68–68A–68B of the International Union of Operating Engineers, AFL–CIO, headquartered in West Caldwell, NJ. As president of Local 68, Tom also serves as chairman of the board of trustees for the union's pensions, welfare, education, and annuity funds. He is the president of the Essex-West Hudson Labor Council, AFL–CIO, and a trustee of the United Labor Agency of Essex and West Hudson.

T. Joseph Semrod is chairman and CEO of Summit Bancorp. He is a respected individual throughout the banking and financial community. He is the recipient of a multitude of civic awards and has led Summit Bank through tumultuous and rapid expansion.

Summit is a New Jersey bank and under Joe's leadership they have definitely prioritized New Jersey. Joe has exemplified the importance of being a good corporate neighbor and is indeed worthy of accolades.

Mr. Speaker, I ask that you join me, our colleagues, the families and friends of Wayne, Richard, Tom, and Joe, New Jersey SEED, and the State of New Jersey in recognizing Wayne R. Bryant, Richard H. Bagger, Thomas P. Giblin, and T. Joseph Semrod's many outstanding and invaluable contributions to the community.

PERSONAL EXPLANATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SCHUMER. Mr. Speaker, I was unavoidably detained on Thursday, October 9, and unable to cast several votes on the District of Columbia appropriations bill. Had I been here I would have voted "no" on final passage of the bill, "yes" on the Moran substitute, and "no" on the motion to table the motion to reconsider.

LOWER TAXES ON INCOME AND HELP THE ENVIRONMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. STARK. Mr. Speaker, I will be introducing legislation to gradually lower and even eliminate the payroll tax on wages.

The tax revenue lost by reducing the payroll tax rates will be replaced by an equal and gradually rising tax on energy and pollutants, thus helping the environment and reducing the disruption that may be caused by global warming.

This tax will fall heavily on imported energy and will help gradually reduce our dependence on unstable sources of foreign oil, as America becomes more energy efficient in response to higher energy prices.

By lowering the tax on labor, we will encourage full employment and the movement of people off welfare. By raising the price of energy and nonrenewable resources, we will encourage innovation and new products that will help make America the leader in the types of production needed in the 21st century.

By phasing in these tax shifts gradually over 20 years, the proposal avoids disruption and gives time for adjustment. Some of the money raised by taxes on energy and pollutants will be returned to the regions of the country that are primary producers or users of energy and nonrenewables, so that those communities will have extra money to transition to new forms of cleaner production or more energy efficient homes and workplaces. Those on fixed retirement income will be kept whole by special attention to ensuring that price increases in energy related items are fully compensated through cost-of-living adjustments.

To repeat, under this proposal, there will be no net increase in taxes. There will be a shift in taxes off of things we value—labor—and onto things we want to discourage—wasteful use of energy and nonrenewable resources. People will see the price of gasoline increase—at the same time they see the tax on their income decline.

This proposal is a 3-fer: it lowers the payroll tax; it discourages pollution and helps the United States in its international negotiations on global warming; it increases our national security by reducing our dependence on the Middle East and other unstable regions.

I hope that my Republican colleagues who support sales taxes and/or value added type taxes will take a look at this proposal. Their proposals would increase the taxes on energy and nonrenewables along with all the other things sold or manufactured in our society. But rather than set up elaborate new sales tax or VAT collection systems on millions of businesses and production centers, with all the potentials for evasion and abuse, this proposal would concentrate tax collection on just a few thousand sources of production, freeing millions of others from paperwork and IRS hassels.

Republican leaders from Texas, who have been proposing various tax reforms, may at first object to concentrating the new system of taxation on energy, because Texas is such a major producer of energy. But I urge them to work with me to return extra amounts of the revenue raised by this proposal to their region to help it transition to a cleaner and higher-paying form of production.

I hope to introduce this bill before the recess, and I invite comments and ideas on how to make it a smooth transition for America.

To repeat: this is a chance to ensure a cleaner environment for future generations, increase America's security, reduce taxes on employment, and encourage the production of a new generation of products.

This is not a tax increase. It is a tax shift from things we don't want to tax onto things we should want to discourage.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Ms. KILPATRICK. Mr. Speaker, during earlier debate on the floor of the House on October 9, 1997, I stated that my oldest son, Kwame Kilpatrick, was an attorney. While he will soon be an attorney, he is a third year law student. I would like to use this opportunity to correct that fact in the CONGRESSIONAL RECORD, and I thank the House for this opportunity.

ROGER DESROSIERS AIDS DEMOCRACY AND FREE ELECTIONS IN BOSNIA AND HERZEGOVINA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize an outstanding teacher in Massachusetts' Second Congressional District, Roger Desrosiers.

As a teacher at Millbury Jr./Sr. High School, Mr. Desrosiers challenges young minds in his classroom. This past summer, Mr. Desrosiers challenged teachers in Bosnia and Herzegovina to prepare their students for life in a democratic system. Mr. Desrosiers was part of a team of 20 American educators who traveled to Bosnia and Herzegovina as part of the CIVITAS Program, developed by the center for civic education.

During the intensive 17 day program, Mr. Desrosiers provided teachers in Bosnia and Herzegovina with the tools to prepare their students and communities for competent and responsible citizenship in a democracy. He showed his Bosnian counterparts how to engage their students in elections and the political life of their communities. Mr. Desrosiers' effort and energy with teachers this summer will inaugurate a sense of community, cooperation, tolerance, and support for democracy and human rights in this war torn area.

In this age when American children will grow up to lead on a global level, their education is of paramount importance. Quality teachers and schools ensure they will be prepared. Mr. Desrosiers meets this responsibility thoroughly. For him, teaching does not end at the last bell of the day. Teaching continues after school, on class trips to Washington, and even with other teachers in foreign countries. I am proud to introduce him to this House today, and ask you to join me in recognizing his accomplishment.

INTRODUCTION OF LEGISLATION TO DECLARE A NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL SERVICE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce legislation, along with my colleague from Virginia, Congressman GOODE, declaring that the memorial service held each year in Roanoke, VA to honor emergency medical services personnel be designated as the National Emergency Medical Services Memorial Service.

In 1928, an aptly named gentleman from Roanoke, VA, Julian Stanley Wise, founded the first volunteer rescue squad, the Roanoke Life Saving and First Aid Crew. This organization was the forerunner of today's emergency medical services, or EMS, programs. Today, thousands of dedicated citizens give their time and energy to community rescue squads across the country as EMS personnel, and many have made the ultimate sacrifice by giving their lives for the safety and welfare of their fellow citizens.

To further recognize the contributions of both Julian Wise and countless EMS personnel nationwide, a museum was established in Roanoke to pay tribute to both volunteer and career EMS personnel. This museum, called "To the Rescue," includes a memorial "Tree of Life," which includes a bronze oak leaf that has inscribed on it the names of all those who have been recognized. A National EMS Memorial Book, located beside the "Tree of Life", contains a picture and brief biography of each person recognized.

In 1993, to honor EMS personnel from across the country who have died in the line of duty, the Virginia Association of Volunteer Rescue Squads, Inc., and the Julian Stanley Wise Foundation, in conjunction with To The Rescue, organized the first annual National Emergency Medical Services Memorial Service in Roanoke. Since then, the National EMS Memorial Service has captured national attention by honoring 119 providers of emergency medical services from 35 States.

The life of every American will be affected, directly or indirectly, by the uniquely skilled and dedicated efforts of the EMS personnel who work bravely and tirelessly to preserve America's greatest resource—her people. Because the memorial service held in Roanoke is a fitting reminder of that bravery and sacrifice, it is only appropriate that Congress recognize it as the National Emergency Medical Service Memorial Service. Similar legislation is being introduced in the Senate by Senator GREGG of New Hampshire, as well as Senators WARNER and ROBB of Virginia. I join

Congressman GOODE in urging that the House act swiftly to pass this important resolution and recognize the important role that EMS personnel play in the life of every American citizen.

RECOMMENDED READING ON THE CHANGING NATO AND THE EFFECT OF GLOBALIZATION ON THE TRANSATLANTIC RELATIONSHIP

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BEREUTER. Mr. Speaker, as chairman of the House delegation to the North Atlantic Assembly [NAA], it is my distinct pleasure to call to the attention of the House and the American people the outstanding paper delivered by the gentleman from Virginia [Mr. BLILEY] as chairman of the NAA Economic Committee at the fall meeting of the NAA in Bucharest, Romania, on October 9–13, 1997. Members of the House should find this truly exceptional, incisive, and very timely presentation by our colleague to be of great value and worth their reading time. This is particularly the case because it focuses on two very important subjects: First, the reasons for the continuing importance of the alliance we know as the North Atlantic Treaty Organization [NATO] as it expands to incorporate three additional member countries and reexamines its mission, and second, the diverse set of changes affecting our planet which we term globalization and specifically their impact on the transatlantic relationship. The paper by our distinguished colleague, the gentleman from Virginia [Mr. BLILEY] follows:

NATO IN THE 21ST CENTURY: ECONOMIC COMMITTEE CHAIRMAN'S CONTRIBUTIONS

There are two kinds of economic issues that this committee should discuss as we try to envision challenges and opportunities to the Alliance over the next decade: those that will directly affect what we might call the business of NATO and those that will have an impact on the broader transatlantic relationship. Let us first look at the direct issues beginning with burden-sharing.

The end of the Cold War was quickly follows by large cuts in defense outlays as NATO members sought to reap dividends from the decline in threat. These reductions made perfect fiscal and military sense, but also fueled a debate about NATO's ongoing relevance. Some Americans for example began again to ask why precious resources should be used to defend the rich countries of Europe, particularly given the unrelenting financial pressures arising out of America's budget deficit, the declining threat and the need for new domestic infrastructure investment. The Balkan war and NATO's decisive role in quelling that disturbance amply demonstrates the ongoing need for a transatlantic alliance. Yet, the old burden-sharing debate will not go away. Indeed, NATO enlargement will only fuel that debate, although most of the additional cost burdens associated with enlargement will fall on new members themselves. European initiatives to improve mobility and lift become all the more important in an enlarged NATO and insofar as enlargement encourages NATO's European members to move in this direction; it could ultimately ease rather than exacerbate the burden-sharing debate. Finally, as Harry Cohen—member of the British House of Commons—points out in his draft report on the Costs of NATO Enlargement, properly administered alliances generally are cost effective insofar as they provide greater security at lower cost than purely national defence. This fiscal reality does not show up in national accounting sheets, but it will continue to hold true. We parliamentarians must help ensure that the burden-sharing debate reflects this central reality. If national leaders fail to do this, this vital Alliance could come under unwelcome political stress.

The growing gap in the defence-industrial bases of Europe and the United States represents another economic issue with direct consequences for NATO. Here the problems may be more serious. Norbert Wieczorek's report to—the Economic Committee of the North Atlantic Assembly—on changing defence markets discussed the important consolidation of U.S. defence industries. Profound restructuring and rapid integration of information technology have resulted in a growing U.S. competitive edge over European defence firms, which remain more heavily regulated, smaller and higher cost producers. This gap makes a genuine two-way street in defence trade increasingly difficult and is adding yet another barrier to transatlantic project teaming. The divergence is growing so apparent that it could eventually have spill-over effects on military tactics and the overall transatlantic relationship. The recent Administration-EU Commission dispute over the Boeing-McDonnell Douglas merger was indicative of this issue's great sensitivity.

Until Europe creates a more unified market for defence goods which fosters the creation of pan-European defence firms, there will be few European firms to rival their American counterparts in scale and scope. The result will be higher procurement costs in Europe and perhaps even greater protectionism which will further shorten the scope for transatlantic defence industrial exchange and could lead to trade tension. Transatlantic defence co-operation and trade foster interoperability, reduce overall defence costs, and ensure the existence of competitors which will help spark innovation and cost reductions. Europe is moving too slowly in consolidating the defence business, and unless the effort is galvanized, the current gap may become wider by the next century.

Internal market reforms in transition economies has also become an issue directly related to NATO's future, insofar as the introduction of liberal market structures is a precondition for an invitation to join the Alliance. The financial capacity of prospective states to underwrite force modernization, retrain their officers and meet minimal standards of interoperability represents another economic consideration of considerable importance. These factors were crucial to NATO's decision to invite Poland, Hungary, and the Czech Republic to accession negotiations. The pace of reform has certainly quickened in Romania and was one reason why its candidacy was considered with a great deal of seriousness—something which was not anticipated even two years ago. Slovenia has already registered one of the more impressive transitions to a market-based economy. As the region's economies become more integrated with those of Western Europe, whether or not they are formally invited to join the EU, it seems likely that the economic preconditions for NATO accession will be met by several other states over the next ten years provided the reform path is not abandoned.

Accession is not without economic consequences, NATO, of course, has no direct responsibility over transatlantic economic management, but it certainly can provide a secure foundation which business and investment need to flourish. This is taken for granted among current members, but not by aspiring members. Disappointed Romanian and Slovenian officials lamented that their being left out of NATO would penalize them economically. Those admitted, on the other hand, might enjoy a comparative advantage in attracting foreign investors who would be marginally more reassured by the commitment of the West to the security of new members. It should be recalled that such considerations can even have an impact on interest rates, and thus all things being equal, membership could thus reduce the cost of capital in new member states. So much for the issues of direct consequence to NATO.

The second category of economic issues that are likely to affect the Alliance will not be specifically tied to NATO, but will nevertheless be influential in shaping the overall relationship between North America and Europe. It should go without saying that the end of the Cold War has profoundly altered the transatlantic relationship. The dramatic reduction of military tension has perhaps loosened the discipline that kept the Atlantic partners from allowing trade, monetary or other economic disputes to weaken the partnership. There are some signs that each side is now turning away from the other despite real interests in not doing so. The key question is whether or not mutual economic dependencies as well as shared strategic interests are sufficient to hold together the Alliance. I think they should be, but we must recognize the potential for difficulties in an Alliance no longer overwhelmingly bound together by an overarching Soviet threat but rather united by a more complex set of strategic, political and economic ties.

A second consequence of the Cold War's passing is that economic issues have become a more prominent force in the overall transatlantic relationship. On the face of it, this is a good thing; Europe and America broadly share a common appreciation of the value of a liberal international economic regime and are important trade and investment partners. One writer recently described the relationship in terms of a shared economic culture, writing that, "When America and Europe advocate free trade, they are less likely to talk past each other than are America and Asia." Although economic relations between the two continents have generated great material prosperity, they have also long been a source of generally healthy, if often fiercely contested, competition. That rivalry is never as heated as it is when two conflicting visions of the legitimate role of the state in economic matters come into play. In recent years we have seen the American officials claim that foreign policy imperatives give it the right to exercise extraterritorial authority over non-American firms. The European Commission did the same when it claimed anti-trust review authority with regard to the Boeing-McDonnell Douglas merger.

Since the end of the Cold War, the frequency and seriousness of transatlantic economic disputes seems to be growing. This is hardly a welcome harbinger for future transatlantic relations; but it could just as well reflect difficulties associated with transition

to a new international security and economic order.

The shape that Europe takes is another critical factor in the transatlantic relationship. We can now presume that EMU will go ahead, and that by January 1999, the Euro and a European Central Bank will be in place. This will constitute the greatest change to the international monetary system since the collapse of Bretton Woods. The accompanying commitment to price stability will bring down interest rates in Europe and may provide an additional impetus to loosen overly burdensome labour market regulation which has been the primary source of high unemployment on the continent. This coupled with the elimination of burdensome transaction costs will more deeply unify European money and commercial markets and will prove a dynamic boost to European growth. Moreover, the Euro will ultimately rival the dollar internationally. It is possible however that the absence of fluctuation in intra-European rates could result in even greater dollar-Euro rates fluctuation with negative effects on transatlantic trade and investment. Thus in monetary matters, Europe and the United States will have to consult even more deeply than they do today. In this respect, perhaps the creation of a Euro could be a force for greater transatlantic integration. This, of course, hinges on a number of additional economic and political factors.

The likely accession of new members to Europe in the early years of the next century could have different effects on transatlantic relationship. The Americans will broadly welcome EU enlargement as a critical contribution to regional stabilization and prosperity and thus a natural complement to NATO enlargement. Moreover, EU enlargement is likely to compel Europe finally to revamp those institutions and programs which many officials acknowledge have grown outdated or unwieldy. Agricultural reform here may be the key question, and insofar as it leads to greater market access for American producers and general liberalization of agriculture markets, it could have a very positive impact on the transatlantic relationship.

On the other hand, a geographically larger, more diverse Europe implies perhaps a more inward-looking EU, at least over the medium term. The process of consolidation is likely to create certain tension with the United States, particularly if American officials and the US Congress gather the impression that the EU is artificially diverting trade away from the US. The Americans will thus be watching both monetary integration and EU enlargement with a keen eye and will not hesitate to express their views on matters that effect its interests—just as Europeans will scrutinize American economic policies including its sanctions initiatives designed to tie security and trade issues and which are likely to directly impinge directly on European commercial and monetary interests.

Another problem is that globalization itself has partly eclipsed the transatlantic economic relationship, even if globalization itself can be seen as a natural and successful consequence of the transatlantic partnership. The emerging global economic order is increasingly characterized by the unhindered trade of goods and services, the rapid diffusion of technology, the ever greater mobility of financial capital and the far more prominent role being played by private financial institutions. In this new global economy, there will be an ever greater premium attached to stringent monetary and fiscal management. This is increasingly leading to macro-economic convergence. Yet, our societies are naturally not always willing to cede everything to economic logic. And it is for this reason that states will remain critical actors in the world economy.

Globalization is a force affecting all our countries, and I would argue that it is pushing North America and Europe in the same general direction but at varying speeds. This could potentially lead to further drift in the relationship. In the United States, key sectors have been deregulated, while strategic corporate mergers have created a number of large coherent industrial and service companies poised to flourish in the international economy. Responding to new challengers like Japan, American civilian firms in recent years have restructured their operations, introduced new organizational principles and slashed work forces and production costs. American firms like Microsoft and Intel have established nearly hegemonic positions in new computing industries. California's Silicon Valley rides on the crest of the information revolution and is reaping huge profits as a result. American industry has very rapidly incorporated the computer into the workplace and this seems to have contributed to America's current economic boom. Average GNP growth in the United States over the last seven years is 2.5%, the current unemployment rate stands at only 4.8%, and inflation has fallen to 2.8%, while a rocketing stock market index continues to astonish observers.[1] Some economists including Fed Chairman Alan Greenspan have hinted that a kind of sea change has transpired in the United States that has permanently changed the inflation-growth-unemployment relationship.

Europe's firms have begun to respond to global pressure through restructuring and consolidation although markets there are generally more regulated and tax rates remain higher. Moreover, with a GNP the size of America's, in 1994 Europe produced only a fifth as much software. It has only 7 percent of the export market for computers and office equipment. This suggests that despite unambiguous signs of an economic recovery, Europe needs to make great advances in the industries that are likely to dominate world markets in the future. If globalization is seen in Europe as rewarding only those industries in which Europe feels less competitive, the result could be a more inward-looking Europe, resistant to deregulation and determined to defend a quality of life that cannot be sustained without undertaking important changes. An inward-looking Europe's relationship with the United States would be tense. The United States clearly needs Europe as a partner to advance the liberal, free trading vision. Therefore, a significant fallout would gravely weaken America's capacity to promote greater international liberalization and integration.

At the Denver summit earlier this year, the contrast between the American and European economic cultures were starkly on parade. While President Bill Clinton extolled American achievements, somewhat offended European leaders and numerous writers subtly pointed to what many see as the down sides of the US model, including the wider income gap in the United States and the tragic state of American inner cities. Again this is indicative of how domestic political economies are increasingly becoming a subject of international discussion. This is partly because distinctions between domestic and international economic issues are artificial and increasingly recognized as such. How states organize their domestic political economy will have important effects on their relations with other states. The New Transatlantic Agenda, however, suggests that this phenomenon need not be viewed with trepidation. It can have a mutually advantageous impact provided that our countries' leaders manage it properly. That will not be easy as the Helms-Burton dispute revealed.

Finally it is often assumed that the greatest investment opportunities lie in developing or transition economies. But in the coming decade, growth opportunities will be great in much of the OECD as well, due to de-regulation, restructuring trade in services and the emergence of new information industries like those related to the internet. The most developed countries are undergoing an industrial revolution which will create countless new opportunities for trade and investment between Europe and the United States. We are already seeing this revolution in the development of transatlantic telecommunications and airline alliances. The intricate interweaving of corporate interests could have the effect of bringing Europe and the United States into an even closer relationship partly by making it more difficult for states to claim companies as their own and to act on that basis.

The Russian economy's evolution will also shape the transatlantic agenda. Were the Russian economy to spiral downward, the resultant instability would pose a serious set of problems to Central and Eastern European states—ranging from new refugee pressures to even greater mafia activity. The proliferation of the know-how and material necessary to construct weapons of mass destruction is not unrelated to the health of the Russian economy as well as the Russian state's capacity to control the export of weaponry and material and to keep scientists and engineers gainfully employed. The Allies will have to encourage further liberal market reform and commercial integration with the West and assist Russian leaders in controlling armaments exports insofar as each of these is possible. Responsibility ultimately lies with the Russians themselves, and the current government appears committed to reform. But strong political and social resistance to reform will not fade away and mafia activities seem to be growing in scale and scope. The most likely scenario for Russia is fitful reform with uneven results. The West must therefore be prepared both to extend a hand to its Russian partners while preparing for a relationship that will not always be easy.

Russia will continue to be a key player in energy markets. For example we can anticipate a rivalry in the Caspian Sea for influence and access to the huge potential oil and gas reserves of the Caspian region. Energy issues have long been a source of division within the Alliance (Total's recent investment plans on Iran being the latest example), and forging a united Western approach to the Caspian region may prove enormously difficult given the different kind of interests involved. The Caspian region will emerge as one of the crucial out-of-area considerations shaping the strategic calculations of the NATO partners as well as the Russians, and it may well divide more than unite North America, Europe and Russia.

Let me conclude with a brief remark about my own country. Like Europe, America confronts long-term structural problems that will continue to absorb the energy of legislators and government officials. Some of these

[1] The Economist, June 21st, 1997: p. 12.

problems, like the growing income gap, may have been exacerbated by globalization, while others, like educational weaknesses, compromise America's long-term prospects in that economy. Finding solutions to such problems lie at the core of contemporary American politics. Despite these problems, there is a growing perception that globalization has proven beneficial to most Americans. President Clinton, for example, will probably be granted authority to negotiate a new round of free trade pacts despite resistance from his own party's left wing. The public and its representatives have come to recognize the value of the world economy. Many new members of the U.S. Congress arrive with little international experience, but economic globalization and America's central role in that process means they cannot or at least should not ignore developments beyond its borders. The Senate NATO enlargement ratification debate will again focus attention on the profound ties between the U.S. and Europe.

One of the hallmarks of democracy is that when push comes to shove, rationality generally prevails. The reasons for maintaining close transatlantic economic co-operation far outweigh the inconveniences and petty disputes. Both Europe and America are subject to global economic pressures and its leaders and companies are responding in ways consistent with their distinct political and economic cultures and traditions. The great challenge lies in accommodating these differences in order to revivify a partnership of politically stable and economically vital nations that together will help steer the world economy into the next century.

90TH ANNIVERSARY OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the 90th anniversary of the village of South Chicago Heights, a community rich in heritage. First settled in 1833 at the corner of the Old Saulk Trail and the Chicago-Vincennes Road, South Chicago Heights has become a strong community many families are proud to call home.

The village of South Chicago Heights has been growing rapidly since it was incorporated 90 years ago. In the first election in 1908 there were a mere 82 votes cast. Today, the village boasts a population of over 3,700 residents.

In 1910 the police department was established, in 1926 the first village hall was erected, and in 1959 the first fire station was built. South Chicago Heights grew as America grew and in 1959 the village board approved the development of the first shipping center in the community.

Currently, the village of South Chicago Heights provides many services to its residents. From fire and police protection to water and sanitary services, the families in this community receive outstanding services while paying low taxes. South Chicago Heights should be given special commendation as a community which takes care of those who have given so much of themselves. The village has devoted a great deal of time and effort to assisting its seniors by building a senior citizens center. This center should serve as a model for all communities.

The 90th anniversary of the village of South Chicago Heights has been celebrated this year by village President David L. Owen, trustees Lou Bednarek, Tony Capua, Donald E. Cull, Bonnie S. Hudson, Joseph F. Kudra, Jr., John M. Ross, and Clerk Melinda Villarreal. These outstanding elected officials joined the residents of the village at a dinner dance and all-day festival this fall.

It is truly fitting that this village celebrate 90 years of history and progress. I extend my best wishes to the village, its community leaders, and its residents for many more prosperous years to come.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

SPEECH OF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2607) 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:

Mr. DIXON. Mr. Chairman, I rise in opposition to H.R. 2607 and in support of the Moran substitute. As you will hear during this debate, there are a litany of reasons why the House should pass the substitute and adopt the Senate language. From micromanagement of the District to tort reform to the controversial provisions on school vouchers, this bill represents a step backward from efforts to bring fiscal sanity and reform to the government of the Nation's Capital.

What we should do is work together with the locally elected government of the District of Columbia and the federally appointed Control Board to move forward on implementation of the D.C. reform plan passed in the budget agreement. What we choose to do is to put roadblocks in the way of that forward movement by adopting extraneous provisions that have absolutely no business on this appropriations bill.

I have no illusions about the prospects for passing this substitute amendment. It would be too reasonable to assume that Members of the majority might put their leadership's zeal to make ideological points aside in the best interests of the Nation's Capital. Every Member should understand that by voting against the Moran substitute, we dispense with the possibility of quick enactment of this bill; we set up a clear possibility for veto; and we do a disservice to the very people we profess to be so concerned about—the citizens of the District of Columbia.

Much of the debate today will focus on the most controversial aspect of this legislation which the majority will maintain is essential to the well-being of D.C. children—the so-called Student Opportunity Scholarship program. I regret that I find it necessary, as others will, to spend my debate time concentrating on this issue, rather than broader concerns facing Washington, DC.

It is inconceivable to me that the leadership of this House believes that it is more important to hold up enactment of a bill that is a vital piece of our efforts to revive the District for all its children, in order to make its ideological statement on the value of school vouchers. But since that is the course they choose, let's look at the program that the majority argues is an answer to the problems besetting the District of Columbia public schools.

H.R. 2607 authorizes $45 million over 5 years to fund tuition and tutoring scholarship—vouchers—for D.C. students. Rather than a boon to D.C. schools and her students, this provision is a vote of no confidence in the newly appointed school leadership committed to improving public education; it injects the controversial issue of funding religious schools with public money; and it a structurally deficient piece of authorization legislation on an appropriations bill.

Voucher proponents often refer to the failures of the school system, documented in a November 1996 study conducted by the District of Columbia Financial Responsibility and Management Assistance Authority. The study "Children in Crisis," revealed numerous problems with the District's public school, noting that the system "has failed to provide our children with a quality education and safe environment in which to learn." The Authority found that D.C. students consistently rank below national average scores on tests of competency and student achievement, school administrators fail to adequately manage resources, and the infrastructure is in need of major improvements.

I do not stand here in defense of the management and instructional quality of the D.C. school system. However, the story of the public schools should not end with the bad news. We all hear about what's wrong with the D.C. schools, but what about those public schools that are doing things right?

Walker Jones Elementary School in Northwest Washington is working with the Laboratory for Student Success program using Community for Learning, a research-based school reform model. The concept is called whole school reform, and is characterized by intensive teacher training methods and materials geared toward better student learning. As a result, student test scores have improved. After 6 months in the program, the school raised its ranking in the District on reading scores from 99th in 1996 to 36th in 1997. In math, the school climbed from 81st in the District to 18th.

All of Eastern Senior High School's 1997 graduates of its Health and Human Services Academy—more than 400—were accepted to college. The Health and Human Services Academy is a special high school program that prepares its participants to enter the health and human services field immediately upon graduation or to pursue postsecondary education in a related field. The Academy was developed through a partnership with the U.S. Department of Health and Human Services.

At Stuart Hobson Middle School, the school's Odyssey of the Mind team won second place in the national competition's classics category—in which 5,000 teams competed nationwide. Hobson features a museum magnet program in which the school offers courses, seminars, labs, and field experience in conjunction with the Smithsonian.

The Nalle School and the Freddie Mac Foundation are working together to create the District's first full-service community school, to address the wide range of family needs. Working with service organizations, parents, educators, and community leaders, it is becoming a major hub of community activity.

We should be insisting on and facilitating the replication of these successes in D.C. schools. Instead, we fight over funneling taxpayer money to private schools, emphasizing failures rather than seeking to enhance successes.

For the sake of argument, let us assume that there are private school slots for the 2,000 kids eligible for vouchers with a maximum value of $3,200. We have to assume, because as the Washington Post of September 30 stated it would be difficult to find those slots given that the vast majority of secular private and religious schools charge more than $3,200 for tuition. Nevertheless, if we could find those 2,000 openings, what exactly does our voucher experiment prove? That we can spend public money on private schools for 3 percent of the District's students? Is the inference that if we are successful with this laboratory experiment in the District, then we can embark on a wholesale abandonment of the public schools in the District? Are we prepared to give the minimum voucher amount of $2,400 to every District student who would be eligible? That's 50,000 vouchers at a cost of over $100 million.

From the Republican leadership's strident support of vouchers, and their denigration of the public schools, one get the impression that no one is working to turn the tide? That is simply not the case.

In response to their study's findings, the members of the Authority embarked on a bold initiative to shake up the school system by implementing a new management structure with a mandate to improve the public schools. On November 15, 1996, the Authority appointed Gen. Julius W. Becton as chief executive officer and superintendent of DCPS and established the Emergency Transitional Education Board of Trustees.

Although General Becton has been on the job for less than a year, he has already taken significant steps to improve the public schools. He has developed an academic plan focusing on high standards and accountability for results; redesigned the budget structure to hold managers accountable for spending; and implemented comprehensive security and facilities' management plans. These efforts hold much promise for the system and Congress ought to be emphasizing our support for these objectives.

Instead, we put forth a proposal which will not improve public education and is probably unconstitutional. The Supreme Court has consistently held that public funds cannot pay, either directly or indirectly, for the religious education or the religious mission of parochial schools. Although public funds may be used for secular purposes in religious schools, regular everyday instruction at a religious elementary or high school would not qualify because such schools are seen as mainly sectarian in nature.

The Supreme Court ruled this year that public funding of certain instruction in parochial schools is severely limited. In the June 23 decision, the Court ruled 5 to 4 in Agostini versus Felton that title I services—remedial math and reading instruction provided to disadvantaged children—are permissible in private religious schools because the instruction offered is secular in nature and overseen by public school personnel. Rather than pave the way for vouchers, Justice Sandra Day O'Connor emphasized that under title I no Government funds "ever reach the coffers of religious schools." She further stated that this aid does not "relieve sectarian schools of costs they would otherwise have borne in educating their students."

Proponents of these scholarships or vouchers might argue there is no underlying agenda to fund religious schools. Then why include section 348, subsection (a) in the bill which reads:

> Nothing in this Act shall be construed to bar any eligible institution which is operated, supervised, or controlled by, or in connection with, a religious organization from limiting employment, or admission to, or giving preference to persons of the same religion as is determined by such institution to promote the religious purpose for which it is established or maintained.

Educational choice is held up by voucher supporters as the main reason that Members should embrace this bill. Choice for whom? We agree that the D.C. schools are not doing the job we want in providing a high-quality education to all D.C. students. How do we solve that problem by providing an opportunity for 2,000 to 3,000 students to attend private schools, leaving behind the remaining 75,000, or 97 percent, of students in the D.C. schools.

D.C. residents did not ask for this. The GOP's argument that D.C. religious leaders wholeheartedly endorse vouchers has been refuted by the ministers themselves. The Washington Post of October 6, 1997 reported that the ministers feel that the program was misrepresented to them by proponents.

The process by which this provision found its way in the bill is faulty—no hearings were held—and the structure of the program is faulty. It creates another bureaucracy for the District to contend with—a scholarship corporation with a board of directors and staff. This board is to be paid a stipend of up to $5,000 a year. Not even the financial management authority, appointed by the President 2 years ago to improve the operations of the District, receives payment for their thankless efforts.

The application and participation requirements for eligible schools are laughable. To apply, a school must show that it had more than 25 students in the preceding 3 years; submit an annual budget; and describe the proposed instructional program. To remain eligible, a school only has to provide the corporation with an annual budget statement, and certify that it has not charged a voucher student more than the cost of tuition, fees, and transportation to attend the school.

Such lax requirements could give rise to fly-by-night schools which open just to receive voucher money. In Milwaukee, two voucher schools closed last year as a result of criminal fraud charges. At least four other Milwaukee voucher schools closed during the first 4 years of the program, three of them in the middle of the school year. We need accountability, not soft reporting requirements.

Finally, voucher supporters argue that since the D.C. schools are withering on the vine already, why not give a few parents a chance to offer their child a better education? We need a vote of confidence for General Becton, who has faced a host of problems during his brief tenure, but is making progress. We need to assist the public schools by holding administrators and teachers accountable while ensuring that infrastructure and instruction needs are met. We need a comprehensive review of the best practices in the D.C. schools and apply those models to schools that are not performing. We do not need this ill-advised voucher experiment.

I strongly urge my colleagues to vote for the Moran substitute and move D.C. reforms forward in a manner which accrues to the benefit of all its citizens and all its children.

H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1997

Mr. YOUNG of Alaska. Mr. Chairman, presently there is no formal international agreement defining a biosphere reserve—no treaty, no convention, no compact, no protocol—not one. Nor is there any domestic legislation authorizing and implementing the biosphere reserve program—none whatsoever. A biosphere reserve is an ambiguous concept in the field of international relations and lacks any legal definition in U.S. law.

Forty-seven biosphere reserves have been created in the United States with virtually no congressional oversight, no hearings, and no legislative authority. Congress is not notified when a biosphere reserve nomination is under consideration—nor is there any requirement to do so.

At a hearing held in March 1995 by the Subcommittee on Interior Appropriations, Congressman Nethercutt asked witnesses from the National Park Service, "Are there any more biosphere reserves to be designated at this time that you know of?" Mr. Kennedy, then Director of the Park Service replied, "No sir."

Yet, we now know that: Plans were well underway to designate the Ozark Highlands Biosphere Reserve and that the National Park Service was a prime force behind this effort.

The National Park Service applied for a grant in late 1994 or early 1995 from the U.S. Man and Biosphere Program—approved the following May—for "Elevation of Isle Royale Biosphere Reserve to Fully Functional Status."

According to the grant description, the project would develop a Lake Superior protected areas directory, and this would be the first U.S. step toward designation of additional protected areas and community partnerships in the Lake Superior binational region. In other words, this grant was for a study to expand the Isle Royale Biosphere Reserve.

Expansion of the Southern Appalachian Biosphere Reserve to include 11 counties in West Virginia was—and still is—under consideration.

The current system for implementing these programs has eaten away at the power and sovereignty of the Congress to exercise its constitutional power to make the laws that govern lands belonging to the United States.

The public and local governments are never consulted about creating biosphere reserves. On October 7, 1997, during debate on H.R. 901, "The American Land Sovereignty Protection Act," opponents kept saying that biosphere reserves were designated at the request of local communities. They seem to believe that if they keep repeating the mantra that "biosphere reserves are created at the request of local communities" often enough, then somehow it will prove to be true. The Committee on Resources has now held three hearings on this issue and has yet to find one example where a biosphere reserve designation was requested by a broad-based cross-section of either the public or local officials. On the contrary, the committee has found that biosphere reserve designation efforts are almost always driven by Federal agencies and often face strong local opposition whether in New York, Arkansas, New Mexico, or Alaska.

Once again, biosphere reserves are designated with little or no input from the public or local government. They are very unpopular. In the few cases where the local citizenry has become aware of a pending biosphere reserve designation, the designation has been strongly opposed. Proposed biosphere reserve nominations for the Catskill Mountains in New York, the Ozark Mountains in Arkansas and Missouri, and for Voyageurs National Park and Boundary Waters Wilderness in Minnesota were defeated by an aroused local citizenry. The Alaska and Colorado State Legislatures have passed resolutions supporting H.R. 901, and the Kentucky senate passed a resolution opposing the biosphere reserve program, particularly in Kentucky. I would like to include these resolutions in the RECORD.

I also wish to include in the RECORD a recent column, entitled "Protected Global Soil?," which appeared recently in the Washington Times. I urge my colleagues to read the resolutions and this important commentary.

A RESOLUTION—IN THE LEGISLATURE OF THE STATE OF ALASKA

Relating to supporting the "American Land Sovereignty Protection Act."

Be it resolved by the legislature of the State of Alaska:

Whereas, the United Nations has designated 67 sites in the United States as "World Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas, many of the United Nations' designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress, and

Whereas, these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas, local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a "World Heritage Site" as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas, a recent designation of a portion of Kamchatka as a "World Heritage Site" was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas, environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site, and a marine Biosphere Reserve covering parts of western Alaska, eastern Russia, and the Bering Sea; and

Whereas, as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas, foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas, animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas, such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas, the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress, and

Whereas, actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas, Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the "American Lands Sovereignty Protection Act of 1997" that required the explicit approval of the Congress prior to restricting any use of United States land under international agreements; be it

Resolved, that the Alaska State Legislature supports the "American Lands Sovereignty Protection Act" that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States.

MEMORIAL 0111—HOUSE OF REPRESENTATIVES

Under clause 4 of Rule XXII, a memorial of the following title was presented, as follows:

By the Speaker: A memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97-1032 showing that the State of Colorado supports the legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate, as soon as possible during the 105th Congressional session.

Referred to the Committee on Resources. June 3, 1997.

HOUSE JOINT RESOLUTION 97-1032—COLORADO

By representatives Entz, Arrington, Epps, Pankey, Paschall, and Young; also senators Duke, Arnold, Congrove, Mutzebaugh, and Powers.

Whereas, The United Nations has designated sixty-seven sites in the United States as "World Heritage Sites" or "Biosphere Reserves", which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, Section 3 of Article IV of the United States Constitution provides that the United States Congress shall make all needed rules and regulations governing lands belonging to the United States; and

Whereas, Many of the United Nations designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from Congress; and

Whereas, These international designations, as presently handled, are an open invitation to the international community to interfere in domestic land use decisions; and

Whereas, Local citizens and public officials usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, The President and Executive Branch of the United States have, by Executive Order and other agreements, and implemented these designations without the approval of Congress; and

Whereas, Actions by the President in applying international agreements to lands owned by the United States may circumvent Congress; and

Whereas, In the 105th Congress, Congressman Don Young introduced HR-901, entitled the "American Land Sovereignty Act", to protect American public and private lands from jurisdictional encroachments by certain United Nations programs, and such resolution has been referred to the Resource Committee with 77 cosponsors; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That the State of Colorado supports this legislation, which reaffirms the Constitutional Authority of Congress as the elected

representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session.

Be It Further Resolved, That copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Congressional delegation from Colorado.

CHARLES E. BERRY,
Speaker of the House of Representatives.
TOM NORTON,
President of the Senate.
JUDITH RODRIGUE,
Chief Clerk of the House of Representatives.
JOAN M. ALBI,
Secretary of the Senate.

IN SENATE—1997 EXTRAORDINARY SESSION, SENATE RESOLUTION NO. 35, THURSDAY, MAY 29, 1997

Sponsors: Senators Moore, Bailey, Blevins, Borders, Freeman, Kelly, McGaha, Metcalf, Nunnelley, Philpot, Robinson, Roeding, Julie Rose, Sanders, Seum, Stivers, Tori, Westwood, D. Williams, and G. Williams introduced the following resolution which was ordered to be printed.

Introduced and adopted (voice vote) May 29, 1997.

A resolution opposing the Biosphere Reserves designation of the Man and the Biosphere Program and urging that the proposed Biodiversity Treaty not be ratified by the United States.

Whereas, the United Nations has promoted a Biosphere Program throughout the world; and

Whereas, the Biosphere Program threatens to place millions of acres of land under the control of United Nations via agreements and/or executive orders; and

Whereas, the United Nations Cultural, Educational, and Scientific Organization (UNESCO) has created a worldwide system of 328 Biosphere Reserves in 82 nations; and

Whereas, 47 United Nations-designated Biosphere Reserves are within the sovereign borders of the United States, and two United Nations-designated Biosphere Reserves are within the Commonwealth of Kentucky; and

Whereas, neither the legislature of the Commonwealth of Kentucky nor the Congress of the United States has considered, debated, or approved such designations; and

Whereas, such designations require strict land use management procedures as are set forth in the 1994 Strategic Plan for the United States man and the Biosphere Program, as published by the United States State Department, and further described in the Global Biodiversity Assessment, published by the United Nations Environment Program, expressly for the Conferences of the Parties to the Convention on Biological Diversity; and

Whereas, Biosphere Reserves are, by definition, designed to continually expand each of the three zones: core protected zone, buffer zone, and zone of cooperation; and

Whereas, Biosphere Reserves are expected to be the nucleus of the system of protected areas required by Article 8 of the Convention on Biological Diversity as expressed in the minutes of the first meeting of the Conference of the Parties; and

Whereas, no land owner within reach or potential reach of the Biosphere Reserves has input or recourse to land use management policies of UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

Whereas, no body of elected officials, whether local, state, or federal, has input, recourse, or veto power over such land use management policies that may be prescribed by either UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

Whereas, even though the Convention on Biological Diversity has not been ratified by the United States Senate, the very presence of United Nations Biosphere Reserves on American soil demonstrates the compliance with an international treaty that has not been ratified; and

Whereas, the use of land in biosphere areas for ordinary commercial or agriculture purposes may be severely restricted or eliminated; and

Whereas, the Mammoth Cave area and the Land Between the Lakes area have already been designated as Biosphere Reserves; and

Whereas, none of the current areas included within the Biosphere Program in Kentucky have been included at the request of or with the consent of the General Assembly of the Commonwealth of Kentucky; and

Whereas, the General Assembly does not believe that a request from the National Park Service or a tourist and convention service should be adequate to subject land in Kentucky to the control of the United Nations or any other foreign parties; and

Whereas, the areas encompassed by these reserves included not only public, but private, lands; and

Whereas, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

Whereas, the proposed Biodiversity Treaty, if ratified by the United States, would ultimately lead to the reality that Kentuckians could not use their private and public lands in the manner to which they have been accustomed; and

Whereas, there are no proposals either to purchase the private lands by the United States or the United Nations; and

Whereas, the restrictions contemplated together with the outside control of the land encompassed by a Biosphere Reserve constitutes an unlawful taking of that land in violation of the Constitution of the United States, to wit:

Article I, Section 8, Clause 17, before any state lands can be purchased, the consent of the state legislature and not the state executive branch, must be obtained.

Article IV, Section 3, Clause 2, we note that, "[N]othing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular state."

Article IV, Section 4, we note that, "The United States shall guarantee to every State in this union a Republican Form of Government."

Amendment V of the Constitution of the United States, "nor [shall any person] be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation"; and

Whereas, the virtual ceding of these lands to the United Nations leaves the residents who own the land, local governments, and the Commonwealth of Kentucky without any legitimate form for redress of grievances for input into any decision-making process relating to the Biosphere Reserve; and

Whereas, under Article VI of the Constitution of the United States, this treaty would be given equal footing with the Constitution of the United States, thus effectively precluding any legal means of redress; and

Whereas, the General Assembly of the Commonwealth of Kentucky does not wish to have portions of its land area controlled by foreign minions over which it has no control and who are not subject to its laws;

Now, Therefore; *Be it*

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky is unalterably opposed to the inclusion of any land within the borders of the Commonwealth within the purview of the Biodiversity Treaty or any biodiversity program without the express consent of the General Assembly of the Commonwealth of Kentucky, as provided by the Constitution of the United States and the Constitution of Kentucky.

Section 2. The General Assembly urges the members of the Congress of the United States, and especially the Kentucky delegation to the Congress of the United States, to oppose ratification of this treaty and the inclusion of any land within the Commonwealth of Kentucky in any biosphere program of the United Nations.

Section 3. The Clerk of the Senate is hereby directed to transmit copies of this Resolution to the Honorable Bill Clinton, President, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Madeleine K. Albright, 2201 "C" Street, N.W., Washington, D.C. 20520; the Honorable Wendell H. Ford, 173A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Mitch McConnell, 361A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Ed Whitfield, 236 Cannon House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 412 Cannon House Office Building, Washington, D.C. 20515; the Honorable Anne Northup, 1004 Longworth Office Building, Washington, D.C. 20515; the Honorable Jim Bunning, 2437 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Harold Rogers, 2468 Rayburn Office Building, Washington, D.C. 20515; and the Honorable Scotty Baesler, 113 Cannon House Office Building, Washington, D.C. 20515.

[From the Washington Times, Oct. 12, 1997]

PROTECTED GLOBAL SOIL?

(By David Rothbard/Craig Rucker)

Whether it be the Grand Canyon, Statue of Liberty, or Taj Mahal, there are many places of natural and cultural interest on the Earth. Of this, there can be no doubt. The question of how to preserve these treasures, however, is very much open to debate.

The United Nations, through its Man and the Biosphere (MAB) and World Heritage Sites (WHS) programs, believes international cooperation—or a collectivist approach—is the best solution. But among a growing number of skeptics, these programs are not only unnecessary, but may actually be a way for Green utopians and international bureaucrats to chip away at national sovereignty and shut down any important natural resource developments they may oppose. And despite House passage last Wednesday of the American Land Sovereignty Act proposed by Rep. Don Young, Alaska Republican, this is not a controversy that's likely to be put to rest any time soon.

The first major concern surrounding these global patches of protected soil is the issue of sovereignty. The United Nations, in its publications and official statements, strains its vocal cords trying to tell the world that national sovereignty is not at risk. But while this may be true on paper, many observers see the process as the proverbial camel's nose under the tent by which the U.N. can get sites established now and worry about expanding the scope of its authority later.

And even in establishing these sites, there is serious question about the openness of the process, since over the last decade the story of biospheres and WHS's, at least in the United States, is not one of local involvement and input from elected representatives, but rather, secrecy, deception, and political maneuvering of agencies within the executive branch of our own government.

When hearings were recently held on Capitol Hill concerning the bill introduced by Mr. Young, witness after witness came forth to testify to this very fact. From Arkansas, citizens like Betty Beaver lambasted efforts to establish 55,000 square miles of the Ozark Highlands as a biosphere reserve, claiming it was all done "under cover of darkness" and pointing to actual MAB documents stating that citizens "were not to be introduced to the MAB by name" and that "there should be no press conference or large public meetings because they encourage polarized views before the story can be told in an objective, nonthreatening manner."

And in perhaps the most infamous of these controversies to date, involving Yellowstone National Park, witnesses spoke about how without precedent, Green bigwigs within our own Interior department invited U.N. bureaucrats to come out and "inspect" Yellowstone at taxpayer expense, urged them to declare the park a WHS "in danger," and thus effectively put the kibosh on a proposed gold mine that was to be sited three miles outside the area.

As seen at Yellowstone, the other major concern swirling around this global debate is the way biospheres and WHSs are being used by environmental extremists as a convenient way to attack what raises their blood pressure most—namely, industrial and economic development.

The situation playing out in Kamchatka, Russia, where the collapse of the old Soviet system has left many of the area's residents hungry and unemployed, is one such example. Here, the prospect of major gold and mineral mining in the region was met with understandable enthusiasm.

But environmentalists, led by the Environmental Defense Fund and the Sierra Club, opposed any development of the region from the get-go, and pushed the U.N. to establish a WHS around the volcanoes of Kamchatka. Over the pleas of the people, they did this in December of 1996, seriously jeopardizing the project's future and prompting one Russian official to say, "the attitude of the pro-environmentalists shows criminal disrespect for human life. . . .Our children have to starve and freeze. . .[while] environmentalists resort to falsification of facts and distortion of information."

In the Bering Strait off Alaska, efforts are under way to establish the Bering Land WHS, which would not only threaten nearly one-quarter of all U.S. coal reserves, but also the world's largest zinc mine. Near the Taj Mahal in India, some 292 industrial plants may have to shut down for allegedly harming that WHS. And in Australia, the push is on to create the Lake Eyre Basin WHS that would severely restrict grazing and threaten property values over an astounding 35 percent of the entire nation.

So are biospheres and WHS's really something to fret about? Well it's true that no national sovereignty has yet been officially abridged, but environmentalists are already able to exert undue influence simply through the public-relations angle of this whole business. And it's not that much of a stretch of the imagination to see how the Greens could very soon argue on behalf of more sharptoothed international regulations, like they successfully did on ozone depletion and are currently attempting on global warming.

Clearly, this is one issue on which the American people, and the people of the whole world for that matter, ought to keep a keen eye.

IN HONOR OF ROBERTO C. GOIZUETA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. GINGRICH. Mr. Speaker, today I join my fellow Americans and citizens worldwide in celebrating the life of Roberto C. Goizueta, chairman and chief executive officer of Coca-Cola for the past 16 years, who passed away on Saturday.

Roberto embodied the American dream. Born the son of a sugar refinery owner in Havana, Cuba, he earned a chemical engineering degree from Yale University in 1953. The following year, he answered an anonymous ad in a Havana newspaper seeking a chemical engineer. That ad had been placed by the Coca-Cola Co. On the Fourth of July, 1954, he joined the company in Havana in the technical department.

Prior to the Castro regime's confiscation of this Cuban Coca-Cola bottling plant, Roberto fled Cuba with his wife for the promise of a better life in America. Arriving in 1960, Roberto and his wife Olga came to America with only $40 and 100 shares of Coke stock. They lived in a Miami motel room with their three children.

The most important thing that Roberto brought with him, however, was not material. It was a dream of a better life for himself and his family, coupled with a fierce determination and work ethic which made that dream a reality.

Through hard work and determination, Roberto worked his way up the corporate ladder, becoming chief executive officer in 1981. During his tenure as chief executive, Coke's sales more than tripled and profits increased sevenfold, reaching $3.5 billion last year. During the same time, Coca-Cola's market value skyrocketed, from $4 billion in 1981 to nearly $150 billion today.

Under Roberto's bold leadership, Coca-Cola introduced diet Coke, increased global share of sales from 35 percent to 48 percent, and contributed nearly $100 million to education initiatives around the world.

In addition to his outstanding business acumen and dedication to community service, Roberto was also a kind-hearted humanitarian who created the Goizueta Foundation, a charitable organization committed to meeting the needs of families by assisting institutions that serve children, support families at risk, and further educational opportunities.

Coca-Cola has been named "America's Most Admired Corporation" for the past 2 years in a survey conducted by Fortune Magazine. That outstanding achievement was due in no small part to Roberto's steadfast character and leadership.

To further illustrate the work ethic and character of this great man who lived the American dream to the fullest, I would like to conclude by submitting into the RECORD excerpts from a speech Roberto delivered in 1995 on the "Four Obligations of Opportunity." I commend his advice to all of my colleagues.

Roberto's vision led Coca-Cola to worldwide leadership and created a new standard for corporate excellence on both the national and world level. He will be missed as a businessman, a citizen, and as a friend.

"OPPORTUNITY ALWAYS COMES ACCOMPANIED BY OBLIGATIONS"

(Robert C. Goizueta wrote his own speeches. This is an excerpt from one he gave on July 4, 1995, when he administered the oath of citizenship to 67 new Americans at Thomas Jefferson's Monticello estate in Virginia. It summarizes some of his most deeply held beliefs.)

For me, looking into your eyes this morning is like looking into a mirror . . . a mirror that takes me back 26 years . . . back to a hot, muggy day in 1969 at the Federal Building in Atlanta, Georgia. Together, we share a truly magical gift . . . the magical gift of freedom . . . and with it, its corollary we refer to as "opportunity."

When my family and I came to this country, we had to leave everything behind. Back in Havana, our family photographs hung on the wall. Our wedding gifts sat on the shelves. Every material property we owned . . . overnight became government property.

But amid this turmoil, two treasured possessions remained mine because they simply could not be taken away by the newly arrived Cuban rulers.

Firstly, even though I had to leave behind my diploma from Yale . . . and even though I had to leave behind the specially engraved dictionary I earned as valedictorian of my high school graduating class . . . I carried with me, safely in my head, the meaning of that diploma and of that dictionary. I still had my education.

And, secondly, even though the Havana Coca-Cola bottling plant where I had worked was to be confiscated, I still had a job. And it wasn't just any job. It was a job with The Coca-Cola Co.

From that point on—as you might guess—the story improves significantly. And that story—my story—boils down to a single, inspiring reality . . . the reality that a young immigrant could come to this country, be given a chance to work hard and apply his skills, and ultimately earn the opportunity to lead not only a large corporation, but an institution that actually symbolizes the very essence of America and American ideals.

Not a bad story . . . but what has it taught me? It has taught me a great deal. But first and foremost, it has taught me that opportunity always comes accompanied by obligations.

The first obligation implied in opportunity is that you must seize it . . . and mold it into a work that brings value to your society.

To do otherwise is not just a waste . . . it is a crime against the human spirit. Squandering what the rest of the world covets is not only foolish . . . it is immoral.

The second obligation that naturally follows opportunity is that you must live it . . . you must carry it on your back all day long . . . you must sense the opportunity in your nostrils with every breath, and you must see it in your dreams when you are asleep.

Because even though opportunity—much like freedom itself—is born only out of ideals . . . it is nurtured only by action. Without action, opportunity and freedom soon shrivel and fade to a slow death.

Finally, the third obligation that inherently comes with opportunity is that you must defend it. Thomas Jefferson said, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

But the tree of liberty must also be irrigated—irrigated every single day—with the sweat off the brows of enterprising men and women . . . men and women working hard to further prove the inherent superiority of a democratic society . . . working hard to demonstrate the lasting stability of a democratic capitalistic system . . . working hard to preserve the sanctity of private property . . . working hard to continue to show the world that people can indeed be trusted with governing themselves.

And so, I challenge you and every other citizen across our nation—whether native born or naturalized—to embrace your individual obligations . . . to embrace your individual obligations as if the fate of the United States depended on it.

And you know why? Because—in reality—it does.

TRIBUTE TO JAMES BUTLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. James Butler, president of Local 420 Municipal Hospital Employees Union, DC37, AFSCME, AFL–CIO. On October 11, officers, trustees and executive board of local 420 held a dinner dance in Manhattan to celebrate his 25th silver anniversary as president, as well as his birthday.

Jim Butler began his service to local 420 as a union organizer in 1954. He has been a tireless fighter for better pay, health, education, and other benefits for hospital employees. Mr. Butler has long been part of the struggle for equal opportunity for minorities within the labor movement through active membership in the Coalition of Black Trade Unionists, PUSH, NAACP, Urban League, and SCLC Labor Committees. He served on the executive board of CBTU's New York chapter as well as the New York Consumer Assembly's board of directors.

As vice president of the 120,000 member District Council 37, AFSCME, AFL–CIO, Mr. Butler represented AFSCME as a delegate to the Public Service International Congress in Singapore, Zimbabwe, Finland, and the Labor Committee in Puerto Rico. He is co-chair of AFSCME's Health Advisory Committee, where he represents the interests of more than 350,000 health care workers nationwide.

Throughout his life, Mr. Butler's philosophy has been one of helping those in need without expecting anything in return. He would often say: "I have devoted my life to helping health care workers. Health care workers help the ill, but when they are ill there is no one to help them. They work under the kind of stress that most people can only imagine."

In the past several years, Butler and his local have waged a battle against threats to privatize public hospitals in New York City. They recently saw their efforts pay off with a victory in stopping the privatization of Coney Island Hospital. In June, Jim Butler and his members boarded the "freedom bus" from New York to Quincy, FL, to march for justice with the mushroom workers of the United Farm Workers.

Under his leadership, local 420's political action also makes itself felt in voter education and registration drives. Annually, the local registers thousands of voters and directly involves hundreds of union members in political campaigns.

Jim Butler resides in Astoria, NY with his wife, Eloise.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. James Butler for his outstanding contributions to the advancement of the labor movement and of the African-American community.

LEGISLATION TO IMPROVE AND SIMPLIFY HOSPITAL OUTPATIENT DEPARTMENT BILLINGS UNDER MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. STARK. Mr. Speaker, I am introducing a bill which would provide for the revenue neutral payment of self-administered drugs furnished as part of a hospital outpatient department [HOPD] service under the prospective payment system currently being developed for HOPD's

The Balanced Budget Act passed this summer starts the slow reform of HOPD payments by establishing a prospective payment system [PPS]. This PPS is designed to bring some control to the rising costs of these services and to ensure that the patient only pays 20 percent of the total cost of the HOPD service. Currently, Medicare beneficiaries are paying about 47 percent of the total cost of these services—far above the normal 20 percent Part B copayment. Unfortunately, the HOPD fix will take over 20 years to achieve. The long phasein was due to the cost of the fix to the Medicare trust fund plus its impact on hospital revenues.

PPS system will include most of the costs of seeking treatment in an HOPD. But it will not cover the cost of self-administered pharmaceuticals—such as Tylenol 3—administered in the HOPD, since Medicare generally does not provide insurance against drugs which can be taken without the aid of a doctor or medical staff. Thus in addition to sending the patient a bill for the 20 percent HOPD copayment, the hospital will need to send the patient a separate bill, often for a rather small amount, to collect the charge for the drug.

The American Hospital Association has suggested that this is just an extra wave of paperwork and that the cost of such drugs should be included in the total cost of the procedure as determined under the new PPS system. Just as pharmaceutical drugs are covered under a hospital inpatient admission under the DRG PPS payment system, so should HOPD self-administered drugs be covered under the new HOPD PPS system. The legislation provides that this consolidation of bills will not increase the total cost of the procedure. In order words, the hospitals would rather absorb the cost of the drug in the current cost of the procedure than endure the paperwork hassle of separately billing for small amounts.

This proposal was sent to the BBA conferees very late in the process, and it was not included because more time was needed to consider it. I think it is a simple, straightforward proposal to simplify the life of patients and hospital accountants, and I hope we can include it in the next Medicare bill that is considered by the Congress.

WORLD POPULATION AWARENESS WEEK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. FARR of California. Mr. Speaker, I ask my colleagues to recognize October 26 through November 1, 1997, as "World Population Awareness Week". The purpose of this week is to educate the public about the impact of overpopulation on our resources and environment. Many communities have issued proclamations and I want to commend the Santa Cruz County Board of Supervisors and the mayor of the city of Santa Cruz for their recognition of this important week.

Family planning programs are critical in our efforts to reduce population growth, protect the environment, assist in the sustainable development of poorer countries, and improve the health of women and children. Without such programs, the population of the Earth will double within our children's lifetimes—and many scientists believe our present world population of 5.8 billion may already be reaching the limit that our planet can sustain.

World Population Awareness Week will teach and inform the global community of the need to bring the world's population into balance with the Earth's resources and environment. The world's population continues to grow by almost 90 million a year, mostly in underdeveloped nations, but population growth concerns developed nations as well. A citizen of the United States uses far more resources and energy than a citizen from an undeveloped nation. In order to ease the pressures human development puts on our fragile environment, we need to adopt sustainable development practices. The World Commission on Environment and Development, The Brundtland Commission, in 1987 defined sustainable development as the ability "* * * to meet the needs of the present without compromising the ability of future generations to meet their own needs."

I think sustainable development can be expanded to include preserving the integrity and beauty of the natural environment for enjoyment of current and future generations, economic vitality, human health and well-being, and community prosperity and social justice. As we recognize World Population Awareness Week, we must be mindful of the need to adopt sustainable development initiatives to balance our planet's dwindling natural resources with our population growth so that future generations can prosper.

A TRIBUTE TO EULA KAY BURRY BRIGGS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to take a moment to recognize the life of an outstanding individual who spent most of her 83 years in my district. Mrs. Eula Briggs was born in Greenville County, SC, but moved to Madison County, NC, when she was 14 years old. At the age of 18 she married Clarence W. Briggs and reared three sons, all of whom she was very proud. Lee Roy, the oldest, taught school for a while before going to work for the Agricultural Stabilization and Conservation Service. Bruce earned his law degree, served as a State senator and also as a superior court judge. Her youngest son, Bill, worked several years, for the State of North Carolina and is currently the Madison County clerk of court.

As a member of the Madison County Republican Women's Club, Mrs. Briggs was presented the Woman of the Year Award by the North Carolina Federation of Republican Women in 1987. She was the last charter member of Calvary Baptist Church in Mars Hill where she was active in the Women's Missionary Union and taught the nursery Sunday school class for many years. She was affectionately called Granny Briggs by all in the church.

Mrs. Briggs passed from this life on September 23, 1997. During her life she was a homemaker and devoted to her family, church, and community. She worked diligently to see that all of her sons received a college education, and she was adored by her five grandchildren, Ashley, Grayson, Kelli, William, and Lydia. She was indeed a virtuous woman as described by King Solomon in Proverbs 31, "* * * Her children arise up, and call her blessed * * * a woman that feareth the Lord, she shall be praised * * *."

CONGRATULATING THE CLAY COUNTY HIGH PANTHERS

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. RILEY. Mr. Speaker, I rise today with enormous pride to congratulate and commend my hometown football team, the Clay County High School Panthers, on breaking the Alabama record for the most consecutive wins in high school history. This 2A classified team, with 42 players, claimed their 51st straight victory on Friday night, October 17, over Reeltown High School with a score of 43 to 16.

This victory is an enormous credit to the CCHS football team, as well as to their parents, the cheerleaders, the band and the student body, who have taken part in making this success possible. As a former player for the Panthers myself, I can appreciate the amount of work and sacrifice these young men have had to make in order to achieve this goal and applaud all their efforts in reaching this point.

Regardless of what happens in each of their lives, this is an honor and a memory that no one will ever be able to take away from them. I would also like to commend the Clay County High School coaching staff: Coaches Danny Horn, Jerry Weems, Garey Reynolds, Chris Herron, Chuck Freeman, Steve Burkhalter, and Bradley Cline. These men have molded each of these players into exceptional athletes and taught them the importance of teamwork, loyalty, dedication, and drive. And once the crowds stop cheering and the band no longer plays, it will be these lessons that will shape these teenagers into the men they will become. The Panthers have made their school, their coaches, and their entire town swell with pride, and I, as an alumnus and fan, would like to say congratulations on a job well done.

TRIBUTE TO DAVID J. AUGER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize David J. Auger as the 1997 Golden Horn Award recipient. This honor is presented to those who are deeply involved in our community and supportive of the Valley Cultural Center and its efforts to bring music to Woodland Hills.

The Valley Cultural Center seeks to enlighten, educate and enrich present and future generations by providing diverse programs through the performing and visual arts. Their programs include music therapy, community concerts, music in the schools, music for seniors, and performances for children.

David's contributions to the Valley Cultural Center are endless. As the vice president and general manager of Time Warner's Northern Region of the Los Angeles Division, David has solidified a partnership between Time Warner and the Valley Cultural Center and has made Time Warner a benefactor for the center. This partnership has resulted in $10,000 worth of financial support for the center and the development of a successful outreach program.

Today, David's main project in conjunction with the Valley Cultural Center is a video outreach program. With the use of video, David hopes to spread the benefits of music therapy to those outside of our community and around the world. His ingenuity in community involvement combined with his extensive record of service earns him this special recognition.

David's community service extends beyond the Valley Cultural Center to include the Valley Industry Commerce Association, Pacific Lodge Youth Services, Cal State University foundation, and the Los Angeles Cable Operators Association. His previous awards include the Tree of Life Award from the Jewish National fund, the Human Relations Award from the San Fernando Valley Interfaith Council and countless others which merely scratch the surface of his broad range of dedication and strength of his role in the community.

Mr. Speaker, distinguished colleagues, please join me in honoring David for his service and recognizing him as the 1997 Golden Horn Award recipient. His service dedication to our community distinguish David in our community.

RESTORING THE EXCLUSION FOR NON-OIL RELATED SHIPPING INCOME

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SHAW. Mr. Speaker, I am introducing legislation today to restore the exclusion of shipping income from subpart F of the Internal Revenue Code. When first enacted, subpart F did not tax the shipping income of foreign corporations owned by U.S. citizens. Shipping companies owned by U.S. citizens were allowed to compete on terms comparable with companies owned by foreign nationals. As a result, the U.S.-owned fleet represented over 25 percent of the total world fleet. The U.S.-controlled fleet made significant contributions to the Nation's security and it promoted the development of major shipping centers in the United States. The U.S.-controlled fleet alone generated hundreds of millions of dollars in tax revenues as a result of the voluntary repatriation of earnings from the fleet and the associated infrastructure generated billions of additional dollars of taxable economic activity.

In 1975, subpart F was amended to include shipping income that was not reinvested. As a result of the tax change, the U.S.-owned fleet began to decline and the centers of international shipping in the United States began their decline in prominence. As the once significant U.S.-owned fleet was forced to expatriate to remain competitive, related industries, including insurance brokers, ship management companies, surveyors, chartering brokers, technical consultants, and many others who provide services to the maritime industry followed. Tax revenues also declined. In 1986, this mistake was compounded with the imposition of taxes on reinvested shipping income. The U.S.-owned fleet now represents less than 5 percent of the world fleet.

Our major trading partners, on the other hand, have taken a different approach. They have adopted tax policies to ensure that their international shipping is competitive in world markets. As a result, the economic leadership of the United States in this vastly important sector of the economy has been lost. We simply do not have the fleet or the infrastructure to support even a modest percentage of our

own international trade. Subpart F has even contributed to the transfer foreign of the once significant U.S. flag fleet, which depends on foreign flag feeder vessels to be competitive. Recent transactions, including the agreement of Neptune Orient Lines to acquire APL, raise the troubling possibility of foreign control of the majority of the government supported U.S.-flag fleet. it makes little sense to spend scarce taxpayer dollars to support U.S.-flag shipping only to have our misguided tax policies undermine their competitive opportunities in international trade.

Restoring this exclusion also reflects sound tax policy. The United States generally does not tax U.S. shareholders on income until that income is realized, that is, the shareholders have dominion and control over the income. Subpart F of the Internal Revenue Code creates an exception to this general rule by taxing a U.S. parent corporation, or significant individual U.S. investor, on the income earned by a foreign subsidiary whether or not that income is paid to the U.S. parent, for example, in the form of dividends. Shipping income of such a U.S.-controlled foreign corporation [CFC] is subject to current taxation under subpart F, regardless of whether those earnings are distributed to its U.S. shareholders. But deferral properly remains the general rule, not the exception, under U.S. law.

There is no evidence whatsoever that the tax policy justifications for the application of subpart F—that seek to prevent the tax motivated expatriation of economic activity—apply to international shipping.

The U.S.-controlled fleet has declined from over 25 percent of the world fleet in 1975 to less than 5 percent today. This decline has in no way benefited U.S.-flag operations or U.S. employment. There has been no offsetting increase in the investment of U.S. persons in U.S.-flag shipping operations. Thus, however viewed, the current law has been a losing proposition for all U.S. interests.

Therefore, I am introducing legislation that will restore the exclusion of shipping income from subpart F of the Internal Revenue Code. While there has been disagreement on how to restore the American-owned fleet in international shipping, this legislation represents the most up to date thinking on how to accomplish that objective. It is the result of many hours of thought and consideration, and has received broad support from important elements of the maritime industry.

Specifically, the proposed amendment to the Code would restore the exclusion for non-oil related shipping income from subpart F. This deferral is available to U.S.-controlled groups, that is, groups under common control of the same ultimate owners, that maintain a U.S.-flag fleet of 4 or more ships of 10,000 deadweight tons or 2 or more cruise ships with at least 275 berths for passengers. The U.S.-flat fleet requirement will assure that groups benefiting from deferral will maintain at least a minimum U.S. investment, thereby bolstering the U.S. economy and providing U.S. jobs. It will also apply to shipping companies that operate in the Caribbean. This will serve the policy of fostering development in the Caribbean Basin as enunciated in the Caribbean Basin Economic Recovery Act. Finally, deferral is reinstated for companies that are not engaged in the carriage of the commerce of the United States. There is no conceivable justification for imposing U.S. taxes on the income of these foreign shipping companies controlled by U.S. citizens.

To further make available funds for expansion of a U.S.-flag fleet, the proposed amendment permits a controlled foreign corporation to loan funds for acquisition, construction, or reconstruction of a U.S.-flag vessel without triggering U.S. taxation of the funds. Further, the proposed amendment exempts in certain cases interest paid or accrued on the loan from U.S. withholding taxes to further foster investment in, and promote the competitiveness of, the subsidized U.S.-flag fleet. Ultimately, the success of that fleet will depend on policies that will help make U.S. flag operators more competitive. This proposal would do just that.

It was unfortunate that this legislation could not have been included in this year's tax reconciliation bill. Nevertheless, I urge my fellow members to support this proposal, which represents the current state of development of restoring America's presence in international shipping. I intend to include it in appropriate legislation at the earliest possible time.

TRIBUTE IN MEMORY OF VERALYNE HAMILTON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the memory of Veralyne Hamilton, a remarkable woman whose lifelong commitment to her family, friends and the Bronx contributed to the nourishment and strengthening of our community. Her memory was honored on October 17 for her outstanding contributions to the communities at the Eighth Annual Salute to Excellence Awards Dinner hosted by the 163d Street Improvement Council, Inc. in New York.

Years of experience, dedication, and hard work led to her 1984 appointment as director of Community Boards and Affairs in the administration of Bronx Borough President Fernando Ferrer, the position she held at the time of her passing last year.

Previously, Ms. Hamilton served as the second vice chairperson for the Bronx Model Cities Program Committee from 1968 to 1972. She assisted in the development of proposals in physical development, education, multi-services, safety and sanitation for the Bronx. Her involvement in the Model Cities Program inspired and motivated her to pursue a career in urban planning.

Besides her service for the Model Cities Program, Ms. Hamilton was a member of Community Board #3 which includes the Morrisania community. She served as chairperson of the board and went on to become its district manager.

From 1973 to 1981, Ms. Hamilton was director of Labor Sherman Daycare in the Bronx. The center serves 235 children in daycare and after-school programs. She stressed the need to provide educational and housing workshops to parents and their children at the center. Many parents who initially were welfare recipients had enrolled in college by the time their children graduated from the daycare center.

Ms. Hamilton was born in 1934 in Norfolk, VA. She relocated to the Bronx in 1958 and attended Hunter College where she earned a bachelor's degree and a master's degree in urban planning.

She married Winston Hamilton and had four daughters, Pamela, Winifred and twins Joan and Joy. She had four grandchildren Malik, Yusef, Shani and Ziad. Ms. Hamilton left a legacy of courage, faith, hope, responsibility, love, and commitment to her family and community.

Mr. Speaker, I ask my colleagues to join me in paying homage to the life of Veralyne Hamilton, who still remains with us through the many people she served and touched.

CONCERNS REMAIN OVER CASSINI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. FARR of California. Mr. Speaker, in the weeks prior to the launch of the Cassini spacecraft, I heard from many of my constituents who were greatly concerned about the use of plutonium in Cassini and its potential hazard.

I wrote to President Clinton before the launch, urging him to review the safety of the mission and address the concerns of Americans worried about the possibility of exposure to plutonium. I was greatly disappointed that he chose not to do so before Cassini was launched.

Thankfully, Cassini was launched without incident. But there are still important concerns about the use of nuclear power in space that need to be addressed. Furthermore, Cassini's trajectory will take it close to earth, and many are worried that this poses an additional threat of nuclear contamination.

I have been asked to submit a resolution, adopted by the City of Monterey on October 7, in opposition to the Cassini mission. It represents the concerns of many of my constituents, and raises important questions about the Cassini mission. Therefore, I ask unanimous consent that this resolution be placed in the CONGRESSIONAL RECORD.

CITY OF MONTEREY, CALIFORNIA

Resolution No. 97-185

Resolution of the City Council of the City of Monterey calling for the cancellation of the planned National Aeronautics and Space Agency [NASA] Cassini Space Probe launch and communicating the council's position to President Clinton and our congressional Representatives.

Whereas, as elected officials of the City of Monterey dedicated to the safety and protection of the public, we call for cancellation of the launch of the Cassini Space Probe which plans to carry 72.3 pounds of Plutonium-238 into space; and

Whereas, NASA's environmental impact statement outlines several scenarios in which Plutonium might be released including an explosion of the Titan IV rocket,

which is to loft the Cassini Space Probe into orbit, or an explosion of a small rocket, a Centaur, which is to propel the Probe on to Saturn; and

Whereas, presently NASA's environmental impact statement warns that "approximately five billion of the estimated seven to eight billion world population could receive ninety-nine percent or more of the radiation" if an inadvertent reentry occurred; and

Whereas, scientists and medical experts indicate that the "number of cancer doses are so high as to make calculations extraneous" and that the speed at which the Cassini Space Probe would hit the Earth's atmosphere would completely disintegrate the Probe and release all the Plutonium; and

Whereas, there is no medical disaster plan in place that could be adequate in case of a Cassini Space Probe accident; and

Whereas, worldwide fallout would contaminate much of the globe for generations and severely damage all living things; and

Whereas, there is no need to use deadly Plutonium at all due to a breakthrough in the development of new high-performance solar silicon cells for use in the future for demanding deep space missions. Now, therefore, be it

Resolved, That the City Council of the City of Monterey calls on the President and the Congress immediately to stop NASA from launching the Cassini Space Probe.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. LEWIS of Kentucky. Mr. Speaker, due to the serious illness of my sister and her passing on October 10, I was unable to be in Washington, DC from October 7, through October 9. I would appreciate having the record reflect that I would have cast the following votes, had I been present:

H.R. 1122: PARTIAL BIRTH ABORTION—YES ON VOTES 499 AND 500

Over the years I have been a strong supporter of the unborn and consistently cast my vote in favor of pro-life issues. This is an issue that I feel very strongly about. I voted in favor of H.R. 1122 earlier this year, and during the 104th Congress. Had I been present, I would have again voted yes on H.R. 1122 to end the horrific practice of partial birth abortion.

H.R. 901: AMERICAN LAND SOVEREIGNTY PROTECTION ACT—NO ON VOTES 498, 501, 502, 503 AND YES ON 504

As a cosponsor of H.R. 901, I strongly support this measure which would ensure congressional approval is given before any U.S. land is designated as a World Heritage Site, a Biosphere Reserve, or is given any other U.N. designation. Had I been present, I would have opposed any weakening amendments and voted for final passage of this important legislation.

H.R. 2158: VA, HUD APPROPRIATIONS ACT CONFERENCE REPORT—YES ON 505

I supported this measure when it was passed by the House, earlier this year. This final version continues to increase support for veterans programs while controlling spending in other areas as agreed to in the Balance Budget Act.

MOTION TO INSTRUCT ON H.R. 2169—YES ON 506

I would have supported this motion to instruct the conferees on the State Department Reauthorization Act to prohibit the use of any Federal funding by private organizations that promote abortion. Once again, I would have voted yes to protect the unborn and prevent any efforts to promote abortions worldwide.

H.R. 2169: TRANSPORTATION APPROPRIATIONS ACT—YES ON 507 AND 510

While I support efforts for long-term improvements to the surface transportation funding system, I was pleased that this bill increases spending for infrastructure necessities next year, and would have voted yes.

APPROVAL OF THE JOURNAL—YES ON 509

H.R. 2607: DISTRICT OF COLUMBIA APPROPRIATIONS ACT—NO ON 511, 512 AND YES ON 508, 513, AND 514

I would have supported this measure because it includes important, necessary changes to the education system in the District of Columbia, such as the implementation of voucher programs for students. I would have voted against efforts to prevent the voucher program from moving forward. Had I been present, I would have also opposed the Vento amendment that in my view, would delay repair work at dilapidated District schools.

IMMIGRANT ADOPTIVE CHILDREN IMMUNIZATION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. McCOLLUM. Mr. Speaker, I would like to commend Chairman LAMAR SMITH for committing his time and effort to swift passage of H.R. 2464. Chairman SMITH played a vital role in responding to the concerns of adoptive parents and moving H.R. 2464 through the committee process. I would also like to thank my colleague, Rep. DELAHUNT, for his active interest in this issue and for his support of this legislation.

One of our Nation's resounding successes is our vaccination policy. By age 6, almost 95 percent of children in the United States have received their recommended vaccinations. It is no less than amazing that we have been able to curtail such childhood diseases as polio, mumps, whopping cough and diphtheria—diseases which once killed hundreds of thousands in the United States.

But, if we are to continue to protect our children from such deadly diseases, we cannot let our guard down. Many may remember the 1990 U.S. measles outbreak which killed 89 people. Measles is a prime example of a disease that is completely vaccine preventable which continues to hospitalize and kill people in the United States. In fact, it is estimated that over a million people die worldwide from measles every year, with tens of millions of cases reported.

We simply cannot become lackadaisical about vaccinating against diseases, such as measles, which remains a potent killer in the rest of the world. That is why I authored a provision in last year's Illegal Immigration Reform and Immigrant Responsibility Act to require incoming immigrants to receive certain immunizations before entering the United States. That provision took effect as of July 1, 1997.

Soon thereafter, I heard from numerous parents of internationally adopted children that the foreign immunization requirement posed a unique risk for young orphans adopted from abroad.

After carefully reviewing their concerns, and taking into consideration the fact that these adoptive parents are not familiar with the foreign medical community or with the medical histories of these young orphaned children, I introduced H.R. 2464 to exempt internationally adopted children under age 11 from the immigration vaccination requirement.

In addition, these adoptive parents will sign an affidavit stating that they will have their adopted children immunized within 30 days of entering the country or as soon as medically appropriate. This affidavit will primarily serve to remind parents of the vital importance of having their children immunized once they arrive in the United States. Since most children in the United States receive their vaccinations by age 6, it is essential that these adopted children receive their vaccinations as soon as possible and I am confident that these American parents will responsibly honor the affidavit.

Mr. Speaker, I am hopeful that enactment of H.R. 2464 will serve the dual purpose of protecting internationally adopted children from foreign vaccination risks while ensuring that these children receive vaccinations once in the United States. I urge all my colleagues to support H.R. 2464.

TRIBUTE TO SERGEANT DEREK DANIEL DIAZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor bravery and to congratulate Sergeant Derek Daniel Diaz on his reception of The Citizens' Choice Award. This award is presented to America's finest officers who have gone beyond the call of duty to ensure that our communities are secure and our children are safe. The following story illustrates Sergeant Diaz's heroism and serves as an extraordinary example of his dedication to our community.

Danger is always a heartbeat away for police officers, and May 24, 1996 was no exception for Sergeant Diaz. At 4 a.m., a woman called 911 and reported that she had just been shot and gave descriptions of the suspects and their vehicle. Sergeant Diaz volunteered to handle the call with the assistance of five other units. He quickly spotted a car fitting the description, and followed it until the two suspects jumped out of the moving vehicle which then crashed.

The suspects who were now on foot split up and Sergeant Diaz chased the driver and tackled him in an alley. Officer Byron Joseph then arrived on the scene, and despite the combined strength of the two officers, a violent struggle ensued with all three falling to the ground. Suddenly, the suspect produced a pistol and shot Sergeant Diaz in the base of the neck and Officer Joseph in the arm.

Sergeant Diaz, wounded and on the ground, looked up to see the suspect preparing to shoot Officer Joseph again. Fearing for the life of his fellow officer, Sergeant Diaz prevented the suspect from killing Officer Joseph and with a single shot, fatally wounding the suspect. Sergeant Diaz then collapsed to the ground.

Sergeant Diaz's courage and will to survive undoubtedly saved the life of Officer Joseph as well as his own. But in spite of this heroic act and countless others, Sergeant Diaz refuses to accept The Citizens' Choice Award only for himself. Rather, he is a custodian of this award for all police officers who put their lives on the line every night and every day.

Mr. Speaker, distinguished colleagues, please join me in honoring Sergeant Diaz for his bravery and heroism and upon reception of The Citizens' Choice Award. This recognition is long overdue.

TRIBUTE TO MARY CLARDY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to recognize Mary Clardy, an extraordinary young woman whom, I am proud to say, is a constituent of the 18th Congressional District of Texas. I want to congratulate Ms. Clardy for her selection as the 1997 Peter J. Salmon National Blind Employee of the Year by National Industries for the Blind.

The Peter J. Salmon Award is given annually by the National Institute for the Blind to a blind employee working at one of the institute's 87 associated agencies throughout the country. The award recognizes outstanding achievement at work by a blind employee and this year is given to Ms. Clardy for her desire to, in her own words, "make it on her own."

Mary Clardy is dedicated and determined. Blind since birth, Ms. Clardy, age 37, has excelled professionally as a telecommunications operator at the Veteran's Affairs Medical Center in Houston, TX.

Ms. Clardy's supervisor at the VA says that Ms. Clardy represents everything that a good employee should be. Her exemplary performance at work, and her dedication and enthusiasm for her job are an inspiration.

Ms. Clardy has said, "I found out that, despite a misdiagnosis that I was mentally retarded, despite the fact that I have epilepsy, and despite the fact that I can not see, I can learn and I can work. It's that simple."

At an early age, Mary Clardy was told that she would be lucky to land a job as an assembly line worker. Today, however, she handles up to 70 calls an hour at the VA's switchboard, many requiring emergency response techniques.

Mary Clardy was born prematurely in Hobbs, NM in 1960. She developed retrolental fibroplasia at birth from a high level of oxygen emitted from an incubator and lost her sight. She graduated in 1978 from the School for the Blind in Muskogee, OK, moved on to Arkansas Enterprises for the Blind in Little Rock, AR, and then attended the Crisis Cole Rehabilitation Center in Austin, TX.

In 1983, the Lighthouse of Houston hired Ms. Clardy to work on contract assembly jobs. She says, "I worked for almost 10 years at a job that everyone thought I was suited for, but it wasn't what I wanted."

When a clerical program started at the Lighthouse, Mary Clardy convinced her counselor at the Texas Commission for the Blind to enroll her. Over the next year, she learned to type and operate a computer. She then pushed to be one of the first students at the Lighthouse's customer service training program. That led her to her current position at the Lighthouse as one of six telecommunications operators working at the VA Medical Center. Ms. Clardy credits the Lighthouse for helping her to develop the skills for this job, which she views as another step toward competitive employment. "If you want something bad enough, there is always a way to achieve it," she says. This is a winning attitude and one that has carried Mary Clardy to great success.

Congratulations, Mary Clardy, on your receipt of this award. I commend you for your hard work, your dedication, and your strength of spirit.

TRIBUTE TO BRONX COMMUNITY COLLEGE ON ITS 40TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Bronx Community College, part of the City University of New York and an invaluable Bronx institution, which will celebrate its 40th anniversary on October 22.

Back in 1957, thanks to the efforts of some civic-minded groups in the Bronx to meet the need for increased higher education facilities in the "Borough of Universities and Progress", Bronx Community College was established. An energetic president, Dr. Morris Meister, launched an enterprise that was ultimately to help tens of thousands of ambitious people find a place a advance in the business world. Classes began in February 1959 at the former site of the Bronx High School of Science at Creston Avenue and 184th Street.

In the ensuing four decades, under the leadership of Dr. Meister, Dr. James A. Colston, Dr. Roscoe C. Brown, Jr., and Dr. Leo A. Corbie, Bronx Community College has grown to be a modern community college offering 2–year associate degree programs in a variety of disciplines. The college's community service programs currently serve more than 25,000 residents of the city through academic upgrading, job training and placement, cultural enrichment, and recreation.

Throughout its existence, Bronx Community College has adhered to the highest standards. In its early days, the reputation it built through the success of its graduates helped BCC to achieve steady growth in difficult economic times. Most BCC graduates find employment in positions related to their fields of study thanks to a partnership with local businesses and industries.

Mr. Speaker, on that same day, BCC will welcome its new leader, Dr. Carolyn Grubbs Williams, an outstanding individual who has dedicated her life to education and public service. She will be installed as the fourth president of the Bronx Community College. The first female to lead Bronx Community College, Dr. Williams was named president in June of 1996.

Dr. Williams earned a bachelor's degree in sociology, a master's degree in urban planning and a Ph.D. in higher education, all from Wayne State University in Detroit. She has shown the importance of higher education, with a focus on community college throughout her long and distinguished career. She is an expert in designing programs to help community college students continue their education beyond the traditional 2 years.

Through her years of service, she has worked for several higher education institutions. Before coming to New York, she has served as vice provost of Wayne County College and acting vice president for Academic Affairs at Highland Park Community College, both in Detroit. She also has served as consultant for the Ford Foundation Urban Transfer Opportunity Program and the United Negro College Fund's Transfer Opportunity Program.

The business, professional and civic organizations to which she belongs, like the honors and awards she has been given demonstrate that. Dr. Williams joins BCC with many lessons learned in leadership in education, community service, and wisdom. It is our hope that the addition of Dr. Williams to the Bronx Community College will bring continued success to the institution.

Mr. Speaker, I have the privilege of representing the 16th district of New York where Bronx Community College is located and I am delighted by its success. In addition, I participate every year in the 10K race organized by BCC.

I ask my colleagues to join me in paying tribute to Bronx Community College, to the administration and faculty, and to the students, whose ambition and hard work have made this great institution a tremendous source of pride and success for the last 40 years.

WE MUST PROTECT OUR CHURCHES AND CHARITIES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. PACKARD. Mr. Speaker, how much of the work done by your church or favorite charity depends on the generous donations of parishioners and contributors like yourself? Did you know that creditors can take already donated money from them because current bankruptcy law allows them to do so? It's unbelievable, but it's true.

In a recent case, a U.S. Federal Bankruptcy Trustee brought an action against the Crystal Evangelical Free Church of New Hope, MN. In doing so, the unprecedented case reinterpreted the Bankruptcy Code to mean that if an individual gives money to a nonprofit group within 1 year of declaring bankruptcy, creditors

can come after the group to reclaim this money. Why? Because an individual must receive something of reasonable equivalent value in return for a monetary donation.

Mr. Speaker, current law essentially says that if an individual has filed for bankruptcy, he cannot simply donate money to a charitable organization or to the church. However, because the Bankruptcy Code allows for certain "entertainment exemptions," taking a luxury vacation, purchasing liquor, buying a new car, or making 1–900 calls to psychics, are all reasonable expenditures.

This case outraged me and I decided to do something about it. I introduced legislation in early October to protect certain charitable contributions. Known as the Religious Liberty and Charitable Donation Protection Act, this legislation will amend U.S. Code to protect our Nation's churches and charities from the hands of creditors.

Mr. Speaker, H.R. 2604, the Religious Liberty and Charitable Donation Protection Act will allow your church or favorite charity to continue to thrive and prosper. Donations received in good faith from individuals will not be taken from their pockets by creditors. I encourage all of my colleagues to cosponsor this important legislation. As the holidays quickly approach, we must work to address the needs of our churches, charities, and the less fortunate who rely on their vital services. H.R. 2604 will do just that.

CONFERENCE REPORT ON H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1997

Mr. NEUMANN. Mr. Speaker, as a former homebuilder, I have always thought that the steps people must take to purchase homes and get mortgages is confusing and difficult. I rise today to express my concern with a new HUD proposal which threatens to make buying a home even more difficult and more expensive for millions of Americans: HUD's proposed change to Regulation X which implements the Real Estate Settlement Procedures Act [RESPA].

RESPA was passed in 1974 to address two concerns. First, it requires lenders to inform borrowers of the costs they will face once they close on a home loan. Second, it prohibits lenders from making referral payments to individuals or businesses who recommend their services.

Congress did not anticipate recent innovations in the mortgage banking industry when it passed RESPA. Mortgage brokers now play key roles in serving home buyers, particularly those with lower incomes. RESPA's outdated approach has resulted in over 50 class action lawsuits claiming that lender-paid mortgage broker fees are prohibited because they are referral fees, despite the fact that these fees have helped cut the closing costs for home buyers.

Congress has before it a bill I have cosponsored, H.R. 1283, which would call a time out on these lawsuits until RESPA can be reformed to reflect current market operations. On March 3 of this year, over 30 bipartisan Members of Congress—including several from the HUD Appropriations Subcommittee—signed a letter written by Housing Subcommittee Chairman Lazio asking HUD to clarify RESPA's definition of lender-paid broker fees to make sure it protects consumers without restricting access to affordable mortgage credit. However, this new rule could reduce mortgage brokers ability to help people by setting fixed fees in addition to requiring fee disclosure.

As a member of the Subcommittee on VA/HUD and Independent Agencies of the House Appropriations Committee, I believe HUD should delay this new rule as long as Congress is working faithfully to update RESPA. Secretary Cuomo has already committed to delaying the implementation of similar RESPA rule regarding employee compensation while Congress works to reform RESPA. I am hopeful similar consideration will be given to proposed changes to Regulation X. I am confident that in the end, Congress will approve a new law that makes it easier for both consumers and lenders.

TRIBUTE TO THE CONSTRUCTION INDUSTRY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SESSIONS. Mr. Speaker, I'd like to take the opportunity to commend a segment of our working population that seldom gets the recognition it deserves. The construction industry, one of the largest industries in the Nation, provides well paying jobs with valuable career opportunities for close to 5 million American workers every year. To remain at the present level of activity, the construction industry needs an additional quarter of a million workers per year to replace an aging and retiring workforce. As it continues to bring productive and talented craftsmen and women into its ranks, the construction trade deserves our thanks.

In order to keep pace with the growing construction needs of the American public, there must be adequate and appropriate training for individuals seeking to enter this important industry. Today, there is a program in place to meet that need. The National Center for Construction Education and Research administers a nationally recognized construction training program that allows individuals to advance at their own speed and competency to develop solid lifetime career opportunities. The merit shop believes work opportunities should be based on merit and recognizes the National Center for Construction Education and Research training programs as critical for today's workers.

No two individuals work at the same pace. That's why the merit shop is the perfect place to teach and develop careers for the construction workers of America. The merit shop, through organizations such as Associated Builders and Contractors, is committed to perfecting training programs that are both efficient and effective, in order to meet the need for a highly skilled construction work force.

An additional bonus of the merit shop apprenticeship programs is that they are excellent places for welfare recipients to gain on the job training and work experience through entry level jobs, which are the first step to obtaining the skills necessary to secure a career in the lucrative and rewarding field of construction. And merit shop contractors provide on the job work experience along with classroom training at the local level through nationally standardized and portable curricula.

On October 16, 1997, the industry reached out to 175,000 students, teachers, counselors, and parents at some 3,500 high schools and universities through a nationwide video teleconference sponsored by the National Center for Construction Education and Research on opportunities for entering the construction industry.

As the demand for highly trained and experienced construction workers increases, merit shops have consistently stepped in to fill that need. They will continue to offer Americans the training they need to fulfill the needs of the construction industry, and supply the increasing demands of economic growth in America. I applaud their efforts, and commend them for the excellent services they provide to the American people.

TRIBUTE TO THE THOUSAND OAKS SISTER CITY COMMITTEE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the exemplary sister city effort between Thousand Oaks, CA and the City of Spitak in Armenia. In December 1988, Spitak was devastated by an earthquake which killed half its population. Thousand Oaks residents, led by Dr. Michael Hagopian, a prominent Armenian-American, coordinated a disaster relief effort by appealing to the community for donations and supplies.

The efforts were met with overwhelming community response which led to the formation of the Thousand Oaks Sister City Committee, a permanent link between the cities of Spitak and Thousand Oaks. Mayor Robert Lewis of Thousand Oaks and Mayor Arsen Ohanian of Spitak formally established sister city ties in 1992.

That same year, then-Mayor Alex Fiore of Thousand Oaks helped launch a fund raising drive to rehabilitate an apartment building in Spitak which housed 20 displaced families. Thousand Oaks residents and businesses provided $30,000 in this effort.

Since 1994 the Thousand Oaks Sister City Committee has sponsored Armenian-American cultural programs and educational and humanitarian efforts, including the Dr. Michael Hagopian Scholarship Fund. The committee

has funded a community center and hostel while providing donations to orphans and families in Spitak.

The Thousand Oaks Sister City Committee has also sponsored exchange visits for students and representatives, including Mayor Suren Avetisyan and Sister City coordinator Edward Sarkisyan. Several committee members travel regularly between Thousand Oaks and Spitak.

Mr. Speaker, I would like to recognize, in particular, several dedicated Thousand Oaks Sister City Committee founders and supporters, who have made great contributions to the sister city effort, including Mrs. Lauren Balekian, Mrs. Katie Bedrosian, Mrs. Annabelle Lee Darakjian, Mr. Raymond A. Garcia, Mr. Don Goodrow, Dr. Michael Hagopian, Mr. Sark Keochekian, Mrs. Judy Lazar, Mr. Michael Markey, Mr. Vasken Melkonian, Dr. Andrew Mikaelian, Ms. Caroline R. Milton, Mrs. Frances Prince, and Mrs. Nora Sahagian.

From the devastation of the 1988 earthquake was born a strong relationship between two geographically distant peoples. The efforts of residents of the Thousand Oaks community, on behalf of those in Spitak, has created an everlasting bond between Americans and the people of Armenia and Artsakh.

TRIBUTE TO ALBERT P. MAURO

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to salute a great man from Kansas City, Albert P. Mauro, as the first recipient of the American Citizen Award presented by the Southtown Council which for 15 years has brought together area businesses, associations, institutions, and neighborhoods to educate and strengthen our community. Mr. Mauro has served our community for over 40 years. In 1954 he was an assistant to City Manager L.P. Cookingham. He went on to lead the fight to end segregation at General Hospital. He was the public policy architect behind the vision for combining all the entities on hospital hill and more importantly the collaborative funding sources—that is, city, State, county, Federal, and so forth. No other complex has had such a diverse and complex fund mechanism. Through his work, the economic development of our area thrived. His leadership contributed tirelessly to the campaigns for the Boys and Girls Club, the Genesis School, and in securing the construction of the Deramus Education Pavilion at the Kansas City Zoo. Although he has retired as vice president and corporate secretary of Kansas City Southern Industries, he continues to chair the downtown council and serves on numerous boards and civic associations.

Mr. Mauro's combination of compassion and ingenuity have produced a brighter future for Kansas City. I join with the Southtown Council in recognizing Mr. Mauro for his leadership, integrity, and friendship.

Mr. Speaker, I congratulate Mr. Mauro on his well-deserved receipt of the First Southtown Council American Citizen Award.

IN MEMORY OF KEVIN DUANE NEWSOME

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to offer words of gratitude and recognition for the wonderful life that Mr. Kevin Duane Newsome lead in his Houston community.

I was saddened at hearing of the passing of Mr. Kevin Duane Newsome: son, husband, father, colleague, and friend to those who knew him.

A child is a mother's and father's best hopes and dreams personified. A husband is a wife's best friend, companion, and advisor. A brother is a counselor, aide, and active participant in the lives of his siblings. A certified public accountant a counselor and aid to others. A businessman is a pillar for our community.

Mr. Kevin Duane Newsome was a father in the true sense of the word, man of the finest and most honored titles that anyone can hold in a life time.

His sons Kevin Jr. and Jarrad had there father for only a brief time, but they knew that he loved them through his commitment to them and their mother, Deborah.

There is a lot that I could say, but a day or a week, not even a month would allow me enough time to express all that Kevin Duane Newsome was to his mother, his wife, to his sons, to his sister, to his friends, to Wesley Chapel A.M.E. Church, or to Houston business community.

Kevin Duane Newsome was a native son of Houston, TX. For those who knew him best, Kevin was a role model. It is easy for all to see the importance of role models for children, but as adults we soon forget the importance of having our own role models who can provide visible signs of triumphant over the complexities that life has to offer. Kevin taught us that truth matters, that honesty matters, and that fairness matters. Kevin Duane Newsome kept his focus on people and it showed in his relationship with his family and friends.

Kevin grew up in and attended Houston Independent School District schools. He obtained a bachelor in business administration in 1979 and a masters of business administration in 1984 from the University of Houston. Kevin's professional career included audit positions with Authur Anderson Co. and the city of Houston. In 1984, he joined Texaco, Inc., as an internal auditor. Most recently he was promoted to manager of quality human resources.

As the words of the Lord are recorded in St. John chapter 10, verse 27 to verse 30, He said:

> My sheep hear my voice and I know them and they follow me. And I give unto them eternal life; and they shall never perish, neither shall any man pluck them out of my hand.

Kevin heard the call for community and public service following graduation, he pledged and became an active member in Alpha Phi Alpha Fraternity, Xi Kappa Lambda Chapter. Kevin's civic activities included Houston Community College System Citizen's Advisory Board, Sam Houston Area Boy Scouts Speakers Bureau, University Oaks Civic Club, Junior Achievement, and University of Houston College of Business Alumni Board. Kevin's political involvement included candidate for Harris County treasurer in 1990, candidate for district clerk in 1994, Coalition of Black Democrats and alternate delegate to the 1992 Texas State convention.

In Isaiah chapter 40, verse 31, it is written: "But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint."

After a bout with multiple myeloma, Kevin Duane Newsome passed away on Sunday, September 14, 1997. He leaves to cherish his memories his wife, Deborah; two sons, Kevin Duane, Jr. and Jarrad Anthony; mother Mable L., and a sister Kimberly.

I would like to offer the Newsome Family my deepest sympathy at this difficult time.

TRIBUTE TO TERESENA (TERRY) WISE BRYANT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Teresena Wise Bryant, an outstanding individual who has dedicated her life to public service and education. She was honored on October 17 by parents, family, friends, and professionals for her outstanding contributions to the community at the Eighth Annual Salute to Excellence Awards Dinner hosted by the 163d Street Improvement Council, Inc. in New York.

Born in Florida, Ms. Bryant, known as Terry by her friends, moved to New York City in 1964 after receiving a bachelor's degree from Florida A&M University. In 1977, she earned a master's degree in public administration at New York University. She has shown the importance of life-long learning as she has continued to take postgraduate courses in educational fields.

Through her years of service, she worked for several governmental agencies. Her career started as an assistance bookkeeper with Standard Motors. Later she worked as a homebound instructor with the White Plains Board of Education before she was hired as a teacher of recreation in the New York City Board of Education/Continuing Education Division. Within 6 months, she was recommended and hired as director of community education, Mohegan Community Center/P.S. 67 in the Bronx. She went on to become assistance executive director of contract development for the Youth Board/Bureau/Youth Services Agency. In 1987, Terry returned to the New York City Board of Education as special assistant to the Bronx board member.

Terry clearly believes that electoral politics is honorable public service. For 18 years, she was the campaign manager and confidential/political assistant to the late State Senator Joseph L. Galiber and she managed the election campaign for Bronx District Attorney Robert

Johnson, the first and only African-American district attorney in the State of New York. She is an expert in redistricting and reapportionment of Councilmanic, State Assembly, and senatorial as well as congressional lines.

The business, professional, religious, and civil organizations to which she belonged, like the honors and awards she was given are almost beyond counting. Terry retired last year after a fruitful career in public service. Ms. Bryant leaves us with many lessons learned in community service, leadership in education, and wisdom. A talented leader and educator, Ms. Bryant will continue sharing her knowledge and views with her family and friends.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Teresena Wise Bryant for her outstanding achievements in education and her enduring commitment to the community.

IN HONOR OF DOMINICK DELLA ROCCA "THE LEGENDARY PIED PIPER"

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge the outstanding pillars of our communities. In my neighborhood that pillar is Mr. Dominick Della Rocca. He represents what it is to be an exceptional human being, for without hesitation he has given so much of himself.

Before and after his World War II service, Mr. Della Rocca participated in and helped to organize neighborhood baseball games. Over the years, and with much local support, he developed many community activities for the young people of the neighborhood like the Buck Wingo Athletic League and the Fort Greene Civic Center.

His attention later turned toward the needs of handicapped children. With the generous help of a lifelong friend, he helped start Camp Montebello for Blind Children. What started as a modest effort transformed into a project of love which permitted children with visual impairments to participate in camp activities like so many of their peers.

Over the years many in the community have come to know, love and admire Della Rocca's natural ability to bring people together. There are few out there today who can turn charity into fun and excitement, something you love and look forward to performing time and time again. It was the popularity he gained from his charitable works that earned him the title of Executive Chief Mayor of the Locality Mayors. It has been in this capacity where he has focused the attention of the Community Mayors (also known as Locality Mayors) onto the needs of handicapped children of the area.

The Community Mayors, with the generous donations of many local businesses and neighbors, have been able to raise over $160 million to fund a number of programs for handicapped children. Events such as Operation Santa Claus, the Mets at Shea Stadium, Astroland at Coney Island and an exchange student journey from Milan, Italy to Brooklyn, NY are but a few of the activities which have brought much joy to the children with special needs in our community.

However, one of Della Rocca's greatest and most impressive achievements remains receiving the highest humanitarian honor from the Roman Catholic Church. Della Rocca was knighted by the Pope to the Magistral Knight of Sovereign Military Order of Malta. We are all very proud of this magnificent accomplishment.

In honor of his 50 years of service as a Community Mayor and for helping bring joy and hope into the lives of 3,200,000 special needs children, I rise today to salute this generous individual. Thank you Mr. Della Rocca for setting such a wonderful example for us all, I hope others will follow in your footsteps and spread your good works.

IMPROVE THE SAFETY OF BOATERS IN SOUTHERN LAKE MICHIGAN

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BLAGOJEVICH. Mr. Speaker, I rise in support of locating a Coast Guard search and rescue helicopter in the southern end of Lake Michigan. Currently, there is only one Coast Guard search and rescue helicopter which serves southern Lake Michigan. Until 1995, this helicopter was located at the Coast Guard Air Station Chicago in Glenview, IL. In 1995, the Glenview facility was downgraded to a seasonal air facility. Subsequently, the Coast Guard decided to move the helicopter facility to Muskegon, MI. While the justification for the move from Glenview is clear, I respectfully disagree with the Coast Guard's choice of Muskegon as the alternative location for the air facility. Located 120 nautical miles from the southern end of Lake Michigan, Muskegon is simply too far away from where the majority of boating activities and accidents occur in Lake Michigan. I believe the Gary Regional Airport, in Gary, IN, is a more appropriate location for the facility.

Events during the course of the last few months have highlighted the need for a helicopter rescue team which can respond quickly to emergencies in southern Lake Michigan. On April 6, two fishermen died in a boating accident near east Chicago, IN, despite search efforts by boat and helicopter. A Coast Guard rescue helicopter had already been flying for more than an hour when it arrived in Gary, IN, to refuel and join the search for the missing boaters. The Coast Guard estimates that a person wearing a lifejacket can survive for about 4 hours in 40-degree water. It is clear that even 1 hour could mean the difference between life and death when boaters are in an emergency situation in Lake Michigan.

In June of this year, a man and his disabled jetski floated for 2 nights off a Chicago beach, waiting to be rescued. This event highlights the fact that emergencies which require helicopter search and rescue response occur within a few hundred yards of Chicago's beaches. Although this man was fortunate to have been able to float on a jetski, his experience demonstrates that there could well be a time when someone must survive in the icy cold of Lake Michigan waiting the hour it takes for the Coast Guard to fly from Muskegon to Chicago.

According to July 1996 Census Bureau statistics, the population of counties bordering Lake Michigan in Indiana and Illinois is 6.4 million people. Michigan's shoreline population in the counties south of Muskegon is only 715,748. It stands to reason that the more populated areas of the Lake Michigan shoreline are at greater risk for boating accidents. In addition, Northwest Indiana's casino boats, which carry thousands of people each year, Chicago's dinner and sightseeing boats, which carry over 1 million passengers each year, and the over 1,000 flights a day which make their final descent over Lake Michigan accentuate southern Lake Michigan's need for Coast Guard helicopters that can respond very quickly to emergencies.

On an average day in the summer, there are roughly 2,000 boats in the water along the 70 miles of shoreline from Gary to Waukegan. This tremendously heavily traffic gives rise to an average of 10 to 20 Coast Guard search and rescue boat missions a day within 3 to 5 miles of the Waukegan/Gary shoreline. These overburdened Coast Guard boats are responsible for not only the shoreline, but also the Chicago River, the Calumet River, and the Cal-Sag Channel west to Joliet. The increased risk to boaters due to this situation was brought to light by a recent Chicago Sun-Times article which reported that almost seven times more people have died in the lake waters near the Gary to Waukegan shoreline or connecting rivers in the past year than that in the previous year. Twenty-six people have died since October 1, 1996, compared to just four during the previous fiscal year. Even the Coast Guard's acting commander of the Chicago area has remarked that this number is, "extremely high." Nine of these deaths were the result of plane crashes, 11 deaths involved boating incidents, and 2 people died in jet skiing accidents.

Gary, IN, which is only 10 minutes flying time from Chicago, is ideally situated to provide the quick emergency response service needed in southern Lake Michigan. While some have suggested Waukegan as an alternative site, it takes a helicopter 19 minutes to fly from Waukegan to Chicago—9 minutes longer than from Gary. At the same time, a helicopter based in Gary can reach Chicago's north shore communities in 26 minutes—almost half the time as a helicopter flying from Muskegon. Moreover, with a control tower operating 24 hours a day and the second longest runway in the region, the Gary Regional Airport is already equipped to handle a helicopter station and would need no expensive improvements to maintain an air facility. Moving the Coast Guard search and rescue helicopter from Muskegon to Gary has the support of a majority of the Chicago and Indiana congressional delegations, including Senators DURBIN, MOSELY-BRAUN, COATS, and, LUGAR, as well as Mayor Daley, Governor Edgar, Governor O'Bannon, and Illinois Secretary of Transportation, Kirk Brown.

Mr. Speaker, although it may cost slightly more to locate a Coast Guard helicopter in Gary, the question before us is about saving lives, not about saving money. Clearly, a helicopter based in Gary has the potential to save more lives than one which sits over 45 minutes away in Muskegon, MI. This is why I, along with Representatives VISCLOSKY and LIPINISKI, requested the GAO to conduct an independent, nonparochial assessment of which location best protects the safety of those who live and recreate in southern Lake Michigan. It is my hope that the results of this study will impress upon my colleagues the need for more timely Coast Guard search and rescue helicopter response service in southern Lake Michigan. I look forward to working with my colleagues on this issue in the days ahead.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. KIND. Mr. Speaker, it has now been over 100 days since the July 4 deadline that President Clinton set for consideration of campaign finance reform. We still have not been given the opportunity to debate any legislation that would change the current campaign finance system. Time is running short as we near the end of our legislative year, it is vital that we take action immediately on campaign finance reform.

Today an effort by Democratic Members of the House to force a vote on campaign finance reform failed. This vote occurred during debate of legislation to reauthorize the U.S. Coast Guard, an important bill that deserves our consideration and support. Unfortunately, those in this House, Democrats and Republicans, who support reform have been forced to use parliamentary tricks and delaying tactics in an attempt to force a vote on legislation. Other parliamentary tricks are expected this week. It is sad that we have come to this point.

Mr. Speaker, over 300 Members of the House of Representatives have signed on to some piece of legislation to reform the campaign finance system. By failing to even consider this issue on the House floor you are rejecting the will of a majority of the House. More troubling, Mr. Speaker, is the fact that you are rejecting the will of the people of this Nation who want the Congress to fix the broken campaign finance system. The time for action is now.

RECOGNIZING WOMEN VETERANS AND CURRENT FEMALE SERVICE MEMBERS ON THE OCCASION OF THE DEDICATION OF THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Ms. HARMAN. Mr. Speaker, I was pleased to participate in the celebration of the Women in Military Service for America Memorial on Friday, October 17, when I attended a moving reunion of women veterans and current service members at the DC Armory. I ask unanimous consent to insert my remarks on that occasion in the CONGRESSIONAL RECORD. In recognition of all that women service members have done for our country, I would also ask unanimous consent to insert the attached profile of six courageous veterans that appeared in the Washington Post on Saturday, October 18, 1997.

REMARKS BY REPRESENTATIVE JANE HARMAN TO THE WOMEN IN MILITARY SERVICE FOR AMERICA REUNION RECEPTION, FRIDAY, OCTOBER 17, 1997

Tomorrow, with the official dedication of the Women in Military Service Memorial, America recognizes—and remembers—women who have given so much to our country. I am inspired by your service to the cause of freedom and honored to be with you tonight. This extraordinary gathering is getting the word out. Women in all walks of life are finally learning of your sacrifices, your dedication, and your accomplishments.

You and your predecessors have contributed immeasurably to the defense of our country and the preservation of our liberties. You worked as nurses and doctors, as logisticians, trainers, mechanics, pilots—and more. You did this in the face of overwhelming odds—often not enjoying the recognition you deserve. And you paved the way for other women to break into other unconventional roles in our society. For this, we are all indebted to you.

As one of three women on the House National Security Committee, I have witnessed first hand the impact you pioneers have had in the military and society at large. I was there when my friend, the late Secretary of Defense Les Aspin, opened vast new roles to women in the military. His courageous act was the right thing to do, and it was because of the groundbreakers here.

Now women have achieved highly visible leadership roles: I was there when Lieutenant General Claudia Kennedy received her third star—and rightly so: she is indeed a star. I am proud to point to the role of women in developing key programs that support our military. A woman is in charge of the precision-guided munitions program for the B-2 bomber. A woman heads the Tactical High Energy Laser program which protects Israel's northern border and our troops from Katyusha rockets.

As a co-chair of the National Security Committee's investigation of sexual harassment and misconduct in the military, I want to ensure that women serve in safety and can contribute to their full potential. This is not about political correctness. It's about combat readiness. Unless we include women as full partners in the military, we are not fielding the best team we need to fight and win our nation's next war. I salute Brigadier General Pat Foote who played a key role in the Army's recent groundbreaking report on gender issues.

I have read many moving stories of women veterans, including one of a woman who resides in the California district I represent—Gaylene McCartney. Gaylene was a medic at Oakland Naval Hospital in 1965, caring for the wounded from Vietnam, but that is only the beginning of her inspiring story. She became an attorney and then suffered a painful disability that led her to curtail her legal activities. Yet she says she wants to volunteer on behalf of veterans and others—once a leader, always a leader.

I am equally inspired by the efforts of the women whose work made this week's celebration possible. First and foremost is Brigadier General Wilma Vaught. General Vaught had the herculean task of turning the dream of the first major memorial honoring all military women into a reality. With uncommon determination, imagination, and initiative she and her team have been able to bring this effort to life. Without her work over the past decade, there would be no memorial.

I was also pleased to read that the on-site project manager for the Memorial is a woman, Margaret Van Voast, who has headed a team of women managers. I was doubly pleased to hear that Margaret Van Voast is a graduate of my alma mater, Smith College. No doubt Secretary Perry and General Shali agree that this really is the Women's Memorial: It honors women, it was made possible by women, and it was built by women!

Let me close with a wonderful quote from President and Former Assistant Secretary of the Navy Theodore Roosevelt who speaks to "Everywoman" here. I have edited it for gender:

"It is not the critic who counts, not the [one] who points out how the strong [person] stumbled. . . The credit belongs to the [one] who is actually in the arena. . . who strives valiantly; who errs and comes short again and again. . . who knows the great enthusiasms, the great devotions, and spends [herself] in a worthy cause; who, at the least, knows in the end the triumph of high achievement; and who, at the worst, if [she] fails, at least fails while doing greatly, so that [her] place shall never be with those cold and timid souls who know neither victory nor defeat."

Thank you for your service. Thank you for your patriotism. Thank you on behalf of a grateful nation.

SIX MILITARY WOMEN AND SIX U.S. WARS: STORIES REACH BACK THROUGH HISTORY OF A NATION

Duty. Honor. Pride. Patriotism.

A common current flows through the lives of the nation's 1.8 million women veterans: When their country needed them, they stepped forward without hesitation.

Some broke barriers and accomplished noteworthy deeds. Others were cloaked in ordinariness, their service and sacrifice little noted by contemporaries but recognized now by a grateful nation with today's dedication of the Women in Military Service for America Memorial.

Here are just a handful of their stories. But they speak for all who answered the call.

MARY EDWARDS WALKER—CIVIL WAR

Seventy-eight years after her death, people still get riled up about Mary Edwards Walker.

Was she a capable and intelligent physician, as some of her Civil War contemporaries maintained? Or was she—to quote an 1864 medical panel—"utterly unqualified," with a knowledge of medicine "not much greater than most housewives"?

Because she was Union doctor who also ministered to Southern civilians, some suspected Walker was a spy. But for which side?

She was the only woman ever to receive the Medal of Honor, her country's highest military award, presented by President Andrew Johnson in 1866 for "meritorious service." Supporters say her honor was unfairly taken away (along with the medals of 910 others) in 1917 when Congress tightened the eligibility requirements.

Today, 20 years after an Army board reinstated Walker's medal posthumously—citing her "distinguished gallantry, self-sacrifice, patriotism, dedication and unflinching loyalty to her country, despite the apparent discrimination because of her sex"—critics still claim she didn't deserve the honor.

A relative told the New York Times: "Dr. Mary lost the medal simply because she was a hundred years ahead of her time and no one could stomach it."

She was born in 1832 into an abolitionist family in Oswego, N.Y. Her father, a country doctor, believed strongly in education and equality for his seven daughters. He also believed they were hampered by the tight fitting women's clothing of the day, a belief that Mary passionately espoused.

She graduated from Syracuse Medical College in June 1855, the only woman in her class. A year later, she married a classmate (the bride wore trousers, a man's coat and kept her own name). They were divorced 13 years later.

When war broke out, she came to Washington and tried to join the Union Army. Denied a commission as a medical officer, she volunteered anyway, serving as an acting assistant surgeon—the first female surgeon in the U.S. Army.

In 1864, Walker was captured by Confederate troops and imprisoned in Richmond for four months until she was exchanged, with two dozen other Union doctors, for 17 Confederate surgeons.

She was paid $766.16 for her wartime service. Afterward, she got a monthly pension of $8.50, subsequently raised to $20, but still less than some widows' pensions.

After the war, she became a writer and lecturer on women's rights, dress reform, health and temperance issues. Tobacco, she said, resulted in paralysis and insanity. Women's clothing, she said, was immodest and inconvenient.

She toured here and abroad, often lecturing in full men's evening dress, which led one reporter to call her "that curious anthropoid."

She refused to give back her Medal of Honor, wearing it every day until her death in 1919.—Marylou Tousignant.

FRIEDA HARDIN—WORLD WAR I

Frieda Hardin is 101 now, but she can still vividly recall a Saturday night in 1918 when her family was gathered around the dinner table in Portsmouth, Ohio. Her father, a scrap yard foreman for the railroad, was discussing the fact that the Navy was recruiting women.

"That's for me!" Hardin, who was then Frieda Greene and 22, piped up.

Nobody paid much attention to her—not, that is, until the following Monday, when she signed up for the United States Naval Reserve Force and then phoned to tell her mother.

"Mamma, I just joined the Navy!" she said.

"Frieda, you come right home!" her mother, Rose Greene, exclaimed.

"Mamma was awfully embarrassed to have me join the Navy," Hardin recalled. "It was unheard of for women."

Women couldn't even vote then, and her mother informed the Navy recruiting officer that "this girl is not going!" But he gently asked how Frieda's father, George Greene, felt about it. When they told her father, he said, "Let her go!"

And off she went, on an adventure that eventually would lead the World War I veteran to Washington—79 years later—for the dedication of the first memorial for women in the armed forces. Although she is nervous, Hardin is going to try today to give a speech, which she has been practicing at her nursing home in Livermore, Calif.

Hardin flew to Washington on Thursday with her children, Warren, 69; Mary, 76; and Jefry, 73. (Roy, 70, did not make the trip.) She was given a standing ovation on the plane and a bottle of champagne, but she's never had an alcoholic drink in her life.

In an interview Thursday night, Hardin recalled her active duty in Norfolk, where she was a Yeomen Third Class (F), known as a "Yeomanette." Her job was to check dock receipts in the freight office. She was paid $41 a month, plus $2 a day for living expenses. Because there was no housing for women, she lived in a boardinghouse in town. Although the work itself was boring, she says, the women were treated very well.

She was proud of her Navy job because she felt she was helping her country. Before that, she was a salesclerk in a five-and-dime store. "Anybody can work in a dime store," Hardin said. "It take a smart person to work in the Navy."

Her children say she has had a wonderful life, with 26 great-great-grandchildren and four husbands along the way. Her only frustration now is that she can't hear very well. She hopes others can hear her today.

"It is not likely that I will be meeting with you again, so I bid each of you a fond farewell," she plans to tell the crowd. "God bless the United States Navy, and God bless America!"—Patricia Davis.

CHARITY ADAMS EARLEY—WORLD WAR II

The strict Army discipline was the thing that Charity Adams Earley valued most: Discipline to do the calisthenics that were part of her military training in World War II. Discipline to endure segregation there, as a woman and as a black American.

She had to have poise. Upon her had fallen the task of commanding the only black Women's Army Corps unit—800 enlisted women and 30 officers—to go overseas.

"It taught me stronger self-discipline," Earley said as she reflected on today's dedication of the women's military memorial at Arlington National Cemetery. "I was rather well-disciplined at first, because I had that kind of family. But doing what I needed to do, when it needed to be done—I learned to value that."

She was working on her master's degree in education when her country asked her, in July 1942, to serve in the Good War. Earley, 78, who now lives in Dayton, Ohio, didn't spend any time weighing the matter, what with the newfound prominence women were enjoying in the military. But she worried.

"In those days, by this time, women were going into the military, women were going to work who had never worked before, in factories and so on, and so this was another war effort and we didn't know exactly whether it was going to work," said Earley.

"We were told that the women would do the jobs that would replace the men who were going to the front. You didn't know what you were going to do once you got there."

She became an officer, with the rank of major. Her task was to reorganize the post office for the European Theater so that mail reached the troops promptly. The best system, she decided, would be the same one used in the civilian world. She would keep addresses on file. Whenever troops moved, they would send in a change-of-address card.

Earley and her battalion of 830 women sorted mail in England and closer to the front lines in France. They were relatively safe, Earley said, and their minds were occupied by other things. They lived in segregated barracks, ate in segregated dining halls. The only thing that was not segregated, Earley said, was the exercise field.

"We didn't mix it up," she said. "We were segregated two ways, because we were black and because we were women. Oh, we laugh about some of the things that happened. We have our memories about the good things and the bad things."

The war years stayed with Earley through jobs as dean of students at Tennessee A&I University and later at Georgia State College in Savannah. She married Stanley Earley, a doctor, and had two children. She published her memoir, "One Woman's Army," in 1989 and still travels occasionally for book signings.

"Somebody had to talk about it and tell what happened to women in World War II," Earley said. "I kept waiting and waiting and then I decided, if you want something done, you do it yourself."

MARY THERESE BURLEY—KOREAN WAR

On the moring after her high school graduation in Flint, Mich., in June 1994, Mary Therese Burley marched downtown to the U.S. Army recruiting office and declared herself ready to enlist. The Japanese attack on Pear Harbor was still fresh in the teenager's mind.

Only 16, she was gently rejected and advised to come back when she was older.

Her résumé included only one summer as a volunteer nurse's aid in her hometown hospital. But what she did have was the desire to nurse the sick and serve her country. Within a few years, she would get her chance.

Burley went on to attend the Cadet Nurse Corps program, and in December 1951, she entered the U.S. Army Nurse Corps as a first lieutenant. In April 1953, she boarded a ship to Korea, where she worked in the 48th Mobile Army Surgical Hospital (M.A.S.H.) northwest of Seoul for 15 months.

"I knew I could be of help if I could just get there," said Burley, now a 69-year-old retiree who volunteers at a veterans hospital in Saginaw, Mich.

As an Army nurse, Burley treated mostly soldiers suffering from the deadly viral ailment called hemorrhagic fever, she said. The illness began innocently enough, giving soldiers the achy, feverish, red-eyed symptoms of the flu. But the virus ravaged their kidneys.

"When I got there, it had kind of stabilized . . . but nobody knew how to cure it" Burley said. During her tour in Korea, she worked with what was then one of the medical wonders of the world: an artificial kidney.

"The first patient I saw who went on the kidney was near death when he was evac'd out," she wrote in a reminiscence for the foundation that built the women's memorial. "On his return, the next a.m., he sat up in bed and read a magazine!"

Burley, along with the other two dozen doctors and nurses of her unit, was shipped out of Seoul in September 1954, when the hospital was turned over to Korean troops.

She was reassigned to Fort Leavenworth, Kan., where she worked as a medical-surgical nurse and earned her captain's bars. In November 1957, Burley left active duty.

More than four decades have passed since she tended to the sick soldiers of the Korean War. But the sounds, the smells and the sense of that time are still with her.

Gunfire that pierced the still of night. The squat potbellied stoves that warmed the drafty corners of the cement-slab hospital. The noxious odor of the manure used by Koreans to fertilize their fields. The hours she spent crying in frustration that not every boy could be saved.

"I had no idea what it was like, none of us did," Burley said. "All we knew was that we were needed."

Burley plans to attend today's dedication, having earned her place in history in a war thousands of miles away in Asia. But even there she was at home.

"Every morning when you walked out and saw the flag, boy, I tell you," she said. "The hospital was surrounded by American flags on poles and it was so beautiful. That was home."—Sylvia Moreno.

CATHERINE KOCOUREK GENOVESE—VIETNAM WAR

One of the most vivid memories for retired Capt. Catherine Kocourek Genovese is the winter day she abandoned plans to become a teacher and instead worked her way through a throng of Vietnam War protesters to join the Marine Corps.

Genovese was earning a teaching degree at the College of St. Catherine in St. Paul, Minn. One day she saw the crowd of students, dressed in black with death masks painted on their faces, taunting a pair of Marines who had set up a recruiting display in the student union.

"It was a moment of clarity," said Genovese, 48, who now lives in Redwood City, Calif. "I had never really thought of joining, but I guess it was always in the back of my mind. I saw the recruiter and said this is it."

Genovese said she was certain she made the right choice by joining the military during a war that had claimed the lives of several high school classmates.

"In my own mind I was more of a rebel by going against my peer group," she said.

Genovese comes from a family with a tradition of military service. Her father was a Naval Reserve officer, and her mother a Navy nurse. One aunt served as a Marine officer and another was a Navy nurse.

"My view of the military for women was that it was a fantastic career," Genovese said. "Those women had more responsibility than other women I knew."

While she never went to the front lines of the war, her service brought rigorous physical training and assignments that tested her resolve.

As a young commanding officer at a base in Twentynine Palms, Calif., Genovese said, she quickly came up against a group of male recruits who refused to salute her. After a quick lesson in Marine etiquette, she said it never happened again.

"These guys were tough," Genovese said. "It wasn't easy to confront a group like that. But after that, even if they were half a block away, they'd salute and say, 'Good morning, ma'am.'"

At 22, Genovese became the first female Marine to pass a pistol marksmanship test and earn the second-highest ranking as a sharpshooter. She broke more ground by becoming the first woman assigned to a weapons training battalion.

Genovese left the service after her husband, a Marine she first saw during Christmas dinner at a mess hall, took a civilian job.

"I wanted to stay in the Marine Corps so badly, but I was married and that came first," Genovese said. "It broke my heart when I had to resign. But my time in the Marine Corps is still the most exciting period in my life."—Maria Glod.

MELISSA COLEMAN—PERSIAN GULF WAR

One hundred and seven days after Army Spec. Melissa Coleman began her service in the Persian Gulf, she found herself captured by the enemy, shot twice in the arm and headed to a Baghdad prison cell. On the way, the Iraqis pulled a hat over her eyes to blind her. Then her seatmate, an Iraqi soldier, kept reaching into her raincoat to touch her breasts.

"Finally, I just reached across and hit him," she said. "Needless to say, he wasn't exactly pleased."

He did, however, leave the 20-year-old alone after that, allowing her to reach her 12-foot-square concrete prison cell in relative peace.

She would spend the next 33 days there, bathing once a week using a garbage can full of hot water.

Coleman was one of two U.S. women prisoners of war during Operation Desert Storm, and one of 41,000 American military women involved in the 1990–1991 engagement, making it the largest deployment of women in U.S. history.

Her job was to transport heavy equipment to the front line. As she was moving a tractor-trailer, her convoy missed a turn, unwittingly driving into the captured Saudi city of Khafji. Iraqi soldiers fired at the vehicle she and fellow Army Spec. David Lockett were in, and as they tried to flee on foot, both were wounded.

While in the Baghdad prison, there were frequent U.S. air raids over the Iraqi capital that left Coleman wondering whether she would get out alive.

"I thought, 'I didn't die by the Iraqi's own hands, but my own people are going to bomb me,'" she said.

She said she later received kinder treatment from her captors. They allowed her to walk freely throughout part of the prison, fed her well enough that she lost no weight—a stark contrast to Lockett and other male prisoners—played basketball and kickball with her, and checked on her after air raids.

Coleman attributed the careful treatment to the fact that she was a woman. "Whenever I was interrogated, the major would just say 'She knows nothing. She's a female,'" she said.

Today, Coleman is married with two children and working on a college degree in San Antonio. She views the experience as little more than a short chapter in her life story.

"For me, it was like, okay, so that happened," she said. "Let's get it over it and move on."—Ann O'Hanlon.

DEATH OF FORMER CONGRESSMAN JOEL PRITCHARD

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. DICKS. Mr. Speaker, it is my sad duty to inform my colleagues here in the House of Representatives that our former colleague, Congressman Joel Pritchard of Washington State, died 12 days ago at his home in Seattle. As some of you may know, he fought a valiant battle with cancer over the last several years, though it affected neither his spirits nor his work as Lieutenant Governor of Washington State.

Joel Pritchard served here in the House from 1972 to 1984, and until his death he retained many of the strong friendships he developed during those 12 years among us. He was clearly one of those members whose exuberance and sense of humor left all who knew him—on both sides of the aisle—with a warm and positive impression. His retirement from Congress in 1984 was certainly a loss for this institution, and his death last week leaves all of his many friends with an even more profound sense of personal loss.

A memorial service was conducted in Seattle last week, at which his family and many friends had the opportunity to reflect on the many happy memories of Joel and on his accomplishments in 38 years of public life. On Thursday, October 30 at 5:00 p.m. we will have a similar opportunity at a memorial service that will be held in the Veterans Committee hearing room, 336 of the Cannon House Office Building.

Joel was a very special friend, and someone who represented the very best ideals of public service. His hallmark phase was "it's totally amazing what you can do if you don't care who gets the credit," and he was known here as someone who could bring people together on any important issue or cause. In his own selfless way, Joel deserves great credit for his service here and for the civility he brought to this institution. We will truly miss him.

MOURNING THE PASSING OF HUMANITARIAN, ENTERTAINER JOHN DENVER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. GILMAN. Mr. Speaker, today I mourn a friend and associate. The passing of singer-songwriter John Denver, over the Columbus Day recess, leaves a void in the world of humanitarianism and compassion.

I first met John Denver when we were working to create a Presidential Commission on World Hunger and the both of us were subsequently appointed to that commission by President Jimmy Carter in the 1970's. As a result of that commission's final report, I introduced legislation establishing a Select Committee on Hunger in the Congress. John Denver, along with our mutual friend the late singer-songwriter Harry Chapin, was instrumental in lobbying for the successful adoption of that legislation. Subsequently, the three of us often conferred regarding the problems of hunger and starvation throughout the world, but also the environment and the problems of nuclear proliferation.

All of us who had the honor and privilege of working with John Denver recognized his involvement with ecological concerns and his

heartfelt love of humanity. His work on behalf of hunger in the late 1970's and early 1980's was significant, along with that of Harry Chapin, in shining the spotlight of public opinion on the problems of malnutrition.

In the mid-1980's, many performers in show business received publicity for their fundraising efforts on behalf of world hunger. We must not forget that these successful efforts would not have been attempted, yet alone achieved, were it not for the courageous, trail-blazing activities of both John Denver and Harry Chapin.

The December 20, 1976 issue of Newsweek magazine noted that "People write him letters from hospitals telling how listening to 'Take Me Home, Country Roads' or 'Poems, Prayers and Promises' has stopped convulsions or cleared up depressions. A long-distance swimmer navigated the shark-infested Cook Strait of New Zealand by singing Denver songs as she counted her strokes. In Lockport, NY, a woman regained her spirits after a mastectomy by listening to Denver songs all day—especially 'Sweet Surrender'."

Those who are familiar with John Denver's work are not surprised to learn of the amazing impact it has had on so many lives. His gift of expressing empathy and sincere concern were perhaps his greatest contributions.

John Denver has left us with a legacy of goodwill and also of quality entertainment. From his platinum recordings, to his appearances on the silver screen and television, he delighted and inspired audiences worldwide. Throughout his career he selflessly shared the spotlight when working with such stars as George Burns, Placido Domingo, Itzhak Perlman, and Kermit the Frog. Like his humanitarian efforts, his singing, writing, and acting talents will be missed by many.

He started his career with three guitars, an old Chevrolet and less than $200 to his name. From such humble beginnings, John Denver rose to be counted among the brightest of America's stars. We will all be poorer from his loss.

I ask my colleagues to join with me in continuing to support the causes championed by John Denver and in extending condolences to John's three children, Jessie Belle, Anna Kate and Zachary, to the rest of his family, and to the millions of people whose lives were touched and influenced by this remarkable humanitarian.

STATEMENT OF RECOGNITION FOR NEW YORK ARTISTS EQUITY ASSOCIATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. NADLER. Mr. Speaker, I rise today in recognition of New York Artists Equity Association (NYAEA), now celebrating its 50th anniversary.

Since 1947, Artists Equity Association has been a strong advocate for legislation on behalf of visual artists, and has provided services to support the development of the visual arts in our communities. NYAEA not only fights for the future of the visual arts, but places the New York artistic community in the context of history, as a necessary component of society, one that enriches our lives.

New York Artists Equity Association's mission of education, awareness, and support for the visual arts has provided the basis for its constant efforts. By promoting emerging artists in its wonderful Broome Street Gallery, it has successfully integrated those artists into the larger community. By preserving endangered visual art work, it assures the record of our rich artistic past. Through educational outreach, it has developed a new audience which is constantly expanding.

Mr. Speaker, I rise to commend NYAEA, under the leadership of its Executive Director, Regina Stewart, for supporting visual artists at a time when the resources they receive from the government are simply not enough. NYAEA has provided support for many visual artists who otherwise would not have received help. Through referrals, legal services, and health care programs, the Association helps ensure economic stability for visual artists who might otherwise be forced to abandon their talents due to economic difficulties. By providing communication within the community, it helps establish a strong support base for issues relevant to artists' needs.

I stand here today to thank New York Artists Equity Association for all it has done to advocate for visual artists, consistent with the needs of their community. I am proud that NYAEA is in my Congressional District, and that its work reaches far beyond my District to help visual artists in the larger community. I also want to thank one of the Association's Past Vice Presidents, Doris Wyman, who serves on my Arts Advisory Committee, consistently championing the needs of visual artists. Because of my ongoing work with this fine organization and their leadership, I know of their constant efforts to change regressive policies on the arts and I commend them. For fifty years, NYAEA has supported visual artists and been a passionate advocate for their causes. In the current climate, NYAEA's nonpartisan commitment is especially valuable. I salute New York Artists Equity Association for helping to assure a stable artistic community—one that is, and always must be, an integral part of our heritage and culture.

CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. BISHOP. Mr. Speaker, I rise today in support of the FY98 Agriculture Appropriations Conference Report. I am pleased that the report protects the peanut program and that it does not eliminate the subsidy for crop insurance for tobacco. It is difficult for many Americans, and many of my colleagues, to understand the profound impact that farming has on our nation. They live in cities where their food appears in supermarkets, not fully understanding the difficult and laborious efforts that brought the food to them. Spend one day on a peanut farm in my district, and you will know the effort that went into that jar of peanut butter. Family farmers are the backbone of America's agricultural community and the peanut program is one of the vital and necessary safety-nets that help protect that community.

The peanut program helps 20,000 American farmers and small businesses compete in the world market, while providing nearly 50,000 American jobs on farms, in processing plants and in related industries. Peanuts are the 12th most valuable crop in the United States and the 4th most valuable oil crop worldwide. In addition, the program provides consumers with an ample supply of one of the safest, most nutritious foods on the market. Because of the program, the United States will be the No. 1 exporter of edible peanuts this year.

The peanut program is no-net-cost program and in fact contains a budget deficit reduction assessment of $83 million which would have been lost if the program was eliminated.

The program does not reduce consumer prices. Consumer prices have not changed from a year ago, despite the fact farm support prices were cut by 10 percent last year. Consumer prices for peanut butter remain the lowest in the world, at 11 cents a serving, the same price as 1988. Peanut butter prices are lower today than 10 years ago.

The environment is benefited by the program because peanut plants are nitrogen-fixing plants which help restore vital nutrients to the soil in rotation with other crops.

I have had serious questions about the GAO report that seems to be the main source of criticism to the Peanut Program. I do not believe that this report is entirely accurate or an objective presentation of data. It is really designed to give a skewed appearance. The USDA has commented on the "lack of objectivity," the "erroneous assumptions," and "lack of thoroughness" in the report. The GAO has admitted their use of the term "consumer" means the "first buyer" not the "final consumer of the product." The GAO also interviewed both small and large manufacturers of peanut products and were told that they "may not pass the costs [savings] directly on to the final consumer" of peanut products. This report was the basis of the attempt to phase-out the peanut program and quite simply the factual basis for that argument was truly flawed.

Those statistics give you the economic impact of the peanut program, but I want to put a human face on this debate. Peanut is concentrated in the rural regions of nine southern states, with these regions being poverty-dense and agriculture-dependent. Peanuts is the largest cash crop and industry in many of these regions. For example, every one of the 31 counties in the 2nd District of Georgia, which I represent, is a peanut producing county. The peanut farms are on average 100 acres, not exactly giant agribusiness. Twenty-nine of those counties have poverty exceeding the national average of 13 percent. It's not just my district. Alabama and Florida have a significant number of peanut producing counties that also have poverty exceeding the national average. The elimination of the Peanut Program would have cost more than 5,000 jobs.

We are not only talking about hard working family-farmers whose average income dropped sharply in 1995 & 1996. We are also talking about the families of the farmers, the small businesses that work in the peanut industry and the rural communities that are sustained by peanut farming.

Last year we forged an agreement between the Government and our farmers. Investment decisions have been based on a 7-year farm bill. This body should never make a 7-year commitment and attempt to break it after one. If we had broken this agreement we would have had zero credibility with the agricultural community. In addition, the banking community would no longer trust us, because they would have made loans based on the 7-year farm bill.

The crop insurance program was designed to protect crop producers from unavoidable risks associated with adverse weather, plant diseases and insect infestations. The crop insurance program was made available to producers of MAJOR crops, including tobacco, for which private insurance is generally not available. The Government underwriting enhances the ability of farmers to obtain credit from commercial lenders who view a crop insurance policy as a form of security on a farm loan. Private insurance availability would not be universal and without federal crop insurance, farmers premiums will more than double. Small farmers couldn't afford that. With the denial of private crop insurance would come the denial of production loans. Farmers would be forced to stop growing tobacco, and many small banks in small towns would be weakened. Simply put, efforts to eliminate multiperil crop insurance for tobacco farmers unfairly harms and discriminates against small tobacco farmers and tobacco communities. In fact, nearly 30 percent of all disaster indemnities go to small, black-operated farms. Larger operations will probably do fine if this amendment is adopted.

The average tobacco farm is less than 10 acres. If we use the sponsors of the amendment's figures and say the gross receipts for tobacco average $4,000 per acre, we are only talking about $4,000 a year, gross. Subtract the loan, interest, farmhand salary and inputs needed to grow the tobacco, there is not a lot left. Without any insurance, a single storm could bankrupt a small hard working American farmer, and another generation of people will be out of farming.

If you have listened to these arguments and said "so what, let them grow something else" do this math: To replace the gross income from 10 acres of tobacco, a farmer would have to plant 74 acres of cotton, 149 acres of corn, 232 acres of soybeans or 288 acres of wheat. On what land is the farmer supposed to plant these crops? Are you going to give him the land or loan him the money to buy the land? Unlikely. Once again, if you want to stop people from growing tobacco, just say so.

The USDA and the Administration opposed eliminating this program. According to the Secretary of Agriculture, Dan Glickman, abolishing the subsidy will effectively end our ability to provide crop insurance and non-insured assistance payments for tobacco grows. Additionally, he argues that eliminating the subsidy would have a particularly detrimental effect on thousands of small farmers in tobacco producing states, not to mention the toll it would take on the economic stability of many rural communities.

Tobacco growers in three States received $77.8 million in indemnities for losses due to back-to-back hurricanes that hit the East Coast last year. These funds helped communities recover from disaster and were paid for in part by the producers themselves. If no crop insurance or disaster assistance were available, these farmers would have been ruined, their farms foreclosed on, not knowing if they would be able to support their families.

We all agree that smoking is something we don't want children to do. I myself have introduced H.R. 2034, the Tobacco Use by Minors Deterrence Act. Through various civil penalties and community involvement, it would help address underage tobacco use. What it doesn't do is prevent anyone from making a living or telling them their livelihood is somehow inappropriate.

Adults should be able to make the decision to smoke. Tobacco farmers should be able to grow a legal product that sustains many communities in my state and across America.

If you think this program is corporate welfare, I invite you to come to my district and meet some of the "wealthy" tobacco farmers. I'll show you hard working men and women who earn an honest living.

I am very pleased that the Conference Committee has also seen fit to maintain research projects through the University of Georgia which are very critical to the future of the well-being of the constituents I represent, and their livelihood: The Peanut Competitiveness Institute; the Urban Insect Pest Management; the Alliance for Food Protection; and Landscaping for Water Quality.

I also am glad that this conference report has included $3,000,000 for the Outreach for Socially Disadvantaged Farmers and Ranchers Program instead of $2,000,000 as proposed by the House. This is still not the full authorization amount of $10 million, but we are getting closer because in addition to the funding received through appropriations bills, the program has also received $4,500,000 from the Fund for Rural America.

The conference agreement provides $652,197,000 for the Rural Community Advancement Program (RCAP) instead of $644,259,000 as proposed by the Senate. The crucial areas which are important for my district are the activities under the Rural Housing Assistance Program, the Rural Business-Cooperative Assistance Program and the Rural Utilities Assistance Program.

I think this is a good agreement, and I rise to support its swift passage.

SALUTE TO BROWARD COUNTY'S AFRICAN-AMERICAN LIBRARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I am honored to pay tribute today to the Broward County African-American Library, which opens in my congressional district this Saturday, October 25. One of the great milestones in learning opportunities, this sanctuary of history, learning, and cultural promises to become one of south Florida's greatest libraries. Its purpose is to showcase the immeasurable contributions of African-Americans in this country as well as in our native Africa. Beyond that, however, it will stand as a beacon for the educational uplift of an entire community.

The great historian, educator, and author David Walker, once commented about the importance of libraries for African-Americans:

"I would crawl on my hands and knees through mud and mire, to the feet of a learned man, where I would sit and humbly supplicate him to instill into me that which neither devils nor tyrants could remove, only with my life—for colored people to acquire learning in this country makes tyrants quake and tremble on their sandy foundations."

This is the kind of idealism that propels the outstanding individuals who have devoted their lives to making the Broward County African-American Library a reality. I am pleased to salute their achievement, and to praise their enormous efforts in this significant undertaking.

The significance of this project to the growth and development of Broward County is immeasurable. I am pleased to commend the individuals who have committed their lives and their livelihood to making this library a dream come true, a dream founded upon the notion that to study each other—our accomplishments, our traditions, our culture—is to know each other.

Mr. Speaker, I rise today to pay tribute to the Broward County African-American Library, as it steers our community toward greater progress and understanding.